

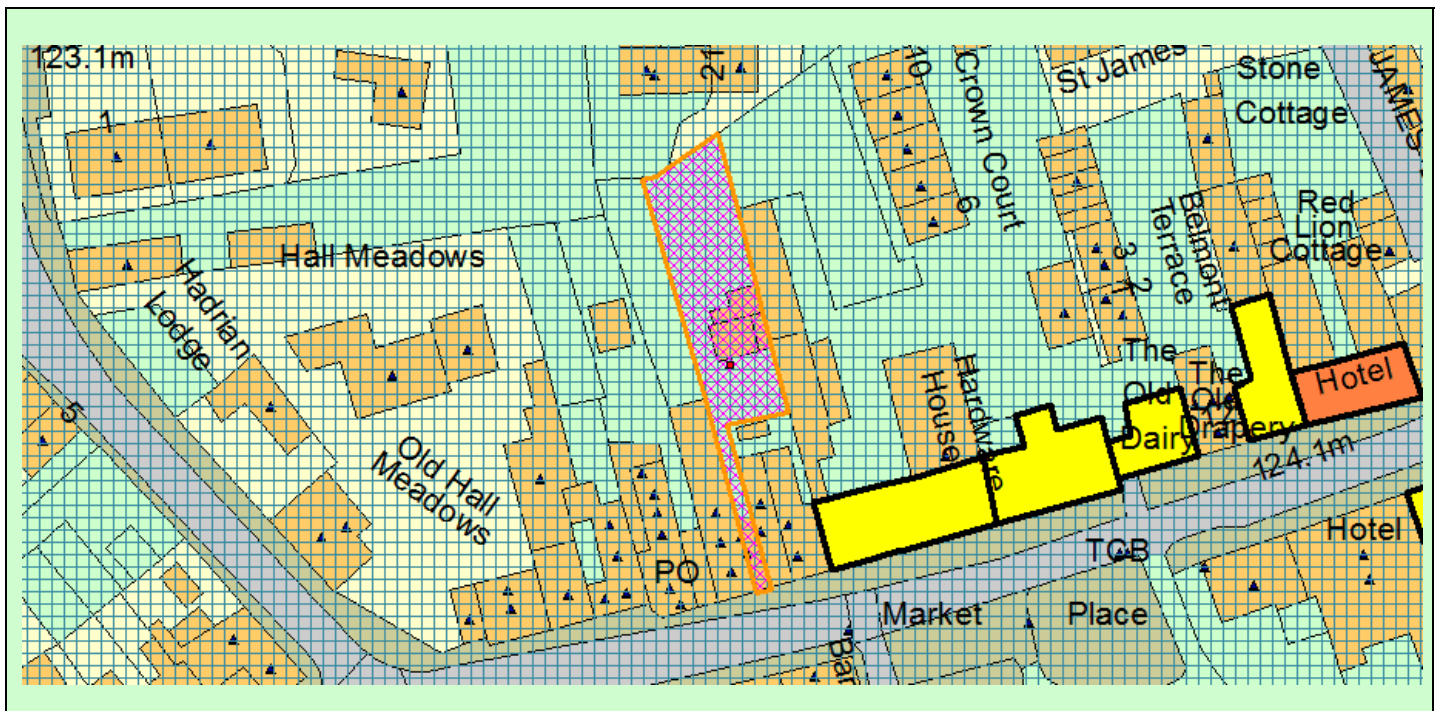


Northumberland County Council

Tynedale Local Area Council Planning Committee 12 March 2019

Application No:	18/01850/FUL		
Proposal:	Proposed two semi detached, three bedroom properties, including landscaping and parking.		
Site Address	Land North Of Mags Newsagents, Main Street, Haltwhistle, Northumberland		
Applicant:	Mr Geoff Sloan Holly House, Park Road, Haltwhistle, Northumberland, NE49 9BW	Agent:	Mr Bart Milburn 4 Dukes Road, Hexham, Northumberland, NE46 3AW
Ward	Haltwhistle	Parish	Haltwhistle
Valid Date:	19 June 2018	Expiry Date:	30 January 2019
Case Officer Details:	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be REFUSED



