



# Northumberland

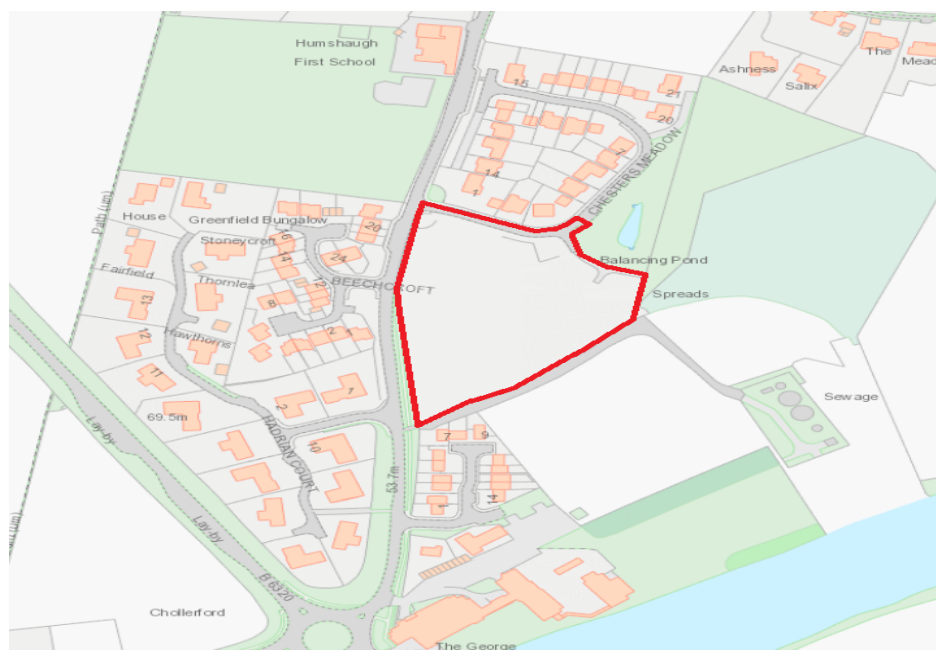
## County Council

### Tynedale Local Area Council Planning Committee

#### 13th August 2019

<b>Application No:</b>	19/00861/FUL		
<b>Proposal:</b>	Development of 20 residential dwellings (use class 3) with associated infrastructure and landscaping.		
<b>Site Address</b>	Land South Of Chesters Meadow, Humshaugh, Northumberland		
<b>Applicant:</b>	Duchy Homes Ltd	<b>Agent:</b>	Lichfields 3rd Floor St Nicholas Building St Nicholas Street Newcastle Upon Tyne NE1 1RF
<b>Ward</b>	Humshaugh	<b>Parish</b>	Humshaugh
<b>Valid Date:</b>	12.03.2019	<b>Expiry Date:</b>	16.08.2019
<b>Case Officer Details:</b>	Name: Mrs Haley Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: haley.marron@northumberland.gov.uk		

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



## **1. Introduction**

- 1.1 Following an objection from the Parish Council the application has been referred to the Head of Service and the Chair of the Tynedale Planning Committee for their consideration as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered and it has been confirmed that the application should be referred to the Committee for determination given the level of interest in the application.

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

- 2.1 The site comprises a triangular shaped parcel of agricultural land located on the main approach road going into Humshaugh village. The site is relatively flat and has limited vegetation. The site measures 1.29 hectares. The site sits adjacent to the Chesters Meadows Development located to the north of the site (planning reference 16/00923/FUL.)
- 2.2 To the north-east, east and south-east is open agricultural land. To the south is the Simmonds Court residential development (13/01103/FUL). To the west is housing at Beechcroft and Hadrian Court with the main road running north to south.
- 2.3 The site is located in the open countryside outside the built up area of Humshaugh. The site also lies within the Hadrian's Wall World Heritage Site Buffer Zone and is located within Flood Zone 1. The site also lies approximately 240 metres south of the Humshaugh Conservation Area.
- 2.4 Full planning permission is sought for construction of 20 dwellings with access road, landscaping and infrastructure. Access to the site would be via Chesters Meadow.
- 2.5 The proposed housing would be two storey detached and semi detached houses. The proposed housing mix would be 17no. market houses and 3no. affordable houses broken down as follows:
- Four x 3 bedroom
  - Six x 4 bedroom
  - Seven x 5 bedroom
  - Three x 3 bed terraced bungalows as affordable units
- 2.6 The application is submitted with the following additional information;
- Design and Access Statement
  - Ecology Survey
  - Heritage Statement
  - Geo Environmental Appraisal
  - Landscape and Visual Appraisal
  - Landscape and Visual Appraisal - Addendum

