



Northumberland

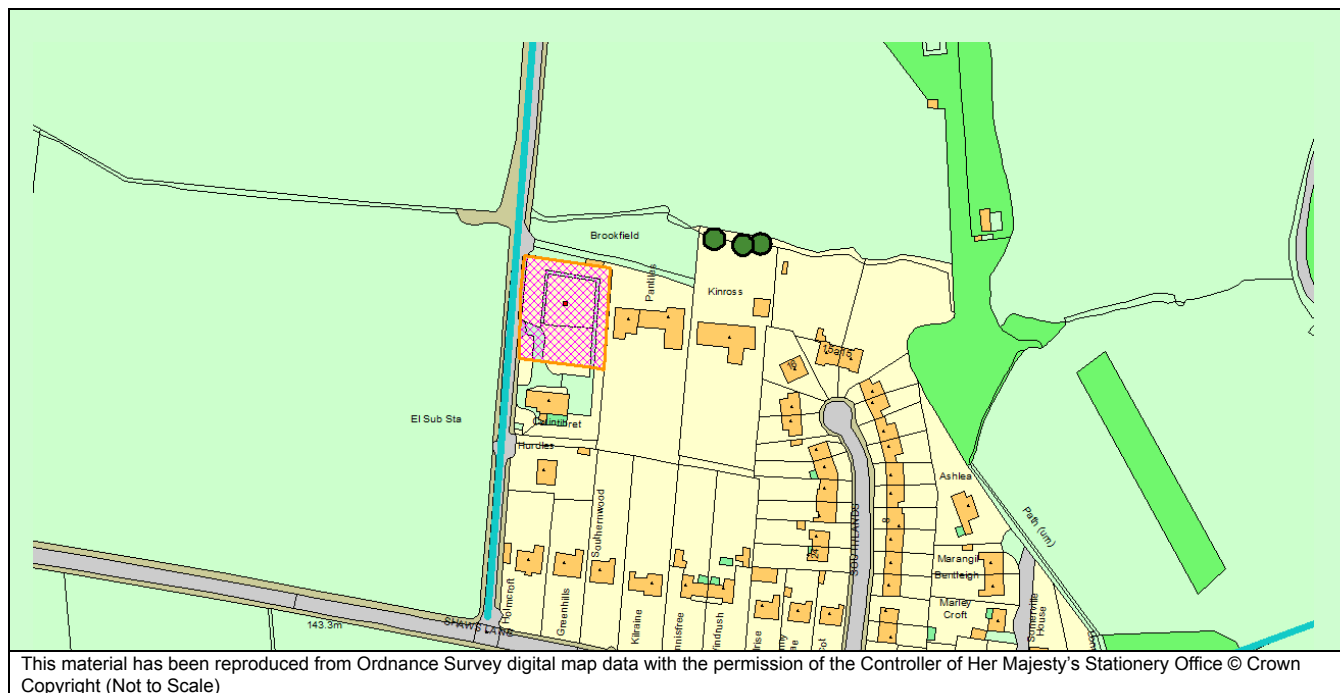
County Council

Tynedale Local Area Council Planning Committee

9 July 2019

Application No:	19/00980/FUL		
Proposal:	Construction of one detached dwelling		
Site Address	Land North of Clontibret, Allendale Road, Hexham, Northumberland		
Applicant:	Mr and Mrs M Coe Clontibret, Allendale Road, Hexham, Northumberland, NE46 2NH	Agent:	Mr Andrew Herdman Clarence Road, Milton Road, Harrogate, HG1 2QF
Ward	Hexham West	Parish	Hexham
Valid Date:	25 March 2019	Expiry Date:	15 July 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 permission



1. Introduction

- 1.1 Under the Council's current scheme of delegation, this application falls to be determined by the Tynedale Local Area Planning Committee it has been called in by a Local Member.

