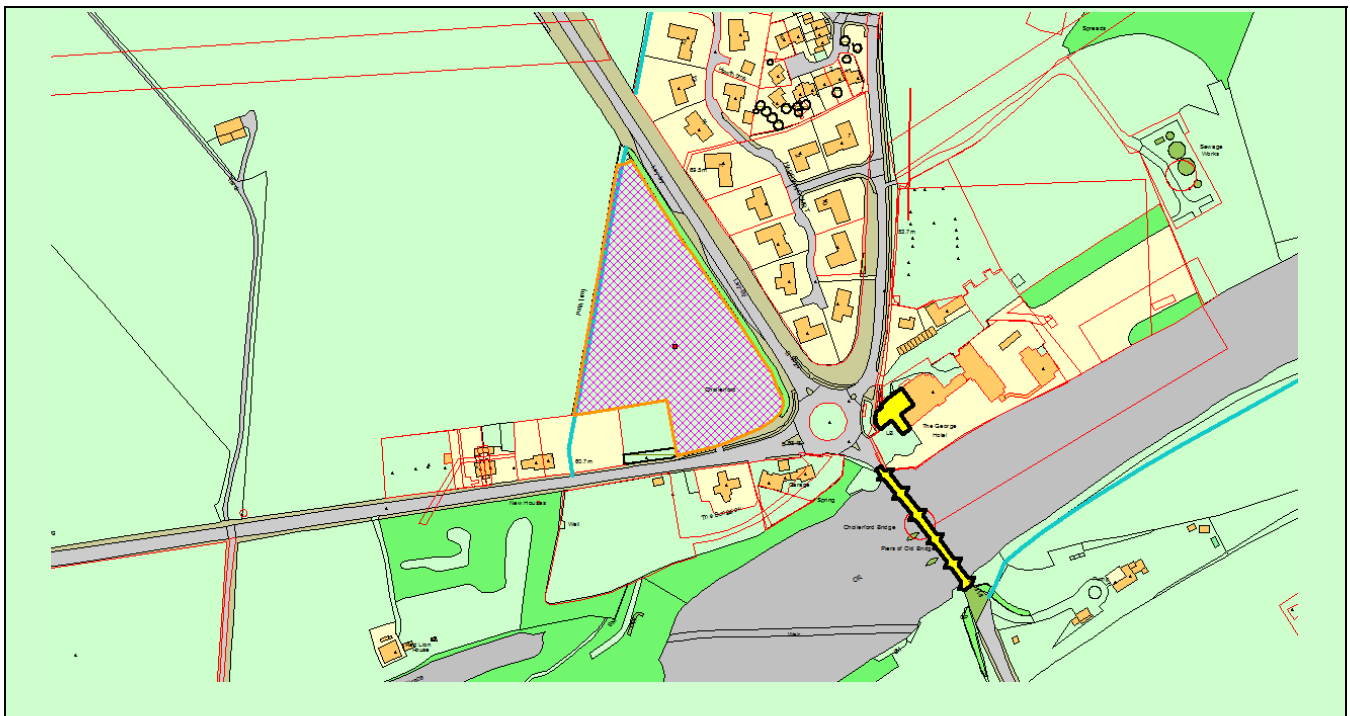




# Northumberland County Council

## TYNEDALE LOCAL AREA COUNCIL PLANNING COMMITTEE 9 OCTOBER 2018

<b>Application No:</b>	17/01931/FUL		
<b>Proposal:</b>	Erection of 15 dwellings with associated access, landscaping and infrastructure		
<b>Site Address</b>	Land North East Of New Houses , Chollerford, Northumberland		
<b>Applicant:</b>	Mr.G.Guest 1 New Houses, Chollerford NE46 4ER	<b>Agent:</b>	Hedley Planning Burn Court , Burn Lane, HEXHAM, NE46 3HN
<b>Ward</b>	Humshaugh	<b>Parish</b>	Humshaugh
<b>Valid Date:</b>	5 June 2017	<b>Expiry Date:</b>	10 October 2018
<b>Case Officer Details:</b>	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: <a href="mailto:geoff.horsman@northumberland.gov.uk">geoff.horsman@northumberland.gov.uk</a>		



**RECOMMENDATION:** That this application be REFUSED.

## **1. Introduction**

1.1 This application is being referred to Tynedale Local Area Council because it is a major development which is the subject of substantial local objection including an objection from Humshaugh Parish Council.

## **2. Description of the Application Site & Proposal**

2.1 The application site comprises agricultural land with an overall area of 1.36 hectares and is located to the immediate North West of the roundabout junction of the B6318 and B6320 at Chollerford. The site lies within the valley of the River North Tyne and levels within the site increase from south to north. The boundaries to the site in its South East corner are relatively open. There is tree/hedgerow planting to the north east boundary with the B6320 and the western boundary which adjoins a Public Right of Way.

2.2 The site lies within the Hadrian's Wall World Heritage Site buffer zone but is not within the Green Belt. There are Grade II Listed Buildings to the south east of the site – The George Hotel and Chollerford Bridge. The latter is also a Scheduled Ancient Monument. A large part of the village of Humshaugh which lies to the north of Chollerford is designated as a Conservation Area. The site lies within Environment Agency Flood Zone 1.

2.3 In terms of neighbouring land use, the B6320 lies to the immediate north and east of the site with an estate of dwellings beyond this. To the south is the B6318 with a mix of commercial and residential buildings beyond this. To the immediate south west are a small number of dwellings including their respective curtilage areas and to the west is further agricultural land. Immediately west of the tree/hedge planting to the western boundary is a Public Right of Way.

2.4 The application as originally submitted sought outline planning permission for 36 dwellings. However, the Council as Local Planning Authority advised the applicant that they were not willing to consider an outline application for this site due to the site's close proximity to heritage assets and its location within the World Heritage Site buffer zone. Reservations were also expressed regarding the scale of development proposed. In response to such matters being raised the applicant agreed to amend their proposals and provide further detail.

2.5 The application now seeks full planning permission for 15 dwellings with associated access, landscaping and infrastructure.

2.6 The 15 dwellings proposed comprise a mix of 6 x 2 bed units (a terrace of 3 x 2 storey dwellings and 3 bungalows), 4 x 2 storey 3 bed units (2 pairs of semi's)

and 5 x 2 storey 4 bed detached dwellings. These would be sited towards the centre of the site. The northern and southernmost sections of the site would be laid out as soft landscaped open space with additional planting (including tree planting) proposed to augment existing trees/hedges to the site boundaries which would be retained. The soft landscape proposals include a sustainable drainage basin in the south east corner of the site. A small scale foul sewerage pumping station is also proposed in the south west corner of the site.

