

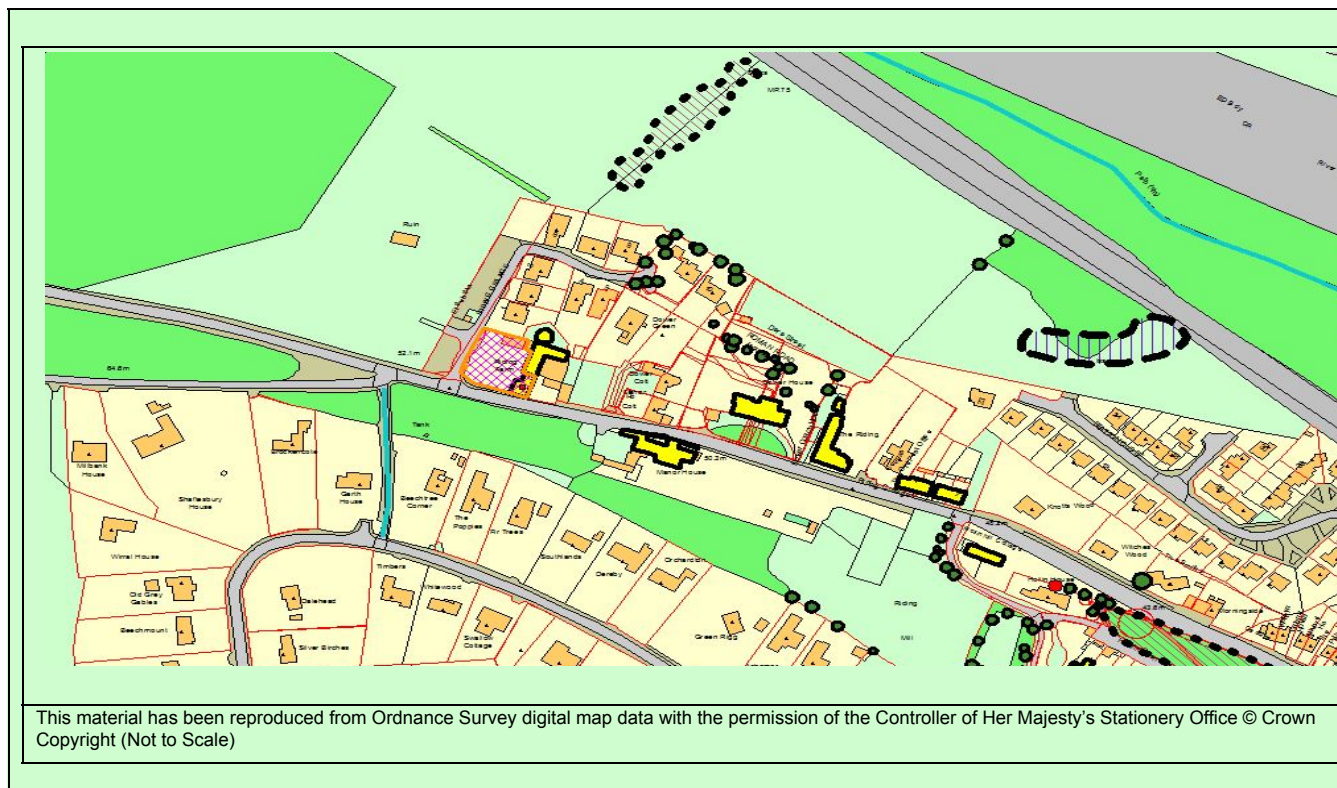


Northumberland County Council

Tynedale Local Area Council Planning Committee 11 December 2018

Application No:	18/01246/FUL		
Proposal:	Construction of two one and a half storey dwellings and alterations to parking and access arrangements		
Site Address	Riding Farm , Riding Mill, NE44 6HW		
Applicant:	Trustees of Riding Farm Settlement C/O Land Factor, Hexham Business Park, Burn Lane, Hexham NE46 3RU	Agent:	Mr Keith Butler Unit 11 South Acomb, Bywell, Stocksfield, NE43 7AQ
Ward	Stocksfield And Broomhaugh	Parish	Broomhaugh And Riding
Valid Date:	9 April 2018	Expiry Date:	4 June 2018
Case Officer Details:	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

Recommendation: That this application be REFUSED



1. Introduction

The application is to be determined by the Tynedale Local Area Committee as a local councillor has requested that it is determined by committee members.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of two, one and a half storey dwellings, plus alterations to parking and access arrangements at Riding Farm, Riding Mill. The houses would be located to the rear (west) of the existing range of buildings which is an area of grass and hardstanding used for both parking and garden for the existing farmhouse.