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation the application has been 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 and a site visit should be undertaken.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of two semi-detached dwellings with associated landscaping and car parking on land north of Mags Newsagents, Main Street in Haltwhistle.
- 2.2 The new dwellings would be two storey in height, with each dwelling comprising of three bedrooms at first floor level and living accommodation at ground floor level. The dwellings would be constructed of brick and render with a tiled roof and uPVC windows and doors. Two of the windows to the principal, west elevation of each dwelling would have stone surrounds and the front door entrances of each dwelling would have stone infill detailing.
- 2.3 Each unit would measure 9.5 metres in length by 6.6 metres in depth and each unit would have a height of 5.1 metres to the eaves and 7.3 metres to the ridge of the roof. As part of the application, the land surrounding the two dwellings, predominantly to the west, is proposed to be incorporated within the curtilage of the two dwellings and would provide amenity space.
- 2.4 Four car parking spaces would be provided to the south of the units; amounting to two car parking spaces per unit. The proposed development would be accessed from the C302 (Main Street) via an existing shared private single track road. The proposed development would utilise an existing shared access point to the south west of the application site. The application includes the demolition of a brick, pitched roof double garage and a timber shed; these proposed demolition works would clear the application site to allow for the construction of the two dwellings.
- 2.5 The application site is located within a built-up area within the town centre of Haltwhistle. The application site is to the rear of the buildings of Main Street, which is one of the main shopping streets of Haltwhistle. The application site is within Haltwhistle Conservation Area.
- 2.6 This application has been subject to re-consultation as additional and amended information has been provided throughout the course of the application. In the early stages of the process, the issue of land ownership was raised through a number of representations that were received. A Flood Risk and Drainage Assessment has also been submitted and amendments have been made to the design of the overall scheme.

3. Planning History

3.1 No planning history.

4. Consultee Responses

Building Conservation	The amendments do go some way to improving the design and appearance of the overall scheme. However, it is disappointing that improvements to the design of the fenestration have not been implemented to reflect a more traditional fenestration pattern with a vertical emphasis to the openings.
Haltwhistle Town Council	Object to the application. There is concern over the access for the neighbouring businesses to the rear of their properties. There is also concern over the shared access with the Post Office and the vehicular access to Main Street.
Highways	No objection subject to conditions and informatives.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Northumbrian Water Ltd	Northumbrian Water does not permit a building over or close to their apparatus and therefore Northumbrian Water will be contacting the developer directly on this matter.
Waste Management - West	No response received.
West Tree And Woodland Officer	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	32
Number of Objections	20
Number of Support	0
Number of General Comments	1

Notices

Site notice affecting Conservation Area – Displayed on 11th December 2018
Press notice in Hexham Courant – Published on 20th December 2018

Summary of Responses:

Twenty representations of objection have been received in relation to this application from seven objectors. The objections raise concerns on the following issues:

- Land ownership.
- Highway safety and access.
- Inaccuracy of plans.
- Impact of the proposed development upon the amenity of neighbouring businesses and properties.
- Design of the scheme and the impact of the proposed development on the character of the area and Haltwhistle Conservation Area.

One general representation has been made in relation to this application and is summarised below:

- Haltwhistle Partnership does not object to this application. However, free access via the shared track from Main Street should be maintained throughout the construction period and thereafter to enable access to the rear of 2 Westbourne House. This is in line with the legal agreements associated with this access route.

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=P94RHMQS0KB00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment
 Policy GD1 – The General Location of Development
 Policy GD4 – Principles for Transport and Accessibility
 Policy GD5 – Flood Risk
 Policy H1 – Principles for Housing
 Policy H3 – Location of New Housing

Tynedale District Local Plan (2000)

Policy CS27 – Sewerage
 Policy GD2 – Design Criteria for Development
 Policy GD4 – Range of Transport Provision for all Development
 Policy GD7 – Car Parking Standards within the built-up areas
 Policy H32 – Residential Design Criteria
 Policy H35 – Backland Development
 Policy NE37 – Landscaping in Developments

6.2 National Planning Policy

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

6.3 Other Documents/Strategies

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

Policy ENV 7 – Historic Environment and Heritage Assets
Policy ENV 9 – Conservation Areas
Policy HOU 2 – Provision of New Residential Development (Strategic Policy)
Policy HOU 9 – Residential Development Management
Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
Policy QOP 4 – Landscaping and Trees
Policy QOP 6 – Delivering Well-Designed Places
Policy STP 1 – Spatial Strategy (Strategic Policy)
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)
Policy TRA 2 – The effects of Development on the Transport Network
Policy TRA 4 – Parking Provision in New Development
Policy WAT 2 – Water Supply and Sewerage
Policy WAT 3 – Flooding

7. Appraisal

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

- Principle of the development;
- Siting and design;
- Impact upon the Conservation Area;
- Impact upon residential amenity;
- Highway safety and car parking;
- Flood risk; and
- Drainage and sewerage.