- Planning Statement
- Transport Statement
- Tree Report
- Flood Risk Assessment V3

### 3. Planning History

None

### 4. Consultee Responses

Humshaugh Parish Council	<p>The Parish Council strongly objects to the application raising the following matters:-</p> <ul style="list-style-type: none"> <li>- the site is outside of the settlement boundary in the emerging Northumberland Local Plan;</li> <li>- extent of previous house building within Humshaugh and no further housing need;</li> <li>- development alongside previously approved housing is out of scale for the size and role of the village;</li> <li>- harmful impact upon the character and appearance of the village alongside recent housing developments;</li> <li>- consider the proposal would not have been permitted given the scale having regard to first application already approved and constructed;</li> <li>- objects to the proposed housing mix and predominance of 4 and 5 bedroom dwellings;</li> <li>- drainage issues;</li> <li>- and feel that the application site was previously intended to be amenity land and that residents have been misled</li> </ul>
Highways	No objections to the application subject to standard highway conditions and highway works (footpath widening and street lighting along Humshaugh Road).
Building Conservation Officer	The further loss of additional previously undeveloped land would change the character of this land to that of built development thus causing harm to the setting of the Conservation Area (less than substantial).
Public Protection	No response received.
County Ecologist	No objection subject to conditions in respect of mitigation and tree protection measures.
County Archaeologist	No objection and no further archaeological work will be required.
Education - Schools	No contribution required due to sufficient capacity within the catchment area of first and Middle Schools (Humshaugh First

	and Hexham Middle) and within the catchment area High School (Queen Elizabeth High School).
Lead Local Flood Authority (LLFA)	No objection subject to condition for the disposal of surface water during construction; details of adoption and maintenance of all SuDS features and verification of sustainable drainage systems.
Historic England	Historic England has no objection to the application on heritage grounds.
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Environment Agency	This site is fully in Flood Zone 1 and we have no flood risk objections.
Northumbrian Water Ltd	No objection subject to a condition to ensure compliance with the Flood Risk Assessment and Drainage Strategy Report.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	130
Number of Support	0
Number of General Comments	0

### Notices

Site Notice posted 28th March 2019

Press Notice - Hexham Courant: 28th March 2019

### Summary of Responses:

The objections can be summarised as follows:

- previous development in the village and the proposed development is over the top for a small village
- the proposal is contrary to the emerging local plan
- Humshaugh should remain part of Northumberland's protected rural landscape
- the development will create ugly ribbon development
- the charm of the village will be destroyed
- residents have been misled the land should stay as amenity land as promised
- Humshaugh is a gateway for visitors to Hadrian's Wall and this will do nothing for tourism or the area

- the development is too big and will change the feeling and character of this small settlement
- loss of view and visual impact of development;
- additional traffic and conflicts at the access points.
- there are flood risk and drainage problems here
- wildlife and nature will be affected.
- impact on listed buildings

An additional representation was received from Guy Opperman MP who states;

'Humshaugh is a wonderful example of a rural Northumberland Community which has embraced new housing and residents, with significant additions of both new private and social housing developments. Since 2016 54 new homes have been built or had construction approved. I fear there is a real danger that allowing a disproportionate volume of new build in our rural villages in such a short space of time we will change them beyond recognition.

The original application by Duchy Homes states that the application site would be amenity land for residents. The land should not be developed and the previous commitment of the applicant should be considered.

The proposed development falls outside the village boundary. Even within the guidelines of the current Tynedale Local Development Framework it would be very hard to argue that the small village of Humshaugh has not already met more than its limit for executive housing. '

The above is a summary of the comments. The full written text is available on our website at:

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

## **6. Planning Policy**

### **6.1 Development Plan Policy**

*Tynedale Core Strategy (2007)*

GD1 Locational policy setting out settlement hierarchy

BE1 Principles for the built environment

NE1 the Natural Environment

GD5 Minimising flood risk

H1 Principles for housing

H2 Housing provision and management of supply

H3 Location of new housing and the definition of sustainable settlement

H4 Housing on green field land

H5 Housing density for new dwellings

H7 Meeting Affordable Housing Needs

H8 Affordable housing on market housing sites

GD2 Prioritising sites for development

*Tynedale Local Plan (2000, Policies Saved 2007)*

GD2 General Design criteria  
GD4 Access arrangements  
GD6 Car parking standards  
H16 Community facilities and infrastructure requirements associated with housing development.  
H31 Public open space within housing areas  
H32 Residential Design Criteria  
LR11 Outdoor sports facilities for new residential development  
LR15 Play areas in new residential developments (standards and design criteria)  
NE27 Protection of Protected Species  
NE33 Protection of trees, woodlands and hedgerows  
NE34 Tree felling  
NE37 Landscaping in developments  
BE22 The setting of listed buildings  
BE27 Regional and Locally important archaeological sites and settings  
BE28 Archaeological Assessment  
BE29 Development and preservation