2.2 The houses would be constructed in a linear form providing two semi-detached buildings parallel to the existing range of farm buildings, with the front elevations facing to the west. The houses would be constructed of stone with a slate roof 6.2 metres in height to the ridge, with gables to the front and rooflights to the rear. The buildings would have painted wooden windows and doors and stone built porches to the front. On the rear elevation, each property would have a rear entrance.

2.3 Riding Farmhouse is a stone built, late 18th century two storey building with a slate roof and is grade II listed. It is attached to a range of stone built farm buildings which are separately listed grade II.

2.4 The site is located on the western edge of the village of Riding Mill, adjacent to the A695.

2.4 Submitted with the application were the following:

- Heritage Statement (Keith Butler)
- Historic Building Assessment (P F Ryder December 2016)
- Contamination Assessment: Screening Assessment Form Version 7.2
- Contamination Land Risk Assessment Phase 1 (Soil Environment Services Ltd October 2018)
- Bat survey, Riding Mill Farm New Build, Riding Mill (E3 Ecology Ltd September 2018)

3. Planning History

Reference Number: 17/03518/DEMGDO

Description: Prior notification for demolition of former hay barn in the yard to the west of Riding Farm

Status: Prior Notification Not Required

Reference Number: 18/01223/FUL

Description: Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building

Status: Pending consideration

Reference Number: 18/01224/LBC

Description: Listed building consent for demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building.

Status: Pending consideration

Reference Number: T/940079

Description: Demolition of boundary wall and outbuilding (As amended by plans received 13.4.94)

Status: Permitted

4. Consultee Responses

Broomhaugh and Riding Mill Parish Council	No objection
Highways	No objection subject to relevant conditions.
Northumbrian Water Ltd	No comments to make.
Building Conservation	Objection. The siting of the two houses within the curtilage of the listed buildings would result in a harmful impact to their setting. The housing would obscure and compete with the listed buildings.
Public Protection	No objection. A contaminated land assessment submitted with risk low to moderate. Any further contamination can be controlled by conditions.
Waste Management - West	No response received.
County Ecologist	No objection subject to a condition relating to avoidance, mitigation and enhancement measures.

5. Public Responses

Neighbour Notification

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

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

Site notice: expires 16 May 2018

Press notice: expires 18 May 2018

Summary of Responses:

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=P6RR9LQSFQZ00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Development Core Strategy (2007)

GD1 General development principles

BE1 Principles for the built environment

H1 Principles for housing

H2 Housing provision and management of supply

H3 The location of new housing

H5 Housing density

Tynedale Local Plan (Adopted April 2000)

GD2 Design criteria

GD4 Range of transport provision for all development

GD Car parking standards outside the built up areas

H32 Residential design criteria

BE22 The setting of listed buildings

CS23 Development on contaminated land

CS27 Sewerage

NE27 Protection of Protected Species

6.2 National Planning Policy

National Planning Policy Framework (2018)

6.3 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act 1990

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

7. Appraisal

7.1 The main issues in the assessment of this application are:

Principle of development

Siting, design and impact on the setting of the listed buildings

Impact on residential amenity

Access and parking

Impact on protected species

Contamination

Water and sewerage

Principle of development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration. The Tynedale Core Strategy and the Tynedale Local Plan remain the development plan and as outlined in paragraph 12 of the NPPF is the starting point for decision making. Paragraph 213 of the NPPF does, however, advise that the weight given to Local Plan policies depends on their degree of consistency with the NPPF.

7.3 The site is within the smaller village of Riding Mill as classified in the Tynedale LDF Core Strategy where small scale development only is permitted. The land for the housing is located to the rear of the farmhouse and attached farm buildings and is used as garden and a parking area for the farmhouse, which is the only building currently occupied and used on the site. Core Strategy Policies H1 and H3 limit new build housing to main towns, local centres and smaller villages with adequate services and so in this respect as Riding Mill has a range of local services including a first school, the application would accord with Core Strategy Policies H1 and H3 as a suitable location for small scale development.

