



# Northumberland

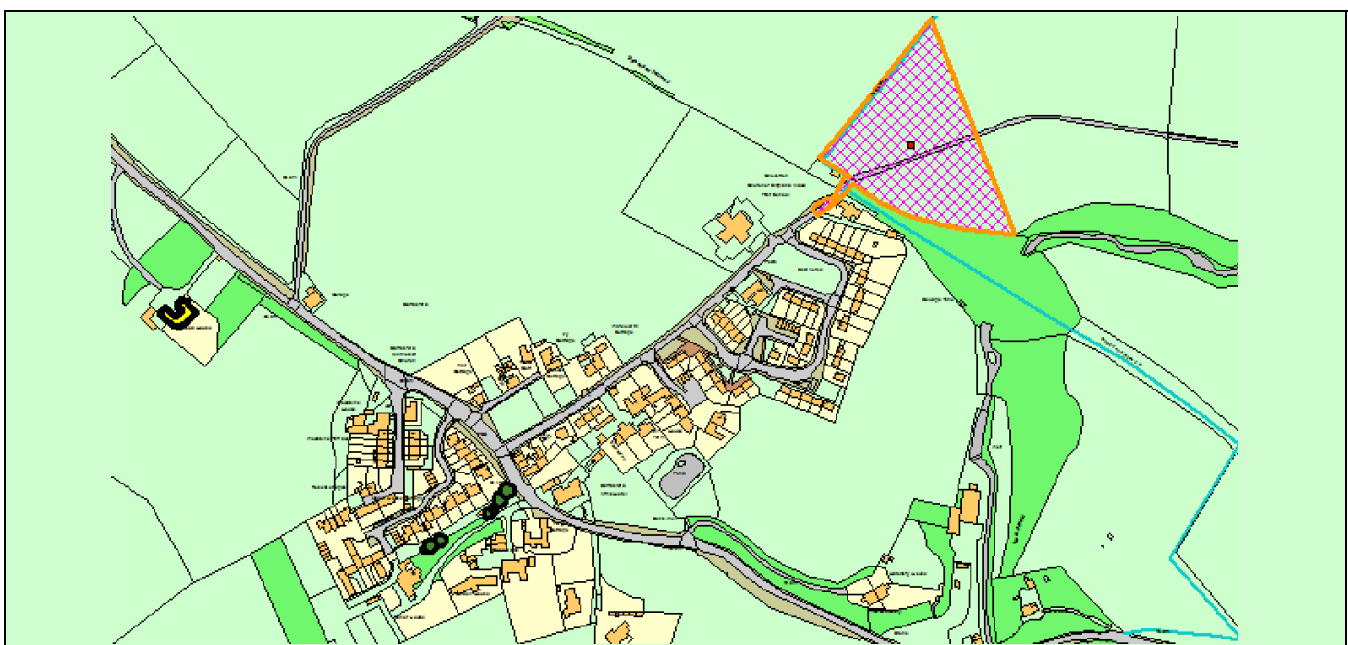
## County Council

### Tynedale Local Area Council Planning Committee

#### 11 December 2018

<b>Application No:</b>	18/02109/OUT		
<b>Proposal:</b>	Outline permission for 26 dwellings and access road, car parking, landscaping, gardens and other ancillary works (some matters reserved including Appearance, Landscaping, Layout and Scale)		
<b>Site Address</b>	Land North East Of Scout Centre, The Green Mile, Barrasford, Northumberland		
<b>Applicant:</b>	Mr Guy Munden, Northumberland Estates, Estates Office, Alnwick Castle, Alnwick, NE66 1NQ	<b>Agent:</b>	N/A
<b>Ward</b>	Humshaugh	<b>Parish</b>	Chollerton
<b>Valid Date:</b>	22 June 2018	<b>Expiry Date:</b>	14 December 2018
<b>Case Officer Details:</b>	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: <a href="mailto:neil.armstrong@northumberland.gov.uk">neil.armstrong@northumberland.gov.uk</a>		

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



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## **1. Introduction**

- 1.1 Under the provisions of the Council's current Scheme of Delegation, in cases where applications are to be recommended for refusal where there is support from a Town or Parish Council, they are referred to the Head of Service and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

