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Northumberland County Council

Your ref:

Our ref:

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Date: 29 April 2022

- PLEASE NOTE ITEMS 1 - 10 WILL BE CONSIDERED AT 4.00 P.M.
- ITEMS 11 - 20 WILL BE CONSIDERED EITHER BEGINNING AT 6.00 P.M. OR ON THE CONCLUSION OF THE CONSIDERATION OF THE PLANNING APPLICATIONS, WHICHEVER IS THE LATER

Dear Sir or Madam,

Your attendance is requested at a meeting of the **TYNEDALE LOCAL AREA COUNCIL** to be held in **CEREMONY ROOM - HEXHAM HOUSE**, Gilesgate, Hexham, Northumberland, **NE46 3NH** on **TUESDAY, 10 MAY 2022** at **4.00 PM**.

Yours faithfully

Daljit Lally
Chief Executive

To Tynedale Local Area Council members as follows:-

T Cessford (Chair), D Kennedy (Vice-Chair), A Scott (Vice-Chair (Planning)), A Dale, Fairless-Aitken, C Horncastle, JI Hutchinson, N Morphet, N Oliver, J Riddle, A Sharp, G Stewart and H Waddell

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving round but can be removed when seated, social distancing should be maintained, hand sanitiser regularly used and members requested to self-test twice a week at home, in line with government guidelines.



Daljit Lally, Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

- 1. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS** (Pages 1 - 2)

- 2. APOLOGIES FOR ABSENCE**

- 3. MINUTES** (Pages 3 - 18)

Minutes of the meeting of the Tynedale Local Area Council, held on 15 March 2022, as circulated, to be confirmed as a true record and signed by the Chair.

- 4. DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room.

NB Any member needing clarification must contact Legal Services Manager at monitoringofficer@northumberland.gov.uk. Please refer to the guidance on disclosures at the rear of this agenda letter.

DEVELOPMENT CONTROL

- 5. DETERMINATION OF PLANNING APPLICATIONS** (Pages 19 - 22)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

- 6. 21/03959/FUL** (Pages 23 - 40)

Resubmission: Erection of rural worker's dwelling
Land South of Woodside Cottage, Bardon Mill, Northumberland

- 7. 20/03425/FUL** (Pages 41 - 90)

Development of 9 no. residential dwellings (100% affordable) including

associated access, car parking, landscaping and all other ancillary works (amended layout and housing mix)
Land North of Piper Road, Piper Road, Ovingham, Northumberland

8. 20/02417/FUL

(Pages
91 - 126)

Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure works (amended description)
Land North of Lonkley Lodge, Lonkley Head, Allendale, Northumberland

9. PLANNING APPEALS UPDATE

(Pages
127 -
138)

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

LOCAL AREA COUNCIL BUSINESS

10. PUBLIC QUESTION TIME

To reply to any questions received from members of the public which have been submitted in writing in advance of the meeting. Questions can be asked about issues for which the Council has a responsibility. (Public question times take place on a bimonthly basis at Local Area Council meetings: in January, March, May, July, September and November each year.)

As agreed by the County Council in February 2012, the management of local public question times is at the discretion of the Chair of the committee.

Please note however that a question may possibly be rejected if it requires the disclosure of any categories of confidential or exempt information, namely information:

1. relating to any individual;
2. which is likely to reveal the identity of an individual;
3. relating to the financial or business affairs of any particular person;
4. relating to any labour relations matters/negotiations;
5. restricted to legal proceedings;
6. about enforcement/enacting legal orders;
7. relating to the prevention, investigation or prosecution of crime.

And/or:

- is defamatory, frivolous or offensive;
- it is substantially the same as a question which has been put at a meeting of this or another County Council committee in the past six months;
- the request repeats an identical or very similar question from the same

- person;
- the cost of providing an answer is disproportionate;
- it is being separately addressed through the Council's complaints process;
- it is not about a matter for which the Council has a responsibility or which affects the county;
- it relates to planning, licensing and/or other regulatory applications;
- it is a question that town/parish councils would normally be expected to raise through other channels.

If the Chair is of the opinion that a question is one which, for whatever reason, cannot properly be asked in an area meeting, he/she will disallow it and inform the resident of his/her decision.

Copies of any written answers (without individuals' personal contact details) will be provided for members after the meeting and also be publicly available.

Democratic Services will confirm the status of the progress on any previously requested written answers and follow up any related actions requested by the Local Area Council.

11. PETITIONS

(Pages
139 -
144)

This item is to:

- a. **Receive any new petitions: to receive any new petitions.** The lead petitioner is entitled to briefly introduce their petition by providing a statement in writing, and a response to any petitions received will then be organised for a future meeting;
- b. **Consider reports on petitions previously received:**
 - i) **Dangerous Road (Peth Head, Hexham)** (attached)
- c. **Receive any updates on petitions for which a report was previously considered:** any updates will be verbally reported at the meeting.

12. LOCAL SERVICES ISSUES

To receive a verbal update from the Area Managers from Technical Services and Neighbourhood Services in attendance about any key recent, ongoing and/or future planned Local Services work for the attention of members of the Local Area Council, who will also then have the opportunity to raise issues with the Area Managers.

The Area Managers have principal responsibility for highway services and environmental services, such as refuse collection, street cleansing and grounds maintenance, within the geographic boundaries of the Local Area Council.

13. POLICE AND CRIME COMMISSIONER

Police and Crime Commissioner Kim McGuinness will be in attendance to give an overview and answer questions about policing and community safety matters in the Tynedale area.

14. TYNE VALLEY COMMUNITY RAIL PARTNERSHIP

Fiona Forsythe, Community Rail Partnership Officer, will attend the meeting to explain what the role of the partnership in delivering the Department for Transport's Community Rail Strategy.

15. OUTSIDE BODIES

(Pages
145 -
146)

To make appointments to outside body organisations within the Local Area Council's remit. A list of outside bodies is attached to the agenda for consideration.

16. MEMBERS LOCAL IMPROVEMENT SCHEMES - PROGRESS REPORT

(Pages
147 -
174)

The Members Local Improvement Schemes for Tynedale Local Area Council are provided for information only.

17. LOCAL AREA COUNCIL WORK PROGRAMME

(Pages
175 -
186)

To note the latest version of agreed items for future Local Area Council meetings (any suggestions for new agenda items will require confirmation by the Business Chair after the meeting).

18. DATE OF NEXT MEETING

The next meeting (planning only) will be held on Tuesday, 14 June 2022.

19. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

1. Registerable Personal Interests – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

2. Non-registerable personal interests - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3. Non-participation in Council Business

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.

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Northumberland County Council

Appendix 1

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Attendance / Apologies of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

Vote (by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at County Hall, Morpeth on Tuesday, 15 March 2022 at 4.00 p.m.

PRESENT

Councillor T Cessford
(Chair, in the Chair)

MEMBERS

A Dale
SH Fairless-Aitken
D Kennedy
N Morphet
N Oliver

JR Riddle
A Scott
A Sharp
G Stewart
HR Waddell

OFFICERS

K Blyth
R Campbell
T Crowe
A Fisher
R McCartney
S Rowell
N Snowdon

N Turnbull
S Wardle

Planning Area Manager (West)
Senior Planning Officer
Solicitor
Construction Manager
Infrastructure Manager
Principal Transport Officer
Principal Programme Officer
(Highways Improvement)
Democratic Services Officer
Neighbourhood Services Divisional
Manager

ALSO PRESENT

2 members of the public and 1 representative from the press.

92. MEMBERSHIP

The Local Area Council noted that, at the meeting of the County Council on 23 February 2022, Councillor Derek Kennedy had been appointed Vice-Chair.

RESOLVED that the appointment of Councillor Derek Kennedy as Vice-Chair, be noted.

Ch.'s Initials.....

93. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Horncastle and Hutchinson.

94. MINUTES

Minute No. 83

Minutes – Minute No. 79 Local Area Council Work Programme

The following words 'by the Chair' be added at the end of the sentence:

'It be minuted that a request for inclusion of an item on the work programme on the Borderlands development work in Hexham was declined *by the Chair*.'

Minute No. 91

The Democratic Services Officer reported that the reference to the next meeting should have read 15 March 2022.

RESOLVED that the minutes of the meeting of the Tynedale Local Area Council, as circulated, be confirmed as a true record and signed by the Chair, subject to the above amendments.

DEVELOPMENT CONTROL

Councillor Cessford then vacated the Chair, for Planning Vice-Chair Councillor Scott to chair the development control section of the agenda, as was the arrangement for all Local Area Councils.

95. DETERMINATION OF PLANNING APPLICATIONS

The committee was requested to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

96. 21/03672/FUL

Part-retrospective: Change of use from Public House with staff accommodation to mixed use including public house, bed and breakfast and podiatry. Internal and external works including various windows, french doors, shed and decking.

Crown Inn, Catton, Hexham, Northumberland, NE47 9QS

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation and advised that there were no updates following publication of the report.

Mr. J. Gray, the applicant, spoke in support of the application. He highlighted the following:-

- The Crown public house had been bought in October 2020 in a poor condition, requiring modernisation which had driven some of the external alterations. Part of the roof was near collapse which had forced them to make urgent decisions regarding installation of the velux window and moving dormer windows, for which he apologised.
- There was no change to the footprint of the property although previous applications which had proposed changes to the footprint had been approved.
- The business had been closed as much as it had been open throughout the last 25 years with 5 previous owners being unable to make the bar and food service financially viable. In order to make the business successful, it was proposed that a bed and breakfast accommodation be offered which was common at many other public houses.
- His partner was a podiatrist which was the reason for including a podiatry room and would only form a small part of the business. They had not expected it to be controversial.
- The application had received 65 objections. A community meeting had been held which the owners had not been invited to. A leaflet which had been circulated locally had contained inaccurate information. They believed the objections had been made under false assumptions. No-one had asked for clarification or checked facts with the owners.
- The following statements within the leaflet were not true:
 - Conditions had been attached to the purchase.
 - A resident's group had stepped aside to allow them to purchase. (Funds had not been raised or an offer made).
 - Undertaking had been given when the property had been purchased.
 - The Crown was viable.
 - It was to be changed back to a house and the car park built on.
 - Planning did not take into account speculation about future intentions.
 - The owners were designing it to fail. (They hoped to succeed, previous owners had failed.)
 - The bar was too small.
- They had spoken extensively with the last owner regarding use of the bar and number of visitors previously. They believed the proposed bar would be the right size with additional income predominantly coming from the B and B, which would make it a viable community asset.
- He stressed that the premises would predominantly remain a public house and to that end had obtained a personal licence through Northumberland County Council, an expensive new bar had been built which had been featured in the photos, his premises licence had been approved and a new sign would be installed shortly.

Councillor Cessford relayed a message to any observers watching on the internet that he had checked with planning officers who had confirmed that the correct procedures and timescales had been followed to enable public speaking registration. The deadline for public speakers to register had been 12 noon on the previous working day. He had made the decision that it would be unfair to register anyone after the deadline. A summary of responses was included within the report and comments were also publicly available on the planning portal. The committee comprised many experienced councillors who would make a fair and thorough decision despite no objectors being present at the meeting.

In response to questions from Members of the Committee the following information was provided:-

- There was a 12% overall reduction in the floor area of the public house due to the creation of the podiatry and bed and breakfast rooms. The size of the bar area had decreased by 31%.
- Private staff accommodation was located on the first floor and remained unchanged.
- It was believed the previous closures of the premises had been due to it being not economically viable. There may also have been personal reasons which were unknown.
- Planning legislation did not set a minimum size for a public house.
- The entire building could not be occupied as a dwelling without an application for change of use from a public house to a residential dwelling. There were no conditions which could be applied to ensure that the building remained open as a public house.
- A retrospective planning application was not dealt with differently to other planning applications. The fact that it was retrospective was not a matter of material significance.
- Relevant policies included CS1 of existing plans which mirrored policies INF2 and INF3 on the retention of public houses and services. Officers were restricted how the policies could be applied as the application was for the retention of the pub and therefore the facility was not being lost. Other economic and tourism policies encouraged diversification and the provision of additional facilities.
- A public inquiry had previously been held regarding a change of use application from public house to a dwelling; that application had been dismissed.
- Public protection had not objected to the proposals regarding the toilet facilities and were satisfied that the proposals were acceptable for the scale of the premises.
- There were no restrictions regarding the provision of food with the existing use of the premises as a public house. During a site visit by the case officer, the applicant had confirmed that appliances were being installed in the kitchen which could be used for commercial catering. However, it was not an issue which was relevant to consideration of the application.

Councillor Dale proposed acceptance of the recommendation to approve the application. This was seconded by Councillor Stewart.

Upon being put to the vote, the motion was unanimously agreed.

Several of the members expressed their familiarity with the premises and its difficult history. The application supported policies for the development of tourism, and it was hoped that the diversification would assist the sustainability and viability of the premises in the future to enable retention of a valuable community facility.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report.

97. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

Councillor Dale thanked officers for information provided after the last meeting on an enforcement matter.

RESOLVED that the information be noted.

On the conclusion of the development control business Councillor Scott vacated the Chair. Councillor Cessford returned to the Chair for the remainder of the meeting.

The meeting adjourned at 4.45 p.m. until 4.50 p.m.

98. PUBLIC QUESTION TIME

There were no questions from members of the public.

99. PETITIONS

This item was to:

a) Receive any new petitions:

i) Dangerous Road (Hexham)

It was noted that a new e-petition had been opened on the Council's website on 22 February 2022.

b) Consider reports on petitions previously received:

ii) Allendale Road, Hexham

Tara Wright, Lead Petitioner, thanked the Committee for accepting the petition. She commented on the report as follows:

- There had been a serious accident during the evening of 10 March 2022 at the location in the second photograph on page 55 of the report. The accident was currently being investigated but was believed to have involved 3 vehicles with one vehicle driving in excess of the speed limit and had resulted in vehicles being written off.
- The car had mounted the path and a section of the boundary wall had been demolished next to where the children were walking in the photograph. If it had been a few hours earlier, there would have been children walking from school. The path was normally used by dog walkers in an evening around the time of the accident.
- Hexham Town Council had requested a blanket 20mph around the town to stop the confusion regarding changing speed limits between 20/30/40 mph. Drivers not paying attention could easily do 40mph in a 20mph zone. Children involved in an accident were likely to die if hit by a vehicle driven at 40mph but would survive if driven at 20mph. It was life or death.
- She was the parent of a child who had been hit by a car driving 19 mph in a 30 mph zone. This had saved her child's life although he had still required intensive care. She did not wish those days on another parent. However, reducing speed did save lives and she asked that the blanket 20mph be considered for the whole of Hexham or if not, at least for Allendale Road.
- She did not think drivers paid any attention to the variable speed limit signs or flashing signs as the zones were too small. If it was a longer distance, it would encourage people to slow down. 20 mph would save lives if an accident occurred.
- She had been made aware of a few accidents on Allendale Road. One in September at Whetstone Bridge/Allendale Road junction had not been reported to the police although the child had suffered minor injuries and had required a trip to hospital. Many incidents where the pedestrian was seen as being at fault had not been reported to the police and were therefore not included within the statistics.
- Some of the children walking along Allendale Road to Hexham Middle School were only 9 years old with limited road sense.
- The feasibility of a lollipop person be investigated between Whetstone Bridge and Allendale Road.
- She was concerned that only funds had only been set aside for preliminary design work and the recommendation that proposals be considered for inclusion in a future Local Transport Plan did not give her hope or confidence as it felt non-committal.
- The report highlighted serious issues on Allendale Road and without the fast introduction of forcible speed restrictions, such as give way markings or islands, it would not slow traffic down. There were concerns regarding speeding, the width of the paths and large vehicles passing each other. If something was not done quickly she feared that there would be a death on this road.

The Chair reported that he had received confirmation from the local Sergeant that one of the drivers involved in the recent 3 vehicle accident had been arrested for drink driving. He agreed to forward the information to the officers.

