



Northumberland

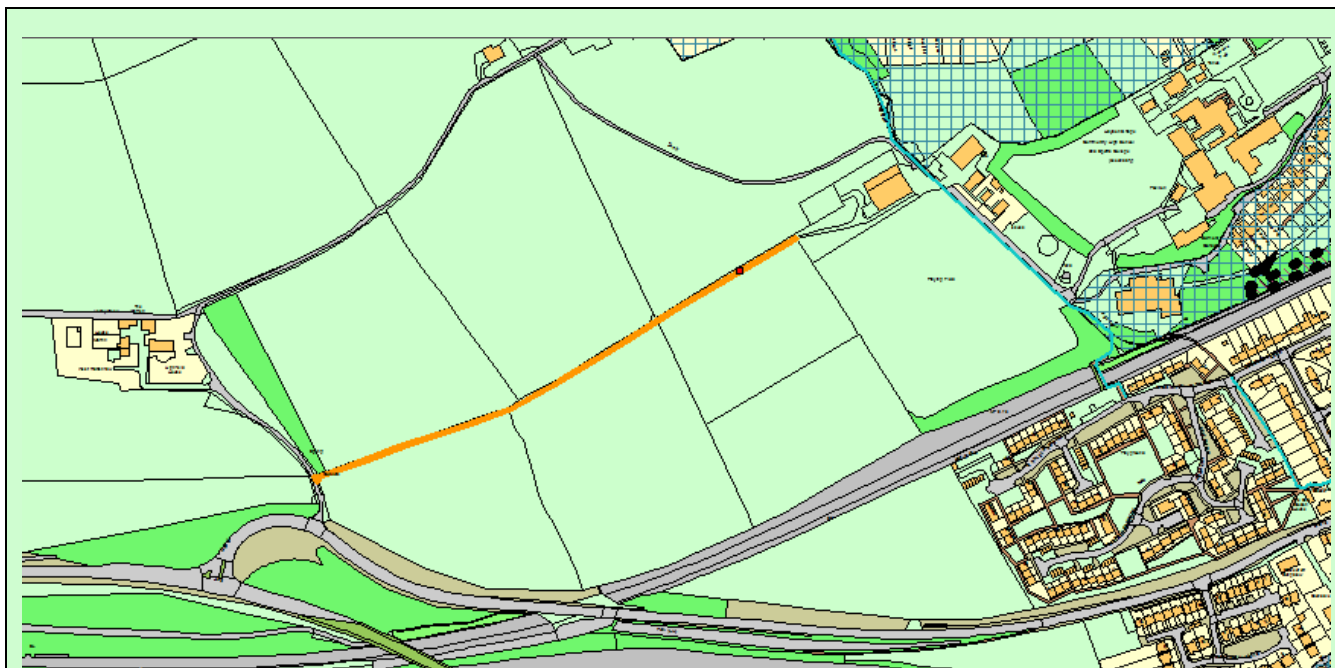
County Council

Tynedale Local Area Council Planning Committee

10 December 2019

Application No:	19/03810/CCD		
Proposal:	Construction of new track and widening of access onto highway		
Site Address	Land Strip between Waite Farm House and West Rattenraw, Haydon Bridge, Northumberland		
Applicant:	Northumberland County Council County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	Agent:	Mr John Price Northumberland County Council, County Hall, Loansdean, Morpeth Northumberland NE61 2EF
Ward	Haydon And Hadrian	Parish	Haydon
Valid Date:	4 October 2019	Expiry Date:	13 December 2019
Case Officer Details:	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as the land is owned by Northumberland County Council.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a new vehicular access and new access track on land between Waite Farm and West Rattenraw, Haydon Bridge. Northumberland County Council is the applicant.
- 2.2 The proposed vehicular access would be located along the western boundary of an agricultural field to the west of Waite Farm. The proposed access track would follow the route of an existing unsurfaced agricultural track through the fields to the west of Waite Farm. The proposed access track would connect the new vehicular access from the U8128 road to Waite Farm. The proposed access track would be constructed of hard-core stone, would measure approximately 460 metres in length and would have a width of 3 metres. The existing gates at the boundaries of the fields through which the proposed access track crosses, would be utilised and the gate at the proposed vehicular access point would be set back approximately 12 metres from the adopted highway.
- 2.3 Waite Farm is currently accessed through the grounds of Haydon Bridge Community High School and Sports College. The proposal would allow for the creation of a separate, private access and access track which would serve Waite Farm.
- 2.4 The application site is located to the west of the village of Haydon Bridge. The application site is located within the open countryside, is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is within a low risk coal advice area.

3. Planning History

- 3.1 No planning history.

4. Consultee Responses

Lead Local Flood Authority (LLFA)	No objection. Recommended informative.
County Ecologist	No objection subject to conditions.
Haydon Parish Council	No objection.
Highways	No objection subject to conditions and informatives.
Environment Agency	No response received.
Strategic Estates	No response received.

5. Public Responses

Neighbour Notification

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

Notices

General site notice – Displayed on 29th October 2019
No press notice required.

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=PXMFAQ9QS0K500>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment
Policy GD1 – The General Location of Development
Policy GD4 – Principles for Transport and Accessibility
Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000)

Policy GD2 – Design Criteria for Development
Policy GD4 – Range of Transport Provision for all Development
Policy NE27 – Protection of Protected Species

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 29 May 2019

Policy ENV 2 – Biodiversity and Geodiversity
Policy ENV 3 – Landscape

Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
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)

7. Appraisal

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

- Principle of the development;
- Design and impact on the landscape;
- Impact upon residential amenity;
- Highway safety; and
- Ecology.