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

- 2.1 Outline planning permission is sought for the for construction of 26 dwellings with access road, car parking, landscaping, gardens and other ancillary works on land at Barrasford. The application has been submitted in outline with all matters reserved (layout, scale, appearance and landscaping) other than the means of access.
- 2.2 The application site comprises a 1.21 hectare area of agricultural land located outside of the built up area and beyond the former railway line to the eastern edge of the village of Barrasford. The access to the site would use the existing access road through the village that serves Percy Gardens, Chollerton C of E First School on Station Road and East Acres, and which then continues through the application site to the farm steading at Barrasford Green.
- 2.3 The application site is currently open agricultural land that is split by the existing access road. There is existing mature tree planting to the south-western boundary along the former railway line with a property at Station House beyond this. The Scout Centre is also located adjacent to this boundary with a public right of way running along it and then turning along the north-western boundary of the site that is currently formed by hedgerow. The part of the site to the southern side of the access road falls steeply away to the south and towards a watercourse.
- 2.4 Although submitted in outline form with only approval for access sought at this stage, an indicative layout has been provided showing 15 dwellings to the northern part of the site and 11 to the southern section in terraced, semi-detached and detached layout. The Design and Access and Planning Statement suggest an indicative mix of three, four and five bedroom properties with five affordable units (equating to 19% provision), although layout and mix would need to be agreed at reserved matters stage. During the course of the application the applicant has since proposed to increase the number of affordable units to seven, which would equate to 27% provision on the site based on a total of 26 units.

## **3. Planning History**

None

## **4. Consultee Responses**

<p>Chollerton Parish Council</p>	<p>Chollerton Parish Council have considered the above application and wish to respond as follows:</p> <p>a)The PC are extremely concerned as to the extra traffic which will use Station Road. Access is already affected by cars driving through and parking, especially at school times. Safety of the pedestrian, whatever age, is a priority. The road is the only access to Green Farm which requires frequent HGV and agricultural vehicles with deliveries. Emergency vehicle access is also a concern. The PC urges the applicant and NCC Highways to consider, very seriously, the best way this problem can be addressed. With that in mind the PC asks that thought be given to creating a car park between the school and the railway line to allow a degree of off road parking that would mitigate the problem. They also ask that the proposed footpath from the development continues to the school entrance to provide a safe route for all.</p> <p>b) The PC are also concerned that these additional 26 units, on a green field site, outside the village boundary, when added to the already granted "Potts Plan" ref 15/02442/FUL will mean over 50 new houses potentially built.</p> <p>c) The PC welcomes the affordable housing and while accepting that there is a formula to determine the number, urge that the maximum expected are allocated on this site and that thorough research is carried out to determine the most appropriate/required type of accommodation.</p> <p>d) The PC points out that the bus service in Barrasford is ONE return journey on a Tuesday and Friday only. There is also a "requested return" service on a Saturday.</p> <p>e) Is there any provision for play and sporting provision by way of a S106 as is required in the Tynedale Plan.</p> <p>The PC recognise the effect these new houses would have on the sustainability of the various community services within Barrasford-especially the school.</p> <p>Therefore, on balance the Parish Council SUPPORTS this application.</p>
<p>Highways</p>	<p>No objection subject to conditions in respect of boundary treatments; car parking; highway works (access road and footway connection); estate street phasing and completion plan; maintenance of streets; full engineering details for adoption; cycle parking; surface water drainage; fire hydrants; refuse arrangements; and construction method statement.</p>

Public Protection	No objection subject to conditions in respect of contaminated land and impacts during construction.
Countryside/ Rights Of Way	No objection subject to route of public bridleways being protected throughout.
County Ecologist	No objection subject to conditions in respect of mitigation measures.
County Archaeologist	No objection and no further archaeological work will be required.
Education - Schools	No contribution required due to surplus places available.
Lead Local Flood Authority (LLFA)	No objection subject to condition for surface water drainage scheme; disposal of surface water during construction; and details of adoption and maintenance of all SuDS features.
Environment Agency	No objection – provides advice on sequential test and finished floor levels.
Northumbrian Water Ltd	No objection subject to condition on submitted drainage assessment.
Fire & Rescue Service	No objection in principle – further comments can be given once plans have been finalised.
Architectural Liaison Officer - Police	Further detailed required on layout and design before making specific comments although notes the applicant's comments on principles of Secured by Design.
Northumbria Ambulance Service	Welcome consultation and offer support for on-going road safety programme.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