Principle of the Development

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 applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plans for this application are the Tynedale LDF Core Strategy (2007) and Tynedale District Local Plan (2000) and the proposed works shall be considered in the light of the saved policies of these documents.

7.2 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.3 As a starting point, Policy GD1 of the Tynedale LDF Core Strategy establishes a settlement hierarchy and spatial distribution aims for new development. Policy GD1 states the main towns of Hexham, Prudhoe and Haltwhistle should be the main focus for development and where any large scale individual developments should be located. The policy follows on to state that *“in all cases the scale and nature of development should respect the character of the town or village concerned”*. Policy STP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) identifies Haltwhistle as a main town and the main town’s within Northumberland should be the main focus for employment, housing, retail and services.

7.4 Policy H1 of the Tynedale LDF Core Strategy establishes the principles for housing, which includes limiting new build housing to main towns, local centres and smaller villages with adequate services. Similarly, Policy H3 of the Tynedale LDF Core Strategy states that new build housing will only be located in main towns, local centres and smaller villages with adequate services.

7.5 The proposal is for the construction of two, semi-detached dwellings with associated landscaping and car parking within a town centre location in Haltwhistle. The development would provide a modest contribution towards the supply of housing more generally in Northumberland, in a location which is regarded as being sustainable with convenient access to services, facilities and public transport links. The proposal would therefore accord with Policies GD1, H1 and H3 of the Tynedale LDF Core Strategy, Policy STP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF as a matter of principle.

Siting and Design

7.6 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

7.7 Paragraph 127 of the NPPF states *“planning policies and 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”.*

7.8 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the principles set out within Policy BE1 seeks to *“ensure that development is of a high quality design that will maintain and enhance the distinctive local character of the District’s towns, villages and countryside”.*

7.9 Policy GD2 of the Tynedale District Local Plan sets out the design criteria which must be met by all types of development. One of the criteria set out within Policy GD2 states the design of proposed development *“should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas”.*

7.10 Policy H32 of the Tynedale District Local Plan establishes the private outdoor amenity space requirements and also sets out a number of criteria which are aimed at ensuring that adequate privacy and outlook are provided for the occupants of the new dwellings. Criterion (e) of Policy H32 states *“private and usable open space would normally be provided to each dwelling in accordance with the following minimum guidelines:*

- i) *Houses: a rear garden depth of 10 metres*
- ii) *Flats: 25 sq.m per unit of accommodation*
- iii) *Houses for the elderly and sheltered accommodation: 25m² per unit of accommodation;”*

7.11 Policy H35 of the Tynedale District Local Plan relates to backland development. This policy states that *“backland development will only be permitted where:*

- (a) A separate and satisfactory vehicular access can be provided; and*
- (b) The amenity of both new and existing properties can be safeguarded;*
- (c) And the proposal is in keeping with the scale and character of existing development in the locality; and*
- (d) The proposal conforms to the requirements of Policy H32”.*

7.12 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping.

7.13 Policy QOP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *“makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography”.* Criterion (c) states proposed development should incorporate *“high quality aesthetics, materials and detailing”.*

7.14 Policy QOP 2 of the emerging Northumberland Local Plan relates to good design and amenity. This policy states *“development will be required to provide a high standard of amenity for existing and future users of the development itself”.*

Policy QOP 4 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to landscaping and trees. This policy states *“new development will be expected to incorporate well-designed landscaping”*.