7.4 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' 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.

7.5 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.

7.6 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.

7.7 Although this site was listed as a housing development site allocation in the Draft Northumberland Local Plan (2018), which has very limited weight at the present time, it is considered that the development of this site for housing would not be appropriate for the reasons set out below.

Siting, design and impact on the setting of the adjoining listed building

7.8 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.

7.9 The NPPF states that when determining planning applications, local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where harm is identified, this is weighed against the public benefits of bringing the site back into use.

7.10 The proposal is within the curtilage of two grade II listed buildings, Riding Farmhouse and the farm buildings including the gin-gang. As detailed in the agent's Heritage Statement, the proposed dwellings would be 8.5 metres from the listed gin-gang, a minimum of 6.6 metres from the farm buildings and 0.2 metres higher than the adjoining listed farm building. In assessing this application, special regard must be made to the the impact that the new build would have on the setting of the listed buildings. By building to the rear of, and higher than the existing farm building, the listed building would largely not be visible and would be divorced from its' context and setting with the adjoining farmhouse.

7.11 Although it is acknowledged that the surrounding stone walls fronting Riding Grange and the main road are not historic, they do complement the existing buildings. By demolishing a large stretch of the western boundary wall to create a new access, plus widening the existing access to create a wide splay, the car parking area at the front of the site would dominate the front of the site. The development would also result in the subdivision of the site creating garden boundaries for the existing farmhouse, and a garden boundary stretching from the rear of the new dwellings to the rear of the listed farm buildings. This would result in the partition of a currently open space in which the setting of the buildings can be appreciated. By having a listed building as a boundary wall, which is what the western elevation of the farm buildings would effectively become, could create future issues for the maintenance of the listed building and lead to the potential conflict of gardening and informal development adjacent to the listed structure.

7.12 The agent considers that because the development is not adjacent to the principal elevation of the buildings, it would not have a significant impact on the setting of the listed buildings. It is officers view that the setting is viewed in a much wider context and is not confined to the front of buildings only.

7.13 When assessing the impact of development on listed buildings, the cumulative impact on setting needs to be carefully considered. It is clear that the existing Riding Grange development, particularly the construction of no 1 Riding Grange, has already impacted on the setting of the Riding Farm listed buildings. The buildings at Riding Farm are currently the first group of buildings seen when accessing Riding Mill from the west and they are therefore seen within the context of a rural setting of fields and trees. Although modern development has been allowed at Riding Grange, this is not immediately within the line of sight, rather it is the mellow stone of the 18th century farmstead with its gin gang that you focus upon. The setting and context of the listed farmstead is therefore of primacy within this site and of importance to how this application can be evaluated.

7.14 The Conservation Officer has assessed the application and considers that the proposals would 'sever the last link between the farmstead and its rural setting' and considers that the siting of the two houses within the curtilage of the listed buildings would result in a harmful impact to their setting. The Officer considers that the housing would obscure and compete with the listed buildings and that it would result in 'less than substantial harm'. Paragraph 196 of the NPPF states that where a development proposal would 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.

7.15 The agent has put forward an argument for public benefit that would include investment in the building, increase in homes in Riding Mill and their impact on services and refers to other cases dealt with by the LPA where public benefit has outweighed identified harm. Each application must be determined on its own merits but in response to the agents

justification it must be stated that that the application cannot be compared with the re-use of large publicly owned buildings in a town centre. Any development should sustain and enhance the significance of listed buildings and any public benefit should flow from this development and be of a nature and scale that is of benefit to the public at large and should not just be a private benefit. The proposed continued viability of the adjacent listed building in this case has little weight as the proposals for that building are recommended for refusal in this agenda. On balance, and after careful consideration it is considered that the construction of new dwellings on this site does not provide public benefits which would outweigh the harm that would occur by the development within the curtilage of to the listed buildings.