Site Notice - Public Right of Way: 29 June 2018

Press Notice - Hexham Courant: 5 July 2018

### Summary of Responses:

One objection has been received from a resident at East Acres that raises issues in respect of:

- previous development in the village and the proposed development is over the top for a small village with other options available for development;
- loss of view and visual impact of development;
- additional traffic and impact alongside school traffic with limited access

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=PA9LTAQSH5100>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale Local Plan (2000)

GD2 General Design criteria

GD4 Access arrangements

GD6 Car parking standards

H16 Community facilities and infrastructure requirements associated with housing development.

H31 Public open space within housing areas

H32 Residential Design Criteria

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments (standards and design criteria)

NE27 Protection of Protected Species

NE33 Protection of trees, woodlands and hedgerows

NE34 Tree felling

NE37 Landscaping in developments

BE22 The setting of listed buildings

BE27 Regional and Locally important archaeological sites and settings

BE28 Archaeological Assessment

BE29 Development and preservation

TP2 Protection of new bypass line

Tynedale Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy

BE1 Principles for the built environment

NE1 the Natural Environment

GD5 Minimising flood risk

H1 Principles for housing

H2 Housing provision and management of supply

H3 Location of new housing and the definition of sustainable settlement

H4 Housing on green field land

H5 Housing density for new dwellings

H7 Meeting Affordable Housing Needs

H8 Affordable housing on market housing sites

GD2 Prioritising sites for development

## 6.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018, as updated)

## 6.3 Emerging Planning Policy

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

## **7. Appraisal**

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan is in the process of preparation with consultation having taken place during July/August 2018 and publication expected in January 2019, although limited weight can be given to this at this stage.
- 7.3 Following assessment of the application and representations received during the consultation period, the main issues for consideration include:
- Principle of development
  - Affordable housing
  - Design and visual impact
  - Residential amenity
  - Highway safety
  - Flood risk and drainage
  - Ecology
  - Contaminated land

### Principle of Development

#### *Location*

- 7.4 The application site is a greenfield site and lies within the countryside on agricultural land on the edge of the village of Barrasford. Whilst limited weight can be applied to it at this stage, the site is located outside of the proposed settlement boundary for Barrasford of the emerging Northumberland Local Plan. The application site is separated from existing development to the eastern edge of the village by the former railway line and mature tree planting that forms a strong boundary to the settlement.

- 7.5 Paragraph 78 of the NPPF states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*.
- 7.6 At the present time Policy GD1 of the Tynedale Core Strategy sets out principles for the location of new development with the main focus for development being the main towns and then local centres, smaller villages and development in the open countryside being limited to reuse of existing buildings. The Tynedale Local Development Framework Proposals Map does not show a settlement boundary around the village, although the Core Strategy states that the open countryside is defined as everywhere outside the built up area of a town or village and includes sporadic groups of buildings.
- 7.7 Policy GD1 of the Core Strategy identifies Barrasford as a smaller village where small scale development may be permitted. Smaller villages have a role to play in accommodating some new developments but on a small scale in keeping with their character. Policy H1 goes on to apply principles for housing, including limiting housing to main towns, local centres and smaller villages with adequate services. Policy H3 states new housing will only be located in smaller villages where there are adequate services, including at least a school or 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.
- 7.8 The site lies adjacent to, but not within the the village of Barrasford. New build housing is not normally allowed in the countryside under Core Strategy Policy H3 of the Core Strategy as this seeks to direct housing to the main towns, local centres and smaller villages which are sustainable. However, given the location of the application site relatively close to Barrasford, this is considered to be a broadly sustainable location for new small scale residential development in principle and having regard to the NPPF. Barrasford has a limited range of services and facilities, including Chollerton C of E First School, although there is a very limited bus service through the village, so is not well linked to services in adjacent settlements and is it not considered that the location would be sustainable for a development of this scale, contrary to Core Strategy Policy H3 and the NPPF.
- 7.9 The proposed dwellings would be on a greenfield site. Policy GD2 of the Core Strategy sets out a sequential approach for the location of new development, advising that priority should be given to the development of previously developed sites within built up areas, followed by other sites within the built up area and then other suitable sites adjoining built up areas. Whilst this approach is in general conformity with the NPPF, which seeks to encourage the effective use of land by reusing land that has been previously developed, there is no requirement for local planning authorities to adopt a sequential approach to the location of new housing development. Paragraph 117 of the NPPF states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding*