Neil Snowdon, Principal Programme Officer (Highways Improvement), provided the following update:

- The accident in September had been the result of a child being distracted by a mobile telephone and had crossed the road when the lights were on green. Officers had liaised with the local school to remind children about road safety when crossing roads.
- Recruitment of school crossing patrol officers was difficult. They worked limited hours which were quite restrictive, with relatively short durations morning and afternoon, in all weather conditions. Also due to the existence of the light-controlled crossing on Allendale Road a school crossing patrol would not normally be required.
- Allendale Road was on a strategic route and it was difficult to prevent it being used by heavy goods vehicles.
- Traffic calming measures would be investigated to see what was possible for a future LTP programme, although these could be expensive. They would also consider less costly measures such as improved signage and road markings. Due to the width of Allendale Road, it was unlikely that a traffic island could be installed, but all options would be considered to see what could be done to improve the position.
- The school travel plan was having an impact with more students using Tynedale Terrace. Some students would need to use Allendale Road if they lived on the estate opposite the high school.

Many of the members expressed their support for the petition as road safety, particularly at this location, was a concern to many residents. They, as elected officials, had a duty to look after children. The following comments were made during a lengthy discussion:

- Speed signage could be improved.
- The conditions on Allendale Road should be made commensurate with a 20mph speed limit as referred to by the Service Director - Local Services at a previous LAC meeting, otherwise the speed limit would be ignored. The 20mph advisory speed limit should be replaced with a permanent 20mph speed limit, at least on Allendale Road.
- The LCWIP had identified Allendale Road as a priority corridor for cyclists and pedestrians and provided an opportunity to slow motorised traffic down and make the road safer for vulnerable road users. Reference was made to the funding available within the 2022-23 capital programme although it was acknowledged that some of it had already been allocated.
- A further follow up report was required with proposals for physical measures and a timeline.

- It would have been beneficial if the school transport management plan was circulated to all members with students at schools in Hexham to enable them to respond to queries from parents.
- The pavement along Allendale Road was extremely narrow in places and methods to keep vehicles off the pavement should be considered, particularly if a route was included in the travel management plan.
- A number of control measures had been implemented, such as part time 20mph zones and flashing speed measurement signs but physical constraints along Allendale Road restricted opportunities to widen paths and install railings at some locations. Whilst the aforementioned measures had influenced speeds and road safety, it was felt that given the increased number of students in the area, this was not sufficient.
- The Town Council considered that a 20mph speed limit across the town was necessary and, where appropriate, a physical narrowing of the road to indicate the change, at locations where this may be appropriate.
- Clearance of footpaths and vegetation should be carried out on a regular basis.
- It would be unacceptable for a desktop only exercise to be carried out within the next financial year.
- It would be beneficial to work with the school and the school children to promote alternative routes as well as slowing traffic to improve road safety on Allendale Road to prevent a serious accident.
- Road safety at this location had been discussed for many years and as traffic volumes continued to increase and it should be treated as a higher priority. Permanent 20mph zones had improved road safety at other locations.
- There were nearly 2,000 students at nearby schools with more children travelling across the town since the relocation of the middle school. Not all children would use Tynedale Terrace. It was regrettable that the Town Council's LTP priorities, such as the 20mph zone across the town, pedestrianisation, and a school crossing patrol officer, had been declined/unsuccessful. Consideration be given to rumble strips, chicanes or a give way.
- Although Allendale Road was not immediately adjacent to the school, it was an arterial route and it was queried whether it could be considered as part of the 20mph school programme.
- The LTP programme and criteria be reviewed to enable inclusion of a road safety scheme within the next financial year for this notable accident black spot.
- The Scottish and Welsh governments were considering introduction of 20 mph across all towns as it was believed to change behaviour.
- Whilst it wasn't purely a speed issue, and the data had demonstrated that vehicles did slow down, a 20mph speed limit would establish a safety mindset around the new school.

Councillor Riddle, Portfolio Holder for Local Services, commented on the limited availability of funds, however, he agreed to review the programme to see if there was an opportunity to defer another scheme in Hexham to a later year, to prioritise work on Allendale Road. He referred to the explanation

given by the Service Director for Local Services at a recent meeting why officers believed that a blanket 20mph zone would not be observed. He added that the 20mph speed limit around schools programme was to be completed during 2022-23, where this was feasible.

Robin McCartney, Infrastructure Manager, explained the process which officers had to follow when assessing and implementing schemes, the main driver being road safety and a review of police accident statistics over a 15/20 year period. Near misses were not recorded. He confirmed that:

- The number of accidents had reduced and the majority of these occurred on 60 mph roads, nationally only 20% were speed related; in Northumberland this was perhaps only 10-15%.
- Implementation of 20mph speed limits had reduced accidents.
- Wales and Scotland were introducing a global concept of a 20mph speed limit although there was no documentation which showed a link to road safety issues. Some local authorities in Scotland had stated they could not afford to implement global 20 mph speed limits in their towns.
- The Royal Society for the Prevention of Accident guidance stated that 20mph speed limits should only be installed in residential areas, not on through routes, they should be self-enforcing or expensive physical measures be constructed. If only 10-20% of accidents were speed related consideration be given to other measures as culturally people 'felt safer'.
- Allendale Road was historically a bad road and as a strategic route used by HGVs which could not be prevented.
- Tynedale Terrace was used by the majority of the students and the schools were being encouraged to promote the travel plan.
- The speed survey results indicated that there were some concerns regarding speeding but not when compared with other roads. The average was 31mph for 85% of vehicles was below 37mph in semi-rural exits for Hexham. Analysis of the speeds within the town and closer to schools seemed more reasonable. It was therefore not obvious from the results that physical measures were required in those locations.
- Given the concerns of residents and Councillors, consideration would be given to possible solutions when the road safety design team had an opportunity to review all of the information.
- The photographs within the report of the HGVs passing demonstrated that there was a safety issue.

Councillor Riddle commented that the wording of the original petition did not make reference to 20mph. He explained the LTP Programme process was hopefully going to be reviewed so that it became a 3-year rolling programme, so that issues that were identified as important could eventually rise to the top of the list. He and officers had listened to the concerns that had been raised, consider design solutions that could be implemented with a report to a future meeting.

The Infrastructure Manager confirmed that:

- A project brief would be written for the design team,
- The LTP programme be reviewed as to whether a scheme be included within the next financial year.
- A timescale be obtained from the design office given their existing workload.

The Chair thanked the Lead Petitioner for attending the meeting and highlighting the issue.

Whilst it was suggested that an additional recommendation be included that the Portfolio Holder look at the funding position to enable further work to be carried out quickly, the Chair did not think this was necessary as the Portfolio Holder had already stated that he would review the LTP Programme. The Portfolio Holder confirmed that he would take this forward.

RESOLVED that:

1. The officers proposed actions be supported, namely:
 - A. Funding has already been allocated to carrying out some preliminary design work which would consider potential options to improve road safety on Allendale Road. These could then be considered for inclusion in a future Local Transport Plan (LTP) Programme. This may include appropriate physical traffic calming measures as requested through the petition.
 - B. Remind the school they need to publicise and encourage the use of the preferred walking route.
 - C. A copy of the petition and report to be forwarded to the Road Safety Unit at Northumbria Police for further investigation and any appropriate enforcement action deemed necessary.
 - D. Concerns regarding the clearing of the footpath, and the cutting back of overhanging vegetation and thorns have already been addressed. We will request Neighbourhood Services to ensure that Allendale Road is regularly inspected, to ensure the maximum footway width is available for use.
2. The Chair liaise with the Portfolio Holder for Local Services to obtain a further report as soon as practicable.

c) To consider updates on petitions previously considered:

There were none to consider.

100. LOCAL SERVICES UPDATE

Members received the following updates from the Area Managers from Neighbourhood Services and Technical Services:

Neighbourhood Services:

- The winter had been mild since the LAC meeting in January which had enabled recovery of scheduled work following Storm Arwen. Staff were currently working winter hours, which was 28 hours per week. Members were requested to contact officers if any requested winter work had not been completed.
- Final preparations were underway for grass cutting with servicing of equipment and recruitment to seasonal grounds maintenance positions. Grass cutting could commence within the next week, if ground conditions were favourable.
- Weed control would be undertaken in-house with blue dye being used again.
- It was hoped that street cleansing activities would be able to return to normal levels with a reduction in footfall following staycations during the pandemic in previous years.
- Elevated tonnages were still being collected for residual and recycling waste collections which was believed to be a result of people working from home and generating more waste there rather than at workplaces. Due to housing growth, there would be 2 additional refuse collection vehicles and crews. Routes were being reviewed to ensure they were deployed in the most efficient way possible.
- The garden waste collections had commenced with rounds having been reviewed to accommodate an increase in take up and housing.
- The glass recycling household collection trial had been extended for a further 12 months with presentation and yields remaining positive in most areas. Planning was underway for a food waste collection trial which would require hiring an additional vehicle for the duration of the trial. More information would be provided when plans were finalised.

Responses to issues raised by Councillors included:

- Expansion of the glass recycling household collection trial awaited progress of the Environment Bill and associated government funding. The trial enabled provision of information and gathering of robust evidence to support bids for funding for this to be rolled out countywide, otherwise there would be a significant additional cost.
- Results of the non-glyphosate methods of weed control trial was in the process of being finalised and would be included within a summer grounds maintenance report. Some methods had not been very effective and had been discontinued.
- Bird nesting season was from 1 March to 31 August and therefore only work required on safety grounds would be carried out during this period. Prior to this, 10 additional teams of contractors had been employed following Storm Arwen in addition to the Council's 3 teams. High footfall areas had been made safe with reinstatement work and removal of stumps underway.
- Roadside trees and hedges had been prioritised to ensure roads were safe and not causing damage to vehicles.
- Carbon footprint impact assessments were being undertaken as part of the kerbside glass collection trial.

The following issues were also raised by Councillors:

- Councillor Stewart enquired if Prudhoe could be part of the food waste trial.
- Gulley cleaning continued to be a priority.

Technical Services:

- Highway inspections were being carried out in line with statutory requirements. The number of actionable defects had reduced and had been assisted by recent mild winter weather.
- A new larger capacity hot box had recently been delivered for the Tynedale area, which would enable more repairs to be carried out during the working day, with fewer refills being required.
- A new gulley wagon was also expected for the Tynedale area in the next few weeks. 4 new vehicles had been ordered. Complaints reported to the area office were picked up by the team.
- Teams had been working hard as further storms had required repeat visit to areas to clear detritus, blocked drains and gulleys; roads had been opened as soon as practicable and it was hoped that storm clear up work would be finished in the near future. Additional resources included gulley wagons, sweepers and tree teams in each of the 3 Tynedale areas.
- Works to improve visibility and safety at roadside verges had been undertaken over the last few months but had now ceased during bird nesting season. Work was now concentrated on signage and drainage.
- An update was given on the work being undertaken by the dedicated drainage team, highways investment, LTP surfacing work and flags to flex and members improvement schemes.
- It was expected that a considerable amount of work which had been postponed as a result of the work on the A69 would be programmed in Hexham with work also to be completed around the high school. Discussions were being held with colleagues in Street works to determine how this could be completed during the school holiday period.
- The staff had been incredibly busy with the winter services rota, particularly on the higher ground, storm clean up and the general day to day work. He placed on record his thanks to all staff who had worked in extreme weather conditions and during unsociable hours. They were a credit to Northumberland.

The following issues were discussed:

- Officers were aware of the surface water issues around the high school. Investigations had been carried out with cameras and jetters and it was believed that some work was scheduled which would hopefully reduce the problem.
- Work on parking bays and bollards in Corbridge was due to commence on Tuesday 22 March and would take approximately 2 weeks.

An update would be obtained for Councillor Oliver (Prospect Hill / Temperley Grange) and capacity of new equipment following the meeting.

The Chair, on behalf of the Tynedale Local Area Council, acknowledged the contribution by the Neighbourhood Services and Technical Services teams.

RESOLVED that the updates be noted.

101. LOCAL CYCLING AND WALKING INFRASTRUCTURE PLANS

Sarah Rowell, Principal Transport Officer gave an update on walking and cycling infrastructure plans. The consultation exercise was being held to understand views on proposals to enhance the walking and cycling infrastructure in Northumberland. It had opened on 7 March 2022 and was due to close on 15 April 2022. (A copy of the power point presentation were enclosed with the signed minutes and would be circulated electronically after the meeting):

The presentation highlighted:

- The policy background.
- Benefits of residents choosing to and walk and cycle more often (health and wellbeing, congestion, air quality, economic).
- Evidence led approach to identify infrastructure requirements and place the authority in a strong position if funding opportunities became available.
- 5 LCWIP Principles:
 - 1 - Our walking and cycling vision
 - 2 - Evidence based approach to walking and cycling network planning
 - 3 - Geographical extent of LCWIPS
 - 4 - Proposed improvements
 - 5 - Priority corridors
- Progress to date (identification of 3 cycling and 2 walking corridors in each of the 12 towns).
- Strive to adhere to national design guidelines for proposed improvements (Department of Transport Cycle Infrastructure Design) to ensure networks and routes were coherent, direct, safe, comfortable and attractive.
- Consultation objectives (raise awareness, gather baseline data, introduction of principles used to develop the LCWIPS, seeks views of on the proposed walking and cycling networks and priority corridors).

The consultation was on the Council's website and Citizen Space Portal; comments, questions and queries could also be sent to: gearchange@northumberland.gov.uk.

Members made the following comments:

- They supported the LCWIP process, particularly given the many benefits including tourism and that the Council needed to be ambitious and consider the position of gateways given the nature of the county.
- Connectivity was needed between towns.
- Cyclists had different levels of ability and confidence on different routes. Routes needed to be safe to nurture more users.
- Whilst £220,000 funding had been set aside by the Council, additional funding would be needed to progress schemes.
- It was recommended that Members obtain a copy of Geared Up.

The following information was provided in response to questions:

- The LCWIPS were focused on 12 main towns which included Hexham as they provided the best opportunity to increase people walking and cycling and reduce car usage. However, the data had shown that the settlements of Acomb and Corbridge had been identified as being important to Hexham, so the Hexham cycling corridor extended towards Acomb and Corbridge. The consultation sought views of what the extent of the LCWIP should be.
- The consultation was about the high-level direction of travel, the next stage would require approval of a strategy prior to seeking external funding to deliver schemes and draw in external funding.
- The proposed networks and priority corridors were included within the consultation but would be forwarded to members separately. Alignment of routes would not be considered until later in the process as part of design work. There would be further consultation at that stage.
- Facilities were needed to enable residents to use cycles as part of a longer journey as currently there was a limit of 2 cycles on some public transport. Key stakeholders, including bus and rail providers had been consulted directly; it was agreed that facilities needed to be improved to include shower facilities at places of employment. The latter was a separate behavioural change piece of work.
- Officers had been liaising with counterparts in neighbouring authorities however to ensure that the various networks connected at borders. It was acknowledged that they could have different priorities, but it was important to maintain communication.
- 300 responses had been received to the consultation in the first 8 days since it had been launched but it would continue to be promoted during the consultation period.
- Strategic Transport and Technical Services were both involved in the development of LCWIPS and traffic calming measures. This included analysis of functions and requests.
- NCC supported the Cycle to Work scheme and consideration would be given to additional promotion of the scheme as employees returned to their normal workplaces following the pandemic.
- This was a first stage in a process to enable schemes to be progressed should funding be made available. Separate consultation would be held regarding towns and communities as schemes were developed.

The Chair thanked the Principal Transport Officer and looked forward to the next steps and development of schemes.

RESOLVED that the presentation be received and that the comments be noted.

102. OUTSIDE BODIES

Members considered a list of vacancies for outside bodies in 2021/22.

RESOLVED that the following list of appointments be confirmed:

Haltwhistle Partnership Limited – A Sharp
Queens Hall Arts Trust – SH Fairless-Aitken

103. LOCAL AREA COUNCIL WORK PROGRAMME

A list of agreed items for future Local Area Council meetings was circulated.
(A copy is enclosed with the minutes.)