2. Description of the Proposals

- 2.1 Full planning permission is sought for the construction of one detached dwelling with associated landscaping and car parking on land to the north of Clontibret, Allendale Road, Hexham. The application proposes to construct a new L-shaped dwelling within the grounds of existing dwelling. The new dwelling would be two storey in height, comprising of four bedrooms at first floor level and living accommodation and one bedroom at ground floor level. The dwelling would be constructed of dark stained timber cladding, with a metal standing seam roof and aluminium and timber windows and doors in a colour to match the timber clad walls.
- 2.2 The new dwelling would be an L-shaped design and would measure 17.5 metres by 12.6 metres, with a height of 5 metres to the eaves and 7.6 metres to the ridge of the pitched roof. As part of the application, the land surrounding the new dwelling, predominantly to the east and south, is proposed to be incorporated within the curtilage of the dwelling and would provide amenity space.
- 2.3 Three car parking spaces would be provided to the south east of the unit. The proposed development would be accessed from the B6305 (Allendale Road) via an existing shared private single track road (Shaws Lane). The proposed development would create a new pedestrian and vehicular access along the western curtilage boundary to serve the new dwelling. Therefore, the new dwelling and existing dwelling would have separate vehicular accesses from the private road of Shaws Lane. The new, separate vehicular access would have timber entrance gates connecting to a dry stone wall at the western curtilage boundary and the new driveway would be constructed of a permeable gravel material.
- 2.4 The application site is located in a small group of dwellings in the open countryside and Green Belt to the west of the market town of Hexham.

3. Planning History

Reference Number: 18/02806/OUT

Description: Outline permission for construction of one detached dwelling (all matters reserved).

Status: Refused

4. Consultee Responses

Hexham Town Council	Hexham Town Council withdraws its initial objection to the application which objected on the grounds that this application is not a special case and is in the Green Belt. They state that they have reassessed the application and have no objection.
Highways	No objection subject to conditions and informatives.

Northumbrian Water Ltd	Northumbrian Water actively promotes sustainable surface water management.
County Ecologist	No objection subject to conditions.
West Tree And Woodland Officer	No response received.
Countryside/ Rights Of Way	No objection subject to the protection of the Parish of Hexham Public Bridleway No. 6 throughout.
Lead Local Flood Authority (LLFA)	No objection. Recommended informative.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site notice affecting Public Right of Way – Displayed on 10th April 2019
Press notice in Hexham Courant – Published on 11th April 2019

Summary of Responses:

None received.

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=PORIKIQSMSW00>

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 H1 – Principles for Housing
Policy H3 – The Location of New Housing
Policy H4 – Housing on Green Field Land

Policy H5 – Housing Density
Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000)

Policy CS27 – Sewerage
Policy GD2 – Design Criteria for Development
Policy GD4 – Range of Transport Provision for all Development
Policy GD6 – Car Parking Standards outside the built-up areas
Policy H32 – Residential Design Criteria
Policy H35 - Backland Development
Policy NE7 – New Buildings in the Green Belt
Policy NE8 – New Dwellings in the Green Belt
Policy NE27 – Protection of Protected Species
Policy NE33 – Protection of Trees, Hedgerows and Woodlands
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 Emerging Planning Policy

Northumberland Local Plan – Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

Policy ENV 2 – Biodiversity and Geodiversity
Policy ENV 3 – Landscape
Policy HOU 2 – Provision of New Residential Development (Strategic Policy)
Policy HOU 3 – Housing Requirements for Neighbourhood Plan Areas (Strategic Policy)
Policy HOU 8 – Residential Development in the Open Countryside
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 STP 7 – Strategic Approach to the Green Belt (Strategic Policy)
Policy STP 8 – Development in the Green Belt (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 4 – Sustainable Drainage Systems

Hexham Neighbourhood Plan 2019-2036 Submission Plan (March 2019)

Policy HNP1 – Sustainable Development in the Neighbourhood Area
Policy HNP2 – High-Quality Sustainable Design in the Neighbourhood Area
Policy HNP9 – New Housing Development

7. Appraisal

7.1 The main considerations in the determination of this application are:

- Principle of the development and Green Belt;
- Design;
- Impact upon residential amenity;
- Highway safety and car parking;
- Ecology;
- Drainage and sewerage.

Principle of the Development - Location

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. The policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan. The application site is located amongst a small group of properties accessed from Allendale Road to the west of Hexham, outside of the built-up area and separated from the town by agricultural fields. Although the application site is within a group of houses, it is not considered to be within the settlement of Hexham, rather forming one of a number of small clusters of properties spread along Allendale Road to the west of the town. For planning purposes, therefore, the site is considered to fall within the open countryside.

7.3 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.

7.4 The proposed dwelling would not be isolated in the sense of its location close to nearby development, and consistent with the judgement in Braintree District Council vs Secretary of State EWHC 2743 (Admin) [2017], the site cannot be regarded as isolated in the context of Paragraph 79 of the NPPF. The application site is fairly accessible to the main town of Hexham where there is a wide range of services and facilities, with a footpath connecting the application site to the town centre. Development at the application site would support the local services in the town of Hexham, and as such would maintain or enhance the vitality of the rural community in this respect.