*and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land".*

- 7.10 On this basis limited weight can be given to Policy GD2 which, in advocating such a sequential approach, does not completely align with current national planning policy. It is therefore not considered that there would be justification to restrict the development of this site on the basis of sequentially preferable sites, even if sites were readily available which has not been established. A key consideration, however, will be the impact of the development in this countryside location upon the character and appearance of the site and surrounding area.

#### *Housing Mix*

- 7.11 In terms of the proposed housing mix, the draft Local Plan seeks to promote the provision of smaller 1 and 2-bedroom homes (as informed by the latest needs in the 2018 Strategic Housing Market Area (SHMA) update), and particularly the provision of homes in accessible central locations suitable for older and vulnerable people. The SHMA indicates that, in part as a consequence of the projected ageing population, the majority of need over the next 5 years is expected to be for 2-bedroom and 3-bedroom properties, together with some 1-bedroom homes. Only a small need for larger dwellings of 4-or-more bedrooms is considered necessary. In terms of dwelling types, it identifies a need split equally between houses for families upsizing and first-time buyers/movers, and bungalows or level-access accommodation for older people downsizing, together with flats. At this stage the housing mix is indicative and would be subject to further consideration at reserved matters stage. However, the application does not provide any information or justification in terms of the indicative housing mix that is being suggested at this stage. The applicant suggests that the development meets an identified need and demand, however this is not evidenced or substantiated within the application.

#### *Housing Land Supply*

- 7.12 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.13 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 presumption in favour of sustainable development does not apply.

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

### *Summary*

- 7.15 In summary, it is evident that the Council can demonstrate more than a 5-year supply of housing land and as such the presumption in favour of sustainable development would not apply in this instance. Although the site is located on greenfield land outside of the built up area of the village, this would not result in isolated development in the open countryside having regard to the existing development plan policies, and could be considered to be a relatively sustainable location for small-scale housing having regard to the NPPF. However, the suitability of development on the site needs to be considered in the context of achieving sustainable development overall in terms of economic, social and environmental considerations. In particular this will be dependent upon whether a satisfactory form of development could be achieved having regard to the proposed scale of development and the impacts upon the character of the area given its location and more open and rural setting encroaching into the open countryside. These matters will be considered in more detail in later sections of this report.

### Affordable Housing

- 7.16 Policies H7 and H8 of the Core Strategy set out the development plan position in relation to affordable housing provision on new developments. Policy H8 states that provision will be sought on developments of 5 or more dwellings or 0.2ha or more in settlements outside of Hexham, Prudhoe and Haltwhistle, and depending on the assessment of need in the local area, the proportion of affordable houses sought will be between 30% and 50% of the total dwellings on the site.
- 7.17 Informed by updated evidence, the draft Northumberland Local Plan indicates a requirement for a minimum of 20% of homes on new permissions to be affordable. The draft Local Plan indicates that the requirement may be higher, up to a cap of 30%, where there is documented evidence of a higher local housing need or where a higher requirement is established in a 'made' neighbourhood plan.
- 7.18 The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that 50% of affordable homes are provided for rent, and

50% provided as affordable home ownership products. The updated SHMA, helped inform the 20% affordable homes requirement in the draft Northumberland Local Plan. Until the implications of the updated SHMA have been considered further, the Council will not normally seek an affordable housing contribution in excess of 15% unless other up to date evidence indicates a higher contribution is required to meet local need.

