



Application No:	19/00621/FUL		
Proposal:	Demolition of existing single storey attached cottage and construction of one and a half detached cottage.		
Site Address	Annexe, Kirkholmedale, Lantys Lonnen, Haltwhistle, Northumberland, NE49 0HQ		
Applicant:	Mr Walter Bell Kirkholmedale, Lantys Lonnen, Haltwhistle, Northumberland, NE49 0HQ	Agent:	None
Ward	Haltwhistle	Parish	Haltwhistle
Valid Date:	26 February 2019	Expiry Date:	28 August 2019
Case Officer Details:	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

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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 Senior Planning Manager – Development Management and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

- 2.1 Planning permission is sought for the demolition of the existing annex to Kirkholmedale and for the construction of a new, separate residential dwelling with associated landscaping and car parking at Kirkholmedale, Lantys Lonnen in Haltwhistle.
- 2.2 The application proposes to demolish the existing single storey annex attached to the east side elevation of the property, Kirkholmedale. The existing annex is ancillary to the main dwelling of Kirkholmedale. The application proposes to construct a new, separate residential dwelling on land to the east of Kirkholmedale and the new unit would incorporate some of the footprint of the existing annex proposed to be demolished. The proposed new dwelling would be detached from the property of Kirkholmedale, however, would adjoin the Vehicle Repair Workshop and Stone Workshop at Kirkholmedale.
- 2.3 The new dwelling would have accommodation set over two floors, comprising of an entrance lobby, cloakroom, kitchen/living area and one bedroom with en-suite at ground floor level and a further two bedrooms and a bathroom at first floor level and within the roof space. The dwelling would be constructed of stone and render with stone quoin detailing and a natural slate tiled roof with uPVC windows and doors.
- 2.4 The new dwelling would measure 7.9 metres by 8.9 metres, with a height of 4.2 metres to the eaves and 7.85 metres to the ridge of the pitched roof. As part of the application, the land to the east and south of the new dwelling, is proposed to be incorporated within the curtilage of the dwelling and would provide amenity space. A parking area would be provided to the east of the unit. The proposed development would be accessed from Lantys Lonnen via the existing access and private road, which currently serves Kirkholmedale, Vehicle Repair Workshop and Stone Workshop.
- 2.5 The application site is part of a wider site that is allocated for employment use and is located to the south end of the town of Haltwhistle. The application site is within a low risk coal advice area, is within Flood Zone 2 and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI). The application site is adjacent to Haltwhistle Conservation Area. The application site is also within a 250 metre buffer zone of High Pressure Gas Pipes and is adjacent to a Public Right of Way.
- 2.6 Additional and amended information has been provided throughout the course of the application. Amended proposed elevation plans have been submitted to

address the initial concerns raised by the Council's Building Conservation Officer and have amended the design of the overall scheme. A Bat Survey has been submitted to address the initial concerns raised by the Council's Ecologist and a Flood Risk Assessment has been submitted to address the initial concerns raised by the Environment Agency.

- 2.7 Planning application reference: 19/04213/FUL has been submitted following discussions with the applicant and is currently pending consideration for the extension of the existing annex, which is ancillary to Kirkholmedale.

3. Planning History

Reference Number: 19/04213/FUL

Description: Ground and first floor extension to the annexe to provide a kitchen/dining room and lounge on the ground floor and three bedrooms and bathroom on the first floor

Status: Pending Consideration

4. Consultee Responses

Haltwhistle Town Council	Haltwhistle Town Council supports the application.
Countryside/ Rights Of Way	No objection subject to the protection of the Parish of Haltwhistle Public Bridleway No.42 throughout.
Highways	No objection subject to conditions and informatives.
Northumbrian Water Ltd	Northumbrian Water actively promotes sustainable surface water management.
Public Protection	Object to the proposal on the grounds of insufficient information relating to noise, contamination and dust. A Noise Impact Assessment, a Noise Insulation Scheme, a Phase 1 Land Contamination and Gas Assessment and a Dust and Olfactory Assessment have been requested by Public Health Protection.
Lead Local Flood Authority (LLFA)	This planning application is classed as a minor development and as such we are not a statutory consultee. We have reviewed this application and note the development is within Flood Zone 2 and at high risk of surface water flooding. Recommended informatives.
Environment Agency	No objection subject to conditions and informatives.
Building Conservation	No objection to the amended plans.
County Ecologist	No objection subject to conditions and informatives.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site notice affecting a Public Right of Way – Displayed on 15th March 2019
Press notice in Hexham Courant – Published on 7th March 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=PN8736QS0K500>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment
Policy EDT1 – Principles for Economic Development and Tourism
Policy GD1 – The General Location of Development
Policy GD4 – Principles for Transport and Accessibility
Policy GD5 – Minimising Flood Risk
Policy H1 – Principles for Housing
Policy H3 – The Location of New Housing
Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000)