- 2.7 Access to the site would be from a new priority junction to the B6318 to the west of its roundabout junction with the B6320. Off-site highway works are also proposed to provide enhanced connectivity between the site, local services and bus stops in Chollerford/Humshaugh. Such works comprise increasing the width of an existing footpath along the northern side of the B6318 to 2 metres, improved pedestrian crossing facilities east-west and north-south on the B6318/B6320 roundabout junction and the provision of a new 2 metre wide footpath adjacent to the main road north east of the roundabout up into Chollerford/Humshaugh.
- 2.8 The applicant is proposing that the terrace of 3 x 2 bed dwellings would be affordable rented units to be secured through a Section 106 Agreement. This level of provision would equate to 20% of the total number of dwellings proposed.

### 3. Planning History

- 3.1 No previous planning applications have been submitted to the Council in respect of this site.

### 4. Consultee Responses

<p>Humshaugh Parish Council</p>	<p>The Parish Council recognises that a lot of additional work has gone in to revising and attempting to improve the plans over the original outline application.</p> <p>However, the Parish Council remains fundamentally opposed to this development, on the basis that it is contrary to current and proposed planning policies.</p> <p>1. This is an inappropriate location that significantly extends the footprint of the village beyond its historic layout:</p> <p>With the withdrawal of the County Council's Core Plan the operative planning document in force is the Tynedale Core Strategy . In that document Policy GD1 restricts development in the open countryside (as endorsed in the National Planning Policy Framework, paragraph 55). This proposed site is clearly outside of existing village boundaries (as defined by the B6320 Bellingham road) and therefore is in open countryside.</p> <p>The planning application also refers to the County Council's "Strategic Housing Land Availability Assessment" to indicate</p>
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that this is a potential site for housing. However this document is under review and the Council has stated this should not be relied upon in the local plan context, and has no status in determining planning permission.

Housing on that site would turn Humshaugh from a village and into a larger more urban settlement, thus changing its essential character. Currently its character and setting are what make it attractive to developers and house-buyers. Constantly increasing the size of the settlement will ultimately destroy what makes it attractive.

The Parish Council is also concerned that by significantly changing the outline of the village this would soon lead to further applications for development at this site and areas surrounding it, further adding to the negative impact and undermining existing planning policy.

2. The visibility of the site is damaging to the character of the village, located as it is within the buffer zone for the Hadrian's Wall World Heritage Site:

Both national and local planning policies give the site protection from inappropriate development due to its location within the World Heritage Site. Currently the approach to the village is screened largely by trees, but this new development will be clearly visible on the main approach roads in to Humshaugh (the B6318 and A6079). The village is used as a staging point for walkers using the Hadrian's Wall Heritage Trail and a view of a large housing estate sitting amongst open fields is detrimental to this. The Parish Council is concerned that the visual analysis provided with the planning application is careful not to show these detrimental views and the impact the development would have.

The existing Tynedale Core Plan recognises the need to protect the Hadrian's Wall World Heritage Site and its setting (Policy BE1). Policy NE17 states that "Development which adversely affects the landscape setting of Hadrian's Wall World Heritage Site will not be permitted", and that the scale and siting of proposals should not adversely affect the landscape setting. The village of Humshaugh - and this site in particular - does fall clearly within the designated "Landscape Setting" of the World Heritage Site.

The Plan also recognises the specific "Environmental Character" (p8) of the former Tynedale District area, "While some parts of the main towns have a more urban character, the overwhelming impression of the District is one of unspoilt countryside" and that "The higher quality landscape is one of the key features ... and has become increasingly important to an economy significantly influenced by tourism".

The “Northumberland Landscape Character Assessment” specifically recognises Humshaugh as a “small historic village” (section 4.293), and that the valley retains a distinctly rural, sheltered and tranquil character. This needs to be protected as there has already been an increasingly detrimental effect from the development of significant numbers of new homes. This takes the negative impact to an unacceptable level in planning terms in the view of the large majority of local residents.

3. That Humshaugh has already met its quota for new housing:

Constant incremental developments should be seen against the backdrop of recent additional housing. Significant contributions to new housing numbers in the area in recent years have been made through the sites at East Lea, the land opposite the First School, and previously at Simmonds Court and Beechcroft.

The main reason given by Northumberland County Council for the withdrawal of the Core Plan was that it over-estimated housing needs. Only 19 houses per year were expected under the Local Plan for the West area outside of the main centres (table 6.2), but Humshaugh alone has seen 47 houses built in the last three years. Tynedale Core Plan, Policy GD1 also states that Humshaugh should be categorised as a small village suitable only for small-scale developments . Taking this longer-term and more strategic view of overall housing numbers demonstrates that the village has more than contributed its ‘fair share’ for some years to come.

The Parish Council is aware that the Northumberland County Council Core Plan has been withdrawn but understands that the relevant section at ‘Policy 30’ is unlikely to change and therefore would expect that it still carries some weight. NCC Core Plan - key elements of Policy 30 state that:

- “Plans and proposals should conserve and where appropriate enhance important elements of landscape character”
- “The contribution of the Northumberland landscape to the understanding and enjoyment of heritage assets should be taken into account”
- “Where development may affect the buffer zone and wider setting of the Frontiers of the Roman Empire: Hadrian's Wall World Heritage Site (WHS) it should, where possible, seek opportunities to sustain and better reveal the significance of its Outstanding Universal Value (OUV)” and that “development will not be permitted if it would compromise the OUV of the WHS”

	<p>Also, in assessing development proposals in relation to landscape character, consideration will be given to:</p> <ul style="list-style-type: none"> <li>● “The setting and surroundings of the County's historic towns and villages, ensuring that new development on the edge of settlements does not harm the landscape character of the settlement edge ...” and also consider</li> <li>● “The potential impact that small scale development can have on the landscape in sensitive rural settings”</li> </ul> <p>The Parish Council also has two other significant concerns:</p> <ul style="list-style-type: none"> <li>● <b>Road Safety</b> The first is around a safe route for pedestrians from the proposed site in to the main village to access amenities. Currently this would involve crossing the main road at the roundabout. It is unclear how this would be dealt with and what additional impact any landscape changes would have on that area of the village.</li> <li>● <b>Right of Way</b> The second is over the public right of way adjacent to the site. The current plans state this route would not be affected, but there is already a long-standing problem where the landowner refuses access and intimidates those trying to walk that route. These concerns have not been addressed.</li> </ul> <p>The Parish Council has taken a pragmatic if not supportive view of past proposals, acknowledging the need for new housing to keep the village sustainable. However, these incremental developments (whilst appearing small in isolation) taken together are now overwhelming the village, and this particular site is deemed entirely unsuitable.</p>
<p>Building Conservation</p>	<p>The proposed development will not result in a harmful impact to the setting of the Humshaugh Conservation Area or the immediate setting of the listed buildings to the south (i.e. The George Hotel and Chollerford Bridge). In terms of the wider context, the proposals would not result in harm to the setting of these listed buildings when they are encountered along the B6318 from the south of the river. When the proposals are evaluated from the southern scarp of the valley they encroach into the rural hinterland. This intrusion into the landscape would impose a suburban change to the established rural character. This change would negatively impact on the setting of Chollerford Bridge when experienced from this location resulting in a harmful impact to its setting from this viewpoint. For the purposes of the NPPF the degree of harm arising is 'less than substantial'. As such, in accordance with the NPPF,</p>