7.5 Through the Tynedale LDF Core Strategy, the local planning authority is seeking to focus development into existing settlements, where development would make the best use of existing services and infrastructure and minimise the need for travel. This approach is consistent with the aims of Paragraph 103 of the NPPF

which states that “*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*”. Paragraph 103 of the NPPF follows on to state “*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*”. The approach of the Tynedale LDF Core Strategy also aligns with one of the core planning principles of the NPPF, which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

- 7.6 The development of new dwellings outside of a built-up area, such as at this site, would undermine the locational strategy set out in the development plan and the overall aim of promoting development within existing settlements with good access to services and facilities. Whilst it is acknowledged that there are links to Hexham town centre from the application site, the distance to the nearest services and facilities at Hencotes is approximately 1 mile. Schools are located within this distance, however, the vast majority and indeed greater level of choice of services and facilities is situated within Hexham’s town centre, approximately 1.5 to 2 miles from the application site. Larger retail stores are located further to the north of the town, at the edge of its centre, increasing the distance from the application site to these arguably more widely used facilities. The topography of the land, particularly the incline from the town centre towards the application site, speed restrictions along the route and distances involved are factors which would be likely to encourage occupants of the site to use private vehicles. As such, the development is unlikely to achieve a sustainable pattern of development – a matter which was supported by the Inspector in dismissing an appeal against the refusal of a nearby application (planning application reference: 15/00292/FUL).
- 7.7 There are some modest benefits weighing in favour of the development. The development of the site would be likely to provide a small contribution towards the local economy through the employment of tradespeople. Occupants of the dwelling would also contribute to the local economy. There would also be a modest contribution towards the supply of housing in the area, however, limited weight is afforded to this benefit in the light of the Council’s being able to demonstrate a deliverable five year housing land supply. These modest benefits would not, however, be considered significant enough to outweigh the view that the development is not of a sustainable form or overcome the conflict with the development plan policies. The proposal is considered to be contrary to Policies GD1, H1 and H3 of the Tynedale LDF Core Strategy in this respect and in turn, would be regarded as being in conflict with the principles of the NPPF.

Principle of the Development: Green Belt

- 7.8 The application site is located within the Green Belt. Development within the Green Belt is strictly controlled. Policy NE7 of the Tynedale District Local Plan states that within the Green Belt, planning permission will only be granted for the construction of new buildings for a limited number of purposes. Policy NE8 of the Tynedale District Local Plan states that “*there will be a presumption against the constructions of new dwellings in the Green Belt*”.

- 7.9 Paragraph 134 of the NPPF states that “*Green Belt serves five purposes:*

- a) *To check the unrestricted sprawl of large built-up areas;*
- b) *To prevent neighbouring towns merging into one another;*
- c) *To assist in safeguarding the countryside from encroachment;*
- d) *To preserve the setting and special character of historic towns; and*
- e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

7.10 Paragraph 143 of the NPPF sets out that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

7.11 Paragraph 145 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) *Buildings for agriculture and forestry;*
- b) *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *The extension or alteration of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;*
- e) *Limited infilling in villages;*
- f) *Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *Not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to*

meeting an identified affordable housing need within the area of the local planning authority”.

7.12 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29th May 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.

7.13 Policy STP8 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states *“development which is appropriate in the Green Belt, as defined in national planning policy, will be supported”* and *“development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”*.

7.14 The applicant argues that the proposals do not constitute inappropriate development in the Green Belt as the site should be looked at as ‘infill’. Paragraph 145 of the NPPF clearly states that one exemption to inappropriate development in the Green Belt is ‘limited infilling in villages. Notwithstanding the detail and accompanying information contained within the application, the site is not considered to fall within a village and would not be considered to constitute infill development, with it not comprising development of a small site in an otherwise established frontage but rather the development of the garden of an existing dwelling in a corner location, bordered to the north and west by open agricultural land. A number of ‘smaller villages’ were identified by the Tynedale Core Strategy which includes Lowgate which lies some distance to the West of the application site. This small group of dwellings was not identified as as ‘village’ but is washed over by Green Belt. In assessing impacts on the Green Belt officers have had regard to the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In addition, consideration has been given to the purposes Green Belts serve, including to check the unrestricted sprawl of large-built-up areas; prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. It is considered that the proposed development would have a significant impact on the openness of the Green Belt through the introduction of a permanent new building in an area currently used as a garden for the existing dwelling.