## 6.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Practice Guidance (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 STP 1 - Spatial strategy  
Policy STP 2 - Presumption in favour of sustainable development  
Policy STP 3 - Principles of sustainable development  
Policy QOP 2 - Good design and amenity  
Policy TRA 1- Promoting sustainable connections  
Policy TRA 2 - The effects of development on the transport network  
Policy TRA 4 - Parking provision in new development  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment  
Policy ENV 7 - Historic environment and heritage assets

## Other Documents/Strategies

Spatial Strategy Technical Paper (December 2018)  
Strategic Housing Market Assessment (October 2015 and update June 2018)  
Northumberland Landscape Character Assessment (2010)

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal regard must be given to the policies contained within the development plan, unless material

considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy.

- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, the extent to which there are unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan was submitted for Examination on the 29 May 2019 and it is expected that Examination will take place in September 2019. This is referred to as the '*Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019*'.
- 7.3 Following assessment of the application and representations received during the consultation period, the main issues for consideration include:
- Principle of development
  - Impact on the character of the area
  - Residential amenity
  - Highway safety
  - Flood risk and drainage
  - Ecology
  - Impact on heritage assets
  - Obligations including Affordable Housing
  - The Planning balance

#### *Principle of Development*

- 7.4 The application site is a greenfield site and lies within the countryside on the approach to Humshaugh. The site is a relatively flat site with limited vegetation.
- 7.5 Policy GD1 of the Tynedale Core Strategy sets out principles for the location of new development with the main focus for development being the main towns and then local centres, smaller villages and development in the open countryside being limited to reuse of existing buildings. The Tynedale Local Development Framework Proposals Map does not show a settlement boundary around the village, although the Core Strategy states that the open countryside is defined as everywhere outside the built up area of a town or village and includes sporadic groups of buildings. This site lies outside the built up area of Humshaugh and is therefore considered to be open countryside.
- 7.6 Policy GD1 of the Core Strategy identifies Humshaugh as a smaller village where small scale development may be permitted. Smaller villages have a role to play in accommodating some new developments but on a small scale in keeping with their character. The scale and nature of development should respect the character of the town or village concerned and take into account the capacity of essential infrastructure.

- 7.7 Policy H1 goes on to apply principles for housing, including limiting housing to main towns, local centres and smaller villages with adequate services. Policy H3 states new housing will only be located in smaller villages where there are adequate services, including at least a school or shop selling food to meet day-to-day needs and either a village hall/community centre or a pub. There must also be a public transport connection to a larger settlement with a wider range of services.
- 7.8 Humshaugh village benefits from a modest range of services including a small village store, school, village hall and pub. It also benefits from some limited public transport services, enabling residents to access facilities and amenities in nearby settlements and larger towns such as Corbridge and Hexham. However, one of the main considerations is felt to be whether the location and scale of development is appropriate in the context of the scale and function of Humshaugh as a smaller village and impacts upon its character and appearance, and taking into account the extent of recent development that has taken place in the village.
- 7.9 The proposed dwellings would be on a greenfield site. Policy GD2 of the Core Strategy sets out a sequential approach for the location of new development, advising that priority should be given to the development of previously developed sites within built up areas, followed by other sites within the built up area and then other suitable sites adjoining built up areas. Whilst this approach is in general conformity with the NPPF, which seeks to encourage the effective use of land by reusing land that has been previously developed, there is no requirement for local planning authorities to adopt a sequential approach to the location of new housing development. Paragraph 17 of the NPPF now states that “planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.
- 7.10 On this basis, whilst the proposal would not be in accordance with it as a greenfield site adjoining the settlement, limited weight can be given to Policy GD2, which in advocating such a sequential approach, does not completely align with current national planning policy. It is therefore not considered that there would be justification to restrict the development of this greenfield site on the basis of sequentially preferable sites elsewhere in the Parish of Humshaugh, even if sites were readily available.
- 7.11 With regard to the current housing land supply position, as identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate, a 5-year housing land supply, against the County’s minimum Local Housing Need figure of 717 net additional dwellings per annum, equivalent to 12.1 years supply of deliverable sites. [NB. While the emerging draft Northumberland Local Plan includes a higher housing requirement averaging at least 885 dwellings per annum, the NPPF and PPG advise that this should not be applied for the purposes of measuring the 5-year housing land supply until after the Plan is adopted. The SHLAA



nevertheless shows that Northumberland would still have about 10 years worth of the 5-year supply requirement against the emerging Local Plan figure.] Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