Policy BE18 – Development affecting the Character and Setting of a Conservation Area
Policy CS19 – Location of Development either Causing or Adjacent to Pollution Sources
Policy CS21 – Location of Noise Sensitive Uses
Policy CS23 – Development on Contaminated Land
Policy CS27 – Sewerage
Policy ED1 – Land Allocated for Employment Development
Policy ED7 – Uses Not Permitted in Existing Employment Areas or on Sites Allocated for Employment Use

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 LR19 – Safeguard Existing and Promotion of New Public Rights of Way
Policy NE27 – Protection of Protected Species
Policy NE37 – Landscaping in Developments
Policy TP27 – Development affecting Public Rights of Way

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) and
Proposed Minor Modifications, as submitted on 29 May 2019*

Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)
Policy ECN 6 – General Employment Land – Allocations and Safeguarding
(Strategic Policy)
Policy ECN 7- Key General Employment Areas for B-Class Uses
Policy ECN 10 – Loss of Depletion of Employment Land
Policy ENV 2 – Biodiversity and Geodiversity
Policy ENV 9 – Conservation Areas
Policy HOU 2 – Provision of New Residential Development (Strategic Policy)
Policy HOU 9 – Residential Development Management
Policy POL 1 – Unstable and Contaminated Land
Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
Policy QOP 4 – Landscaping and Trees
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 considerations in the determination of this application are:

- Principle of the development;
- Design;
- Impact upon the setting of the Conservation Area;
- Impact upon residential amenity;
- Highway safety and car parking;
- Ecology;

- Flood risk;
- Impact upon the Public Right of Way;
- Noise and contamination; and
- Drainage and sewerage.

Principle of the Development

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. In this case, the relevant development plans for this application are the Tynedale LDF Core Strategy (2007) and the Tynedale District Local Plan (2000) and the proposed works shall be considered in the light of the saved policies of these documents.

7.3 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 48 of the NPPF; the policies contained within this document at this stage carry some weight in the assessment of planning applications.

7.4 As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. Policy GD1 states that the main towns of Hexham, Prudhoe and Haltwhistle should be the main focus for development and also where any large scale development should be located. The policy follows on to state *“in all cases the scale and nature of development should respect the character of the town or village concerned”*.

7.5 Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) identifies Haltwhistle as a main town and the main towns within Northumberland should be the main focus for employment, housing, retail and services.

7.6 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.

7.7 Policy EDT1 of the Tynedale LDF Core Strategy sets out the principles for economic development and tourism, one of which is to support a buoyant and diverse local economy, which recognises the importance of tourism to the District. A further principle of Policy EDT1 seeks to *“protect existing and allocated employment land for its intended purpose”*.

7.8 Policy ECN 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the planning strategy for the economy. This policy sets out a number of principles, one of which seeks to *“deliver sufficient employment land and premises of the necessary range and quality and in the right locations to meet requirements”*.

7.9 Policy ED1 of the Tynedale District Local Plan identifies land allocated for employment development. Policy ED1 states *“development of, or change of use to offices, light industry (Use Class B1), general industry (Use Class B2) and*

storage and distribution (Use Class B8) as indicated on the sites below, and defined on the Proposals Map, will be permitted". Policy ED1 identifies land adjacent to Kirkholmedale in Haltwhistle as a site allocated for employment use.

7.10 Policy ED7 of the Tynedale District Local Plan states *"on all sites allocated for employment use in Policies ED1 and ED4 and in all existing employment areas identified under Policy ED5, proposals for developments which fall into Use Classes other than B1 (office, light industry), B2 (general industry) and B8 (storage and distribution) will not be permitted. Other employment generating uses not specified in the Use Classes Order but with similar characteristics to B1, B2 or B8 uses may be appropriate on these sites"*.

7.11 Policy ECN 6 of the Northumberland Local Plan (Publication Draft Plan) relates to general employment land – allocations and safeguarding. Policy ECN 6 states *"the range of land uses that will be supported within general employment areas will be either the B-Class employment uses only or a wide range of employment-generating uses, in accordance with Policies ECN 7 and ECN 8 respectively"*.