- 7.19 Consultation has taken place with the Council's Affordable Housing team on the application as originally submitted, and also following the applicant's offer to increase the number of units to seven, which equates to 27% provision if 26 units were permitted on the site. Although the draft Local Plan indicates that to deliver affordable homes to meet the needs of those not met by the market, a minimum of 20% of homes on new permissions will be expected to be provided as affordable housing products, a 15% requirement is currently sought in this instance.
- 7.20 The application site may be a suitable location for a small number of affordable homes with access to a limited number of local services and bus transport to larger settlements with better services, whilst the fact that there is a primary school within the village is acknowledged to be a positive for family housing.
- 7.21 The Affordable Housing team have advised that a suggested housing mix would normally be 50% affordable rent and 50% discount market value sale or shared ownership as supported by SHMA evidence. However in this case it would result in only 3 or 4 rented homes and from recent discussions with local Registered Providers it appears highly unlikely that they would be interested in this small number in this location. The applicant has retained affordable housing homes for rent on other sites and this could be an option here. Looking at the evidence for affordable rented homes in the area, Homefinder does not provide strong evidence.
- 7.22 The Affordable Housing team considers that in this case an affordable housing scheme could include homes for rent if the applicant were to make a commitment to retain them, together with homes for discount sale, however as the Parish Council point out, although the affordable housing is welcome further research should be done to establish the type (mix and tenure). Should planning permission be granted, the applicant should work with Affordable Housing team to establish a viable scheme that meets local need.
- 7.23 It is acknowledged that the on-site delivery of seven affordable properties is a relatively significant officer, and if some were to be retained by the applicant in the form of on-site Discount Market Value and rented homes has some merit, even though the evidence is not particularly strong. Further work would need to be done to refine the local need and mix and the requirement should be detailed and provision secured in a Section 106 agreement. If agreed, the provision of affordable housing would meet the provisions of Core Strategy Policies H7 and H8 together with the NPPF.

#### Design and Visual Impact

- 7.24 In addition to Policy GD1 of the Core Strategy, which requires the scale and nature of development to respect the character of the town or village concerned, Policies GD2 and H32 of the Tynedale Local Plan seek to ensure that development is appropriate for its location in terms of matters such as layout, scale, design and impact upon the amenity of residents. Policy BE1 of the Core Strategy seeks to conserve and enhance Tynedale's built environment. Policy NE1 of the Core Strategy sets out principles for the natural environment, including protecting and enhancing the character and quality of the landscape and avoiding the urbanisation of the countryside. The NPPF seeks to conserve and enhance the natural environment and looks to ensure that good design in new development is appropriate for its location.
- 7.25 In terms of the density of development, Policy H5 of the Core Strategy states that proposals 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 requires planning policies and decisions to support development that makes efficient use of land, taking into account criteria, including the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and health places.
- 7.26 Section 12 of the NPPF sets out principles for achieving well-designed places, with paragraph 127 stating that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 7.27 The proposed density in this instance would be 21 dwellings per hectare. Whilst this would be lower than the density set out within Policy H5 of the Core Strategy, and does not make more efficient use of land as required by the NPPF, a lower density development could be more acceptable given the more rural character and open countryside setting of the area outside of the built up area and to the edge of the village.
- 7.28 Following assessment of the proposals, and inspection of the site and surrounding area, Officers have raised concerns with the applicant over the proposed location and scale of development, its relationship with the village and the impact upon the character and appearance of the area. The site and surrounding area beyond the built extent of the village, and the distinct settlement edge created by the former railway line and trees, is characterised by open agricultural land with hedgerows with the site separated by the access road leading to Barrasford Green. Overhead electric lines also cross the site, whilst the blue coloured corrugated steel clad Scout Centre is located immediately adjacent to the tree-lined former railway and on the same side as the proposed housing site. Other development in this area beyond the railway line includes Green Farm Cottage and the farm steading at Barrasford Green to the east of the site. There is also an isolated dwelling to the west on Chishill Way and further north at Fell Lane Farm. The site is clearly visible from the public right of way that runs along the north-western boundary of the site and adjacent to the Scout Centre, as well as from sections running along the former railway line, and is also seen from longer-range views from Chishill Way to the north and west.
- 7.29 The application has been submitted with a Design and Access Statement and Landscape and Visual Impact Assessment (LVIA), which have been considered in the course of the application. The LVIA sets out the characteristics of the site and states that the townscape of Barrasford is small scaled and the pattern of the built form is based upon development either side of Front Street and development along Percy Gardens and East Acres. It notes that the tree coverage along the former railway line acts as a threshold between the site and the existing village, which offers a visual screen and base for extending the tree and woodland pattern into the site. The LVIA considers that the importance of the pattern of landscape and townscape lies in the opportunity it presents for the site to be a rational extension to this part of Barrasford by being an extension to existing housing along East Acres.
- 7.30 The LVIA considers the landscape and visual effects of the development, including upon receptors immediately adjacent and further afield from the site, from public rights of way and Chishill Way. It concludes that the site lacks any distinction of landscape or ecological quality, utility, access or heritage value, being agricultural land and in proximity to other development. It considers the proposal to be a small housing scheme that would be a rational extension of the village and extending the built pattern along the existing access road. The LVIA also considers that the constrained visibility of the site makes it a discreet location for housing with landscape and visual effects kept to a relatively small area.
- 7.31 Notwithstanding the findings of the LVIA, it is officer opinion that given its location and scale, the development of the site would result in encroachment