Members were invited to email any requests to the Chair and / or Democratic Services Officer between meetings.

In answer to a query, it was confirmed that an item on Tyne Valley Users Group was to be programmed.

RESOLVED that the work programme be noted.

104. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 12 April 2022 at 4.00 p.m.

The Chair reported that a site visit was being held later in the week with an officer from Health and Safety to assess the suitability of the Ceremony Room at Hexham House for LAC meetings in line with Covid-19 requirements.

CHAIR _____

DATE _____

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TYNEDALE LOCAL AREA COUNCIL

10 MAY 2022

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

Cabinet Member: Councillor CW Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Tynedale Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:
 - Decision makers are to have regard to the development plan, so far as it is material to the application

- Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for Money:	None unless stated

Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author Rob Murfin
 Report of the Interim Executive Director of Planning and Local
 Services 01670 622542
 Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

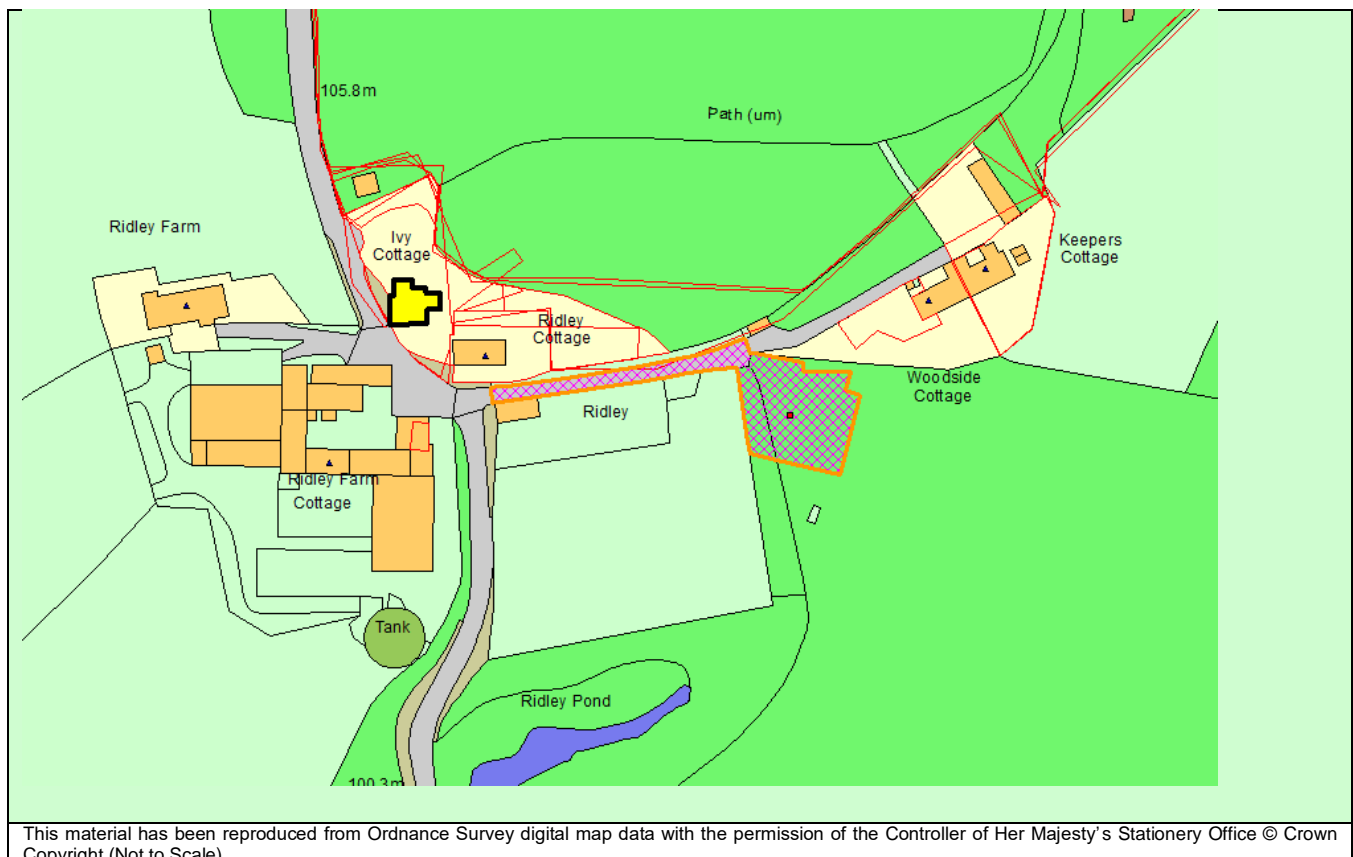


Northumberland County Council

Tynedale Local Area Planning Committee Tuesday 12 April 2022

Application No:	21/03959/FUL		
Proposal:	Resubmission: Erection of rural worker's dwelling		
Site Address	Land South of Woodside Cottage, Bardon Mill, Northumberland,		
Applicant:	Messrs Furlong Ridley Farm, Bardon Mill, Hexham, Northumberland NE47 7BP	Agent:	Miss Maria Ferguson 14 Gordon Crescent, Richmond, DL10 5AQ,
Ward	Haydon And Hadrian	Parish	Bardon Mill
Valid Date:	8 November 2021	Expiry Date:	3 January 2022
Case Officer Details:	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice Chair of the Tynedale Local Area Council Planning Committee who agreed that the application should be considered by Members of the Tynedale Local Area Council Planning Committee.

2. Description of the Proposals

2.1 Planning permission has been sought for the construction of a dwelling for a rural worker on land south of Woodside Cottage, Bardon Mill. The proposal relates to the existing farming enterprise at Ridley Farm. The proposed dwelling would be accessed from an existing field gate and would be L-shaped and single storey and constructed of stone with a slate roof 5.8 metres in height. It would have uPVC windows and a timber or uPVC door. Internally it would have an open plan living area with two bedrooms and an office, and externally a raised patio area, with a glass balcony to the rear. Amenity space would be provided to the rear and west of the dwelling, with parking for three vehicles to the front.

2.2 The site is a greenfield site located west of Woodside Cottage and to the east of the farmstead at Ridley Farm. The proposal sits within an area of parkland with mature trees. To the front of the site, adjacent to the lane, there is post and wire and post and rail fencing, with a traditional stone wall to the west. Trees are located along the western boundary of the site, with some having been removed in the recent past.

2.3 Ridley Farm is located south of Ridley Hall, east of Beltingham, south-east of the larger village of Bardon Mill and south of the A69. It is a greenfield site within the open countryside and is within the North Pennines AONB.

2.4 Submitted with the application were the following:

- Land at Ridley Hall Farm, Bardon Mill, NE47 7BP Ecological Appraisal August 2018, (Quants Environmental)
- Ground gas risk assessment, January 2020 (Ergo Environmental Ltd)
- Agricultural Appraisal, 16 September 2020 (Richard Brown and Partners)
- Planning Statement, 6 October 2021 (Maria Ferguson)

3. Planning History

Reference Number: T/81/E/573

Description: Extension of agricultural building and erection of slurry tower.

Status: Permitted

Reference Number: T/78/E/422

Description: Erection of milking parlour.

Status: Permitted

Reference Number: 19/01055/FUL

Description: Proposed erection of rural worker's dwelling

Status: Non determination

Appeals

Reference Number: 20/00006/REFUSE

Description: Proposed erection of rural worker's dwelling

Status: Dismissed

4. Consultee Responses

Bardon Mill Parish Council	Support the application as: need for two full time workers at or near site; need cannot be met from existing housing; and modest dwelling proposed not out of place in this location.
Public Protection	No objection subject to conditions.
Highways	Unacceptable as unsustainable location but if LPA considers it outweighs this, recommends conditions.
North Pennines AONB	No response received.
County Ecologist	No objection subject to conditions.
West Tree and Woodland Officer	No response received.
Forestry Commission	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	0
Number of General Comments	1

Notices

General site notice: expired 17 December 2021
No Press Notice required.

Summary of Responses:

A comment from an adjoining property has been submitted which states that they have no objection if the adjacent Keeper's Cottage is ruled as unsuitable or unavailable, and as long as this application does not create a precedent for future building within the AONB. In addition, the neighbour has stated that if planning permission is granted, it is important that concerns regarding local services are dealt with prior to construction.

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=R0LI8EQSJRJ00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan – March 2022

Policy STP 1 - Spatial strategy
Policy STP 2 - Presumption in favour of sustainable development
Policy STP 3 - Sustainable development
Policy HOU 2- Provision of new residential development
Policy HOU 9 - Residential development management
Policy QOP 1 - Design principles (Strategic Policy)
Policy QOP 2 - Good design and amenity
Policy ENV 2 - Biodiversity and geodiversity
Policy ENV 3 - Landscape
Policy ENV 6- North Pennines AONB
Policy POL 1- Unstable and contaminated land
Policy TRA 4 – Parking provision in new development
Policy WAT 2 – Water supply and sewerage

6.2 National Planning Policy

National Planning Policy Framework (2021)
National Planning Practice Guidance (2018, as updated)

4.3 Other Documents/Strategies

National Design Guide (1 October 2019)
North Pennines AONB Design Guidance

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main issues in the determination of this application are:

Principle of development
Siting, design and residential amenity
Impact on the AONB and the landscape
Impact on adjoining residential amenity
Highway issues and parking
Protected species and ecology
Environmental health issues

Principle of development

Background to the development

7.3 A previous application for a dwelling for a rural worker (ref: 19/01055/FUL) which is on the same site as the current application, was the subject of an appeal. A Hearing was held on 25 August 2020 and the application was dismissed on the basis that it had not been demonstrated that there was no suitable accommodation in the

area to meet the needs of the farming enterprise, contrary to the development plan and the NPPF.

7.4 The farming enterprise which relates to this application covers some 577 acres and includes Ridley Farm with its farmhouse and Ridley Farm Cottage, plus farm buildings and c. 132 acres of arable, grass and pasture. The applicant, Stuart Furlong lives in the farmhouse, whilst his son and business partner, Edward Furlong, lives in a caravan on site which does not have the benefit of planning permission. The main operations for the business are at Ridley Hall where there is livestock housing, silage pit and fodder stores. Farming tenancies are also held at Shaws Farm with 250 acres of land with buildings, Briarwood Farm with 135 acres of land and buildings, plus Mill House Farm with 60 acres of land and sheds.

7.5 Other activities run by the partners include:

- Agricultural contracting including snow clearance in winter and verge cutting in summer for the Council.
- Contracted digger work.
- Stuart Furlong manages and operates the South Tyne Shoot on land covering 2,500 acres which employs a full-time gamekeeper and operates and runs 20 let days a year. This is run as a separate business to the farm.
- Edward Furlong operates a licenced boarding kennel business based at Ridley Farm which is separate to the farming business.

7.6 The application considers that the proposed dwelling is needed as a caravan does not provide suitable accommodation or appropriate office facilities for the 2nd farm worker required on the holding.

Principle of development: open countryside and the need for an agricultural dwelling

7.7 The site is a greenfield site located in the open countryside. Policy STP1 of the Northumberland Local Plan (NLP) states that development in the open countryside will be supported subject to a list of criteria which includes: if it provides for residential development in accordance with Policies HOU 7 (which is not relevant in this context) or HOU 8, which will be discussed below.

7.8 Paragraph 80 of the NPPF says that '*planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply*'. This includes at point a) where '*there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside*'. In addition, paragraph 84 says that planning decisions should enable '*the development and diversification of agricultural and other land-based rural businesses*'.

7.9 NLP Policy HOU 8 states at point 1 a:

The development of isolated homes in the open countryside will only be supported where:

a. There is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside, and where it can be demonstrated that:

- i. The business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been*

- established for at least three years and been profitable for at least one of those last three years; and*
- ii. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area, which is suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned.*

7.10 The NPPF does not contain any specific or detailed guidance on determining whether there is an essential need for a rural worker to live permanently at a site, although some guidance has subsequently been provided in the NPPG. This outlines the considerations that are relevant in this type of application including functional need, the viability of the enterprise, whether the provision of an additional dwelling is essential for the continued viability of the farming business; and whether the need could be met through improvements to existing accommodation on the site. This generally aligns with the considerations outlined in NLP Policy HOU 8.

7.11 A Planning Statement (Maria Ferguson) and an Agricultural Appraisal (Richard Brown) has been submitted with the applications. The Council has commissioned Alan Jackson, an independent Chartered Surveyor, with experience in agriculture and rural workers' dwellings, to assess the application. He also assessed the previous application on behalf of the Council.

7.12 Alan Jackson noted in his report that the Richard Brown appraisal submitted with this application differs from that submitted for the 2019 application in that it now states that the 132 acres at Ridley Farm are held on a secure tenancy which benefits from succession: this differs from what he was previously told. Alan Jackson has commented, however, that based on the succession provisions in relation to agricultural tenancies, as the current tenancy of Ridley Farm was granted after 1984, it is only secure for the lifetime of Mr Furlong with no succession rights. It is also understood that the tenancies at Shaws Farm and Briarwood Farm are also lifetime tenancies. The 60 acres at Mill House Farm remains on a farm business tenancy renewable on a 5 year basis.

The functional need

7.13 A functional need is defined as one which establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, for example, in case animals require essential care at short notice.

7.14 Alan Jackson has confirmed that the main functional need is centred on the land holdings at Ridley Farm in relation to the care of 80 suckler cows and 550 breeding ewes. Edward Furlong also runs a boarding kennel enterprise which may also add to the functional need. Alan Jackson considers that there is a clearly established functional need in relation to the suckler cow and breeding ewe enterprises.

Labour requirements

7.15 Alan Jackson has assessed the application and has calculated that based on existing livestock numbers and cropping practices, that there is a labour requirement of some 3 full time workers which is partially met by Mr Furlong and Edward Furlong.

Financial viability

7.16 Although the NPPF does not require a financial test to be applied in relation to rural housing, the NPPG in 2019 did state that when assessing paragraph 80 of the NPPF that there should be confidence that the enterprise remains viable for the foreseeable future. Financial accounts have been submitted and Alan Jackson has assessed these and the fact that the business has been established for many years and remains confident that the farming enterprise would remain viable for the foreseeable future.

Suitability and availability of existing dwellings

7.17 The site has an existing farmhouse in which the applicant, Mr Furlong resides. Edward Furlong, the 2nd farm worker lives in a caravan on the farmstead. Within the farmstead is Ridley Farm Cottage, which is occupied by a gamekeeper who is employed by a separate business run by the appellant; with a third dwelling, Keepers Cottage, to the east of the farmstead being let out to a private tenant and which is owned by Mr Furlong and his daughter.

7.18 Alan Jackson agrees that two farm workers should reside at or near the farm. The Planning Inspector affirmed in his decision that it was agreed by all parties that two full time workers should reside at or near the farm.

7.19 Alan Jackson's reassessment of the business as part of this application has acknowledged that Ridley Farm House is only suitable and available to house one of the two identified farm workers. The farmhouses at Shaws Farm and Briarwood Farm are not included within the farm tenancies and so are not available. Alan Jackson mentions that Mr Furlong had contacted his landlord to see if there were any available cottages for the second farm worker: there are none, and the landlord would not allow a tenant to build a dwelling on land which they do not own.

7.20 Alan Jackson has therefore once again assessed the two other dwellings on the land holdings that are in the control of the applicant. Ridley Farm Cottage is within the buildings at Ridley Farm and is part of the tenancy but is occupied by a full-time game keeper who runs a shoot which is a diversified enterprise of the farm business. It is acknowledged that it is common practice for a game keeper to be in tied accommodation close to where the birds are located and that Ridley Farm Cottage, although suitable, is not available to house the second farm worker.