7.12 Policy ECN 7 of the Northumberland Local Plan (Publication Draft Plan) relates to key general employment areas for B-Class uses. Policy ECN 7 states *"within the key general employment areas, as delineated on the Policies Map, B1, B2 and B8 uses will be supported. Development of non-B-Class employment generating activity on these areas will be supported as exceptions only, if the development:*

- a) Directly supports and is ancillary to the primary functioning of the site as a location for B1, B2 and B8 development; and*
- b) Will not have a detrimental impact on the functioning of existing or future B-Class operators on the site; and*
- c) Ensures that B-Class uses remain the majority activity on site"*.

7.13 Policy ECN 10 of the Northumberland Local Plan (Publication Draft Plan) relates to the loss or depletion of employment land. Policy ECN 10 states *"within the areas identified in Policies ECN 6, ECN 7 and ECN 8, and subject to the exceptions set out in part 2 of this policy, development for non-employment generating uses, such as housing, will be supported where robust evidence can demonstrate all of the following:*

- a. That there is no demonstrable market demand that the site will be developed for an employment generating use over the plan period; and*
- b. That sufficient land of a comparable quality and accessibility is available, and deliverable in the local market to provide for identified need; and*
- c. That the development would not result in an unacceptable loss of active businesses and jobs; and*
- d. That the development would not have an unacceptable adverse impact on the continuing function of nearby existing businesses and/or the development of available employment land"*.

7.14 The proposed dwelling would be located on land adjacent to Kirkholmedale, Lantys Lonnen in Haltwhistle which is a site that is allocated for employment use under Policy ED1 of the Tynedale District Local Plan and is identified as a key

general employment area under Policy ECN 6 of the Northumberland Local Plan (Publication Draft Plan). At sites allocated for employment use, development of light industry (Use Class B1), general industry (Use Class B2) and storage and distribution (Use Class B8) will be permitted. Therefore development of Use Classes B1, B2 and B8 at land adjacent to Kirkholmedale, Lantys Lonnen are considered to be acceptable as a matter of principle. Any Use Class, other than Use Classes B1, B2 and B8, are considered to be unacceptable as a matter of principle.

7.15 The application proposes to demolish the existing annex to Kirkholmedale and proposes to construct a new, separate dwelling with associated landscaping and car parking. The proposed development would fall under Use Class C3 (Dwellinghouses). Therefore the use of the proposed building would not fall into Use Classes B1, B2 and B8, and would be unacceptable as a matter of principle at a site allocated for employment uses and is not considered to be an exception. The use of the proposed building would not have similar characteristics to Use Classes B1, B2 and B8 and is not considered to be a use which is ancillary to the primary functioning of the site.

7.16 Policy ECN 10 of the Northumberland Local Plan (Publication Draft Plan) relates to loss or depletion of employment land. Policy ECN 10 states that in employment areas, non-employment generating uses such as housing would only be supported where robust evidence is provided on a number of issues (as set out above). No clear evidence or justification has been provided as part of this application to support the proposal. It is acknowledged that there is an existing residential dwelling (Use Class C3) at the site, which is allocated for employment uses. However, the addition of a second dwelling, despite being within the grounds of the existing dwelling of Kirkholmedale, fails to accord with development plan policies and emerging policies for the reasons set out above.

7.17 Policies H1 and H3 of the Tynedale LDF Core Strategy are supportive of new build housing in main towns. Although the proposed dwelling would be located within the main town of Haltwhistle, it would be located at a site which is allocated for employment uses. Thus, specific employment policies are pertinent in the assessment of this proposal. Overall, the principle of the development would be unacceptable and would fail to accord with Policy EDT1 of the Tynedale LDF Core Strategy, Policies ED1 and ED7 of the Tynedale District Local Plan and Policies ECN 6, ECN 7 and ECN 10 of the Northumberland Local Plan (Publication Draft Plan).

Design

7.18 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”*.

7.19 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”*.