into the open countryside beyond the distinct settlement edge of the village formed by the former railway line and tree planting, which would have a harmful impact upon the character and appearance of the site and the surrounding area. It is felt that although in relatively close proximity to existing development, given the character of the area and separation created by the former railway line, the development would not appear well related in scale or character to the existing village, or as a rational and cohesive extension to Barrasford.

- 7.32 Whilst it is noted that the application states the existing planting along the railway line would act as a screen and visual barrier that filters views of the site from existing properties in the village, it is felt that this also acts as a distinct and relatively substantial edge to the village beyond which lies open countryside. Although limited weight can be attached to the proposed settlement boundary of the emerging Local Plan at this stage, it is understandable that this is proposed in this way at present given the character of the area. Notwithstanding this limited weight, it is officer opinion that the introduction of new housing in this more rural countryside setting, and certainly of the scale proposed, would have a detrimental impact upon the character and appearance of the site and the village.
- 7.33 There would be impacts arising given the proximity of the public right of ways that run through and adjacent to the site, in addition to views from the north and west from Chishill Way. These views from the north and west, including from elevated positions, clearly show the tree planting to the edge of the village, and the new housing would be seen against this backdrop. However, it is considered that there would be harm to the visual amenity of the area through the introduction of new housing into this countryside location that would be contrary to Policies GD1, NE1, BE1 and H1 of the Core Strategy and Policies GD2 and H32 of the Local Plan.
- 7.34 When assessing the potential benefits of the scheme in relation to social and economic against the harm to the character of the area, consideration has been given to matters such as the level of affordable housing provision and the ability to enhance or maintain the vitality of the existing community. The 'on balance' support from the Parish Council has also been taken into account. The applicant suggests that the proposed housing would meet an identified local need, although this has not been evidenced or substantiated in terms of the amount and type of housing being proposed. It is not therefore felt that there are potential benefits that could be sufficient material considerations that would outweigh the harm from the proposed development in this location.

#### Residential Amenity

- 7.35 As well as looking to achieve a good quality of design in new residential development, Policies GD2 and H32 of the Local Plan set out the requirements for developments to ensure there would be no adverse effects upon residential amenity, and future occupants would also achieve acceptable standards of amenity.