7.21 Keepers Cottage, which was discussed at length during the hearing, and was bought as an investment, is let out on an assured shorthold Tenancy. This cottage is jointly owned by Mr Stuart Furlong and Vicky Furlong. Alan Jackson refers to the appeal decision, and in particular paragraph 10 (Appeal decision appended to this report) which acknowledges the joint ownership of Keepers Cottage by Vicky Furlong and her father - the fact that Keepers Cottage was owned by both of them following the recent death of Mrs Furlong, was discussed at length at the Hearing, hence the conclusion that was reached by the Inspector.

7.22 Issues over tenancy rights, which Alan Jackson has mentioned in his report was explored thoroughly at the hearing, and although there is no life-time tenancy, there was assumed that any future tenancy is likely to pass from Stuart to Edward Furlong when Stuart retires.

7.23 The hearing also discussed issues around the rent from Keeper's Cottage versus building costs for a new dwelling for Edward. The appellant had not provided building costs, whilst the Council had given some figures. This was referred to in the

Inspector's decision. In the current application, a smaller property is proposed and building costs have been included. These have been evaluated by Alan Jackson for the Council, plus he has assessed the actual income provided by Keepers Cottage, taking into account annual costs in relation to repairs and maintenance, as well as annual costs in relation to the replacement of fittings. The applicant estimates that the build costs would be around c. £158,400 whilst Alan Jackson has assessed the building costs based on the size of the dwelling and has looked at various calculations and guidance and has provided a figure of between £212,800 and £312,300 as a guide for the costs of a new house based on the plans submitted. Looking at various costs and the servicing of a mortgage, Alan Jackson considers that there is not a significant difference between the rent on Keepers Cottage and the annual cost of constructing and fitting out a new dwelling.

7.24 The Inspector at the Hearing acknowledged that Keepers Cottage, although some distance from the main farm buildings, was only a short distance from the proposed new dwelling; the distance was not excessive and this "does not render Keepers Cottage as being unsuitable for the operational needs of the business or the accommodation of a farm worker". The Inspector concluded that "*on balance, it has not been demonstrated that Keepers Cottage is economically unviable for use as a rural worker's dwelling*". The Inspector went on to say that "*based on the evidence before me this does not mean that Keepers Cottage is unavailable for a rural worker associated with the appellant's business. Similarly, the potential intentions of the appellant's family members do not mean that Keepers Cottage is unavailable*".

Summary of principle

7.25 Alan Jackson's assessment of this case on behalf of the Council acknowledges that Ridley Farm Cottage is occupied by the game keeper, but consideration should be given as to whether housing the game keeper should be prioritised over housing the second farm worker. Ridley Farm Cottage is, after all, part of the farm tenancy and perhaps should be used for the purposes of the farm business. And as considered during the last application, Alan Jackson highlights that Keepers Cottage is suitable and could be made available to a second worker, particularly as there is little difference between the net rental income from letting out Keepers Cottage and the annualised cost of building and fitting out a new dwelling.

7.26 The Inspector concluded at the hearing that: it had not been demonstrated that there was no suitable accommodation in the area for the needs of the farming enterprise and available to a rural worker and; the application conflicted with the relevant Tynedale policies which formed the development plan at the time, plus it was contrary to paragraph 79, (now 80) of the revised NPPF which seeks to avoid isolated homes in the countryside, and in particular paragraph 79(a) (now 80 (a)) as it had not been demonstrated that existing accommodation could not meet the need for a rural worker to live near their place of work. The Inspector also referred to conflict with Local Plan Policy HOU 8, at the time emerging policy, but which is now part of the development plan.

7.27 Although the agent has argued otherwise, the current ownership of Keeper's Cottage was known and discussed at the hearing and as has been discussed within the Inspectors report. Although the applicant states that his daughter does not intend to allow the property to be occupied by Edward Furlong, this is a private matter between the family members and not sufficient to consider that the property could not be made available. Consequently, it is considered that the requirement for a new dwelling for an agricultural worker has previously been assessed as part of the previous application and the subsequent hearing; this situation has not changed, and

there are no further or outstanding matters that need to be considered. In conclusion, the application fails to accord with Northumberland Local Plan Policy HOU 8 and paragraph 80 of the NPPF.

Siting, design and residential amenity

7.28 The proposal would be for a single storey modest dwelling constructed of traditional materials. Although the general parameters of the design are acceptable, the fenestration does provide a mix of designs within a relatively small building, and it would be preferable if this was rationalised. In addition, the glazing of the east elevation to the apex of the gable would result in an overly glazed elevation which is not typical of traditional buildings or appropriate to a site within the North Pennines AONB. It is also a style that was used quite commonly in the recent past but has come to appear out of date and incongruous in rural areas. An external chimney breast, as opposed to a traditional chimney on the roof would also be more appropriate. Changes to the design have not been sought as the principle of development is not considered acceptable, but if minor changes were made, and subject to conditions in relations to further details of materials and landscaping of the site, a dwelling appropriate to the site could be considered acceptable in accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

Impact on the AONB and the landscape

7.29 Paragraph 176 of the NPPF states that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. It goes on to say that “the scale and extent of development within all these designated areas should be limited while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

7.30 Northumberland Local Plan Policy ENV 3 states that great weight shall be given to the conservation and special qualities of designated landscapes including the North Pennines AONB, whilst Policy ENV 6 says that when assessing development proposals the openness of the landscape and its sensitivity to development needs to be considered, whilst small scale development will be supported where it does not impact on the AONBs special qualities. The site is within a small group of dwellings around Ridley Farm which is reached by a narrow country lane to the south of the A69. The area is an attractive rural landscape with stone walls, fields and mature trees with the large field in which the house is proposed being of Wood Pasture and Parkland with mature trees dotted around. Although locating the house within this area of landscape is not ideal, it is acknowledged that the overall development site is small and adjacent to other buildings and in this respect it would accord with NLP Policies ENV 3 and ENV 6.

Impact on adjoining residential amenity

7.31 It is considered that a dwelling could be constructed in this location which would not have a detrimental impact on adjoining land and properties and would accord with Northumberland Local Plan Policy QOP 2 and the NPPF in this respect.

Highway issues and parking

7.32 The Highway Authority has assessed the application and considers that as set out in the NPPF, the scheme is considered to be unacceptable, but if the Local Planning Authority considers that sufficient weight on other matters outweighs the

unsustainable location, then requirements in the form of conditions could be provided. This includes the need for cycle parking and an EV charging point, plus a construction method statement. The Highway Authority consider that the site would accommodate three car parking spaces. Subject to relevant conditions the application would accord with Northumberland Local Plan Policy TRA 4.

Protected species and ecology

7.33 An ecology report '*Land at Ridley Hall Farm, Bardon Mill NE47 7BP Ecological Appraisal August 2018*' notes that hedges and trees on the boundary of the development would be retained. The site is within Wood Pasture and Parkland Habitat of Principal Importance. The County Ecologist who has assessed the application has commented on this but states that the footprint of the development is very small and impacts are considered to be negligible. The Ecologist has no objection subject to proposed mitigation and enhancement as set out in the submitted report and a planning condition. Subject to the condition, the application would accord with Northumberland Local Plan Policy ENV 2 and the NPPF.

Environmental health issues

7.34 The Environmental Protection team has been consulted on the application and has commented that based on the Ground Gas Risk Assessment and the planning appeal decision on the previous application ref: 19/01055/FUL, that ground gas protection is necessary for this proposal in order to protect human health. The team recommends conditions in this respect, as well as conditions in relation to working hours and construction delivery to protect the amenity of neighbouring residents during the construction period. Subject to these conditions the application would accord with Northumberland Local Plan Policy POL 1.

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 application has been assessed against the development plan and the NPPF as set out in the above report. A similar development was in 2020 the subject of a planning appeal in the form of a hearing and the application was dismissed by the Inspector. It is considered that the current proposal, although smaller in scale, does not change the pertinent issues that were discussed at the hearing, in particular the ownership and availability of Keeper's Cottage. The situation has not changed since the hearing and there are no further or outstanding matters that need to be considered. The application fails to accord with Northumberland Local Plan Policies STP 1, HOU 8 and paragraph 80 of the NPPF.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reason

1 The essential need for a new dwelling in the open countryside at Ridley Farm has not been established as it has not been demonstrated that there is no suitable accommodation in the area for the needs of the farming enterprise and available to a rural worker. This is contrary to Northumberland Local Plan Policies STP 1 and HOU 8 and paragraph 80 of the NPPF.

Background Papers: Planning application file(s) 21/03959/FUL

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Appeal Decision

Hearing Held on 25 August 2020

Site visit made on 25 August 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/P2935/W/19/3242209

Land South of Woodside Cottage, Bardon Mill, Northumberland.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Stuart Furlong of MW Furlong & Co against Northumberland County Council.
 - The application Ref 19/01055/FUL, is dated 27 March 2019.
 - The development proposed is erection of rural worker's dwelling.
-

Decision

1. The appeal is dismissed and planning permission for erection of rural worker's dwelling on Land South of Woodside Cottage, Bardon Mill, Northumberland is refused.

Application for costs

2. An application for costs has been made by Mr Stuart Furlong of MW Furlong & Co against Northumberland County Council. This application is the subject of a separate Decision.

Main Issues

3. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement, the Council has indicated the reasons for refusal had it resolved to determine the application.
4. On the basis of the indicative reasons for refusal in the Council's Statement, the main issues in this appeal are:
 - Whether there is suitable accommodation in the area which would meet the needs of the farming enterprise;
 - Whether the agricultural tenancy of the farming enterprise and associated land supports the provision of a dwelling; and
 - Risk to human health from mining activity.

Reasons

Accommodation

5. The appeal site is a greenfield site located in the open countryside. It is proposed to construct a dwelling for a rural worker associated with the nearby farming enterprise at Ridley Farm. It is common ground between the parties that there is a need for 2 full time workers to reside at or near the farm.
6. The site is located remotely from defined settlements and services, and it is common ground between the parties that Paragraph 79 of the National Planning Policy Framework (the Framework) is relevant to this appeal. Paragraph 79 seeks to avoid the development of isolated homes in the countryside, except in a number of circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work. Policy GD1 of the Council's Core Strategy 2007 (the Core Strategy) also sets out that this area is considered to be open countryside, which includes sporadic groups of buildings such as the small number of residential properties and farm buildings in the vicinity of the appeal site.
7. The residential properties include Ridley Farm house which is occupied by the appellant and which is included within the tenancy of the farm. A Report¹ commissioned by the Council accepts that this existing farm house is only suitable to house 1 of the full time workers.
8. The appellant's son is taking an increasing role in managing the business and it is anticipated that he will eventually take majority control. He represents one of the full time employees and currently lives in a mobile home located on the farm. This mobile home would not represent suitable long-term accommodation.
9. The group of farm buildings also includes Ridley Farm Cottage which is occupied by a gamekeeper who is employed by a separate business run by the appellant. The gamekeeper is required to occupy this dwelling as part of his employment and the Council's Report accepts that this dwelling is not available to the second worker required by the farm business.
10. A third dwelling is Keepers Cottage, which is owned by the appellant and his daughter. This is currently let out to a private tenant who is not one of the workers employed on the farm. The rent generated by this property is not paid into the farm accounts. The Council's Report raises the matter of whether Keepers Cottage is suitable and could be made available for the second farm worker.
11. In respect of suitability, Keepers Cottage is located some distance from the main farm buildings and it may be that a dwelling located closer to the buildings would be preferable. However, this distance is not excessive and does not render Keepers Cottage as being unsuitable for the operational needs of the business or the accommodation of a farm worker. The proposed dwelling would also be located on a separate site from the farm buildings, and whilst it would be closer than Keepers Cottage I do not consider that this would be of a degree which would mean that the appeal proposal is significantly more suitable in operational terms.

¹ Report on a Proposed Permanent Rural Worker's Dwelling, AG & P Jackson, May 2019.

12. The current rent for Keepers Cottage is approximately £1,000 per month, which reflects its status as a 'lifestyle' property including an extent of land and stables. If this was occupied by a farm worker then the appellants submit that this rent would be charged to the farm business which would be economically unsustainable. However, the Council's Report estimates that the cost of building a new dwelling would be approximately £200,000 to £300,000, and supports this with reference to appropriate industry standard figures. The Council submits that there would not be a significant difference between the rent for Keepers Cottage and the annualised cost of constructing the dwelling. In response, the appellant refers to potential savings from construction work, equipment and materials which he could undertake and contribute to from his own resources. However, reference was only made to this in general terms and it was confirmed at the Hearing that this had not been fully costed.
13. There is also potential for the stables and land to be rented separately from Keepers Cottage, although the income arising from this would be limited. It may also be appropriate for the rent charged to the business for a dwelling occupied by a rural worker would be lower than a lifestyle property, although this would reduce the income arising from the appellant's investment in Keepers Cottage. There was some discussion at the Hearing as to whether a reduction in income from the cottage would mean that the appellant would sell it. However, there is no substantive evidence that the use of Keepers Cottage for a rural worker is as economically unsustainable as the appellant suggests.
14. I acknowledge that both the Council's and the appellant's figures are relatively high level estimates. However, the Council's conclusions on this issue are more robust as they are based on a wider consideration of site specific circumstances and refer to industry standard figures, compared to the more general assumptions of the appellant. On balance, it has not been demonstrated that Keepers Cottage is economically unviable for use as a rural worker's dwelling.
15. Reference has been made to the potential for the appellant to move into Keepers Cottage on his retirement. However, this would not appear to be imminent and I am mindful that even on retirement a degree of supervision of the farming operations could be provided by the appellant. There is also potential for Keepers Cottage to be occupied by the appellant's daughter, but she has accommodation elsewhere and there is no evidence that there is an overriding need for her accommodation in this location. I acknowledge the wish of the appellant to provide accommodation for his family in the future, but based on the evidence before me this does not mean that Keepers Cottage is unavailable for a rural worker associated with the appellant's business. Similarly, the potential intentions of the appellant's family members do not mean that Keepers Cottage is unavailable.
16. The appellant has referred to a number of appeal decisions in support of the proposal, although these decisions are of some age and pre-date the Framework. In any event, these decisions do not represent a direct parallel to the appeal before me as they relate to the occupancy of a dwelling by people previously involved with the operation of the farming enterprise, which is not the case in respect of Keepers Cottage.
17. I conclude that it has not been demonstrated that there is no suitable accommodation in the area which would meet the needs of the farming enterprise and which is available to a rural worker. The proposal would

therefore conflict with policy H18 of the Tynedale District Local Plan 2000 (the Local Plan) which sets out that dwellings may be permitted in the countryside for a rural worker subject to the requirement that such housing could not be met from existing accommodation. The proposal would also be contrary to policies GD1, H1, H3 and H4 of the Core Strategy with regards to the location of housing development.

18. The proposal would also be contrary to paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside, and in particular paragraph 79(a) as it has not been demonstrated that existing accommodation could not meet the need for a rural worker to live near their place of work.
19. The Council also refers to policy HOU 8 of the emerging Northumberland Local Plan² which states that proposals for new rural workers' dwellings in the open countryside will only be supported where the functional need could not be fulfilled by any existing dwelling, amongst other criteria. Whilst the proposal would conflict with this policy, due to the stage of the preparation of this emerging Local Plan I give this conflict limited weight and this is not a determinative matter in this appeal.

Agricultural Tenancy

20. The Council states that there is no longer any succession with a farm tenancy, and if the appellant's son does not subsequently get the farming tenancy then the proposal would result in the construction of a dwelling with no land to support it. This reflects comments in the Council's Report which indicates that it is feasible that if such a grant of tenancy does not happen then the proposed dwelling will not then have the land that justified it.
21. However, the appellant provided robust evidence at the Hearing that there are formal processes which give a degree of certainty in respect of succession, including through the Land Tribunal. I am also mindful that the appellant's family is long established in the area and is well respected. Furthermore, as was stated at the Hearing, there is nothing to suggest that the landlord would not agree to the tenancy passing to the appellant's son.
22. On the basis of the evidence before me, the Council's concerns on this matter are without foundation and it has not provided substantive evidence to demonstrate otherwise. This does not therefore weigh against the proposal.
23. Therefore, with regards to the agricultural tenancy, the farming enterprise and land would support the provision of a dwelling. In respect of this main issue, the proposal would not conflict with policies GD1, H1, H3 and H4 of the Core Strategy; policy H18 of the Local Plan; and the Framework with regards to the development of a dwelling in the countryside.