- 7.20 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”*.
- 7.21 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.
- 7.22 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping.
- 7.23 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”*.
- 7.24 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”*.
- 7.25 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”*.
- 7.26 The application site is located within the grounds of the existing property, Kirkholmedale, and is located at Lantys Lonnen. The application site would be directly adjacent to the Vehicle Repair Workshop and Stone Workshop at Kirkholmedale, both of which are owned by the applicant. The application site is located to the east of Kirkholmedale which has stone walls with a slate tiled roof. It is therefore considered that the proposed dwelling with stone and rendered walls and a slate tiled roof would not appear out of character adjacent to the existing property of Kirkholmedale in terms of its design, scale and materials.
- 7.27 As part of the application, the land surrounding the new dwelling, predominantly to the south and east, 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 also retain good standards of amenity for the existing dwelling of Kirkholmedale.
- 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 and NE37 of the Tynedale District Local Plan, Policies QOP 1, QOP 2 and

QOP 4 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF in this respect.

Impact upon the Setting of the Conservation Area

7.29 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.

7.30 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”*.

7.31 Policy BE18 of the Tynedale District Local Plan relates to development affecting the character and setting of a Conservation Area. Policy BE18 states *“outside a Conservation Area, development will be permitted if it would not harm the character setting or views into or out of the Conservation Area”*.

7.32 Policy ENV 9 of the 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.

7.33 The proposed development is located directly to the south of Haltwhistle Conservation Area. The Council’s Building Conservation Officer has been consulted on this application to assess the impact of the proposed development on the character and setting of Haltwhistle Conservation Area. Amendments have been made to the overall scheme to address the Building Conservation Officer’s initial objection. The amendments to the scheme involved changing the materials of the proposed dwelling from brick to stone and render. These amendments improve the design and appearance of the overall scheme and therefore the proposed development would preserve the character and setting of Haltwhistle Conservation Area. The proposed development is considered to accord with Policy BE1 of the Tynedale LDF Core Strategy, Policy BE18 of the Tynedale District Local Plan, Policy ENV 9 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

Impact upon Residential Amenity

7.34 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”*.

- 7.35 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.
- 7.36 The proposed dwelling would have one immediate neighbouring dwelling; Kirkholmedale to the west. The proposed dwelling would be located 1 metre from the neighbouring property of Kirkholmedale. The western gable elevation of the proposed dwelling would face directly towards the eastern gable elevation of Kirkholmedale. The western gable elevation of the proposed dwelling would not have any openings and this, combined with the limited openings to the eastern gable elevation of Kirkholmedale, would not result in any overlooking issues.
- 7.37 The boundary treatment would consist of a timber fence and would divide the plot at Kirkholmedale. The design and layout of the new dwelling, which incorporates first floor accommodation within the roof space, minimises the impact of the proposed dwelling upon the residential amenity of the neighbouring dwelling, Kirkholmedale. This design combined with the new boundary treatment between the proposed dwelling and Kirkholmedale would ensure that the proposal does not adversely impact upon the residential amenity of this neighbour.
- 7.38 Overall it is considered that the proposals would not impact upon the amenity of the residents of the neighbouring property of Kirkholmedale in terms of loss of privacy, overbearing appearance and outlook. 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) and the aims of the NPPF in relation to impact upon residential amenity.

Highway Safety and Car Parking

- 7.39 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.
- 7.40 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.
- 7.41 A parking area would be provided to the east of the proposed dwelling. The proposed development would be accessed from Lantys Lonnen via the existing access and private road, which currently serves Kirkholmedale, Vehicle Repair Workshop and Stone Workshop.
- 7.42 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 and details of cycle parking. The proposed dwelling would utilise the existing access from the U7046 (Lantys Lonnen) and this would not have a detrimental impact on the highway network. The proposed block plan indicates an area for parking to the east of the proposed dwelling. The Council's Highway Development Management team considers that this area, which measures approximately 5.7 metres by 5.7 metres, would be sufficient for the parking of up to two vehicles and this is an acceptable provision of car parking.

7.43 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 the NPPF in relation to highway safety.

Ecology

7.44 Policy NE1 of the Tynedale LDF Core Strategy relates to the principles for the natural environment. One of the criteria set out within Policy NE1 seeks to *"protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest"*. 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 ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity. A Bat Survey has been submitted to accompany the application and to address the initial concerns of the Council's Ecologist.