	this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
County Archaeologist	No objections.
County Ecologist	No objections subject to conditions.
Housing Department	No objections to proposed affordable housing provision.
Waste Management - West	No response received.
Education - Schools	No education contribution required due to the current level of surplus places in the catchment area schools.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Environment Agency	No objections. They have no objection to the Flood Risk Assessment on the basis that the proposed development falls entirely within Flood Zone 1.
Northumbrian Water Ltd	No comments at this stage.
Natural England	No objection.
Highways	Proposed site access and off-site highway works are acceptable. However, concerns remain regarding the internal road layout – reversing distances, the angles of drives, visitor car parking, private drive access junctions, temporary bin storage and the type of vehicles used in the swept path analysis. Certain of these concerns could be addressed by conditions but the concerns re car parking for plots 1-4 could only be addressed by re-siting these dwellings.
Public Protection	No objection subject to conditions
Countryside/ Rights Of Way	No objection on condition that Public Bridleway No.6 is protected throughout.
Northumberland National Park Authority	No objections.
Historic England	Does not wish to object to this application on the grounds of impact on the Hadrian's Wall World Heritage Site.
Northumberland Clinical	The proposed scheme is too small to warrant a Section 106 contribution for primary care provision being sought unless

Commissioning Group	there is an indication this is merely phase 1 of a series of future applications on the site.
CPRE	Object to this application on the grounds that it represents inappropriate development in the open countryside and would impact adversely on the setting of the Grade II Listed George Hotel and Grade II Listed Chollerford Bridge which is also designated as a Scheduled Ancient Monument.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	115
Number of Objections	108
Number of Support	0
Number of General Comments	0

### Notices

Site notice posted May 2018

Hexham Courant 17th May 2018

### Summary of Responses:

Three neighbour notification exercises have been undertaken since the application was first submitted. The first notification exercise followed the initial application submission which comprised an outline application for 36 dwellings. The Council refused to entertain such an application and the applicant chose in response to amend their submission to a full application for planning permission for 15 dwellings. A second notification exercise was undertaken in respect of this amendment. Finally, a third notification exercise has been undertaken recently following the receipt of further amended plans in respect of the 15 dwelling scheme.

The first notification exercise generated 55 objections. The concerns raised by objectors are summarised as follows:

- Adverse impact on the character and visual amenity of this designated area of high landscape value;
- Overdevelopment for a village of the size of Chollerford/Humshaugh where a number of planning permissions have already been granted in recent years for new housing development;
- Adverse impact on World Heritage Site Buffer Zone within which the site lies;
- Highways concerns related to safety and increased traffic;
- Adverse impact on an existing public right of way adjacent to the site;
- Concerns regarding flood risk and sewerage capacity;
- Impact on wildlife;
- Increased pressure on local facilities (e.g. schools, GP practice);
- Harm to setting of nearby Scheduled Ancient Monument and Listed Buildings;



- Encroachment into open countryside outside of settlement boundary for Chollerford/Humshaugh as defined by the Development Plan;
- Archaeological impact;
- Adverse impact on tourism as the Hadrian's Wall Trail passes the site;
- Loss of agricultural land;
- Home based employment not provided for;
- False and inaccurate information within submitted application;
- Proposed development contravenes the Human Rights Act as it would interfere with the right to peaceful enjoyment of possessions;
- Harmful impact on the residential amenity of neighbours;
- Propose design not sympathetic or in keeping with existing properties;
- Urbanising effect within a rural area;
- Visual, historic and archaeological qualities in Chollerford guaranteed by NPPF. The proposed development would breach these guarantees.

The second notification exercise generated 36 objections. The concerns raised by objectors are summarised as follows:

- Adverse impact on the character and visual amenity of this designated area of high landscape value;
- Overdevelopment for a village of the size of Chollerford/Humshaugh where a number of planning permissions have already been granted in recent years for new housing development;
- Adverse impact on World Heritage Site Buffer Zone within which the site lies;
- Highways concerns related to safety and increased traffic;
- Adverse impact on an existing public right of way adjacent to the site;
- Concerns regarding flood risk and sewerage capacity;
- Impact on wildlife;
- Increased pressure on local facilities (e.g. schools, GP practice);
- Harm to setting of nearby Scheduled Ancient Monument and Listed Buildings;
- Encroachment into open countryside outside of settlement boundary for Chollerford/Humshaugh as defined by the Development Plan;
- Adverse impact on tourism as the Hadrian's Wall Trail passes the site;
- Loss of agricultural land;
- False and inaccurate information within submitted application
- Proposed development contravenes the Human Rights Act as it would interfere with the right to peaceful enjoyment of possessions and respect for private and family life;
- Harmful impact on the residential amenity of neighbours;
- Propose design not sympathetic or in keeping with existing properties;
- Urbanising effect within a rural area;
- Visual, historic and archaeological qualities in Chollerford guaranteed by NPPF. The proposed development would breach these guarantees;
- No need for executive housing;
- Poor access to employment;
- Poor public transport services;
- Identification of site in the SHLAA cannot be given significant weight;
- Loss of trees to create access;
- Non-compliant with Disability Discrimination Act due to bus stops not being accessible from the development for wheelchair users;
- No low cost housing provided;

- Sets undesirable precedent that will mean it is harder to resist future housing applications in the locality.

The third notification exercise has generated 17 further objections to. The comments largely reflect those highlighted previously, although additional concerns are raised around the accuracy of further Transport Assessment/Road Safety Audit documents and that the relocated access closer to the B6318/B6320 junction would be problematical in highway safety terms.