- 7.15 The application site is located within Haltwhistle Conservation Area and is within a town centre location. The impact of the proposed development upon the character and appearance of Haltwhistle Conservation Area will be addressed separately and in more detail within the following section of this appraisal. The Council’s Building Conservation Officer has been consulted on this application to provide their specialist advice. The design of the overall scheme has been amended to attempt to address the initial concerns raised by Building Conservation. The amendments to the scheme include the replacement of the 1.7 metre high boundary fence with a 1.2 metre high stone boundary wall, the introduction of stone infill panels to the side of the front door entrances and the introduction of stone surrounds to the windows within the central gable. The Building Conservation Officer considers that these amendments do go some way to improving the design and appearance of the overall scheme, however they commented that it is disappointing that improvements to the design of the fenestration of the windows has not been amended. This issue will be assessed further in the following section of this report.
- 7.16 The scale and massing of the proposed two dwellings is considered to be inappropriate for the size of the application site and within its town centre location. Both dwellings would be large three bedroomed properties with one bedroom being en-suite. It is considered that smaller, more modest units would be more suited to the application site, and would reflect similar development within the surrounding area, such as the terraced properties at Crown Court to the east of the application site. It is considered that the large scale of the proposed dwellings is not in keeping with the character of the compact, town centre location and as backland development.
- 7.17 The proposed development provides small areas of amenity space to the front of each of the dwellings which measure approximately 7 metres in depth. The front gardens of the two dwellings would be grassed, with block paved footpaths which would provide access to the properties from the car parking area to the south of the dwellings. The residents of one dwelling would have to cross the front of the other property to gain access and the front gardens, with low boundary treatments would not be private. The two semi-detached dwellings would be situated approximately 2.5 metres from the eastern curtilage boundary and would be orientated to face west, looking into their amenity space. Due to the siting and orientation of the development, the two properties would not have rear gardens. The amenity space provided as part of this development is considered to be unacceptable for two dwellings of this scale; which are categorised as family homes. The proposed development would fail to provide a high standard of amenity for existing and future occupiers; therefore the proposal would fail to accord with the design principles set out within Paragraph 127 of the NPPF. The proposed amenity space also fails to meet the minimum guidelines for private and usable open space which are set out within Policy H32 of the Tynedale District Local Plan.
- 7.18 As aforementioned, the two dwellings would be located approximately 2.5 metres from the eastern curtilage boundary and would therefore not have rear

gardens. At the shared eastern curtilage boundary is a row of neighbouring garages and the proposed two dwellings would look directly onto the western, brick elevation of these adjacent garages. Therefore the new properties would have a poor outlook to the east, particularly from the ground floor level openings, which consist of bi-fold doors. The proposed development provides a low standard of amenity for existing and future occupiers as a result of the poor outlook to the east combined with the limited outdoor amenity space provided within the overall scheme.

7.19 It is therefore considered that the proposed development, for the reasons detailed above, would fail to accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32, H35 and NE37 of the Tynedale District Local Plan, Policies QOP 1, QOP 2 and QOP 4 of the emerging Northumberland Local Plan (Publication Draft Plan) and the principles of Chapter 12 of the NPPF in relation to siting and design.

Impact upon the Conservation Area

7.20 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character, appearance and setting of Conservation Areas.

7.21 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. Criterion (a) of this policy seeks *“to conserve and where appropriate enhance the quality and integrity of Tynedale’s built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas”*.

7.22 Policy ENV 7 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to the historic environment and heritage assets. This policy states *“development proposals will be assessed and decisions made to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*. Policy ENV 9 of the emerging Northumberland Local Plan (Publication Draft Plan) specifically relates to Conservation Areas. This policy states development will be encouraged that will help preserve or enhance the character or appearance of Conservation Areas and/or reinforce its local distinctiveness and/or better reveal its significance.

7.23 The proposed development is located within Haltwhistle Conservation Area. The Council’s Building Conservation Officer has been consulted on this application to assess the impact of the proposed development on Haltwhistle Conservation Area. Amendments have been made to the overall scheme to address Building Conservation’s initial objection. The amendments to the scheme, as aforementioned, include the replacement of the 1.7 metre high boundary fence with a 1.2 metre high stone boundary wall, the introduction of stone infill panels to the side of the front door entrances and the introduction of stone surrounds to the windows within the central gable.

7.24 The Building Conservation Officer considers that these amendments do go some way to improving the design and appearance of the overall scheme, however that it is disappointing that improvements to the design of the fenestration of the windows has not been implemented to reflect a more traditional fenestration pattern with a vertical emphasis to the openings. It is considered that although the proposed development would fail to enhance Haltwhistle Conservation Area, it would not cause harm to this heritage asset, particularly given its location away from the main thoroughfare. Therefore the impact upon the Conservation Area would not form a reason for refusal. The proposed development is considered to accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies ENV 7 and ENV 9 of the emerging Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

Impact upon Residential Amenity

7.25 Policy H32 of the Tynedale District Local Plan seeks to ensure that the amenity of nearby residents is safeguarded and sets out a number of criteria which are aimed at ensuring that adequate privacy and outlook are maintained for the occupants of existing dwellings that adjoin development sites. Policy GD2 of the Tynedale District Local Plan states there should be *“no adverse effect on adjacent land or buildings on terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy”*.