7.45 The Council's Ecologist has no objection to the application subject to conditions and informatives. The recommended condition seeks to ensure that mitigation and enhancement measures are adhered to. Subject to accordance with this condition, the application is considered to be acceptable in accordance with Policy NE1 of the Tynedale LDF Core Strategy, Policy NE27 of the Tynedale District Local Plan, Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

Flood Risk

7.46 The application site is within Flood Zone 2, as identified by the Environment Agency. Policy GD5 of the Tynedale LDF Core Strategy states *"the potential implications for flood risk will be taken into account when meeting development needs. Developers will be expected to carry out an appropriate assessment of flood risk and development will not be permitted if it is likely to:*

- (i) Increase the risk of flooding; or*
- (ii) Reduce the capacity of flood plains to store flood water; or*
- (iii) Increase the number of people or properties at risk."*

7.47 Policy WAT 3 of the Northumberland Local Plan (Publication Draft Plan) relates to flooding.

7.48 A Flood Risk Assessment has been submitted to accompany the application and to address the initial concerns raised by the Environment Agency. The Flood Risk Assessment sets out flood mitigation measures; one of which is to adopt an elevated finished floor level for the new property. The Council's Lead Local Flood Authority (LLFA) has been consulted on this application and has noted that the development is within Flood Zone 2 and at high risk of surface water flooding. The LLFA has recommended informatives relating to the construction of hardstanding areas and flood resilience. The Environment Agency has also been consulted on this application and has no objection to the application subject to conditions and informatives. The recommended condition seeks to ensure that the proposed development is carried out in accordance with the Flood Risk Assessment. The proposed development is considered to be in accordance with Policy GD5 of the Tynedale LDF Core Strategy and WAT 3 of the Northumberland Local Plan (Publication Draft Plan).

Impact upon the Public Right of Way

7.49 A Public Right of Way passes adjacent to the west of the application site. The Council's Countryside Rights of Way team have been consulted on this application and they have no objection subject to the Parish of Haltwhistle Public Bridleway No.42 being protected throughout. Policies LR19 and TP27 of the Tynedale District Local Plan relate to safeguarding public rights of way and limiting any potential adverse impacts from proposed development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) seeks to support development *which "protects, enhances and supports public rights of way"*. The proposed development would not interfere with the footpath and would not disrupt its use. The proposed development would not adversely affect the Public Right of Way and would accord with Policies LR19 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan).

Noise and Contamination

7.50 Policy CS19 of the Tynedale District Local Plan relates to the location of development either causing or adjacent to pollution sources. Policy CS19 states *"residential and commercial development will be resisted at sites experiencing problems by reason of noise, smell, vibration, dust, atmospheric or other pollution"*.

7.51 Policy CS21 of the Tynedale District Local Plan relates to the location of noise sensitive uses. Policy CS21 states *"noise sensitive uses particularly housing, schools and hospitals shall, as far as possible, be sited away from existing sources of high noise levels. Where this is unavoidable, any permission will be permitted conditional upon the following criteria:*

- (a) Buildings closest to the noise source should be single aspect and face away from the noise source; and*
- (b) Adequate internal sound insulation should be provided; and*
- (c) 'non habitable' structures such as garages should be utilised as barrier blocks; and*

(d) Landscaping schemes should be prepared to be implemented by the developer to reduce noise reaching the sensitive areas”.

7.52 Policy CS23 of the Tynedale District Local Plan relates to development on contaminated land. Policy CS23 states *“development on sites which are known to be contaminated or where there are reasonable grounds for believing that contamination occurs will be granted planning permission if all of the following are satisfied:*

- (a) The nature and extent of contamination is first established and proposals are developed taking account of the contamination; and*
- (b) The development will not add to the level of contamination or involve the unnecessary disturbance or penetration of contaminants; and*
- (c) Proposals include remedial measures which address the actual or potential hazard or contaminants identified; and*
- (d) There is no detrimental affect on the environment as a result of the disturbance of contaminants during and after development”.*

7.53 Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan) relates to unstable and contaminated land. Policy POL 1 states *“development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts”.*

7.54 The application site is part of a wider site that is allocated for employment use. The Council’s Public Health Protection team have been consulted on this application and object to the application on the grounds of insufficient information relating to noise, contamination and dust.

7.55 The proposed dwelling is a sensitive end-use and no assessment of noise effects on human health has been submitted to accompany this application. The Council’s Public Health Protection team note that the proposed dwelling would be surrounded by multiple sources of noise which may render the proposed dwelling unsuitable for human health in accordance with the World Health Organisation’s Community Guidelines. These noise sources include the applicant’s Vehicle Repair Workshop, which would be located adjacent to the property without any screening proposed, and Border Stone Quarries, Hadrian Enterprise Park, Newcastle to Carlisle rail line, the petrol station and the Household Waste Recycling Centre. The Council’s Public Health Protection team request that a Noise Impact Assessment and a Noise Insulation Scheme are required, in order to determine the suitability of the proposed development with respect to human health and in order to demonstrate how internal noise levels of 35dB LAeq during the day and 30db LAeq and 45dB LAMax during the night can be achieved in habitable rooms.