- 7.12 It is noted that in approving application 16/00923/FUL, it was recognised that Humshaugh is a sustainable settlement which can support some small-scale and limited residential development in order to assist in meeting housing demand. At the point of its determination, the Council was unable to identify a five year supply of deliverable sites and as such relevant policies for the supply of housing were not considered to be up-to-date in the context of the NPPF. However, this is not the case at the present time having regard to the current supply of housing land, which equates to a 12.1 year supply.
- 7.13 The SHLAA report also evidences that Northumberland's Housing Delivery Test result from November 2018 was 197% (Figure 2), as well as which the county has a more than sufficient housing land supply of 'deliverable' and 'developable' sites to meet the emerging Local Plan's housing requirements over the remaining 18 years of the plan period (Figures 18 and 19), with the excess of supply even more pronounced in the Central Delivery Area. Hence, on this basis the presumption in favour of sustainable development does not apply.
- 7.14 It is considered the proposal would not be in accordance with Policies GD1 and H1 of the Core Strategy in terms of not being a small-scale form of development, particularly when considered alongside other development within the village, taking into account the size, role and function of the settlement, and the current housing land supply position, and any identified housing need for the village. The presumption in favour of sustainable development would not apply in this case given the current housing land supply.
- 7.15 In addition to the above, it is relevant to refer to the proposed settlement boundary of the emerging Northumberland Local Plan and also the proposed classification of Humshaugh as a service village. As set out within the emerging Local Plan, Service Villages generally have a school or a shop, and population of a size considered likely to maintain the viability of such services into the future. They have a reasonable level of public transport to enable residents to access some higher level services without the reliance upon private transport.
- 7.16 The site does not fall within the proposed settlement boundary of the emerging Local Plan. In all of the Main Towns, Service Centres, and Service Villages, settlement boundaries are defined in order to support a level of housing and economic growth over the plan period which is considered appropriate to its size, role and function. The proposed development would not therefore be in accordance with the emerging Local Plan.
- 7.17 Having regard to the adopted development plan, Policy GD1 of the Core Strategy applies a settlement hierarchy that looks for "small scale development only" in 'smaller villages'. Appendix 1 of the Core Strategy clarifies that, up until now, Chollerford and Humshaugh have been regarded

as two separate 'smaller villages' but the emerging Local Plan, based on new evidence on the nature, form and make-up of settlements, has drawn a single settlement boundary around the two and sees 'Chollerford / Humshaugh' as a single settlement.

- 7.18 The reasoned justification for draft Policy STP 1 of the emerging Local Plan explains the rationale for the boundaries as being to support a level of housing and economic growth over the plan period, appropriate to the settlement's size, role and function. In a number of settlements where there are sufficient housing commitments in place to meet identified needs, boundaries are defined to accommodate these commitments, and restrict further expansion. This is the case with Chollerford / Humshaugh. The draft policies map shows commitments in the village which will already add considerably to the village's housing total, hence the drawing of the boundary to exclude sites such as this one. Arguably a further 20 dwellings, cumulatively alongside these commitments, may be regarded as being out of scale for the size and role of the village.
- 7.19 Furthermore, the emerging Local Plan carries some weight and the proposals would also be contrary to the spatial strategy of the emerging Local Plan, and having regard to development in the countryside out of the proposed settlement boundary and meeting the housing needs of Humshaugh. Alongside the reasoned justification for such boundaries, the housing requirements set out within the emerging Local Plan, as well as the current five year housing land supply position, it is evident that there is no requirement to release land outside of the built up area of the village to meet the housing needs. It also argued that the development of the site would undermine the spatial approach to new development and housing requirements set out within the emerging Local Plan and its evidence base.
- 7.20 However, the suitability of development on the site needs to be considered overall, in the context of achieving sustainable development in terms of economic, social and environmental considerations. In particular this will be dependent upon whether a satisfactory form of development could be achieved having regard to the proposed scale of development and the impacts upon the character of the area given its location and more open and rural setting encroaching into the open countryside. These matters will be considered in more detail later in this report.

*Impact on the character of the area*

- 7.21 Significant local objection has been received on the grounds the development would be out of character with settlement including objections from the Town Council, Campaign for the Protection of Rural England and local residents.
- 7.22 The applicant has recently constructed 21 dwellings on land immediately to the north of the site at Chesters Meadow and the proposal would follow a similar form and design to that scheme (16/00923/FUL).
- 7.23 Policy GD1 of the Core Strategy requires the scale and nature of development to respect the character of the town or village concerned. Humshaugh is

identified in Policy GD1 as a smaller village where development should be small-scale, and the scale and nature of development should respect the character of the town or village concerned and take into account the capacity of essential infrastructure.