The above is a summary of the comments. The full written text of all comments received is available on the Council's website at:

<https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale District Local Plan (2000) (TDLP)

GD2 – Design criteria for development, including extensions and alterations  
 GD4 – Range of transport provision for all development  
 GD6 – Car parking standards outside the built-up areas of Hexham, Haltwhistle, Prudhoe & Corbridge  
 NE17 – Development in the setting of Hadrian's Wall World Heritage Site  
 NE18 – Protection of agricultural land  
 NE27 – Protection of protected species  
 NE33 – Protection of trees, woodlands and hedgerows  
 BE18 – Development affecting the character and setting of a Conservation Area  
 BE22 – The setting of Listed Buildings  
 BE25 – Preservation of scheduled ancient monuments, nationally important sites and settings  
 BE26 – Hadrian's Wall World Heritage Site  
 BE28 – Archaeological assessment  
 H16 – Community facilities and infrastructure requirements associated with housing development  
 H23 – Affordable rural housing exception sites  
 H32 – Residential design criteria  
 LR11 – Outdoor sports facilities for new residential development  
 LR14 – Location and design of play areas  
 LR15 – Play areas in new residential developments (standards and design criteria)  
 TP15 – Traffic calming in new residential development  
 CS21 – Location of noise sensitive uses  
 CS27 - Sewerage

Tynedale LDF Core Strategy (2007) (TCS)

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  
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

## 6.2 National Planning Policy

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

## 6.3 Other documents/strategies

Northumberland Local Plan – Draft Plan for Regulation 18 Consultation (July 2018)

## **7. Appraisal**

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that:

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Therefore the starting point from a planning perspective in considering the acceptability or otherwise of the proposals is the development plan.

7.2 The development plan in respect of the application site comprises the saved Policies of the Tynedale District Wide Local Plan (2000) and the Tynedale LDF Core Strategy 2007.

7.3. Furthermore, paragraph 11 of the NPPF provides definitive guidance on how applications should be determined by stating:

*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

*approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this 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 this Framework taken as a whole.*

7.4 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advise that these three objectives of sustainable development are interdependent and should not be considered in isolation.

7.5 The main issues for consideration in respect of this application comprise:

- Principle of development
- Housing mix and affordable housing
- Impact on the character and appearance of the area and heritage assets
- Residential amenity impact
- Land contamination & stability
- Highway safety/transportation
- Flooding and drainage
- Ecology
- Planning obligations
- Other matters

*Principle of Development*

7.6 Policy GD1 of the TCS, relating to the general location of development sets out principles that will apply to the location of all development unless specifically covered by development plan policies. Of most relevance to this current application are the principles in respect of smaller villages, where the Policy states that small scale development only will be permitted and the open countryside where it is stated that development will be limited to the re-use of existing buildings. However, the Policy also refers to the main towns of Hexham, Prudhoe and Haltwhistle being the main focus for development and the location for large scale individual developments with the local centres of Allendale, Bellingham, Corbridge and Haydon Bridge being a focus for development to a lesser extent. Irrespective of location, the Policy states that in all cases the scale and nature of development should respect the character of the town or village concerned and take into account the capacity of essential infrastructure.

7.7 For the purposes of Policy GD1, a list of smaller villages is set out in Appendix 1 of the TCS. Both Humshaugh and Chollerford are included in that list. The supporting text to Policy GD1 defines the open countryside as everywhere outside the built up area of a town or village and includes sporadic groups of buildings.

7.8 On the basis of the above, the application site would fall within the open countryside for the purposes of Policy GD1, notwithstanding that it lies immediately adjacent to the villages of Chollerford/Humshaugh.

- 7.9 TCS Policy GD2 adopts a sequential approach to development, with preference being given to previously developed land and buildings within the built up area of settlements then other suitable sites within the built up area of settlements and finally other suitable sites adjoining the built up area of settlements. Within each category priority will be given to sites that are more accessible to services and facilities by all modes of transport, particularly public transport.
- 7.10 TCS Policy H1 sets out the principles for housing development which are to:
- (a) Provide for and manage the supply of housing land to meet strategic requirements as set out in the RSS.
  - (b) To ensure an appropriate distribution of new housing across the District.
  - (c) Provide for a full range and choice of housing types to meet the needs of the whole community.
  - (d) Give priority to the provision of affordable housing to meet local needs.
  - (e) Limit new build housing to main towns, local centres and smaller villages with adequate services.
  - (f) Promote well-designed, high quality living environments.
  - (g) Ensure that new housing development contributes appropriately to the local community in terms of meeting identified local housing needs and providing necessary services and infrastructure.
- 7.11 TCS Policy H2 regarding housing provision and management of supply states that provision will be made for additional dwellings in Tynedale in line with the requirements and phasing set out in the Regional Spatial Strategy for the North East. The release of land will be managed and phased accordingly. The District housing provision will be split between the Commuter Pressure Area (within which the application site lies) and the Rural Area with the percentage of provision in each of these areas being 77% and 33% respectively.
- 7.12 TCS Policy H3 states that new build housing will only be located in main towns, local centres and other smaller villages where there are adequate services. A smaller village will be regarded as having adequate services if, within it, there is at least a school or a shop selling food to meet day-to-day needs and either a village hall/community centre or a pub. There must also be a public transport connection to a larger settlement with a wider range of services. Within both the Commuter Pressure Area and the Rural Area the aim when allocating and releasing land for new housing will be to achieve a distribution approximately in line with the following proportions: 55% in main towns, 15% in local centres and 30% in other smaller villages where there is an adequate range of services.
- 7.13 The settlement of Chollerford/Humshaugh, adjacent to which the application site lies, would meet the Policy H3 definition of a smaller village where there are adequate services.
- 7.14 TCS Policy H4 states that the proportion of new housing on previously developed land will be maximised and housing development on greenfield sites will not be permitted unless all of the dwellings are affordable, they would meet an identified local need for such housing and there is a lack of

alternative previously developed sites or the site is allocated for housing in the Site Allocations Development Plan Document.

- 7.15 It is not considered that full weight can be given to any of the above TCS Policies as none of them are fully consistent with the NPPF.
- 7.16 In this regard the NPPF does not preclude development everywhere outside the built up area of a town or village. Rather, NPPF paragraph 78 in respect of the promotion of sustainable development in rural areas, states that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 does state that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. However, it is not considered that housing on the application site would meet the definition of new isolated homes, bearing in mind the recent High Court judgement in the case of Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin) where it was determined that the word 'isolated' should be given its ordinary, objective meaning (i.e. 'far away from other places, buildings or people; remote').
- 7.17 Neither does the NPPF adopt a sequential approach to the siting of housing development which requires that previously developed land be brought forward for development ahead of 'greenfield' sites, nor is development precluded on 'greenfield' sites themselves.
- 7.18 Housing supply matters referred to in TCS Policies H1 and H2 relate to the now abolished North East Regional Spatial Strategy and in this respect are considered to be out-of-date.
- 7.19 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 tilted balance in terms of the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.20 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, and as such, in this context, the tilted balance in the presumption in favour of sustainable development does not apply.
- 7.21 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, are informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

- 7.22 Notwithstanding the above, consistent with the presumption in favour of sustainable development, the housing figures underpinning the Council's 5 year housing land supply position are a minimum and should not be viewed as a ceiling. The key consideration is whether the proposed development is considered sustainable development in terms of the NPPF as whole.
- 7.23 Overall, in this instance, whether the presumption in favour of sustainable development is successful is dependent on an assessment of whether the proposed development of the site would be sustainable overall in terms of economic, social and environmental objectives. Consideration also needs to be given as to whether or not there are any restrictive NPPF policies that would override the presumption in favour of sustainable development and in themselves justify a refusal of planning permission. The following sections of this report assess the key issues in relation to economic, social and environmental objectives in respect of the proposed development - identifying its potential benefits and adverse impacts in planning terms. The concluding section of this report then seeks to pull everything together by undertaking a balancing exercise to arrive at a recommendation as to whether or not the proposed development should be supported.