- 7.36 The layout, scale and appearance of the development are reserved matters, and therefore it is not possible at this stage to provide a full assessment of impacts upon the amenity of residents in the locality. There would be impacts arising due to increased use and traffic along the access road to the site on Percy Gardens and East Acres, as well as through the siting and visual impact of dwellings.
- 7.37 Although further consideration would need to be given to the dwellings at reserved matters stage, it is felt that due to the location of the site, and the separation from and relationship with existing housing, the development could be undertaken without having a significant or detrimental impact on the amenity of surrounding residential properties. The proposed layout could also allow an acceptable level of amenity for occupiers of the new dwellings. The Council's Public Protection team has considered impacts arising during construction, and raise no objection to the application subject to conditions in relation to impacts from construction noise, deliveries and dust. It is therefore considered that a satisfactory level of amenity could be achieved in accordance with Local Plan Policies GD2 and H32 together with the NPPF.

#### Highway Safety

- 7.38 Concerns have been raised by the Parish Council and in the letter of objection in relation to matters of highway safety as a result of the development, particularly in respect of access and additional vehicles using the access road. New development will need to deliver an appropriate form of development in terms of highway safety and infrastructure having regard to Policies GD4 and GD6 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF. Paragraph 109 of the NPPF states 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.
- 7.39 Comments have been received from the Council's Highways Development Management Team (HDM) in response to consultation on the application. HDM have considered the effects of the development in this location in respect of highway safety, and following the submission of additional information in respect of the vertical alignment of the access road have raised no objection to the application subject to conditions. These would secure details and mitigation in respect of boundary treatments; car parking; highway works (access road and footway connection); estate street phasing and completion plan; maintenance of streets; full engineering details for adoption; cycle parking; surface water drainage; fire hydrants; refuse arrangements; and a construction method statement.
- 7.40 On this basis the proposals are therefore considered to result in an acceptable form of development, and subject to conditions would be in accordance with Policies GD4 and GD6 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF.

#### Flood Risk and Drainage

- 7.41 The site of the proposed housing is located within Flood Zone 1, which is at a lower risk from flooding, although a very small portion of the site to the south-eastern corner is within and adjacent to Flood Zone 2. The application has been assessed against Tynedale Core Strategy Policy GD5 and the NPPF in relation to ensuring development is directed to areas at a lower risk of flooding and that it would not increase flood risk elsewhere. Consultation has also taken place with the Environment Agency (EA), Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA).
- 7.42 The EA has raised no objection and provides advice in relation to a sequential test and finished floor levels. However, given the very small part of the site affected by Flood Zone 2, the indicative layout where this area would be landscaped, and the levels of the site, it is not felt necessary for a sequential assessment to be undertaken to determine if there are other suitable sites available.
- 7.43 NWL has raised no objection to the application, and recommends a condition requiring development to be undertaken in accordance with the submitted flood risk assessment and drainage strategy with discharge of foul flows to a specified manhole and surface water to an existing watercourse.
- 7.44 The LLFA had initially objected to the proposals and had sought additional information on the surface water drainage arrangements to ensure flood risk does not increase elsewhere as a result of development, which the applicant has since provided. The LLFA has subsequently advised there is no objection subject to conditions securing details of the surface water drainage scheme (including discharge rates, attenuation and seeking vegetated sustainable drainage techniques); disposal of surface water during construction; and details of adoption and maintenance of all SuDS features.
- 7.45 On the basis of the consultation responses received, and subject to appropriate conditions, the proposal is considered to be acceptable in relation to drainage and flood risk, and would be in accordance with Policy GD5 of the Core Strategy and the NPPF.

### Ecology

- 7.46 The Local Plan, Core Strategy and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area, as well as impacts upon trees and hedgerows. Policies NE27, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy are therefore relevant. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity.
- 7.41 Consultation has taken place with the Council's Ecologists, with further information and clarification on the ecological assessment and proposed mitigation being submitted to enable further consideration of potential impacts. Following submission of additional information, the Ecologists have provided further comments in relation to mitigation and enhancement that would be expected as a minimum. This includes a plan to show buffers to the edges of the site, including the wooded southern edge of the site and the scrub bank

with dark corridors; and method statements and a Construction Environmental Management Plan, which could be secured by condition.

- 7.42 Notwithstanding the concerns from officers in respect of the impact of the development in this location, on the basis that layout and landscaping are reserved matters, it is considered that the mitigation requested in respect of buffers to the edges of the site could be secured by way of condition that would inform the submission of reserved matters in respect of layout and landscaping. The Ecologists have advised that this is likely to be acceptable, and the proposal could therefore be acceptable in relation to ecological impacts, subject to conditions securing appropriate mitigation in accordance with Policies NE27, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy together with the NPPF.