- 7.24 Policies GD2 and H32 of the Tynedale Local Plan seek to ensure that development is appropriate for its location in terms of matters such as layout, scale, design and impact upon the amenity of residents.
- 7.25 Policy BE1 of the Core Strategy seeks to conserve and enhance Tynedale's built environment. Policy NE1 of the Core Strategy sets out principles for the natural environment, including protecting and enhancing the character and quality of the landscape and avoiding the urbanisation of the countryside. The NPPF seeks to conserve and enhance the natural environment and looks to ensure that good design in new development is appropriate for its location.
- 7.26 In terms of the density of development, Policy H5 of the Core Strategy states that proposals will be required to have a minimum site density of 30 dwellings to the hectare unless such development would adversely affect the character of an existing area of low density housing. Paragraph 122 of the NPPF requires planning policies and decisions to support development that makes efficient use of land, taking into account criteria, including the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.
- 7.27 The proposed density in this instance would be 16 dwellings per hectare. Whilst this would be lower than the density set out within Policy H5 of the Core Strategy, and does not make more efficient use of land as required by the NPPF, it is clear that the applicant has sought to reflect the density of the development to the north of the site.
- 7.28 The applicant has submitted a Planning Statement with their application. This submits that the scheme has been designed in response to local context and is a low-density scheme. Existing residential development lies to the west of the site, on Hadrian Court and Beechcroft, and to the south at Simmonds Court. The proposals are considered to be at an appropriate scale and respective of the character of Humshaugh.
- 7.29 It is the applicants view that development of a further 20 dwellings would complement the Chesters Meadow development and could be accommodated on the site without resulting in an unacceptable harm on the settlement.
- 7.30 Furthermore the applicants Landscape Visual Impact Assessment concludes that the landscape has the capacity to accommodate a development of this nature and with high quality housing, constructed to a high standard using quality materials, the phase 2 development would enhance the landscape character and visual amenity of the local area.

- 7.31 Notwithstanding the above, Officers have fundamental concerns regarding the impact of the proposed development on the character and appearance of Humshaugh village and surrounding area. Whilst it is acknowledged that the site is located adjacent to existing development, it is considered that further housing development in this location would have a harmful impact upon the character and appearance of the settlement. This is in the context of Humshaugh being identified in Policy GD1 of the Core Strategy as a smaller village where development should be small-scale, and the scale and nature of development should respect the character of the town or village concerned and take into account the capacity of essential infrastructure.
- 7.32 Given existing housing and commitments, it is considered that the cumulative effect of the proposed development would be out of scale for the size and role of the village. This additional development, and further encroachment into the countryside, is felt to have a harmful impact upon the character and appearance of the settlement in this rural location.
- 7.33 It is considered that although in relatively close proximity to existing development, the site makes a positive contribution to the area and the development would result in an almost continuous built form on the approach to the rural village core. The open land on approach to Humshaugh has incrementally developed resulting in a significant change to the character and appearance of the area. As noted above, there have been sound planning reasons for these developments i.e affordable housing development or development to meet 5 year housing supply. These reasons do not apply in this case. The proposed development would only seek to erode the rural character of this rural village and create urbanising effect.
- 7.34 In terms of the emerging Local Plan, this carries some weight and is therefore relevant. It is noted that the settlement boundary currently proposed to go around Chollerford and Humshaugh. The applicant submits that previous planning permissions have already brought Humshaugh closer to Chollerford and that character has already been eroded by previous planning permissions. They submit that the development does not create a 'worsening of the situation'. The applicant submits that whilst the proposed site is outside the settlement, its inclusion within the proposed settlement boundary would make logical sense as it is surrounded by development on 3 sides.
- 7.33 Officers do not follow this logic. Indeed it is ever more important to ensure that the rural countryside setting is retained. As it stands the application site offers offers significant visual relief to existing development, providing for open aspect as one goes through Chollerford and Humshaugh. It very much compliments the open space to the west of the site, the agricultural land to the east and open land to the south, thereby maintaining the rural character in this location.
- 7.34 It is therefore understandable that the settlement boundary is proposed in this way at present to protect the character of the area. It is officer opinion that the introduction of new housing in this more rural countryside setting would have a detrimental impact upon the character and appearance of the site and the village and the surrounding open countryside. When viewed from the open

countryside beyond the site the visual effects would be significant, leading to a significantly increased perception of urbanisation.