7.15 In this respect, the construction of a new dwelling in this location would be regarded as being inappropriate development within the Green Belt. Very special circumstances necessary to justify the proposal have not been demonstrated, with the NPPF clear that the harm by reason of inappropriateness and any other harm arising from the development must be clearly outweighed. In this event, the harm by reason of inappropriateness and harm identified in terms of sustainability are attributed substantial weight in the overall balance, and weigh heavily against the proposed development. The application is therefore considered to be unacceptable in Green Belt terms, and would be contrary to Policies NE7 and NE8 of the Tynedale District Local Plan and Policies STP 7 and

STP 8 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

Design

- 7.16 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”*.
- 7.17 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”*.
- 7.18 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”*.
- 7.19 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.
- 7.20 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping.
- 7.21 Policy QOP 1 of the 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”*.
- 7.22 Policy QOP 2 of the Northumberland Local Plan (Publication Draft 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”*.
- 7.23 Policy QOP 4 of the Northumberland Local Plan (Publication Draft Plan) relates to landscaping and trees. This policy states *“new development will be expected to incorporate well-designed landscaping”*.
- 7.24 Policy HNP2 of the Hexham Neighbourhood Plan sets out design criteria for all new development to follow. Criterion a) states all new development should respond *“positively to local character through the use of carefully considered*

design and materials, attention to scale, massing, height, scale, density, means of access and landscaping”.

- 7.25 The application proposes a two storey, L-shaped dwelling, constructed of dark stained timber cladding and with a metal standing seam roof and aluminium and timber windows and doors in a colour to match the timber clad walls. The dwelling would be a contemporary design and is considered to be appropriate to its surroundings given the diverse style of dwellings which surround the application site to the east and south.
- 7.26 The scale of the dwelling is considered to be appropriate and in proportion in relation to the size of the application site. The scale of the property is also in keeping with those in the immediate surrounding area. The scale of the surrounding properties is predominantly two storey and detached, with the cluster of properties along Shaws Lane featuring an array of large properties set within substantial grounds.
- 7.27 As part of the application, the land surrounding the new dwelling, predominantly to the east and south, is proposed to be incorporated within the curtilage of the dwelling and would provide amenity space. The proposed garden area of the unit would provide a modestly proportioned curtilage for the new dwelling. The proposal would have good standards of amenity space.
- 7.28 The design of the proposed development is considered to be acceptable and would accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32, H35 and H37 of the Tynedale District Local Plan, Policies QOP 1, QOP 2 and QOP 4 of the Northumberland Local Plan (Publication Draft Plan), Policy HNP2 of the Hexham Neighbourhood Plan and the principles of the NPPF in this respect.

Impact upon Residential Amenity

- 7.29 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 in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy”*.
- 7.30 Policy QOP 1 of the 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 Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.
- 7.31 Policy HNP2 of the Hexham Neighbourhood Plan relates to high quality sustainable design in the neighbourhood area. One of the criteria within this policy states that new development should protect the *“amenity of existing and future residents by ensuring the massing, height, scale and proximity of any*

proposed development does not result in an unacceptable loss of light, overshadowing, or other adverse amenity impacts”.

7.32 The application site is located amongst a group of properties accessed from Allendale Road to the west of Hexham and outside of the built-up area of the town. To the east of the application site are three, detached residential dwellings; Brookfield, Brookview and Kinross. These neighbouring dwellings would be situated between approximately 15 and 35 metres from the proposed dwelling, with Brookfield being the closest. The property of Brookfield would also partially screen the proposed development from the neighbouring properties of Brookview and Kinross. There is a high Beech hedgerow at the eastern curtilage boundary of the application site and this would be retained to ensure privacy for both the occupiers of the neighbouring properties to the east and for the future occupiers of the proposed dwelling.

7.33 To the south of the application site are two, detached dwellings; Clontibret and Hurdles. The proposed dwelling would be located within the garden of Clontibret and would be situated approximately 27 metres from the existing property at Clontibret. The neighbouring property of Hurdles would be situated approximately 50 metres from the proposed dwelling. The existing property of Clontibret lies between Hurdles and the proposed development, therefore, would screen the proposed development from this neighbour. The separation distances between the immediate neighbouring properties and the proposed development, combined with the design of the proposed dwelling, would ensure that the proposed development would not cause overlooking, overshadowing and would not have an overbearing appearance on neighbouring properties.

7.34 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 Northumberland Local Plan (Publication Draft Plan), Policy HNP2 of the Hexham Neighbourhood Plan and the aims of the NPPF in relation to impact upon residential amenity.

Highway Safety and Car Parking

7.35 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 GD6 of the Tynedale District Local Plan relates to car parking standards outside of the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge.