#### *Housing mix and affordable housing*

- 7.24 Policies H7 and H8 of the TCS state that the Council will promote the development of affordable housing to meet local needs within specified locations which include other smaller villages such as Chollerford/Humshaugh. Depending on the assessment of need in the local area, on schemes for 5 or more dwellings the proportion of affordable housing sought will be between 30% and 50% of the total number of dwellings proposed. In negotiating the provision of an element of affordable housing, the Council will take into account the character of the site, the nature of the development proposed and the impact on the viability of the development overall.
- 7.25 The broad objectives of these Policies reflect guidance within the NPPF regarding the need to promote mixed communities and address affordable housing need.
- 7.26 On the basis of more recent housing need assessment work undertaken in respect of the County as a whole, it is considered that a requirement for 15% affordable housing on schemes such as this is appropriate rather than the 30-50% provision detailed in TCS Policy H8.
- 7.27 Notwithstanding this the applicant has advised that they are willing to provide 20% affordable housing on site comprising a small terrace of 3 x 2 bed houses. This provision would be secured through a Section 106 Agreement.

- 7.28 In terms of the overall mix of housing proposed, as stated earlier in this report, the proposed dwellings comprise 6 x 2 bed units (a terrace of 3 x 2 storey dwellings and 3 bungalows), 4 x 2 storey 3 bed units (2 pairs of semi's) and 5 x 2 storey 4 bed detached dwellings, which is considered to be a varied mix of units to meet a range of housing needs.
- 7.29 Overall therefore in terms of housing mix and affordable housing the proposal is considered to be acceptable.

*Impact on the character and appearance of the area and heritage assets*

- 7.30 In assessing the impact of the proposed development on the character and appearance of the area and heritage assets, a number of matters need to be considered. These are character impacts arising from the impact of the development on landscape character and the open countryside; an assessment of site layout and design matters in relation to the nearby built environment of Chollerford/Humshaugh; impact on the Hadrian's Wall World Heritage Site; the extent to which the proposals preserve or enhance the character or appearance of the Humshaugh Conservation Area; in respect of the nearby George Hotel listed building the extent to which the proposals preserve the setting of this building and its features of special architectural or historic interest; and in respect of the nearby Chollerford Bridge, which is both a Scheduled Ancient Monument and listed building, the extent to which the proposals impact upon the setting of this heritage asset.

*Landscape character/open countryside impact*

- 7.31 TDLP Policy NE33 states that development will only be permitted where it does not have an adverse effect on the character, amenity, nature conservation and landscape value of existing trees, woodlands and hedgerows.
- 7.32 TCS Policy NE1 regarding principles of the natural environment include protecting and enhancing the character and quality of the landscape and avoiding the urbanisation of the countryside.
- 7.33 NPPF paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and should recognise the intrinsic character and beauty of the countryside.
- 7.34 In terms of the Northumberland Landscape Character Assessment, the application site lies within Landscape Character Type (LCT) 29 – Broad Wooded Valley. Key characteristics of this LCT are as follows:
- *Broad valley with central meandering river and floodplain of varying width.*
  - *Gently sloping and undulating valley sides dissected by a repeating pattern of tributary streams.*
  - *High concentration of woodland – including native copses, mixed and coniferous woodlands, and hedgerow, avenue and parkland trees.*



- *Semi-natural woodland (including hazel, wych elm and ash) along river edges and in tributary valleys.*
- *Mixture of arable, pasture and valley floor meadows.*
- *Field pattern of medium scale defined by hawthorn hedges.*
- *Small stone bridges across tributary streams and disused railway; stone walls surrounding parkland estates.*
- *Villages located on lower valley sides, lending a settled character.*
- *Managed landscape with large country houses and associated parklands.*

7.35 Within each LCT a number of smaller Landscape Character Areas (LCAs) are defined, with the application site falling within LCA29a – North Tyne Valley. The characteristics of LCA 29a are described as follows:

*Geologically this landscape is underpinned by sandstone, siltstone, mudstones and shales and overlain by glacial drift and alluvium. Below Redesmouth, the River North Tyne drops into a marked trough, in places a gorge, deeply cut into the floor of the valley. Cut-off meanders, terraces and other features are evidence of the changing course of the river within the often broad haughs. Tributary valleys cut down into the valley sides to join the main river and indicate that glacial overdeepening of the valley may have occurred.*

*The North Tyne valley has a complex topography due to the incised nature of the river, the variable width of the floodplain, the gentle, undulating character of the valley side drift deposits, and dissection of the valley sides by tributary watercourses. On the western flanks of the valley, the tributary valleys of Houxy, Wark, Gofton and Crook Burns show a distinct, repeating pattern of ridges and wooded valleys. A similar but less distinct pattern also occurs to the north of the valley between Wark and Gunnerton. Elsewhere there are pronounced terraces on the lower valley slopes, affording views across the valley within which the main river and floodplain are hidden, for example around Chipchase Castle and south of Birtley.*

*Land use within the valley comprises a mixture of pasture and arable land, enclosed by a strong pattern of hedgerows, and in the north-west by post and wire fencing. In some places pastures are grazed by horses and ponies, particularly around Gunnerton and on the valley floor where there are managed hay meadows.*

*Woodland cover comprises dense ancient and semi-natural broadleaved woodland within the tributary valleys and along the main valley sides. Species such as alder, ash, oak, wych elm and hazel are typical – the latter often showing signs of coppicing. Many of the trees are covered in mosses and lichens. Elsewhere mixed woodland plantations and copses are associated with the numerous parkland and estate landscapes found on the lower valley sides, including Chester, Brunton House, Haughton Castle, Nunwick, and Chipchase Castle. Mature avenues of oak, ash, beech and lime along lanes in the vicinity of these estates are characteristic of this landscape character type, as are parkland trees.*

*There are small SSSIs at Warks Burn Woodland, The Scroggs, Tyne Watersmeet and Brunton Bank Quarry.*