- 7.35 The application is therefore contrary to Policies GD1, NE1, BE1 and H1 of the Core Strategy and Policies GD2 and H32 of the Local Plan.
- 7.36 When assessing the potential benefits of the scheme in relation to social and economic against the harm to the character of the area, consideration has been given to matters such as the level of affordable housing provision and the ability to enhance or maintain the vitality of the existing community. Affordable housing is considered later in this report. However it is not considered that these matters could overcome the harmful visual effect of the proposed development as described, and would not serve to mitigate the substantial erosion of the rural setting of the village.

#### *Residential Amenity*

- 7.37 Policies GD2 and H32 of the Local Plan set out the requirements for developments to ensure there would be no adverse effects upon residential amenity, and future occupants would also achieve acceptable standards of amenity. Emerging Policy QOP 2 is also relevant. All of the above are consistent with the Part 11 of the NPPF.
- 7.38 Objections have been received from local residents on the grounds the development will have a direct detrimental impact on their amenity and general quality of life.
- 7.39 The nearest residents to be directly affected by this development are located immediately to the north, south and west of the site.
- 7.40 It is accepted that the development would impact on resident's general visual amenity because the site would change in character from a green field site to a housing development. However those objections based on the loss of a view are not a material planning consideration and cannot be taken into account in the determination of this application. However it is important to have regard to other standards of amenity relating to privacy, outlook, light and overbearing impact.
- 7.41 To the north is the new housing development known as Chesters Meadow. That development consists of 21no. new homes, with dwellings fronting onto the application site. The proposed separation distances are acceptable.
- 7.42 To the south of the application site, the rear gardens of Simmonds Court back onto plot 13 of the development. Here the proposed back to gable arrangement is acceptable in terms of amenity.
- 7.43 To the west on the other side of the road, the fronts or gable elevations of dwellings at Beechcroft face the application site. New dwellings are proposed along the road frontage with car parking and new trees lining the approach road to Humshaugh. The separation distances at this point are also deemed acceptable to ensure the residential amenity of existing residents are not directly affected.

- 7.44 Having regard to the above it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours.
- 7.45 In the context of the above, the proposals are considered to be in accordance with Policies GD2 and H32 of the Local Plan and the NPPF in relation to amenity.

#### *Highway Safety*

- 7.46 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.47 Policies GD4 and GD6 of the Tynedale Local Plan seek to ensure safe access, connectivity and transport links.
- 7.48 Policies TRA1 and TRA2 of the emerging Local Plan seek to ensure that development does not have a negative impact upon the transport network. Policy TRA4, together with Appendix D, sets out standards for parking provision in new development.
- 7.49 Significant objections have been received from the public in response to the application on highway grounds.
- 7.50 The applicant has submitted a Transport Statement with their application to assess the highway impacts of the scheme. The TS concludes that the impact of the development on the surrounding road network, in terms of capacity and highway safety is acceptable, with no severe residual cumulative impacts.
- 7.51 The Council as Highway Authority has fully assessed the proposals and do not object to the application.
- 7.52 In terms of impact on the surrounding network the Transport Statement demonstrates that the proposals would not result in severe impacts. The highway network in the area can accommodate the anticipated trip generation.
- 7.53 With regards to road safety the Highway Authority have no objections to the proposals subject to the widening of footpaths along the eastern side, to tie into existing between the access junction and the access road. Additional street lighting is also required.
- 7.54 With regards to the internal aspects of the development such as the parking, cycle storage and refuse servicing strategy these aspects are also considered to be acceptable.
- 7.55 The development is considered acceptable in highway terms. If Members are minded to approve the application subject to standard highway conditions and a Grampian condition are recommended to ensure the works to the adopted highway are implemented in connection with the planning permission. The development complies with the NPPF and local planning policy in this regard.

- 7.56 On this basis the proposals are therefore considered to result in an acceptable form of development, and subject to conditions would be in accordance with Policies GD4 and GD6 of the Local Plan and the NPPF.

#### *Flood Risk and Drainage*

- 7.57 NPPF Part 14 seeks to ensure flood risk is not increased elsewhere as a result of development.
- 7.58 Tynedale Core Strategy Policy GD5 seeks to direct development to areas at a lower risk of flooding and that it would not increase flood risk elsewhere
- 7.59 Opposition has been received from local residents in terms of the impact of the development on flooding and drainage grounds.
- 7.60 The site of the proposed housing is located within Flood Zone 1, which is at a lower risk from flooding.
- 7.61 The applicant has submitted a Flood Risk Assessment and further technical information to support their application. Consultation has taken place with the Environment Agency (EA), Northumbrian Water (NWL) and the Council as Lead Local Flood Authority (LLFA).
- 7.62 The LLFA had initially objected to the proposals on flood risk and drainage grounds. A raft of technical information has now been submitted in response to the objection. The LLFA has subsequently advised there is no objection subject to conditions securing details of surface water disposal during construction; details of adoption and maintenance of all SuDS features and verification of sustainable drainage systems.
- 7.63 The EA has raised no objection to the application. NWL has raised no objection to the application, and recommends a condition requiring development to be undertaken in accordance with the submitted flood risk assessment and drainage strategy.
- 7.64 On the basis of the consultation responses received, and subject to appropriate conditions, the proposal is considered to be acceptable in relation to drainage and flood risk, and would be in accordance with Policy GD5 of the Core Strategy and the NPPF.