Mining Activity

24. The Council's first indicated reason for refusal refers to insufficient assessment as to the risk to human health from mining activity on the site. This is based on comments provided by the Council's Public Protection team, although these comments were not provided to the appellant during the course of the planning application.

² Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

25. In response to information provided as part of the appeal process, the appellant has commissioned a Risk Assessment³ which recommends protection measures with regards to radon gas.
26. The Assessment also confirms that the site is within a Coal Mining reporting area and that potential risks arising from hazardous ground gases have been considered, including methane and carbon dioxide. In this regard, it concludes that the site is at a low risk as it is not recorded to be underlain by recorded or probable unrecorded workings and no seams outcrop in the vicinity of the site. On that basis, no further protection measures are proposed.
27. The Council refers to examples of development elsewhere which raised issues in respect of land contamination and mine gas. However, it has not been demonstrated that the level of risk associated with these other developments is a parallel to the appeal proposal. Whilst I acknowledge that Northumberland has a long history of mining activity, I consider that the appellant's Risk Assessment is proportionate and robust, particularly with regards to the assessment of the site as being low risk from hazardous ground gases such as methane and carbon dioxide.
28. Nevertheless, as this is a matter of public safety a precautionary approach may be justified. The Council has stated that it would expect the appellant to provide an architectural drawing detail to demonstrate how gas protection measures can feasibly be installed into the proposed dwelling. However, the proposed dwelling would be a new-build property which would include protection measures regarding radon gas. There is no substantive evidence that other gas protection measures could not be incorporated as part of the development, and on that basis I consider that this could be readily addressed by a pre-commencement condition. Indeed, this is reflected in the Council's advice⁴ on the assessment of mine gas which states that for those developments in low risk areas, officers will recommend a condition requiring gas protection measures are incorporated into developments.
29. I conclude that the risk to human health arising from mining activity could be addressed by a suitable planning condition, and this matter is not therefore sufficient to lead to the refusal of planning permission. Subject to such a condition, the proposal would comply with policy CS23 of the Local Plan with regards to the assessment of the nature and extent of contamination and remedial measures.

Conclusion

30. Notwithstanding my conclusions with regards to agricultural tenancies and mining activity, it has not been demonstrated that there is no suitable accommodation in the area which would meet the needs of the farming enterprise. The proposal would therefore conflict with the development plan and the Framework when read as a whole with regards to rural housing.
31. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

³ Ground Gas Risk Assessment, Ergo Environmental Limited, January 2020.

⁴ Contaminated Land Planning Procedure (Full & Outline Applications only) Issued 22/10/18

Appearances

FOR THE APPELLANT:

Maria Ferguson	Maria Ferguson Planning Limited
Ben Johnson	Richard Brown & Partners
Stuart Furlong	Appellant

FOR THE COUNCIL:

Melanie Francis	Northumberland County Council
Alex Wall	Northumberland County Council

Documents Received Following the Hearing (by request of the Inspector)

1. Suggested condition from the Council relating to landscaping and ground gas.
2. Comments from the Council's Environmental Protection Team, 4 February 2020.
3. Links to the Council's contaminated land advice.
4. Appellant's agreement to pre-commencement conditions.



**Tynedale Local Area Council Planning Committee
10 May 2022**

ADDENDUM REPORT

Application No: 20/03425/FUL

Proposal: Development of 9no. residential dwellings (100% affordable) including associated access, car parking, landscaping and all other ancillary works (amended layout and housing mix)

Site Address: Land North of Piper Road, Piper Road, Ovingham, Northumberland

Applicant: Miss Shona Ferguson, Northumberland Estates, Estates Office, Alnwick Castle, Alnwick, NE66 1NQ

RECOMMENDATION: That this application be GRANTED subject to completion of a Section 106 Agreement

1. Introduction

1.1 The purpose of this addendum report is to update Members on the implications arising on the above application following the adoption of the Northumberland Local Plan (NLP) in March 2022.

1.2 This application was previously considered by the Planning Committee on the 15 February 2022. The resolution of the Committee as recorded in the Minutes is as follows:

RESOLVED that the application be GRANTED permission for the reasons and with the conditions as outlined in the report, amendment of condition no 4 as set out below and subject to completion of a Section 106 agreement to secure 100% affordable housing provision on the site and a financial contribution to sport and play provision:

*“04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local provenance, including a planting schedule setting out species, **size**, numbers, densities and locations, the provision of all new boundary treatments, the creation of areas of hardstanding,*

pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.”

1.3 The officer report that was previously considered by Members at the February 2022 meeting is appended to this addendum report for information. That report considered the proposals having regard to the adopted development plan at the time, comprising the Tynedale Core Strategy and the saved policies of the Tynedale Local Plan, as well as the National Planning Policy Framework and other material considerations.

1.4 The previous report did make reference to the advanced stage of preparation of the NLP and assessed the proposals on the basis of the weight that could be attached to relevant policies at that time. However, this report will provide a further update and assessment of the proposals in the context of the adopted NLP.

2. Planning Policy

2.1 Development Plan Policy

Northumberland Local Plan (March 2022)

STP 1 Spatial strategy
STP 2 Presumption in favour of sustainable development
STP 3 Principles of sustainable development
STP 4 Climate change mitigation and adaptation
STP 5 Health and wellbeing
STP 6 Green infrastructure
STP 7 Strategic approach to the Green Belt
STP 8 Development in the Green Belt
HOU 2 Provision of new residential development
HOU 5 Housing types and mix
HOU 6 Affordable housing provision
HOU 7 Exception sites
HOU 8 Residential development in the open countryside
HOU 9 Residential development management
HOU 11 Homes for older and vulnerable people
QOP 1 Design principles
QOP 2 Good design and amenity
QOP 4 Landscaping and trees
QOP 5 Sustainable design and construction
QOP 6 Delivering well-designed places
TRA 1 Promoting sustainable connections
TRA 2 The effects of development on the road network

TRA 4 Parking provision in new development
ICT 2 New developments and infrastructure alignment
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
ENV 2 Biodiversity and geodiversity
ENV 3 Landscape
ENV 7 Historic environment and heritage assets
WAT 1 Water quality
WAT 2 Water supply and sewerage
WAT 3 Flooding
WAT 4 Sustainable Drainage Systems
POL 1 Unstable and contaminated land
POL 2 Pollution and air, soil and water quality
POL 3 Best and most versatile agricultural land
INF 1 Delivering development related infrastructure
INF 2 Community services and facilities
INF 5 Open space and facilities for sport and recreation
INF 6 Planning obligations

2.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

3. Appraisal

3.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

3.2 Having regard to the assessment of the site, its constraints and the application proposals, as well as the responses received during the consultation period, the main issues for consideration are considered to include the following that were assessed as part of the previous report:

- principle of development
- landscape and visual impact
- residential amenity
- sustainable transport and highway safety
- ecology
- drainage and flood risk
- archaeology
- ground conditions
- Planning Obligations

Principle of Development

3.3 The previous report set out the assessment of the principle of development on the site having regard to its location within the open countryside and the Green Belt and also made reference to the relevant policies of the NLP at that stage.

3.4 The assessment in relation to development in the Green Belt has not changed following the adoption of the NLP and paragraphs 7.10 - 7.14 of the previous report remain relevant in terms of national policy set out within the NPPF. Of particular relevance to the proposal is paragraph 149 of the NPPF, which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include:

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);

3.5 The adopted NLP does not alter the Green Belt boundary in this location, and therefore the application site remains in the Green Belt. Policy STP 8 of the NLP sets out the approach to development within the Green Belt, which includes that development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. However, development that is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.

3.6 Ovingham is identified as a Service Village within Policy STP 1 of the NLP, which will accommodate employment, housing and services that maintains and strengthens their role. The Service Villages sit below the Main Towns and Service Centres. The policy goes on to state that sustainable development will be supported within Green Belt inset boundaries and settlement boundaries defined on the Local Plan policies map. However, given that this site is within the open countryside as defined in the NLP, Policy STP 1 criterion g. states that development will only be permitted if it can be demonstrated that it provides for residential development in accordance with Policies HOU 7 (exception sites) or HOU 8 (isolated residential development in the open countryside).

3.7 As set out in the previous report, the NLP makes provision for rural exception sites, which would also enable a site to potentially be considered an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. These exception sites are intended to help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. In the context of the NPPF's definition of major development, small sites are considered to be less than 0.5 hectares in size or comprise less than 10 dwellings, which would apply in this case.

3.8 Policy HOU 7 of the NLP is relevant in this context, and part 2 of the policy states that:

The development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:

a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who

are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;
b. The affordable housing is secured in perpetuity through a Section 106 agreement;
c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and
d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.

3.9 The NPPF makes clear at Paragraph 149 f) that only limited affordable housing for local community needs will be considered as an exception to inappropriate development in the Green Belt. In order to meet the exception to inappropriate development in the Green Belt the relevant rural exception policy will need to be satisfied in full. This includes that the site is adjacent to or well related to an existing settlement and the development is in scale and keeping with the form, character and landscape setting of the settlement.

3.10 As part of the assessment of the previous application, and following consultation with the Council's Housing Enabling Officers, it was concluded that the proposed housing mix would meet the identified affordable housing need for the area and result in limited affordable housing for local community needs. The Strategic Housing Land Availability Assessment (SHLAA - 2019) does not identify any other suitable or available sites other than that covered by the application site and the adjoining development to the west (site 2643), whilst no housing sites are allocated in Ovingham, Horsley or Ovington as part of the NLP. Having regard to the supporting information provided by the applicant, and given the Green Belt constraints within and around the settlements of Ovingham, Ovington and Horsely, it is acknowledged that it would not appear likely that the provision could be provided on other more suitable sites without releasing Green Belt land.

3.11 On that basis, and subject to further detailed consideration of the effects on the character of the site and surrounding area, the general principle of the development as a rural exception site for limited affordable housing adjacent to and well related to the settlement could be said to be in accordance with Policy HOU 7 of the NLP, and therefore result in an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. In addition, by satisfying Policy HOU 7 and paragraph 149 f) of the NPPF, the proposal could also be supported having regard to Policy STP 8 of the NLP.

3.12 As with the previous report, the following sections will consider other matters and consideration will be given to any other harm, along with the overall planning balance within the conclusion of the report.

Landscape and Visual Impact

3.13 Policies QOP 1, QOP 2, QOP 3, QOP 4, QOP 5 and QOP 6 of the NLP are relevant in relation to achieving high quality, sustainable design and well-designed places in accordance with the NPPF, and these were referenced within the previous committee report.

3.14 Policy QOP 1 sets out general design principles against which development will be assessed. These include that proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place and

integrate the built form with the site and wider local area; be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment; ensure buildings and spaces are functional and adaptable for future uses; facilitate an inclusive, comfortable, user-friendly and legible environment; support health and wellbeing and enhance quality of life; support positive social interaction and a safe and secure environment; not cause unacceptable harm to the amenity of existing and future occupiers of the site and surroundings; incorporate green infrastructure and opportunities to support wildlife; make provision for efficient use of resources; respond to the climatic conditions of the location; mitigate climate change and be adaptable; ensure the longevity of buildings and spaces. Similar to the NPPF, the policy states that development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions will be refused.

3.15 Policy QOP 2 seeks to achieve good design and a high standard of amenity for existing and future users. Policy QOP 5 looks to secure sustainable design and construction, including incorporating passive design measures; prioritise use of locally sourced, recycled and energy efficient materials; and incorporate or connect to small-scale renewable and low carbon energy systems where feasible amongst other criteria. Policy QOP 6 relates to delivering well-designed places making reference to relevant design guidance and policies and requiring design and access statements clearly demonstrating how design has been considered in the development process.

3.16 Policy HOU 9 of the NLP relates specifically to residential development. The policy sets out criteria where new development will be supported, including where they contribute to a sense of place, which supports community identity and pride; provide multi-functional spaces that support different recreational and social activities; provide functional space and facilities for refuse and storage; are constructed to a high quality of design; and perform positively against 'Building for a Healthy Life' principles.

3.17 Officers have also highlighted the requirements of Policy HOU 11 of the NLP with the applicant, which relates to homes for older and vulnerable people. This requires planning applications to demonstrate that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. The policy requires that to ensure new homes are accessible and adaptable to meet the needs of residents now and in the future, 20% of new open market dwellings and 50% of affordable dwellings will be required to meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards).

3.18 In this instance, 50% of the dwellings will be required to meet or exceed the enhanced accessibility and adaptability housing standards. The applicant has provided further supporting information which states that six of the nine houses comply (Plots 1 – 6) with only minor changes required that would not significantly impact the layout, building footprint or design. Further details to assess and satisfy this requirement can be secured by a new condition as part of the recommendation.

3.19 Members previously considered the layout, scale and design of the proposals and effects on the character of the site and surrounding area and found these to be acceptable. The proposed development is considered to be acceptable in the context of the policies of the adopted NLP, although it is recommended that an additional

condition could be attached to any approval that looks to secure further details of sustainable design and construction measures having regard to Policy QOP 5.

Residential Amenity

3.20 Policy QOP 2 of the NLP states that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in the local area.

3.21 As set out within the previous report, whilst there would be changes to the character of the area, given the layout and scale of development and the relationship between existing and proposed properties, the proposals are not felt to result in significant or harmful impacts upon the amenity of existing residents, whilst an acceptable level of amenity could be achieved for future occupants of the new dwellings. The proposal would therefore continue to be acceptable and would be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Sustainable Transport and Highway Safety

3.22 Policies TRA 1, TRA 2 and TRA 4 of the NLP are relevant to the development in terms of promoting sustainable connections, considering effects on the transport network and parking provision. Appendix E of the NLP sets out relevant parking standards for new development.

3.23 Whilst concerns have been raised in relation to increased traffic and matters of highway safety, on the basis that Highways Development Management (HDM) have raised no objection to the proposals, there are not considered to be any grounds to prevent development of the site with regard to matters of access and highway safety. It is proposed to amend a previous condition recommended by HDM in respect of cycle parking in order that further details of this provision within the plots can be secured prior to occupation.

3.24 Subject to recommended conditions, the proposals would continue to be acceptable and in accordance with Policies TRA 1, TRA 2 and TRA 4 of the NLP and the NPPF.

Ecology

3.25 Policy ENV 2 of the NLP is relevant in respect of matters of biodiversity and geodiversity and looks to ensure proposals to minimise any adverse effects on habitats and species and maximise opportunities to incorporate biodiversity and ecological enhancements.

3.26 Whilst there are ecological impacts arising from the proposed development of the site, it is considered that these can be mitigated by the recommended conditions. Having regard to the comments of the Council's Ecologists it is considered that the proposal would be acceptable in terms of ecological impacts, subject to conditions, having regard to Policy ENV 2 of the NLP and the NPPF.

Drainage and Flood Risk

3.27 Policies WAT 1 – 4 of the NLP are relevant in respect of matters of drainage, flood risk and the use of SuDS. These aspects have been previously assessed in detail

by Northumbrian Water and the Lead Local Flood Authority (LLFA) and found to be acceptable with recommended conditions.

3.28 On this basis, subject to the recommended conditions it is considered that an acceptable form of development can be achieved in respect of matters of drainage and flood risk, in accordance with the NLP and the NPPF.

Archaeology

3.29 Paragraphs 194 of the NPPF and Policy ENV 7 of the NLP require that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

3.30 Having assessed the potential archaeological impact of the proposed development on below ground archaeological remains, and based on the available information, the Assistant County Archaeologist raises no objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological work. Subject to this condition, the proposal would therefore be in accordance with Policy ENV 7 of the NLP and the NPPF in this respect.