7.16 In conclusion, the proposal would result in harm to the setting and special character of the listed buildings, resulting in the primacy of the listed buildings being lost and dominated by new buildings which would detract from the historical context of the site and its open aspect. This harm to the setting of the listed buildings would be contrary to Local Plan Policies GD2, BE22 and national policy as outlined in the NPPF.

Impact on adjoining residential amenity

7.17 The houses would be located parallel and to the west of the existing range of farm buildings; some 10 metres from the rear elevation. Applications for the conversion of this range to two dwellings (ref: 18/1224/LBC and 18/01223/FUL) are currently being assessed by the Local Planning Authority and will be determined by the Tynedale LAC. Local Plan Policy H32 which covers new residential development and residential conversions, requires a 21 metre distance between the rears of new two storey dwellings. The proposed development involves the rear of elevation of a new dwelling and the currently undeveloped elevation of the existing barn. We would still use this measurement as a guide for new dwellings and existing buildings, and this informs not only overlooking but any potential overbearing impact and overshadowing. The development is considered to be too close to the existing building provide a good level of residential amenity, particularly as there is a window and rooflights on the rear elevation of the conversion (though this does not have planning permission) which would look towards the new dwellings, which also has rooflights on the rear roof slope. There may not be direct overlooking, there would be a perception of overlooking. The distances would reduce the outlook for both buildings and it would feel overbearing on the new dwellings and the garden area would be overshadowed. In addition, the proposal would be sited some 10 metres from the southern elevation of 1 Riding Grange. The northern elevation of the new housing has windows at 1st floor level which would look towards a sun room, two bedroom windows and a side door of this property, plus an area of garden. 1 Riding Grange, does have a rear garden area which would not be impacted on by this application but it is considered that the development would result in a degree of overlooking into their amenity space, although it is considered that this would not be to the extent that planning permission should be refused for this reason alone. Overall it is considered that the application

would impact on residential amenity and would not accord with Local Plan Policies GD2 and H32 or the NPPF in this respect.

Access and parking

7.18 The proposal would widen the existing access to create four parking spaces for the new dwellings. It would also create a new access point in the existing stone wall off Riding Grange to create a parking area for the existing farmhouse. The Highway Authority has assessed the proposal and considers that the new access points and car parking are acceptable. Subject to relevant conditions it is considered that the creation of new access points and the parking are acceptable and would accord with Local Plan Policies GD4 and GD6 and the NPPF.

Impact on protected species

7.19 The farm buildings support a regionally important roost for brown long-eared bats. A Bat survey has been submitted with the application which indicates that the bats commute across the land for the proposed new dwellings to and from the roosting sites. The County Ecologist has assessed the report and considers that despite this, the activity levels are not high and recommends avoidance measures and enhanced features which can be conditioned on any grant of planning permission. Subject to a condition, the application would accord with Local Plan Policy NE27 and the NPPF.

Contamination

7.20 A Contaminated Land Assessment Form has been submitted with the application which has been assessed by the Council's Environmental Protection Team. The Environmental Protection Officer has concluded that the risk is low to moderate and any further land contamination can be controlled by conditions. The desktop study submitted states that intrusive investigations are not required. The Council's Environmental Protection Officer does not agree with this but recommends conditions could be attached to any grant of planning permission. Subject to relevant conditions, the application would accord with Local Plan Policy CS23.

Foul and surface water

7.21 The proposal would have a connection to the main sewer. Northumbrian Water has been consulted on the application and has no comments to make. It would accord with Local Plan Policy CS27.

Other Matters

Equality Duty

7.22 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

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

Human Rights Act Implications

7.24 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.

7.25 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.

7.26 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 application has been assessed against the Local Plan policies listed above and the NPPF and is recommended for refusal based on the reasons below.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

1 The development would harm the setting and special character of the grade II listed buildings, as the siting and height of the proposed dwellings would dominate the listed buildings and significantly impact the historical context of the site and its rural open aspect contrary to Local Plan Policies GD2, BE22 and the NPPF.

2 The siting of the dwellings, some 10 metres from the rear elevation of the existing farm buildings would be too close to provide a good level of residential amenity resulting in a limited outlook and a degree of overshadowing from the existing buildings contrary to Local Plan Policies GD2 and H32 and the NPPF.

Background Papers: Planning application file(s) 18/01246/FUL