#### *Ecology*

- 7.65 The Local Plan, Core Strategy and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area, as well as impacts upon trees and hedgerows. Policies NE27, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy are therefore relevant. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity.

- 7.66 The application has been supported with an Ecology Survey and Arboricultural Reports.
- 7.67 The reports conclude that the site has negligible ecological diversity currently, while the plans show that existing boundary features (hedges and trees) will be retained and protected.
- 7.68 The Council's Ecologist has been consulted and raises no objections to the application subject to conditions relating to tree protection and ecological mitigation and enhancement measures being implemented.
- 7.69 Furthermore, Natural England has been consulted and they too do not object to the application.
- 7.70 The development is deemed acceptable in ecological and landscaping terms having regards to Policies NE27, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy together with the NPPF.

*Impact on heritage assets*

- 7.71 The NPPF, Part 16 relates to conserving and enhancing the historic environment.
- 8.72 Local Development Plan Policy BE22 specifically seeks to protect the setting of listed buildings. Emerging Policy ENV 7 also seeks to protect heritage assets.
- 7.73 Objections have been received on the grounds the application will harm the character and appearance of Humshaugh Conservation Area and the setting of listed buildings.
- 7.74 Within the application site itself there are no designated heritage assets, however the site located to the south of the Humshaugh Conservation Area. The site also lies within the Hadrian's Wall World Heritage Site Buffer Zone.
- 7.75 The site is located outside of, but approximately 240m south of Humshaugh Conservation Area. The site is located on the main approach road to the Humshaugh village core and therefore has the potential impact on the character and appearance of the Conservation Area.
- 7.76 The applicant has submitted a Heritage Statement and Landscape Visual Impact Assessment. The applicant submits the proposed development will have no impact upon the Hadrian's Wall Roman Frontier World Heritage Site or its setting. It will also have no impact upon the Humshaugh Conservation Area or upon any of the Listed Buildings within it.
- 7.77 The Council's Building Conservation Officer has been consulted and disagrees with the applicants findings. She identifies that the development will cause a degree of harm to the setting of Humshaugh Conservation Area.



- 7.78 She advises that the proposal would extend the area of new housing already developed further south of the Conservation Area towards existing housing, resulting in an almost continuous area of built development on the approach to the attractive rural village core, which is a designated Conservation Area. The further loss of additional previously undeveloped land would change the character of this land to that of built development thus causing less than substantial harm to the setting of the Conservation Area. In this instance paragraph 196 of the 2019 NPPF should be taken into consideration.
- 7.79 The NPPF paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.80 The applicant submits that there are social, environmental and economic benefits to the scheme. These are set out later in this report - see paragraph 7.97. However, it is considered that there is not sufficient benefit to the scheme to outweigh the harm to the setting of the Humshaugh Conservation Area.
- 7.81 The Conservation Officer has confirmed that the development will not affect any listed buildings or their setting.
- 7.82 The site also lies within the Hadrian's Wall World Heritage Site Buffer Zone. The development site is in an area of archaeological sensitivity because of its position in relation to the Hadrian's Wall Roman frontier. Hadrian's Wall represents the most complete of the frontiers of the Roman Empire, and its archaeological and historic significance is reflected by the protection given to most of its surviving remains as a scheduled ancient monument, and its inclusion by UNESCO in its list of World Heritage Sites.
- 7.83 Both the Council's Archaeologist and Historic England have been consulted and advise the proposal would not impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. Having considered the location and scale of development, and likely functioning of the Roman frontier, although the development will be visible from the Roman frontier it will not harm the understanding and appreciation of Roman military planning and land use.
- 7.84 As such there are no objections to the development in terms of its impact on Hadrian's Wall World Heritage Site.
- 7.85 In terms of other archaeological heritage assets, the County Archaeologist has considered the potential impact of the development on Chesters Roman Fort and Chollerford Bridge.
- 7.86 Previous archaeological investigations carried out on this site as part of earlier planning applications have demonstrated that the proposed development is unlikely to impact on significant archaeological remains. As a result no further below ground archaeological work is likely to be required. In addition the Landscape and Visual Appraisal submitted in support of this application

confirms that the proposed development should not have an adverse visual impact on the various designated heritage assets in the wider area.