7.26 Policy QOP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development. One of the principles of this policy states that proposals will be supported where design *“protects general amenity”*. Policy QOP 2 of the emerging Northumberland Local Plan (Publication Draft) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.

7.27 The application site is located within a built-up area within the town centre of Haltwhistle. The area is comprised of a mixture of residential and commercial buildings. To the east of the application site is a terrace of residential properties; 6 to 10 Crown Court. This terrace is situated approximately 20 metres from the application site. The two proposed dwellings would be partially screened by the boundary treatment at the eastern curtilage boundary and the adjacent neighbouring garages situated at the shared eastern curtilage boundary.

7.28 To the west of the application site is Meadowville Cottage and Hall Meadows. These two properties are situated approximately 20 metres from the application site and are set back from Main Street, to the rear of Just Flowers and Beano's, The Sandwich Bar. The proposed development would be partially screened by the existing boundary treatment and by the adjacent neighbouring garage to the west of the application site.

7.29 Directly to the south of the application site is Flats 1 to 5 of Mags Newsagents, which are above the Cumberland Building Society, the Flat at Richie's Gents Barbers, which is above Richie's Gents Barbers and Belford House and the Post Office Flat, which are above Haltwhistle Post Office. Due to previous extensions to these buildings to the south, the rear of these buildings would be situated between approximately 8 and 16 metres from the south gable elevation of unit 1.

The proposed car parking spaces would be located to the south of the units and within close proximity to these neighbouring properties to the south.

7.30 Directly to the north of the application site is an L-shaped building which is host to five properties; 17 to 21 The Mart. The separation distance from the neighbouring L-shaped building to the north gable elevation of unit 2 would be approximately 12 metres. The development has been designed to ensure all of the openings are located to the east and west elevations; these elevations are where the separation distances between the proposed development and neighbouring properties is greatest. The windows to the west elevation would be looking towards the side elevations of Hall Meadows and Meadowville Cottage and into their own amenity space. On the northern elevation where the building would face The Mart, there would be no openings. There would also be no openings to the southern elevation facing the commercial businesses and residential properties which front Main Street.

7.31 Overall it is considered that the application would not have a detrimental impact on the amenity of neighbouring properties. The proposal would therefore accord with Policies GD2 and H32 of the Tynedale District Local Plan, Policies QOP 1 and QOP 2 of the emerging Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in relation to impact upon residential amenity.

Highway Safety and Car Parking

7.32 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport for all types of development. Policy GD7 of the Tynedale District Local Plan relates to the car parking standards within the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge.

7.33 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) promotes sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) relates to the effects of development on the transport network. Policy TRA 4 of the Northumberland Local Plan (Publication Draft Plan) relates to car parking provision in new development.

7.34 The Council's Highway Development Management Team has been consulted on this application and has no objection to the proposed development subject to conditions and informatives. The conditions relate to the implementation of the car parking area, details of cycle parking, the submission of a Construction Method Statement and details of refuse storage. The proposed development would be accessed from an existing private road which leads to the access point onto the C302 (Main Street) which is primarily used as access to neighbouring dwellings, businesses and facilities. Highway Development Management considers that the creation of two dwellings would not significantly increase traffic flows to and from the site and that the existing wider local road network could accommodate the proposed development.

7.35 The C302 (Main Street) has a 30mph speed limit and there are current parking restrictions such as, no parking at any time and dedicated one hour only parking bays on this section of the highway. Highway Development Management considers that the parking restrictions may deter any congestion caused by an

overspill of on-street car parking. The application proposes to provide a total of four car parking spaces; two car parking spaces per unit. However, the minimum parking requirement for this town centre location is zero and the Council could not insist on the inclusion of off street parking for the development. There have been concerns raised over the conflict with other users of the access and the intensification of the use but as this is an existing access used by a number of existing properties, and the parking provision is not a requirement it would be unreasonable to recommend refusal of the scheme on this basis.