7.36 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to all types of development affecting the transport network. Policy TRA 4 of the Northumberland Local Plan (Publication Draft Plan) relates to parking provision in new development.

7.37 Three car parking spaces would be provided to the south east of the unit. The proposed development would be accessed from the B6305 (Allendale Road) via an existing shared private single track road (Shaws Lane). The proposed development would create a new pedestrian and vehicular access along the

western curtilage boundary to serve the new dwelling. Therefore, the new dwelling and existing dwelling would have separate vehicular accesses from the private road of Shaws Lane.

7.38 The Council's Highway Development Management team has been consulted on this application and has no objection subject to conditions and informatives. The conditions relate to the implementation of the car parking area, details of cycle parking and details of refuse storage facilities and strategy. The proposed development is situated approximately 110 metres away from the public highway (Allendale Road – B6305). The proposed development would be accessed via the private road of Shaws Lane which connects the application site to Allendale Road. The Council's Highway Development Management team considers that the proposed creation of a new, additional vehicular access onto Shaws Lane is considered to be appropriate. The Council's Highway Development Management team also considers that the proposed development would not have an adverse impact on highway safety at this location and would provide sufficient car parking and manoeuvring space.

7.39 Subject to accordance with conditions, the proposed development is considered to be acceptable in highway terms. The proposals are considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan (Publication Draft Plan) and the aims of Paragraph 109 of the NPPF in relation to highway safety.

Ecology

7.40 Policy NE27 of the Tynedale District Local Plan relates to the protection of protected species and states development which is likely to adversely affect protected species will only be permitted, if harm to the species can be avoided. Policy NE33 of the Tynedale District Local Plan relates to the protection of trees, hedgerows and woodland areas. Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity. Policy QOP 4 of the Northumberland Local Plan (Publication Draft Plan) relates to landscaping and trees. The application has been accompanied by an Arboricultural Impact Assessment and a Preliminary Ecological Assessment. Both of these documents set out a list of mitigation measures.

7.41 The Council's Ecologist has been consulted on this application and considers the mitigation measures set out within the Arboricultural Impact Assessment and within the Preliminary Ecological Assessment are appropriate and sufficient. The Council's Ecologist has no objection to the application subject to conditions to secure appropriate mitigation, to protect nesting birds, to protect hedgehogs, to protect the existing trees on site and to secure details of a landscape planting plan. Subject to accordance with these conditions, the application is considered to be acceptable in accordance with Policy NE1 of the Tynedale LDF Core Strategy, Policies NE27 and NE33 of the Tynedale District Local Plan, Policy ENV 2 and QOP 4 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

Drainage and Sewerage

7.42 Section 11 of the application form states that surface water would be disposed of by a sustainable drainage system. Section 13 of the application form states that foul sewerage would be disposed of by the mains sewer and therefore the proposed development would connect to the existing drainage system. Northumbrian Water has been consulted on this application and advises that they actively promote sustainable water management. The Council's Lead Local Flood Authority (LLFA) has also been consulted on this application and has no objection to the application. The proposed development is considered to be in accordance with Policy CS27 of the Tynedale District Local Plan and Policies WAT 2 and WAT 4 of the Northumberland Local Plan (Publication Draft Plan).

Other Matters

Equality Duty

7.43 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

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

Human Rights Act Implications

7.45 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.

7.46 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.

7.47 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. The proposed development would lead to the development of a new dwelling in the open countryside and Green Belt contrary to Policies NE7 and NE8 of the Tynedale District Local Plan, and the aims of the National Planning Policy Framework. The proposal is not considered to represent a sustainable form of development and would be contrary to the aims of Policies GD1, H1 and H3 of the Tynedale LDF Core Strategy.

8.2 The proposal would accord with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD4 and GD6 of the Tynedale District Local Plan in relation to highway safety and car parking. The proposal would also accord with Policy NE27 of the Tynedale District Local Plan in relation to the protection of protected species. The proposal would also accord with Policy BE1 of the Tynedale LDF Core Strategy and Policies GD2, H32, H35 and NE37 of the Tynedale District Local Plan in relation to design and amenity.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

01. The proposed development represents inappropriate development in the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt and any other harm, caused by the development. As such the application is contrary to Policies NE7 and NE8 of the Tynedale Local Plan and the National Planning Policy Framework.

02. By virtue of its location, the proposed development would result in encroachment into the open countryside beyond the established built form of Hexham 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.

Date of Report: 24.06.2019

Background Papers: Planning application file(s) 19/00980/FUL