- 7.87 The County Archaeologist has assessed the reports and raises no objections to the development. She confirms that no further archaeological work is required.

#### *Obligations*

- 7.88 The NPPF Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.89 Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 7.90 In respect of affordable housing Policies H7 and H8 of the Core Strategy set out the development plan position in relation to affordable housing provision on new developments. Policy H8 states that provision will be sought on developments of 5 or more dwellings or 0.2ha or more in settlements outside of Hexham, Prudhoe and Haltwhistle, and depending on the assessment of need in the local area, the proportion of affordable houses sought will be between 30% and 50% of the total dwellings on the site.
- 7.91 Evidence prepared to inform the emerging Northumberland Local Plan is a material consideration in the determination of planning applications. In particular, the Northumberland Strategic Housing Market Assessment Update (SHMA, June 2018) indicates a residual countywide affordable housing need for the period 2017-22. In the context of the evidence based housing requirement in the emerging Northumberland Local Plan for the plan period 2016-2036, this equates to a residual need for 17% of homes on new permissions to be affordable.
- 7.92 The applicant proposes three affordable housing units on plots 17, 18 and 19. These are terraced bungalows located towards the back of the site. All are for affordable rent.
- 7.93 The Council's Affordable Housing team have been consulted and fully support the application. If Members were minded to approve the application the affordable housing units would need to be secured by a S106 Legal Agreement.
- 7.94 Furthermore, the Education team has also advised that no contribution would be required for this proposal due to surplus spaces being available. No other obligations have been identified.

## *The Planning Balance*

- 7.95 The applicant submits that there are social, environmental and economic benefits to this scheme. The applicants submission is set out below.

### **Social Objective**

- The development will include the 20 new high-quality homes for the local area.
- This will include the development of 3 affordable homes for rent.
- Development will respond to mark demand for bungalows/housing types for older people and larger family homes.
- Will contribute to the council's effective 5-year housing land supply and significantly boosting the supply of housing.
- The development will help support local amenities; and
- The development provides high-quality landscaping and will be visually attractive.

### **Environmental Objective**

- The site is accessible for pedestrians and cyclists and has good bus links to the wider area;
- Onsite provision of SuDS to manage surface water;
- Existing trees will be retained, where possible, and additional planting will be provided, as shown in the accompanying landscape strategy;
- New residential gardens will also help to contribute to an increase in value and biodiversity provision of the habitats present within the site;
- The development has been designed to reduce energy consumption and reduce waste

### **Economic Objective**

- Support direct employment in construction;
- Support indirect employment through the supply chain and related services;
- Attract new and economically active households which will result in increased expenditure in local shops and services;
- First occupation expenditure on goods and services to make a house 'feel like home' a proportion of which would be captured locally;
- Generate New Homes Bonus payments; and
- An uplift in Council Tax revenues.

- 7.96 While the above is noted, it is not considered that they would outweigh the harm identified to the character of the area and setting of Humshaugh Conservation Area. Furthermore there is not an identified need for such housing in this location, that would outweigh the identified harm with development of this scale in relation to the village, and in the location proposed.

### **Equality Duty**

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the

responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

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

### Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 The proposed housing would be located in the open countryside outside of the built up area of Humshaugh. Whilst this may be a relatively sustainable location for new small scale development, it is considered that by virtue of its location and scale, this would result in encroachment into the countryside. No other matters are considered to overcome the harmful visual effect of the proposed development as described, which would not serve to mitigate the substantial erosion of the rural setting of the village. This would have a harmful impact upon the character and appearance of the site and surrounding area including Humshaugh Conservation Area. As such the

proposal would be contrary to Policies GD1, NE1, BE1, H1 and H3 of the Core Strategy and Policies GD2 and H32 of the Local Plan.

## **9. Recommendation**

That this application be REFUSED permission for the following reasons:

01. The provision of housing in this open countryside location is contrary to Tynedale LDF Core Strategy Policies GD1, H1 and H3 and the NPPF.
02. By virtue of its location and scale, the proposed development would result in encroachment into the open countryside would have a harmful impact upon the character and appearance of the site and the surrounding area including the setting of Humshaugh Conservation Area. The proposal would therefore be contrary to Policies GD2, H32, Policy BE22 of the Tynedale Local Plan, Policies GD1, BE1, NE1 and H1 of the Tynedale Core Strategy and the NPPF.

**Background Papers:** Planning application file(s) 19/00861/FUL