Ground Conditions

3.31 Policy POL 1 of the NLP states development will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented through its location and measures can be taken to mitigate any impacts, with suitable assessments to be submitted with any application.

3.32 As set out withing the previous report, the application has been subject to consultation with the Coal Authority and Environmental Protection who raise no objection subject to conditions. On this basis, and subject to recommended conditions, the proposal would continue to be acceptable and in accordance with Policy POL 1 of the NLP and the NPPF.

3.33 In terms of Policy POL 3 of the NLP and the NPPF in respect of best and most versatile agricultural land, it is understood that the site is grade 3 land. The proposals do not result in any significant loss of the best and most versatile agricultural land, whilst the proposals are also considered to be acceptable as a rural exception site for affordable housing.

Planning Obligations

3.34 The recommendation within the previous report set out the planning obligations that were required to be secured through the Section 106 Agreement. These were the provision of 100% affordable housing on the site and a total contribution towards sports and play provision of £17,408, which was based on the former Tynedale Council's Supplementary Planning Document: *Planning Obligations for Sports and Play Facilities (2006)*.

3.35 Following the adoption of the NLP, and having regard to the requirements of Policy INF 5 and Appendix H1 that cover the provision of open space and facilities for

sport and recreation, the proposed scheme does not meet the threshold of a major development (i.e. 10 dwellings or more) where a contribution could be sought. On that basis there is no longer a requirement for the applicant to provide open space, either on-site or off site or make a contribution to improve existing provision.

3.36 Having regard to the above and the adoption of the NLP, the only planning obligation that will need to be secured through the Section 106 Agreement in this instance is the provision of affordable housing on the site.

4. Conclusion

4.1 Ovingham is considered to be an acceptable and sustainable location for new residential development in principle having regard to the NLP and the NPPF. However, the application site is within the Green Belt where the construction of new buildings is considered to be inappropriate development, unless satisfying an exception listed at paragraphs 149 and 150 of the NPPF.

4.2 Paragraph 149 f) sets out an exception to inappropriate development with regard to *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*. At this time Policy HOU 7 of the NLP is now applicable for the purposes of this assessment. The site adjoins the settlement and existing development on Piper Road to the south and west and is therefore well related to the built form of the village. On this basis the proposal would satisfy the relevant requirements of Policy HOU 7 of the NLP.

4.3 Given the location and scale of the development, it is felt that the proposals would result in a ‘limited’ form of affordable housing provision. Having regard to the assessment set out within the previous report, which is still relevant, including consideration of the applicant’s supporting information and consultation with the HEO, the proposal is considered to satisfy Policy HOU 7 of the NLP as a rural exception site, and therefore also the exception to inappropriate development in the Green Belt set out at paragraph 149 f) of the NPPF as limited affordable housing.

4.4 As with the previous assessment, the proposed layout, scale and design of the new housing is considered to be acceptable in this location in the context of its relationship with existing housing and having regard to the character and appearance of the settlement and the surrounding countryside. Furthermore, on the basis of the layout and scale of the development, the proposals are not felt to result in any significant or adverse impacts upon the amenity of existing residents in the area. Impacts on the character of the area in terms of the loss of hedgerow can be mitigated through new planting proposals.

4.5 Following consultation with relevant consultees as part of the original assessment, and subject to conditions where required, it is considered that an acceptable form of development can be achieved in relation to matters such as access and highway safety; drainage and flood risk; ecological impacts; archaeology; and ground conditions.

4.6 In light of all of the above, the adoption of the NLP would not change the previous assessment and recommendation to approve the proposals on the site, albeit the Section 106 would now only look to secure affordable housing as a planning obligation and there are alterations to some conditions. Previous conditions have also been updated in terms of their reasons in order to reflect the adopted NLP policies.

The proposals would therefore remain acceptable having regard to the NLP and the NPPF.

5. Recommendation

That this application be GRANTED permission subject to the completion of a Section 106 Agreement to secure 100% affordable housing provision on the site and 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 and documents. The approved plans and documents for this development are:-

3964 10 02 J – Proposed Site Plan
3964 20 01 B – 2 Bed Bungalow – Plot 1 & 2
3964 20 02 A – 2 Bed Bungalow – Plot 3-4 & 5-6
3964 20 06 B - 2 Bed House – Plot 8 & 9
3964 20 09 A – 4 Bed House – Plot 7

C-GA-005 P6 - Proposed Drainage Strategy
Surface Water Drainage Strategy – CK21 Ltd ref: Project 9133 Rev C (July 2021)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. Notwithstanding any description of the materials in the application, no construction of the dwellings above damp proof course level shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the dwellings have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local provenance, including a planting schedule setting out species, size, numbers, densities and locations, the provision of all new boundary treatments, the creation of

areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies HOU 9, QOP 1, QOP 2, QOP 4 and ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

05. Notwithstanding the details submitted with the application, all trees and hedges within, and to the boundaries, of the site identified for retention on the approved plans shall be retained and protected throughout the course of development in accordance with updated details that shall first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall include measures for minimising the impact of groundworks in close proximity to the existing trees and hedges to be retained and shall be prepared in accordance with guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To maintain and protect the existing landscape and biodiversity value of the site, in accordance with the provisions of Policies QOP 4 and ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

06. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Piper Road, Ovingham Ecological Survey Report', BSG Ecology Ltd., 17.9.19) including, but not restricted to:

- inclusion of 'in built' bat roost and nesting bird features in the new houses and/or hedgehog boxes in garden areas at a rate of not less than 1 feature per dwelling with types, numbers and locations to be agreed in writing with the Local Planning Authority before the development progresses above foundation level;
- adherence to timing restrictions; adherence to precautionary working methods;
- adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018;
- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;

- an updating in season ecological survey to be carried out in the event that works do not commence before the end of August 2022, with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

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

Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of any netting shall first be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

08. All new garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

09. No dwelling shall be occupied until the car parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

10. No development shall commence until details of the proposed new footway running along the site frontage on Piper Road have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Policies TRA 1 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

11. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the

development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway, in accordance with Policies TRA 1 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

12. No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

13. Prior to occupation, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

14. No development shall commence until a Construction Method Statement, together with supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes, and vehicles.
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors; iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policies QOP 2 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

15. No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into

use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste, in accordance with Policies HOU 9 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

17. Prior to any works on the northern perimeter of the development, an inspection and survey of the existing filter trench and culverted watercourse shall be undertaken. Post development a further inspection of this trench and culvert shall be undertaken. Any damages, defects and debris caused by the development shall be put right to the satisfaction of the Local Planning Authority in accordance with a scheme of details that shall first be submitted for approval in writing.

Reason: To ensure adequate protection from flood risk on and off site, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

18. The invert level of the proposed foul water sewer shall be no greater than 300mm to the base of the culverted watercourse.

Reason: To provide adequate protection to the culverted watercourse, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

19. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources, in accordance with Policies WAT 2 and WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

20. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

21. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

22. No development shall commence until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall thereafter be carried out in accordance with the plan so agreed at all times.

Reason: To ensure a commensurate level of protection against windblown dust and debris in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

23. If during redevelopment contamination not previously considered within the approved plan: "Phase I Contaminated Land Desk Study – DBS Environmental Ltd May 2020 Ref: 1354R001i2 REV A FINAL" is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Should no contamination be found during development then the applicant/developer shall submit a signed statement indicating this to discharge this condition.

"Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF).

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

24. No dwelling shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection,

as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health and amenity of the occupants of the respective properties, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

25. No dwelling shall be brought into use or occupied until the applicant/developer has submitted a validation and verification report to the approved methodology in Condition 24 which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

26. Prior to the installation of any external lighting in association with the development hereby permitted, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- the specific location of all external lighting units;
- design of all lighting units;
- details of beam orientation and lux levels; and
- any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme for shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies QOP 1, QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

27. A programme of archaeological work is required in accordance with NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 12/11/21). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCEDT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason The site is of archaeological interest, in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

28. Notwithstanding the details submitted with the application, prior to the construction of groundworks of the new dwellings hereby approved, details to be shown on annotated site plans to include:

- a) existing site levels;
- b) proposed site levels; and
- c) proposed finished floor levels of the dwellings

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved levels.

Reason: In the interests of visual and residential amenity, in accordance with the provisions of Policies HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

29. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, dormer windows and curtilage buildings shall be added to or constructed within the curtilage of the dwellinghouses hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact of any additions on the appearance of the dwellinghouses, the Green Belt and the affordability of the properties may be properly assessed, in accordance with Policies HOU 7, HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

30. Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 50% of the new dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

31. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

01. Your attention is drawn to the Agreement under Section 106 of the Town and Country Planning Act 1990 affecting this site.

02. You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

03. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

04. 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.

05. 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.

06. You are advised to contact the Councils Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect to street lighting to ensure sufficient illumination levels of the public highway.

07. The applicant/developer is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 11 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

08. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the Highway.

09. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979.

10. The risk of encountering nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). All wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Accordingly, any vegetation removal or soil stripping undertaken between 1 March – 31 August carried out as part of the proposal should be preceded by checks to confirm that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078. Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk.

11. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

12. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

13. The applicant/developer is strongly encouraged to make provision for an electric vehicle charging point for each dwelling hereby permitted.

14. With regard to condition 31 you are advised that any scheme should look to demonstrate where feasible how it can incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting; prioritise the use of locally sourced, recycled and energy efficient building materials; incorporate or connect to small-scale renewable and low carbon energy systems which contribute towards the supply of energy to the development, unless this would not be viable; connect to an existing or approved district energy scheme where viable; facilitate the efficient use of water; measures such as water recycling systems will be encouraged; incorporate measures to reduce waste generated during construction, including the recovery of materials on-site, and ensure there is appropriate provision for recyclable and non-recyclable waste; minimise vulnerability to flooding in areas at risk of flooding from all sources, or where the development may increase flood risk elsewhere, through use of materials, green and blue infrastructure and other design features as appropriate; and are flexible to allow for future modification, refurbishment and retrofitting.

Author

Neil Armstrong – Principal Planning Officer

Appendices:

Appendix 1 - Report to Tynedale Local Area Council Planning Committee dated 15 February 2022

Background Papers: Planning application file(s) 20/03425/FUL



Northumberland

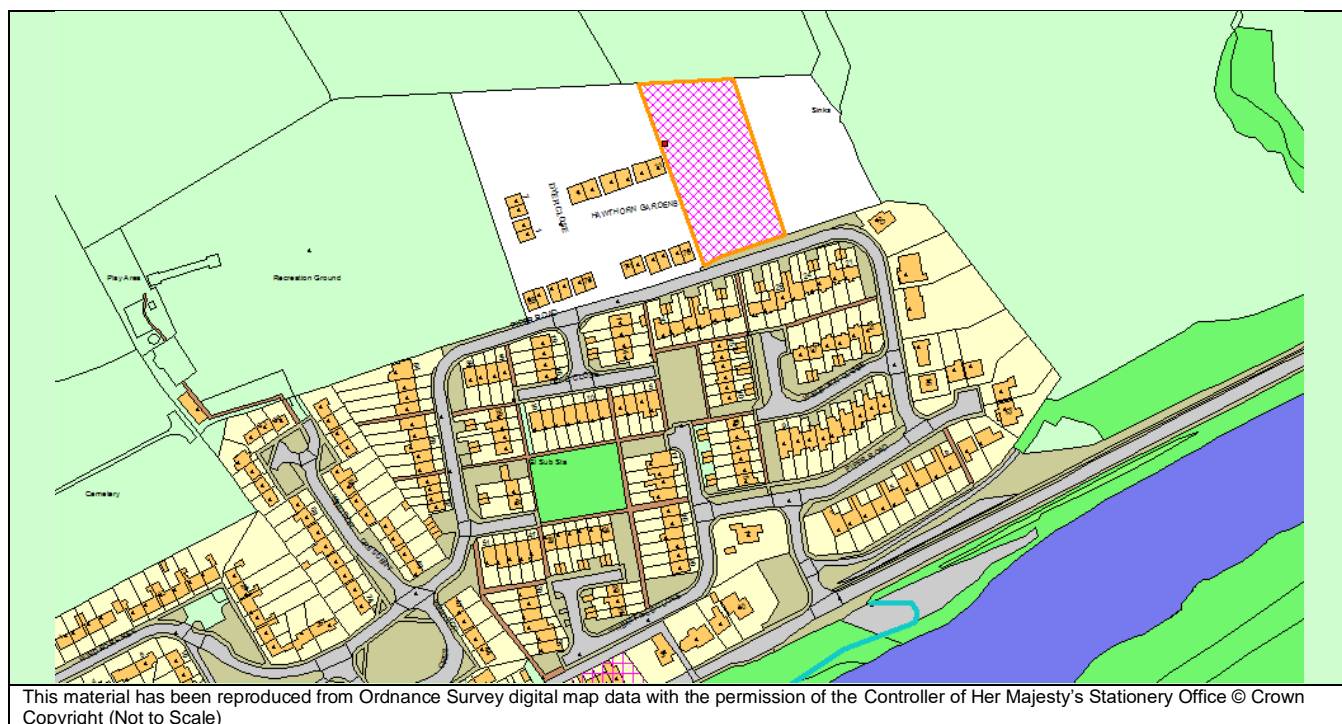
County Council

Tynedale Local Area Council Planning Committee

15 February 2022

Application No:	20/03425/FUL		
Proposal:	Development of 9no. residential dwellings (100% affordable) including associated access, car parking, landscaping and all other ancillary works (amended layout and housing mix)		
Site Address	Land North of Piper Road, Piper Road, Ovingham, Northumberland		
Applicant:	Miss Shona Ferguson, Northumberland Estates, Estates Office, Alnwick Castle, Alnwick, NE66 1NQ	Agent:	None
Ward	Bywell	Parish	Ovingham
Valid Date:	15 October 2020	Expiry Date:	28 February 2021
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Principal Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That this application be GRANTED subject to completion of a Section 106 Agreement



1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due to objections received from Ovingham Parish Council and local residents. It was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1 Full planning permission is sought for the construction of nine new affordable dwellings along with associated access and infrastructure on land to the north of Piper Road, which is located to the north of Ovingham. The submitted plans propose the following mix:

- 6 x two-bedroom bungalows
- 2 x two-bedroom dwellings
- 1 x four-bedroom dwelling

2.2 The site area is approximately 0.31 hectares and is currently in agricultural use. It is a greenfield site directly adjoining, but outside of, the built-up area of Ovingham and is within the Green Belt. The site is bound:

- to the north by agricultural land;
- to the east by agricultural land;
- to the south by residential dwellings on Piper Road and a largely built-up area of housing with the River Tyne approximately 0.25km beyond; and
- to the immediate west by recently constructed affordable housing at Piper Road, Hawthorn Gardens and Dyer Close with the recreation ground beyond.

2.3 The proposals would essentially form an extension of the existing recent housing development of 22 affordable properties that have been constructed to the west and vehicular access to the new site would be taken from this. Those properties were constructed under planning permission 15/00808/FUL, which followed the original grant of permission for 20 affordable properties permitted under 12/03579/FUL. The development was considered to be an exception to inappropriate development in the Green Belt on the basis of being a limited form of affordable housing provision, and which was secured as such through a Section 106 agreement.

2.4 The proposals have been amended during the course of the application in order to revise the proposed housing mix following discussions with officers in relation to the identified affordable housing need in the area. In terms of tenure the applicant is proposing a mix of six units for affordable rent, comprising 5 x two-bedroom bungalows and 1 x four-bedroom house, with the remaining three units being home ownership products.