*This is a well-settled landscape with small historic villages on the valley sides, located at key crossing points, for example, Wark and Humshaugh. The settlement pattern in the wider area is characterised by dispersed farmsteads and large estate houses. Small stone bridges cross the main valley, tributary streams and the disused railway which runs along the eastern flanks of the valley. Stone walls marking the outer limits of estate parkland are also characteristic.*

*Despite the relatively high density of settlement, the valley retains a distinctly rural, sheltered and tranquil character. Narrow, winding roads and lanes and lined with hedgerows and small woodlands reinforce this natural but managed character. The consistent topographic, land cover, field and settlement patterns create a complex yet unified visual composition.*

*Hadrian's Wall crosses the valley at Chesters, where a major fort is preserved as a visitor attraction. Although the wall itself is less visible here, there are reflections of the wall in place names and road alignments. This area is a popular tourist destination, with not only the Roman wall, but also gardens at Chipchase Castle, caravan sites, and other recreational infrastructure, linked by a network of rights of way.*

7.36 Land management guidelines for LCT29 are as follows:

- *Encourage the ongoing restructuring of existing coniferous woodlands in order to diversify their structure, soften their outlines and enhance nature conservation value. New woodland or plantation planting should not extend over the skyline, and should have soft edges comprising broadleaved species.*
- *Encourage a greater uptake of woodland grants to bring semi-natural woodlands back into active management where they have suffered from neglect.*
- *Encourage landowners to improve management and carry out replacement of hedgerows, hedgerow trees, and field trees through agri-environment funding schemes.*
- *Retention of unimproved pastures and hay meadows on the valley sides and valley floor and protection of buried archaeology and earthworks (including mining heritage) should be encouraged in order to retain the biodiversity, visual diversity and time-depth of this landscape. Seek to protect areas of calcareous grassland from overgrazing and erosion.*
- *Increase awareness of the landscape implications of equestrian use.*
- *Encourage the retention and management of existing hedgerow boundaries and discourage the unnecessary subdivision of enclosures with post and rail/wire fencing.*
- *Creation of landscape margins and buffers adjacent to watercourses would be beneficial where arable land or intensive grazing impinges on the water's edge.*

7.37 The applicant has undertaken a Landscape and Visual Appraisal of the proposed development which has regard to the above matters.

7.38 In terms of landscape effects it is concluded that on completion of the development the effect would be slight to moderate with initial adverse effects

gradually changing to imperceptible on establishment of the proposed landscape mitigation.

- 7.39 With regard to visual effects, residential receptors close to the site would be moderate/adverse reducing to slight to moderate/beneficial as the proposed landscaping establishes and matures. The effect on residential receptors in the wider area is judged to be imperceptible. The effect in terms of receptors on roads close to the site would be moderate/adverse on completion of the development, becoming slight to moderate as landscaping becomes established. Receptors on roads within the wider area would experience a slight adverse to imperceptible effect.
- 7.40 However, notwithstanding the findings of the applicant's Landscape and Visual Appraisal, it is considered that the proposed development would be significantly harmful in terms of encroachment into open countryside. In this regard, the vast majority of built development in the locality is currently sited to the east of the B6320. The proposal would result in the introduction of a significantly greater amount of built development to the west of the B6320 which at present has a predominantly open countryside character. This would give rise to a significantly harmful urbanising effect.
- 7.41 In terms of TDLP Policy NE33 it is not considered that significant harm would arise in respect of existing trees/hedgerows to the site boundaries as it is proposed that these would be retained. Likewise, the location and design of the site access has been amended to preclude the need for any works to TPO trees in the south east corner of the garden of No.1 New Houses to the immediate west in connection with the provision of visibility splays.
- 7.42 However, overall the proposals are considered unacceptable in terms of landscape character/open countryside impact.

#### *Site layout/design matters in relation to nearby built development*

- 7.43 TDLP Policy GD2 states that development will be required to respect the positive characteristics of the District's natural and built environment and to conform to certain design criteria. These criteria are that the design of the development should be appropriate to the character of the site and its surroundings, there should be open space/landscaped areas and visual buffers to adjacent land, the proposed design should deter crime and increase safety, there should be no conflict between adjacent land uses and no adverse amenity impact should arise on neighbouring land or buildings. These principles are fleshed out in further detail in TDLP Policy H32.
- 7.44 TCS Policy BE1 sets out principles for the built environment. This policy again seeks to ensure that development respects and enhances local character and community safety whilst Policy H1 also promotes well-designed, high quality living environments.
- 7.45 Notwithstanding the unacceptability of the proposed development in terms of its encroachment into open countryside for the reasons highlighted above, it is considered that the proposed dwellings themselves do reflect local vernacular given the traditional dual pitched roof design of the dwellings, the use of

sandstone facing materials and slate roof tiles and the incorporation of details characteristic of local dwellings such as chimneys, stone details to gables, cills and lintels and the use of white timber framed windows.

- 7.46 The proposed layout also provides for dwellings that face towards the B6318 frontage as per other existing dwellings to the west, albeit that the proposed dwellings are set back substantially from the road frontage to reduce their visual impact. Furthermore, substantial areas of open space are provided for together with links to existing footpaths.
- 7.47 Overall the site layout and proposed dwellings are considered to be acceptable in respect of the manner in which they reflect local vernacular.

#### *Impact on the Hadrian's Wall World Heritage Site*

- 7.48 Moving on to the impacts of the proposed development on heritage assets, TDLP Policy NE17 states that development which adversely affects the landscape setting of Hadrian's Wall World Heritage Site will not be permitted. Proposals will be assessed against the following criteria:
- a) The scale, siting or design of proposals would not adversely affect the landscape setting or nature conservation interest of the World Heritage Site; and
  - b) Applications include landscape proposals which incorporate features of the existing landscape character and seek to enhance this character, through mitigating the effects of the development.
- 7.49 Consultation regarding impact on the World Heritage Site has been undertaken with Historic England who are the responsible body for this heritage asset. They advise that having considered the details of the application, they do not believe that this proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, having considered the location and scale of development, and likely functioning of the Roman frontier, although the development will be visible from the Roman frontier, they do not consider that the proposal will harm the understanding and appreciation of Roman military planning and land use, which is what we are trying to protect when we talk about setting in this context.
- 7.50 In light of these conclusions they advise that they do not wish to object to this application on the grounds of impact on the Hadrian's Wall World Heritage Site and therefore it is considered that the proposals are acceptable in this regard.

#### *Humshaugh Conservation Area*

- 7.51 TDLP Policy BE18 states that outside a Conservation Area, development will be permitted if it would not harm the character setting or views into or out of the Conservation Area. Reference is made to Policy BE16 criteria being taken into account when assessing such impact. However, Policy BE16 was not saved and therefore is no longer a material consideration.