7.56 The Council’s Public Health Protection team also note that the proposed garden space is currently occupied by a building described as an office on the existing block plan, therefore, there will be existing made ground which is likely to be unsuitable for garden use without remediation. The Council’s Public Health Protection team concludes that contamination may also be present on-site from leachates from surrounding industrial/commercial uses and a Phase 1 Land

Contamination and Gas Assessment is required to fully assess this element. The Council's Public Health Protection team also consider that, due to the surrounding land use, a competent person should undertake a dust and olfactory assessment of the site to determine if it is suitable for residential development.

7.57 Overall, it is considered that insufficient information has been provided to accompany this application, and as a result the Local Planning Authority is unable to fully assess the issues of noise, contamination and dust. As a result, the proposed development is considered to be contrary to the aims of Policies CS19, CS21 and CS23 of the Tynedale District Local Plan and Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan) in this respect.

Drainage and Sewerage

7.58 Section 11 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. Section 12 of the application form states that surface water would be disposed of by soakaway. Northumbrian Water has been consulted on this application and advises that they actively promote sustainable water management. The proposed development is considered to be in accordance with Policy CS27 of the Tynedale District Local Plan and Policy WAT 2 of the Northumberland Local Plan (Publication Draft Plan).

Equality Duty

7.59 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

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

Human Rights Act Implications

7.61 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.

7.62 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.

- 7.63 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 dwelling would be located within the main town of Haltwhistle, where new build housing is generally supported by housing policies such as Policies H1 and H3 of the Tynedale LDF Core Strategy, the proposed building for Use Class C3 (Dwellinghouses) would be located within a site allocated for employment use and would not fall into Use Classes B1, B2 or B8, contrary to Policy EDT1 of the Tynedale LDF Core Strategy, Policies ED1 and ED7 of the Tynedale District Local Plan and Policies ECN 6, ECN 7 and ECN 10 of the Northumberland Local Plan (Publication Draft Plan). The proposed development is therefore considered to be unacceptable as a matter of principle.
- 8.2 In addition, the Council's Public Health Protection team objects to the application on the grounds that insufficient information has been submitted to accompany the application in relation to noise, contamination and dust. The proposed development is considered to be contrary to Policies CS19, CS21 and CS23 of the Tynedale District Local Plan and Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan).
- 8.3 The proposal would accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32 and NE37 of the Tynedale District Local Plan and Policies QOP 1, QOP 2, QOP 4, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) in relation to design and amenity and Policy BE18 of the Tynedale District Local Plan and ENV 9 of the Northumberland Local Plan (Publication Draft Plan) in relation to the impact upon the adjacent Conservation Area. The proposal would adhere to Policy GD4 of the Tynedale LDF Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan and Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan (Publication Draft Plan) in relation to highway safety and Policies LR19 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) in relation to the impact upon the adjacent Public Right of Way. The proposal would adhere to Policy NE1 of the Tynedale LDF Core Strategy, Policy NE27 of the Tynedale District Local Plan and Policy ENV 2 of the Northumberland Local Plan in relation to ecology and Policy GD5 of the

Tynedale LDF Core Strategy and Policy WAT 3 of the Northumberland Local Plan (Publication Draft Plan) in relation to flood risk. The proposal would also accord with Policy CS27 of the Tynedale District Local Plan and Policy WAT 2 of the Northumberland Local Plan (Publication Draft Plan) in relation to drainage and sewerage.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

01. The proposed dwelling (Use Class C3 – Dwellinghouses) would be located within a site allocated for employment use and would not fall into Use Classes B1, B2 or B8. The proposal would be unacceptable as a matter of principle and would therefore be contrary to the provisions of Policy EDT1 of the Tynedale LDF Core Strategy, Policies ED1 and ED7 of the Tynedale District Local Plan and the principles of the National Planning Policy Framework.
02. Insufficient information has been provided to accompany this application in relation to noise, contamination and dust, and as a result the Local Planning Authority is unable to fully assess the issues of noise, contamination and dust. As a result, the proposed development is considered to be contrary to the provisions of Policies CS19, CS21 and CS23 of the Tynedale District Local Plan and Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the National Planning Policy Framework.

Date of Report: 21.11.2019

Background Papers: Planning application file(s) 19/00621/FUL