7.36 The Council's Highway Development Management Team has been consulted on this application to provide their specialist advice on this application. Highway Development Management consider that the proposed development would not have a severe impact on highway safety and would not have an adverse impact on the safety of all users of the highway, the highway network or highway assets. The proposed development is therefore considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policies GD4 and GD7 of the Tynedale District Local Plan and Policies TRA 1, TRA 2 and TRA 4 of the emerging Northumberland Local Plan (Publication Draft Plan).

Flood Risk

7.37 The application site is directly to the south of the Hemmel Burn culvert and is within medium to low surface water flood risk. The Hemmel Burn culvert passes along the northern boundary of the site and is attributed with localised flooding through the town of Haltwhistle. A Flood Risk and Drainage Assessment has been submitted to accompany the application and to address the initial objection raised by the Council's Lead Local Flood Authority (LLFA). The Flood Risk and Drainage Assessment sets out flood mitigation measures; one of which is to adopt an elevated finished floor level for the properties which is relative to the culvert level. Following the submission of this document and re-consultation, the LLFA have no objection to the application subject to the imposition of conditions relating to details of any SuDS features, details of the disposal of surface water from the development throughout the construction phase and the removal of permitted development rights from 3 metres from the side of the culverted watercourse and the removal of permitted development rights from unit 2. The proposed development is considered to be in accordance with Policy GD5 of the Tynedale LDF Core Strategy and WAT 3 of the emerging Northumberland Local Plan (Publication Draft Plan).

Drainage and Sewerage

7.38 Section 11 of the application form states that foul sewerage would be disposed of by the mains sewer. Section 12 of the application form states that surface water drainage would also be disposed of by the mains sewer and therefore the proposed development would connect to the existing drainage system. A Flood Risk and Drainage Assessment has been submitted to accompany the application and this document sets out a drainage strategy for the proposed development. Northumbrian Water has been consulted on this application and has noted that the applicant has undertaken a CCTV survey of the sewer network on the proposed development site as set out within the Flood Risk and Drainage Assessment. Northumbrian Water does not permit a building over or close to their apparatus and therefore Northumbrian Water have stated within

their response that they will be contacting the developer directly to discuss this matter. The Council's LLFA has also been consulted on this application and has no objection subject to conditions, which are set out in the above paragraph. The proposed development is considered to be in accordance with Policy CS27 of the Tynedale District Local Plan and Policy WAT 2 of the emerging Northumberland Local Plan (Publication Draft Plan).

Other Matters

Equality Duty

7.39 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

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

Human Rights Act Implications

7.41 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.

7.42 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.

7.43 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 National and local planning policies have been taken into consideration when assessing this application. Although the proposed development would not impact upon residential amenity, highway safety and Haltwhistle Conservation Area and would not increase the risk of flooding, it would adversely impact upon the character of the site and surroundings due to its scale, design and landscaping.
- 8.2 The proposal would adhere to Policies GD1, H1 and H3 of the Tynedale LDF Core Strategy which sets out the principles for the general location of development. The proposal would also adhere to Policy GD5 of the Tynedale LDF Core Strategy which relates to minimising flood risk. The proposal would accord with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD4 and GD7 of the Tynedale District Local Plan in relation to highway safety and car parking.
- 8.3 The proposed development would not accord with Policy BE1 of the Tynedale LDF Core Strategy which sets out the main principles that should be followed in relation to the built environment. The proposed development would fail to accord with Policies GD2 and H32 of the Tynedale District Local Plan which relate to design and the protection of amenity. The proposal would also fail to accord with Policy H35 of the Tynedale District Local Plan which relates to backland development. The proposal would also not accord with Policy NE37 of the Tynedale District Local Plan in relation to landscaping in developments. The proposal would also not accord with the provisions of the National Planning Policy Framework, in particular, Chapter 12 - Achieving Well-Designed Places.

9. Recommendation

That this application be REFUSED permission for the following reason:

Conditions/Reason

01. By virtue of its scale and design, the development is considered to be inappropriate to the character of the application site and its surroundings. The large scale of the two, three bedrooled family homes would not be in keeping with the character of the compact, town centre location and as backland development. The proposal would fail to accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32 and H35 of the Tynedale District Local Plan and the aims of the National Planning Policy Framework.
02. It is considered that as a result of the site layout, the development would not provide suitable standards of amenity for future occupants primarily as a result of inadequate garden space. The proposal would fail to accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32, H35 and NE37 of the Tynedale District Local Plan and the aims of the National Planning Policy Framework.

Background Papers: Planning application file(s) 18/01850/FUL