3. Planning History

Reference Number: 12/03579/FUL

Description: Proposed residential development comprising of 20 affordable dwelling units with associated landscaping and infrastructure (100% affordable housing development amended 11.07.2014)

Status: Permitted

Reference Number: 15/00808/FUL

Description: Erection of 22 no affordable dwellings along with necessary associated infrastructure works (Certificate B received)

Status: Permitted

Reference Number: 17/00918/DISCON

Description: Discharge of conditions 2 (approved plans) 3 (pre-commencement archaeology) 4-7 (drainage) 8 (adherence to ecology survey) 9 (adherence to pollution guidance) 10 (pre-commencement landscaping) 11 (pre-commencement SUDS pond) 12 (pre-commencement construction plan) 13 (pre occupation parking) 14 (details of roadworks) 15 (damage to highway) 16 (dropped kerbs) 17 (sample materials) 18 (coal mining risk assessment) and 19 (contamination) on approved planning application 15/00808/FUL.

Status: Partial consent/refusal

4. Consultee Responses

Ovingham Parish Council	<u>November 2020</u> Objects – refers to need to address matters identified as part of previous application for housing to the west of the site (12/03579/FUL) in relation to flooding and drainage; foul sewerage; ecology; and development in the Green Belt. Queries the supporting evidence of housing needs survey Suggests conditions that will be required in the event that permission is granted.
	<u>February 2021</u> Further comments and objection provided in response to submission of the applicant's housing needs survey. The submitted documents do not support the view that the only suitable location for an additional 9 houses is in Ovingham and object on that basis. Reiterate comments made in relation to development in the Green Belt; ecology and loss of hedgerow; site compound; foul and surface water drainage; and objections raised by residents in relation to site levels and impacts on existing properties.
	<u>August 2021</u> Further comments in response to alterations to house types and site layout. Reiterate objections made in previous comments and support for objections raised by residents.
Highways	No objection subject to conditions.
County Ecologist	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.

Public Protection	No objection subject to conditions.
County Archaeologist	No objection subject to condition.
Waste Management - West	No response received.
The Coal Authority	No objection
Northumbrian Water Ltd	No objection subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	92
Number of Objections	12
Number of Support	0
Number of General Comments	0

Notices

General site notice: 2 November 2020

No press notice required.

Summary of Responses:

Objections have been received from 11 residents in the locality and also the CPRE, The Countryside Charity, that raise concerns in respect of the following matters:

- inappropriate development in the Green Belt and intrusion into countryside
- query need and evidence for further housing in this location
- proposed layout of housing and effects on visual amenity and longer-range views
- proposed materials
- loss of hedgerow and habitat, and effects on wildlife and ecological value of site
- additional traffic and effects on highway safety
- flood risk and foul and surface water drainage
- adverse effects on residential amenity and impacts during construction
- allocation of affordable housing for local needs
- potential for further development in this location and cumulative impacts
- impacts on local infrastructure and lack of amenities

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=QI75WKQSJG500>

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Plan (2000)

GD2 Design criteria
GD4 Range of transport provision for all development
GD6 Car parking standards outside the built-up areas
NE7 New buildings in the Green Belt
NE8 New dwellings in the Green Belt
NE18 Protection of agricultural land
NE27 Protection of Protected Species
NE33 Protection of trees, woodlands and hedgerows
NE34 Tree felling
NE37 Landscaping in developments
BE28 Archaeological assessment
H16 Community facilities and infrastructure requirements with new housing
H23 Affordable rural housing exception sites
H31 Public open space within housing areas
H32 Residential design criteria
LR11 Outdoor sports facilities for new developments
LR14 Location and design of play areas
LR15 Play areas in new residential developments
CS19 Location of development either causing or adjacent to pollution sources
CS21 Location of noise sensitive uses
CS23 Development on contaminated land
CS24 Development adjacent to or in vicinity of contaminated land

Tynedale LDF Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy
GD2 Prioritising sites for development
GD3 Green Belt
GD4 Principles for transport
GD5 Minimising flood risk
GD6 Planning obligations
BE1 Principles for the built environment
NE1 Principles for the natural environment
H1 Principles for housing
H2 Housing land supply
H3 Location of new housing
H4 Housing on greenfield land
H5 Housing density

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 Spatial strategy

STP 2 Presumption in favour of sustainable development
 STP 3 Principles of sustainable development
 STP 4 Climate change mitigation and adaptation
 STP 5 Health and wellbeing
 STP 7 Strategic approach to the Green Belt
 HOU 2 Provision of new residential development
 HOU 5 Housing types and mix
 HOU 6 Affordable housing provision
 HOU 7 Exception sites
 HOU 8 Residential development in the open countryside
 HOU 9 Residential development management
 QOP 1 Design principles
 QOP 2 Good design and amenity
 QOP 4 Landscaping and trees
 QOP 5 Sustainable design and construction
 QOP 6 Delivering well-designed places
 TRA 1 Promoting sustainable connections
 TRA 2 The effects of development on the road network
 TRA 4 Parking provision in new development
 ICT 2 New developments and infrastructure alignment
 ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
 ENV 2 Biodiversity and geodiversity
 ENV 3 Landscape
 ENV 7 Historic environment and heritage assets
 WAT 2 Water supply and sewerage
 WAT 3 Flooding
 WAT 4 Sustainable Drainage Systems
 POL 1 Unstable and contaminated land
 POL 2 Pollution and air, soil and water quality
 INF 1 Delivering development related infrastructure
 INF 2 Community services and facilities
 INF 5 Open space and facilities for sport and recreation
 INF 6 Planning obligations

6.4 Other Documents/Strategies

- National Design Guide (2021)
- National Model Design Code (2021)
- Strategic Housing Land Availability Assessment (SHLAA) including Five-Year Housing Land Supply of Deliverable Sites (September 2019)
- Northumberland Strategic Housing Market Assessment (SHMA - 2015)
- Partial SHMA Update (2018)
- Housing Land Supply Position (January 2021)
- Supplementary Planning Document - New Housing: Planning Obligations for Sport and Play Facilities (March 2006)
- Tynedale Open Space, Sport and Recreation Strategy – Facilities for Children’s Play, Informal Open Space and Sports Facilities (updated January 2007)
- Green Belt Review 2015 – Addendum 2018

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Tynedale Core Strategy (TCS) and the saved policies of the Tynedale Local Plan (TLP) as identified above. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 Having regard to the assessment of the site, its constraints and the application proposals, as well as the responses received during the consultation period, the main issues for consideration are considered to include:

- principle of development
- landscape and visual impact
- residential amenity
- sustainable transport and highway safety
- ecology
- drainage and flood risk
- archaeology
- ground conditions
- Planning Obligations

Principle of Development

7.5 The site is located within the open countryside outside of the 'smaller village' of Ovingham as identified within the TCS. The TCS defines open countryside as everywhere outside the built-up area of a town or village. Policy GD1 of the TCS states that development in the open countryside will be limited to the re-use of existing buildings, whilst Policies H1 and H3 direct new build housing to more sustainable locations within main towns, local centres and smaller villages. It is acknowledged that Ovingham is deemed to be a generally sustainable location as a smaller village and the site is relatively well related to existing development. It has a range of services and facilities, public transport connections and is within walking distance of the railway links at Prudhoe to Newcastle, Carlisle and beyond.

7.6 Policy H4 of the TCS seeks to maximise the proportion of new housing on previously developed land, stating that housing on green field sites will not be permitted except in a limited number of circumstances, including that all of the dwellings are affordable, they would meet an identified local need for such housing and there is a lack of alternative previously developed sites.

7.7 Policy H7 of the TCS sets out the provision for meeting affordable housing needs. This includes meeting the need in the main towns, local centres and smaller villages that have an adequate range of services (as defined in Policy H3). This need will be met as locally as possible through ways including permitting affordable housing schemes as windfalls, including those on exception sites.

7.8 The site is located within the Green Belt and Policy NE7 of the TLP states that within the Green Belt, planning permission will only be granted for the construction of new buildings for identified purposes, including limited affordable housing for local community needs within existing settlements, subject to Policy H23 being satisfied. Policy NE8 of the TLP states that there will be a presumption against the construction of new dwellings in the Green Belt.

7.9 Following on from this, Policy H23 of the TLP sets out a rural exception policy that states *“residential development will be allowed on land within or adjoining settlements with an adequate range of services and facilities where it is clearly demonstrated that there is an overriding local need for affordable housing which cannot be met in any other way, provided that:*

- (a) appropriate legal agreements (such as Section 106 obligations) are entered into to ensure that all dwellings provided will be, and will remain, available for occupancy by eligible local people at an affordable cost either to rent or buy and that proper management is guaranteed in the long term; and*
- (b) developments do not have any adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside; and*
- (c) it does not consist of a mixture of affordable housing and general market housing”.*

7.10 The most up-to-date Green Belt policy guidance is set out within the NPPF. Paragraph 137 states *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”* The Green Belt serves five purposes as identified within paragraph 138 of the NPPF, which are:

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

7.11 Paragraph 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 goes on to state that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the*

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

7.12 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include:

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);

7.13 Paragraph 78 of the NPPF refers specifically to exception sites stating *“in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs”.*

7.14 The NPPF defines rural exception sites as:

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

7.15 With regard to the emerging NLP, Ovingham is identified as a Service Village within draft Policy STP 1, which will accommodate employment, housing and services that maintains and strengthens their role. The hierarchy within the draft policy can be given significant weight at this time, although the rest only has little weight. The Service Villages sit below the Main Towns and Service Centres. The policy goes on to state that sustainable development will be supported within Green Belt inset boundaries and settlement boundaries defined on the Local Plan policies map. However, given that this site is within the open countryside as also defined in the NLP, Policy STP 1 criterion g. states that development will only be permitted if it can be demonstrated that it provides for residential development in accordance with draft Policies HOU 7 (exception sites) or HOU 8 (isolated residential development in the open countryside). At this time only limited and little weight can be given to Policies HOU 7 and HOU 8 respectively.

7.16 The emerging NLP makes provision for rural exception sites. These are intended to help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. In the context of the NPPF's definition of major development, small sites are considered to be less than 0.5 hectares in size or comprise less than 10 dwellings, which would apply in this case. Such sites are specifically for the purposes of providing affordable housing in perpetuity for households who are either current local residents or have an existing family or employment connection (e.g. essential local workers) to the particular area.

7.17 Part 2 of Policy HOU 7 in the NLP states that:

The development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:

- a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;*
- b. The affordable housing is secured in perpetuity through a Section 106 agreement;*
- c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and*
- d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.*

7.18 The emerging NLP does not propose to alter the Green Belt boundary in this location, and therefore the application site would remain within this designation if the Plan were subsequently adopted. Draft Policy STP 8 of the NLP currently has little weight but sets out the approach to development within the Green Belt, which includes that development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. Furthermore, development that is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.

7.19 Having regard to the above policy context, in order to be able to support the principle of development in such a location it will need to be clearly demonstrated that the proposals would deliver limited affordable housing for local community needs, and in the context of Policy H23 of the TLP, where it is clearly demonstrated that there is an overriding local need for affordable housing which cannot be met in any other way. The policy also requires that the development is on land within or adjoining the settlement and that it would not have any adverse impacts on the character and/or appearance of settlements, their setting or the surrounding countryside.

7.20 The case of *Robb v South Cambridgeshire District Council* [2017] addressed the issue of limited affordable housing within the Green Belt and a requirement to comply with local plan policies. Ouseley J accepted the claimant's interpretation of Paragraph 89 of the NPPF that was relevant at the time (albeit with similar wording to paragraph 149 of the current 2021 NPPF), stating "*When the NPPF refers to an exception treating as appropriate development limited affordable housing for local community needs under policies set out in the Local Plan it plainly intended that the relevant Policy should be properly complied with*". In this context, in order for development to be considered an exception to inappropriate development in the Green Belt under paragraph 149 f), it must comply with the aims of a development plan policy – in this instance Policies NE7 and H23 of the TLP. If the application does not comply with the relevant policy, it is not appropriate development and planning permission can only be granted where very special circumstances exist.

7.21 The site would be in accordance with the relevant requirements of Policy H23 of the TLP in the context of its location immediately adjacent to and adjoining the settlement of Ovingham. As referred to above the village benefits from local services and facilities, including first and middle schools, and is also located in close

proximity to public transport connections as well as the main town of Prudhoe, which lies to the south side of the River Tyne. Further detailed consideration will be given later in this report to the impacts upon the character of the settlement, its setting and the surrounding countryside in order to cover that aspect of Policy H23. However, it is acknowledged that the proposals would result in a relatively small-scale form of development that would be well related to and located immediately adjacent to existing housing development.

7.22 With regard to the requirement to demonstrate a local affordable housing need, and in the context of Policy H23 of the TLP an overriding local need for affordable housing which cannot be met in any other way, officers have been in discussion with the Council's Housing Enabling Officers (HEO) on the proposals as submitted. Officers have also given consideration to additional information provided by the applicant that indicates that there are constraints to development on other sites in and around the settlement.

7.23 Although limited weight can be given to it at this stage it should also be noted that draft Policy HOU 7 of the emerging NLP refers to support for rural exception sites where *"the local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place"*.

7.24 Although it was not formally submitted as part of the planning application when first submitted, the applicant has since provided a supporting Housing Needs Survey from July 2019 (HNS) that covers the Parish of Horsely including the parishes of Bywell, Ovington, Ovingham and Prudhoe. The HNS has been prepared using census data, population projections, data from the local authority, including the Strategic Housing Market Assessment (SHMA), evidence from estate and letting agents and a household survey.

7.25 Following consultation with the HEO on the submitted HNS their comments noted that the survey includes the larger settlement of Prudhoe, which seems to be where the majority of the housing need is evidenced, and with the committed sites already within the town it could be argued that this need is being met. The HNS also does not take into account sites with permission granted and those which are providing affordable housing. The survey findings identified that two and three-bedroom houses were the biggest priority for the area, but it has not taken into consideration the 60+ two-bedroom houses on the Prudhoe Hospital site, which is currently under development and that will meet the local need for this house type in the local area for the foreseeable future. However, the HEO notes that the above will have limited effect on this application as the application is proposing two-bedroom bungalows that are needed in the area.

7.26 The HEO notes that Northumberland Homefinder data suggests there is a local need for 2 x one-bedroom units, 1 x two-bedroom unit and 1 x four-bedroom unit within Ovingham itself. This increases to 7 x one-bedroom units, 2 x two-bedroom units and 1 x four-bedroom unit when also taking into account Ovingham and the adjoining parishes of Ovington and Horsely. Following discussions with the HEO, the applicant has submitted the current amended layout and housing mix, which the HEO states will meet the demand for Ovingham and the surrounding villages of Ovington and Horsely.

The HEO has advised that a proposed tenure mix of six units for affordable rent comprising 5 x two-bedroom bungalows and 1 x four-bedroom house with the remaining three units being home ownership products would be acceptable in this instance. This would need to be secured through a Section 106 Agreement.

Summary

7.27 The NPPF makes clear at Paragraph 149 f) that only limited affordable housing for local community needs will be considered as an exception to inappropriate development in the Green Belt. Furthermore, Policy H23 of the Tynedale District Local Plan only allows for affordable housing where there is an overriding local need for affordable housing which cannot be met in any other way and that satisfies other criteria. In order to meet the exception to inappropriate development in the Green Belt the relevant rural exception policy will need to be satisfied in full.

7.28 In addition, although more limited weight can be applied to it at this stage, draft Policy HOU 7 of the emerging NLP sets out the proposed approach to such proposals and any application would need to clearly demonstrate that the local need for affordable housing is clearly justified and evidenced. Similar to Policy H23 of the TLP, Policy HOU 7 includes other criteria that needs to be satisfied, including that the development is well-related to local services and facilities and does not unjustifiably adversely impact on the natural, built and historic environment.

7.29 In light of the above, and having regard to the advice received from the HEO, the amended proposed housing mix could now be said to meet the identified affordable housing need for the area and result in limited affordable housing for local community needs. The Strategic Housing Land Availability Assessment (SHLAA - 2019) does not identify any other suitable or available sites other than that covered by the application site and the adjoining development to the west (site 2643), whilst no housing sites are allocated in Ovingham, Horsley or Ovington as part of the emerging NLP. Having regard to the supporting information provided by the applicant, and given the Green Belt constraints within and around the settlements of Ovingham, Ovington and Horsely, it is acknowledged that it would not appear likely that the provision could be provided on other more suitable sites without releasing Green Belt land.