#### Contaminated Land

- 7.45 Policy CS23 of the Local Plan is relevant to these proposals in relation to potential for contaminated land. A Phase 1 contaminated land study and a Phase 2 site investigation have been undertaken on the site. The latter concludes that the site is considered suitable for use for its proposed residential end use. As such no objection is raised by Public Protection subject to a condition in the event that any unidentified contamination is found during construction and the proposals would therefore accord with Local Plan Policy CS23 and the NPPF.

#### Other Matters

- 7.46 On other matters, no objections have been raised by the Conservation Team with no archaeological work required in respect of the development. The Countryside Support and Rights of Way Team also raise no objection to the proposal provided the existing routes of rights of way passing through and adjacent to the site are retained. The Education team has also advised that no contribution would be required for this proposal due to surplus spaces being available.
- 7.47 The Parish Council has raised an issue with potential cumulative impact given a previous approval for 18 dwellings on land south-west of the school, which was permitted under 15/02442/FUL. This required the commencement of development within three years from the 18/11/15 and as such may have now lapsed if development has not commenced. A recent application for 10 dwellings on this site (18/02467/FUL) has recently been refused on the grounds of failing to make an efficient use of land; failing to make an appropriate contribution to affordable housing; impacts on protected species; and drainage. Notwithstanding the above, it is not considered that there is evidence of harm as a result of cumulative impacts, although there remain stand along concerns for the application site in terms of the effects on the character and appearance of the village through development encroaching into the countryside. The application site to the south-west of the school is a site that is felt to be better related to the village and an appropriate form of development could be more in-keeping with its character and appearance.



- 7.48 The proposed site plan shows an indicative layout, and therefore the extent of any open space within the development is not clear at this stage. This would be subject to further assessment at reserved matters stage. The applicant has not made reference to any contribution to sport and play facilities within the village, although it is noted that the site is in relatively close proximity to existing facilities within the village.

#### Equality Duty

- 7.49 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

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

#### Human Rights Act Implications

- 7.51 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.
- 7.52 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.
- 7.53 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 proposed housing would be located outside of but immediately adjacent to Barrasford, which is identified as a smaller village in the Tynedale Core Strategy. In such locations development will be limited to small scale development and 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.
- 8.2 Whilst this may be a relatively sustainable location for new small scale development, it is considered that by virtue of its location and scale, which would result in encroachment into the countryside and is of a larger scale, the proposal would not result in a sustainable location for this scale of development and would have a harmful impact upon the character and appearance of the site and surrounding area. As such the proposal would be contrary to Policies GD1, NE1, BE1, H1 and H3 of the Core Strategy and Policies GD2 and H32 of the Local Plan.
- 8.3 In assessing the proposals officers have taken into account the suggested benefits put forward by the applicant, the policy guidance at paragraph 78 of the NPPF, and also the comments of the Parish Council, which recognises the effect these new houses would have on the sustainability of the various community services within Barrasford, with specific reference to the school. However, it is not felt that these are material considerations, or that there is an identified need for such housing in this location, that would outweigh the identified harm to the character of the area with development of this scale in relation to the village, and in the location proposed.

## **9. Recommendation**

That this application be REFUSED permission for the following reasons:

01. By virtue of its location and scale, the proposed development would result in encroachment into the open countryside beyond the established built form of Barrasford and would have a resultant harmful impact upon the character and appearance of the site and the surrounding area. The proposal would therefore be contrary to Policies GD2 and H32 of the Tynedale Local Plan, Policies GD1, BE1, NE1 and H1 of the Tynedale Core Strategy and the National Planning Policy Framework.

02. The location of the application site adjacent to Barrasford is not considered to be sustainable for a development of this scale, contrary to Policies GD1, H1 and H3 of the Tynedale Core Strategy and the National Planning Policy Framework.

**Background Papers:** Planning application file(s) 18/02109/OUT