- 7.52 TCS Policy BE1 states that one of the principles for the built environment is that proposals should conserve and where appropriate enhance the quality and integrity of Tynedale's Conservation Areas.
- 7.53 The impact of the proposals on the Humshaugh Conservation Area which lies to the north east of, but not adjacent to the application site, has been assessed by the Council's Building Conservation Officer. She has concluded that the proposals would not give rise to any significantly harmful impact on the setting of the Conservation Area as they would not be visible from the Conservation Area itself and because its rural setting has already been diluted by the presence of modern housing development closer to it.

#### *George Hotel & Chollerford Bridge*

- 7.54 As stated above both the George Hotel and Chollerford Bridge are Grade II Listed buildings and the latter is also a Scheduled Ancient Monument.
- 7.55 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires Local Planning Authorities, in determining applications for planning permission, to have special regard to the desirability of preserving a listed building, its setting and any features of special architectural or historic interest which it possesses.
- 7.56 In this regard TDLP Policy BE22 states that proposals for development which would adversely affect the essential character or setting of a Listed Building will not be permitted. Proposals for development within the setting of a Listed Building will only be appropriate where the following criteria are met:
- a) The detailed design is in keeping with the Listed Building in terms of scale, height, massing and alignment; and
  - b) The works proposed make use of traditional or sympathetic building materials and techniques which are in keeping with those found on the Listed Building.
- 7.57 TDLP Policy BE25 in respect of Scheduled Ancient Monuments states that development which would be detrimental to these sites or their settings will not be permitted.
- 7.58 The built environment principles in TCS Policy BE1 reiterate these matters.
- 7.59 NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 further states that any harm to, or loss of, the significance of such an asset should require clear and convincing justification.
- 7.60 The listed buildings in question lie to the south of the application site and Council's Building Conservation Officer has assessed the impact of the proposed development on the setting of these. The site is in close proximity to these and this would result in a degree of intervisibility. However, having regard to the orientation, siting and form of the heritage assets it is considered that the proposals would not result in a harmful impact to the immediate

setting of the listed buildings. Nor is it considered that harm to setting would arise in terms of views of the listed buildings along the B6318 from the south of the river.

- 7.61 Consideration was also given to impact on the wider setting of Chollerford Bridge itself having regard to the applicant's Landscape & Visual Appraisal. It is apparent from this that when the proposals are evaluated from the southern scarp of the valley that they do encroach into the rural hinterland of the bridge imposing a suburban change to the established rural character. This change would negatively impact on the setting of the bridge resulting in harm to that setting. For the purposes of the NPPF, the degree of harm is 'less than substantial'.
- 7.62 NPPF paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.63 Overall therefore in respect of character impacts, the proposals are considered harmful in terms of their encroachment into open countryside and their impact on the wider setting of the Grade II Listed Chollerford Bridge.

#### *Residential Amenity Impact*

- 7.64 TDLP Policy H32 states that new residential development proposals will be approved provided that private and usable open space is normally provided to each dwelling. In this regard a minimum garden depth of 10 metres is specified. Reference is also made to the need to provide for adequate privacy, outlook and daylighting in terms of the spacing between dwellings.
- 7.65 The only neighbouring dwelling that shares boundary with the application site is 1 New Houses to the south west. However, this dwelling has an extensive curtilage area and the dwelling itself at 1 New Houses would be in excess of 50 metres from the nearest of the proposed dwellings. Likewise a dwelling on the opposite side of the B6318 to the south would be over 50 metres distant and dwellings on Hadrian Court to the east on the other side of the B6320 would be at least 40 metres away from the proposed dwellings. As such the relationship to existing neighbouring dwellings is considered acceptable.
- 7.66 The proposed site layout and dwellings themselves are considered acceptable in residential amenity terms with front to front and front to side relationships in excess of 20 metres and 12 metres respectively. Rear gardens of certain of the dwellings would be less than 10 metres in depth but this would be compensated for through them being wider and is likewise not considered problematical because with the exception of plot 1, which does have an average garden depth of in excess of 10 metres, none of the dwellings directly adjoin neighbouring dwellings at the rearmost boundaries.
- 7.67 Public Protection raise no objections in respect of noise or air pollution from traffic on the adjacent B roads. However, they do suggest conditions to restrict noisy activities and deliveries during construction.

7.68 Overall the proposals are considered acceptable in terms of residential amenity impact.

#### *Land Contamination & Stability*

7.69 The application documentation includes a Desk Top Study in respect of ground contamination matters. Having assessed this, the Council's Public Protection team raise no objections subject to a watching brief condition should any ground contamination be discovered during construction works.

#### *Highway safety/transportation*

7.70 TDLP Policy TP15 states that in new residential developments of more than four dwellings, roads will be required to be constructed to a standard eligible for adoption as a public highway and to incorporate traffic calming measures to minimise traffic speeds and secure a pleasant residential environment.

7.71 TCS Policy GD4 sets out principles for transport and accessibility. These are to:

- a) Maximise conflict-free, sustainable access across the District, through the retention, management and maintenance of the existing transport network, its improvement where necessary and the integration of transport services;
- b) Minimise the overall need for journeys, while seeking to maximise the proportion of those journeys that are made by public transport, bicycle and on foot; and
- c) Ensure that the transport and accessibility needs of the whole community are fully taken into account when planning and considering development.

7.72 These Policies reflect guidance in the NPPF. The NPPF further states at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.73 Following the submission of amended plans the specification of the proposed access to the site from the B6318 is now considered acceptable and it is likewise considered that the scale of development proposed would not have a significantly harmful impact on the highway safety or capacity in respect of the highway network adjacent to the site.

7.74 The proposed improvements to pedestrian facilities to link the site with local services and bus stops are also considered acceptable and a development of the scale proposed is likewise considered acceptable in principle on the application site in terms of access to local services and public transport. With regard to public transport access the 680 service provides 7-8 buses a day Monday to Saturday during the daytime in each direction between Bellingham and Hexham. In addition between the end of March and the end of September the AD122 service provides 8 buses daily during the daytime in each direction between Hexham and Haltwhistle. Bus journey times to Hexham, the nearest main town, are 15-25 minutes.

- 7.75 However, concerns remain regarding the internal road layout – reversing distances, the angles of drives, visitor car parking, private drive access junctions, temporary bin storage and the type of vehicles used in the swept path analysis. Certain of these concerns could be addressed by conditions but the concerns re car parking for plots 1-4 could only be addressed by re-siting these dwellings. These matters have been brought to the attention of the applicant but no amended plans have been received.
- 7.76 In terms of car parking, TDLP Policy GD6 states that provision should accord with Column A of Appendix 1 to the Plan. This specifies 2 spaces per dwelling for 2 bed units and 3 spaces per dwelling for 3 or 4 bed units. Not all of the proposed dwellings would satisfy these standards as 4 of the 3 bed houses would have only 2 rather than 3 parking spaces and 1 of the 2 bed terraced houses would have a single space only. However, in terms of car parking provision numbers the Council as Highway Authority raise no objections subject to the layout matters referred to above being resolved.
- 7.77 Overall the proposals are considered unacceptable in highway safety terms as the internal site layout matters referred to above have not been addressed.