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. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. This policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan.

7.3 The application site is located in the open countryside and is to the west of the village of Haydon Bridge. There are no policies within the development plan which relate specifically to the type of development proposed. Therefore the proposed development would not accord with Policy GD1 of the Tynedale LDF Core Strategy. Notwithstanding this, it is recognised that access tracks/driveways and site entrances are common features prevalent throughout the open countryside, and are not considered inappropriate in this respect. Therefore, a vehicular access and access track to serve a farm steading is a reasonable requirement in a rural area subject to a number of issues such as the design and impact on the open countryside. These issues will be discussed further below.

Design and Impact on the Landscape

7.4 The application site is located within the open countryside. The application site relates to agricultural land to the west of Waite Farm. The proposed vehicular access would be visible from the U8128 road. The proposed access track would be constructed of hard-core stone and would be visible to the public domain and from the U8128 road and from the main road through Haydon Bridge (which links to the A69 road), despite the presence of boundary treatment along the southern and western boundaries of the agricultural fields. It is acknowledged that the proposed vehicular access and access track would be similar in scale and design to a number of other vehicular accesses and access tracks within the wider rural area.

7.5 The proposal would not have an intrusive effect on the open countryside and would respect the traditional, rural character of the countryside setting of the application site. The proposal would also not result in the urbanisation of the open countryside. Thus, the proposed development would be in accordance with Policies BE1 and NE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies ENV 3, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF in relation to design and impact on the landscape.

Impact upon Residential Amenity

7.6 The application site is a number of agricultural fields. Highfield House, West Rattenraw would be the closest residential property to the proposed development at a distance of 180 metres. This separation distance is considered to be acceptable and the proposed development would not overlook, overshadow or have any overbearing impact upon this neighbouring property to the north west. Therefore, the proposal would accord with Policy GD2 of the Tynedale District Local Plan and Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) in relation to impact upon residential amenity.

Highway Safety

7.7 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 TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections.

7.8 The Council's Highway Development Management team has been consulted on this application and has no objection to the proposed development subject to conditions and informatives. The condition relates to the construction of the means of vehicular access. The Council's Highway Development Management team consider that the proposed vehicular access and access track would not have a severe impact on highway safety. The proposed vehicular access would only serve Waite Farm; therefore the access is required to be constructed in accordance with Northumberland County Council Type C specification.

7.9 The Council's Highway Development Management team consider that the proposed new access point off the U8128 road would have sufficient visibility splays in relation to the classification and speed limit of the road. 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, Policy GD4 of the Tynedale District Local Plan, Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) and the aims of Paragraph 109 of the NPPF in relation to highway safety.

Ecology

7.10 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.

- 7.11 The Council's Ecology team has no objection to the application subject to conditions. The conditions relate to vegetation removal and the submission of a detailed landscape planting plan. Subject to accordance with these conditions, the application is considered to be acceptable in accordance with Policy NE1 of the Tynedale LDF Core Strategy, 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.

Equality Duty

- 7.12 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

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

Human Rights Act Implications

- 7.14 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.
- 7.15 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.

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

8. Conclusion

8.1 National and local planning policies have been taken into consideration when assessing this application. The proposal would accord with Policies BE1, GD4 and NE1 of the Tynedale LDF Core Strategy, Policy GD2, GD4 and NE27 of the Tynedale District Local Plan, Policies ENV 2, ENV 3, QOP 1, QOP 2, STP1, STP 2, STP 3 and TRA 1 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the National Planning Policy Framework. Although the provision of a vehicular access and track in the open countryside is not covered by any development plan policies and would not accord with Policy GD1 of the Tynedale LDF Core Strategy, a vehicular access and track is a reasonable requirement in a rural area.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

1. Proposed Track and Splay, Project No: ALN505376, Drawing No: 01 (Date: 20.08.2019) (Received on: 10/09/2019)
2. Waite Farm. Haydon Bridge Location Plan Scale 1:6,000 (Date: 23/12/2009) (Received on: 10/09/2019)

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

03. Notwithstanding any description of the materials in the application, the details of the hard-core stone for the access track shall be submitted to, and approved in writing by the Local Planning Authority prior to the construction of the access track. Thereafter the access track shall be constructed in accordance with the approved details.

Reason: To retain control over the external appearance of the development in the interests of amenity and to respect the character of the landscape in accordance with the provisions of Policies BE1 and NE1 of the Tynedale LDF Core Strategy and Policy GD2 of the Tynedale District Local Plan.

04. The access track shall not be brought into use until the means of vehicular access to the highway has been constructed in accordance with the approved plans. Notwithstanding the submitted details there shall be no unbound material within 10 metres of the highway.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policy GD4 of the Tynedale District Local Plan.

05. No removal of vegetation shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policy NE27 of the Tynedale District Local Plan.

06. A detailed landscape planting plan, including the planting of locally native trees and shrubs of local provenance, shall be submitted to and agreed in writing by the Local Planning Authority, with the planting to be fully implemented during the first full planting season (November – March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity of the site.

Informatives

1. You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:
 - Tynedale
 - westernareahighways@northumberland.gov.uk
2. You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at: highwaysplanning@northumberland.gov.uk
3. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

4. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
5. It is essential that anyone who intends to carry out works in, under or near a watercourse or flood defence contacts the relevant authority to obtain any necessary consents before starting the work. For any work both permanent and temporary that are to be within the cross-sectional area of the watercourse, please contact the FCERM team on fcerm@norhtumberland.gov.uk for further details.

Date of Report: 21.11.2019

Background Papers: Planning application file(s) 19/03810/CCD