### *Flooding and Drainage*

- 7.78 TCS Policy GD5 states that the potential implications for flood risk will be taken into account when meeting development needs. Developers will be expected to carry out an appropriate assessment of flood risk and development will not be permitted if it is likely to increase the risk of flooding or reduce the capacity of flood plains to store flood water or increase the number of people or properties at risk.
- 7.79 The NPPF adopts a sequential approach to flood risk by directing development to areas at lowest risk of flooding within Flood Zone 1.
- 7.80 Some confusion has arisen due to the site being categorised as lying within the floodplain of the River North Tyne on the Council's constraints maps. However, the Environment Agency have confirmed that they have amended floodplain boundaries along the North Tyne following recent modelling work and that they do now categorise the site as lying within Flood Zone 1 and therefore to be at low risk of flooding,
- 7.81 Both the Environment Agency and the Council as Lead Local Flood Authority have considered the applicant's submissions regarding flood risk and surface water drainage and raise no objections subject to conditions.

### *Ecology*

- 7.82 TDLP Policy NE27 states that development which would be likely to adversely affect badgers or other protected species will only be permitted if harm to the species can be avoided.
- 7.83 More generally, TCS Policy NE1 seeks to enhance biodiversity.



- 7.84 Overall, the application site is not considered to be of high ecological value and both Natural England and the Council's Ecologist raise no objections subject to conditions.

### *Planning Obligations*

- 7.85 In accordance with the Community Infrastructure Regulations 2010, NPPF paragraph 56 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 7.86 As stated above, 20% affordable housing (3 x 2 bed affordable rented dwellings) is proposed to be secured through a Section 106 Agreement. This provision is acceptable to the Council's Housing Officer.

- 7.87 No other contributions are proposed as both Education and the Clinical Commissioning Group have advised that they are not seeking contributions in this instance.

### **Other Matters**

- 7.88 The Council's archaeologist raises no objection to the application on archaeology grounds.

- 7.89 In terms of foul drainage Northumbrian Water have no comments to make.

- 7.90 The route of the public right of way to the west of the site would be no different from its present route were the development to be completed. Concern has been expressed that access to the southernmost section of this right of way which runs through the garden of No.1 New Houses has been unlawfully restricted by the applicant. This is a matter beyond the scope of this application that would need to be addressed separately under the rights of way legislation and this issue is not a material consideration in deciding whether or not this present application should be supported. However, notwithstanding this, it is proposed that a new connection to the existing public right of way west of the site would be provided from the B6318 as part of the application, together with a further connection to the existing right of way from the north of the application site. The Council's footpaths officer raises no objections to the application subject to the existing public right of way being safeguarded and this as advised above would be the case were the proposed development to proceed.

- 7.91 Concern has been raised that the proposals constitute overdevelopment and that there is no need for additional housing in the village bearing in mind that a number of other housing schemes have been approved in recent years. Whilst it is the case that the Council have well in excess of 5 years housing land supply across the County as a whole and there is therefore no overriding need for new housing provision, this in itself is not sufficient grounds to justify a refusal of planning permission.

- 7.92 The loss of agricultural land on the application site is not considered significantly harmful as the land in question is not of high quality and small in size.
- 7.93 Concern has been raised regarding impact on the tourism economy as the site lies adjacent to a walking route on the B6318 which forms part of the walking route used by visitors to Hadrian's Wall, with Chesters Roman Fort also lying close by to the south west of the site. However, this is a very short section of that walking route and the proposed dwellings are well set back from the B6318. Furthermore, Historic England have confirmed that they do not consider that significant harm would arise to the Hadrian's Wall World Heritage Site of which Chesters Fort forms a part.

### *Equality Duty*

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*

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

### *Human Rights Act Implications*

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.

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.

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 Pulling matters together in terms of the overall sustainability of the proposals, it is evident that some economic benefit would arise from redevelopment of the site, although it is not considered that this would be particularly substantial given that only 15 dwellings are proposed.
- 8.2 Greater weight should be given to the 20% affordable housing proposed in respect of the social objective of sustainable development. However, it is not considered that a safe environment is provided for within the site given the highway safety concerns raised by the Council as Local Highway Authority which remain outstanding.
- 8.3 In terms of the environmental objectives of sustainable development, less than substantial harm has been identified to the setting of the Grade II Listed Chollerford Bridge and in accordance with the NPPF great weight must be given to this. Further substantial harm in environmental terms has been identified in terms of encroachment into open countryside. In this regard, the vast majority of built development in the locality is currently sited to the east of the B6320. The proposal would result in the introduction of a significantly greater amount of built development to the west of the B6320 which at present has a predominantly open countryside character. This would give rise to a significantly harmful urbanising effect.
- 8.4 Whilst some public benefit would arise in economic terms and through the provision of 20% affordable housing, overall it is not considered that these benefits outweigh the significant harm identified in terms of encroachment into open countryside, harm to the setting of a designated heritage asset and the highway safety concerns regarding the internal site layout.
- 8.5 It is therefore concluded that the proposal should not be supported.

## **9. Recommendation**

That this application be REFUSED for the following reasons:

### Reasons

1. The proposed development by virtue of its scale and siting to the west of the B6320 within an area that presently has a predominantly open countryside character, would give rise to significantly harmful encroachment into that open countryside that would have an undesirable urbanising effect resulting in

demonstrable harm to the character of the locality. This would be contrary to Policy NE1 of the Tynedale Core Strategy and the NPPF.

2. The proposed development by virtue of its scale and siting would encroach into the rural hinterland of Chollerford Bridge, which is a Grade II Listed Building and Scheduled Ancient Monument, when viewed from the southern scarp of the River North Tyne valley and such encroachment would result in less than substantial harm to the setting of this designated heritage asset. There are not considered to be public benefits that would outweigh the setting harm arising. As such the proposed development would be contrary to Policies BE22 and BE25 of the Tynedale District Local Plan, Policy BE1 of the Tynedale Core Strategy and the NPPF.
3. The proposed internal road and car parking layout within the application is considered to be demonstrably harmful in respect of highway safety contrary to Policy TP15 of the Tynedale District Local Plan, Policy GD4 of the Tynedale Core Strategy and the NPPF.

**Date of Report:** 21.09.2018

**Background Papers:** Planning application file(s) 17/01931/FUL