7.30 On this basis, and subject to further detailed consideration of the effects on the character of the site and surrounding area in the following sections of this report, the general principle of the development as a rural exception site for limited affordable housing could be said to be in accordance with Policies NE7 and H23 of the TLP, and result in an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. On this basis the principle of development could also be said to be acceptable having regard to draft Policies HOU 7 and STP 8 of the emerging NLP. The following sections of this report will consider other matters and consideration will be given to any other harm, along with the overall planning balance within the conclusion of the report.

Design and Visual Impact

7.31 In addition to Policy GD1 of the TCS, which requires the scale and nature of development to respect the character of the town or village concerned, Policies GD2 and H32 of the TLP 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. Reference has also been made above to Policy H23 of the TLP in relation to assessment as a rural exception site.

7.32 Policy BE1 of the TCS 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. Policy NE1 of the TCS 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.

7.33 The NPPF at paragraph 126 states that *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* and recognises that *"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"*. Officers note the added emphasis to design in the revised version of the NPPF published in July 2021, and that this is a key aspect of achieving sustainable development. In effect, design has been given greater weight in the decision making process and the National Design Guide and National Model Design Code are material considerations.

7.34 Paragraph 134 of the NPPF states that *"development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design"* and references the National Design Guide and National Model Design Code in this respect. Conversely, significant weight should be given to design that reflects local design policies and government guidance on design and/or outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.35 The 10 characteristics in the National Design Guide that can be used to appraise a development are:

1. *Context – enhances the surroundings.*
2. *Identity – attractive and distinctive.*
3. *Built form – a coherent pattern of development.*
4. *Movement – accessible and easy to move around.*
5. *Nature – enhanced and optimised.*
6. *Public spaces – safe, social and inclusive.*
7. *Uses – mixed and integrated.*
8. *Homes and buildings – functional, healthy and sustainable.*
9. *Resources – efficient and resilient.*
10. *Lifespan – made to last.*

7.36 In terms of emerging planning policies, draft Policies QOP 1, QOP 2, QOP 3, QOP 4, QOP 5 and QOP 6 of the NLP are relevant in relation to achieving high quality sustainable design and well-designed places in accordance with the NPPF, but have little weight at this time.

7.37 The proposal would result in the expansion of the existing housing development to the west, and although not as large as that scheme, would result in further encroachment into the open countryside and Green Belt to the north of Piper Road

and the more established built-up area of Ovingham. This would result in some further harm to the openness of the Green Belt and the open countryside, as well as the character of the site and surrounding area.

7.38 Notwithstanding the above, and in considering the scheme in the context of an exception to inappropriate development in the Green Belt based on the NPPF, the layout, scale and design of the proposed dwellings as submitted are considered to be generally acceptable and are similar in character to the recent development to the west. The application proposes to predominantly use brick with some render, which is considered to be acceptable in the context of the existing development surrounding the site and the wider Ovingham area.

7.39 As with the adjacent development it is considered important to ensure there is an appropriate frontage onto Piper Road, which is noted in the plans and submitted layout. This would result in the loss of some of the existing hedgerow to the southern boundary of the site where unavoidable to accommodate the development, including for pedestrian access points from Piper Road. However, the submitted plans look to retain sections of this where possible and also supplement with new hedgerow planting.

7.40 The proposed house types within the development, including bungalows and two-storey dwellings, would result in a mixed but acceptable form of development in terms of scale and design. As with the adjacent development to the west, the provision of a footpath along the northern side of Piper Road for the length of the site frontage, together with pedestrian access gates would ensure that the frontage of the site would not “turn its back” on Piper Road. Landscaping and boundary treatments, as well as details of the proposed materials for development can be secured by condition to ensure that the development would be of an appropriate appearance to reflect the mixed character and appearance of development in the immediate and wider area.

7.41 Subject therefore to the imposition of such conditions, the proposal would accord with the general provisions of Policies BE1 and NE1 of the TCS, Policies GD2, H23 and H32 of the TLP and with the wider aims of the NPPF in terms of matters of layout, scale design and effects on the character of the site and wider area and achieving good quality design. It is noted that there are concerns in relation to the potential for further development in this area, however any future applications would be assessed on their own merits and an approval for this site would not establish a precedent for future housing.

Residential Amenity

7.42 As well as looking to achieve a good quality of design in new residential development, Policies GD2 and H32 of the TLP 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. Draft Policy QOP 2 of the emerging NLP also states that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in the local area. These policies are consistent with the aims of the NPPF with paragraphs 130 and 185 relating to considering the effects on amenity, both in terms of impacts on existing residents as well as future occupiers of development.

7.43 In this instance the proposal has the potential to impact upon the amenity of properties to the south and west on Piper Road, Hawthorn Gardens and Dyer Close. Such impacts could be in relation to the introduction of new housing on the site with associated new activity and disturbance, as well as impacts on visual amenity, outlook, light and privacy.

7.44 Having regard to the scale and layout of the development, which is much smaller than the previously approved scheme to the west, it is not felt that the proposals would result in significant or harmful impacts upon the amenity of the adjacent residents, either on its own or in combination with the adjoining scheme. As was noted at the time of the 2012 application, the existing houses on Piper Road to the south tend to have long 'rear' gardens, almost all of which have detached garages and driveways to the northern end of their gardens accessed from Piper Road.

7.45 The five proposed dwellings at plots 5 – 9, two of which are bungalows and three are two-storey, would have their front elevations facing towards the rear of the properties opposite and, whilst some change in outlook and longer-range views may be experienced, this would not be at the expense of significant or adverse impacts on privacy in the context of the separation distances set out within Policy H32 of the TLP. The north facing elevations of the existing properties on Piper Road are set around 15 – 19 metres from Piper Road and having regard to the submitted site layout plans and section drawings, there would be a separation distance to the front elevations of the new dwellings of around 28.8 metres – 31.3 metres.

7.46 There have been some concerns raised in relation to the raising of ground levels of in order to achieve satisfactory drainage from the site and how this may impact upon the properties to the south. However, having regard to the proposed layout and the separation from these properties it is not considered that there would be significant or harmful effects on amenity as a result. A condition to secure final details of the finished ground and floor levels could be attached with any recommendation to approve in order to further consider this aspect if required. Reference has also been made to having bungalows to the road frontage instead of two-storey properties. However, the proposed mix along the frontage is considered to be acceptable and would not result in significant or harmful impacts on amenity and reflects the form of development to the west of the site, which is also deemed to be acceptable.

7.47 Whilst there would be changes to the character of the area, given the layout and scale of development and the relationship between existing and proposed properties, the proposals are not felt to result in significant or harmful impacts upon the amenity of existing residents, whilst an acceptable level of amenity could be achieved for future occupants of the new dwellings. The proposal would therefore be in accordance with Policies GD2 and H32 of the TLP and the NPPF in this respect.

Sustainable Transport and Highway Safety

7.48 New housing development needs to be assessed in terms of matters of sustainable transport and highway safety having regard to Policies GD4 and GD6 of the TLP, Policy GD4 of the TCS and the NPPF. Paragraph 110 of the NPPF looks to ensure that safe and suitable access to a site can be achieved by all users. Paragraph 111 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.

7.49 With regard to the emerging NLP, draft Policies TRA 1, TRA 2 and TRA 4 currently have limited weight but refer to promoting sustainable connections, considering effects on the transport network and parking provision.

7.50 Consultation has taken place with Highways Development Management (HDM) and following the submission of revised plans to address matters in relation to pedestrian connectivity and maintenance of land within the layout, HDM raise no objection subject to conditions. Proposed conditions include the provision of a new footway along the site frontage with Piper Road, car/cycle parking provision, drainage, construction method statement and a refuse strategy.

7.51 Whilst concerns have been raised in relation to increased traffic and matters of highway safety, on the basis that HDM have raised no objection to the proposals, there are not considered to be any grounds to prevent development of the site with regard to matters of access and highway safety. Subject to recommended conditions, the proposals would therefore be in accordance with Policy GD4 of the TCS, Policies GD4 and GD6 of the TLP and the NPPF.

Ecology

7.53 The development plan and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area. In this instance the proposal will also impact upon an existing hedgerow to the southern boundary of the site, although the scheme proposes to retain sections of this and provide new planting. Policies NE27, NE33, NE34 and NE37 of the TLP and Policy NE1 of the TCS 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.

7.54 The application is accompanied by an ecological assessment and the proposals have been considered by the Council's Ecologists. They note that improved grassland/arable land and a section of mature hedgerow will be lost as part of the development, together with an area of bare ground and ruderal vegetation. In addition, they note that the area may support foraging badger and the hedgerows may be used by breeding birds. However, an appropriate package of measures to mitigate these impacts have been suggested in the submitted ecology and arboricultural reports. These conditions include protection measures during construction for the existing hedgerow and details of new landscaping, including not less than 80 metres of new hedgerow to compensate for that lost.

7.55 In light of the above, whilst there are ecological impacts arising from the proposed development of the site, it is considered that these can be mitigated by the recommended conditions. Having regard to the comments of the Council's Ecologists it is considered that the proposal would be acceptable in terms of ecological impacts, subject to conditions, having regard to the relevant development plan policies above and the NPPF.

Drainage and Flood Risk

7.56 The application has been assessed against Policy GD5 of the TCS and the NPPF in relation to ensuring development is directed to areas at a lower risk of flooding and that it would not increase flood risk elsewhere. In addition, Policy CS27 of the TLP

relates to matters of sewerage and ensuring there is adequate capacity to serve development.

7.57 The application is accompanied by a surface water drainage statement that has been considered by Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA). Objections have also been received from interested parties in relation to drainage and flood risk and the capacity of the existing network.

7.58 NWL have responded advising that the application does not provide sufficient detail with regards to the management of foul and surface water from the development to be able to assess their capacity to treat the flows from the development. However, no objection is raised and NWL recommend that a condition is attached should permission be granted to secure further details of the foul and surface water drainage proposals.

7.59 The LLFA raised an initial objection and sought further information to demonstrate that the development will not impact on a newly installed flood alleviation scheme, and that the foul water pipe would not impact a culverted watercourse or surface water sewer. Following the submission of further information, the LLFA has withdrawn its objection, subject to conditions to be attached to any grant of permission. These relate to surface water drainage during construction, inspection and survey of an existing filter trench and culverted watercourse, and the invert level of the foul water sewer in relation to the culverted watercourse.

7.60 On this basis, subject to the recommended conditions it is considered that an acceptable form of development can be achieved in respect of matters of drainage and flood risk, in accordance with Policy CS27 of the TLP, Policy GD5 of the TCS and the NPPF.

Archaeology

7.61 Policy BE28 of the TLP requires appropriate archaeological assessment of sites where this may be a material consideration in its development. Paragraph 194 of the NPPF also requires an assessment and, where necessary, field evaluation where sites include, or have the potential to include, heritage assets with archaeological interest.

7.62 Consultation has taken place with the Assistant County Archaeologist (ACA) on the submitted archaeological assessments and further survey work that has been undertaken on site. The ACA highlights that the proposed development is located in a wider archaeological landscape containing known sites from the prehistoric period onwards. The evaluation has demonstrated the presence of a continuation of the prehistoric site revealed in the housing development to the immediate west. While the new evaluation has identified remains in the northern part of the site, evaluation of the southern extent was hampered by the presence of a large spoil heap.

7.63 Looking at the extent and spread of archaeological remains in the southern extent of the development site to the immediate west, there remains the possibility that comparable or associated remains could actually spread across much of the proposed housing development site. Based on the information gained to date, the archaeology on this site does not appear to be of such significance that it requires preservation in situ. It is, however, still likely to be of local to regional significance and as a result it is important that preservation by record is carried out to an appropriate level.

7.64 The ACA states that features of this type and date need to be investigated and recorded in plan to gain a sufficient understanding of the site before the archaeological site is built on. Archaeological monitoring of strip foundations and service trenches is not appropriate on a site of this date and nature, as it neither results in effective preservation by record nor preservation in situ. Having considered the archaeological potential of the site and nature of the proposed development, the ACA recommends that an archaeological mitigation condition is attached to this application in line with paragraph 205 of the NPPF.

7.65 Having assessed the potential archaeological impact of the proposed development on below ground archaeological remains, and based on the available information, the ACA raises no objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological work. Subject to this condition, the proposal would be in accordance with Policy BE28 of the TLP and the NPPF.

Ground Conditions

7.66 Parts of the application site fall within the higher risk Coal Authority referral area with others falling within the lower risk Coal Authority standing advice area. A coal mining risk assessment has been submitted along with land contamination assessments and consultation has taken place with the Coal Authority and the Council's Public Health Protection team (PHP).

7.67 The Coal Authority has advised that the submitted information is sufficient to demonstrate that the application site is safe and stable for the proposed development and no objection is raised.

7.68 PHP have also raised no objection and recommend that conditions are attached to any approval to protect surrounding residential amenity from construction noise and dust. In addition, conditions are recommended to protect the new properties from gases of mining origin as well as in relation to any unexpected contamination.

7.69 On this basis, and subject to recommended conditions, the proposal would be in accordance with Policy CS23 of the TLP and the NPPF.

Planning Obligations

7.70 Policy GD6 of the TCS sets out that planning obligations will be sought where necessary to prescribe the nature of development; or secure compensation from the developer for loss or damage caused by the development; or mitigate the impact of a development. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

7.71 Draft Policies INF 1 and INF 6 of the emerging NLP also set out the requirements for providing supporting infrastructure, including through the use of planning obligations, although these currently have limited and little weight respectively.

7.72 In this case it is considered that should planning permission be granted then planning obligations will need to be secured through a Section 106 legal agreement in respect of the affordable housing provision given that this is proposed as an exception site and would only be acceptable in the Green Belt on that basis, as well as a sport and play contribution.

7.73 In terms of the affordable housing provision, the Section 106 Agreement will need to be agreed with the HEO as well as the applicant in order to secure the 100% affordable housing provision and the relevant tenures. This will require the submission of an Affordable Housing Statement to include agreed house types and tenure mix, arrangements for transfer to a Registered Provider and for them to remain as affordable housing in perpetuity, any arrangements for the marketing of affordable home ownership products and the basis on which the affordable homes will be occupied.

7.74 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its Supplementary Planning Document (SPD) *Planning Obligations for Sports and Play Facilities* on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing developments.

7.75 The total contribution sought is dependent upon the number of bedrooms proposed at a rate of £1,088 per 1-bedroomed dwelling to a total of £4,352 for dwellings providing 4 or more bedrooms. In this instance, the proposal would incur a total contribution towards sports and play provision of £17,408. The applicant has been made aware of this and has indicated that they would accept the requirement, which can be secured through the Section 106 Agreement.

Equality Duty

7.76 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

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

Human Rights Act Implications

7.78 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.

7.79 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.

7.80 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. Ovingham is considered to be an acceptable and sustainable location for new residential development in principle having regard to the current development plan and the NPPF, as well as the draft policies of the emerging NLP. However, the application site is within the Green Belt where the construction of new buildings is considered to be inappropriate development, unless satisfying an exception listed at paragraphs 149 and 150 of the NPPF.

8.2 Paragraph 149 f) sets out an exception to inappropriate development with regard to *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*. In this instance Policy H23 of the TLP would be applicable for the purposes of this assessment, and only limited weight can be given to draft Policy HOU 7 of the emerging NLP at this time. The site adjoins existing development on Piper Road to the south and west and is reasonably well related to the built form of the village. On this basis the proposal would satisfy the relevant requirements of Policy H23 of the TLP, as well as draft Policy HOU 7 of the emerging NLP.

8.3 Given the scale of the development, it is felt that the proposals would result in a 'limited' form of affordable housing provision. Having regard to the assessment set out within this report, including consideration of the applicant's supporting information and consultation with the HEO, the proposal is considered to satisfy Policy H23 of the TLP as a rural exception site, and therefore also the exception to inappropriate development in the Green Belt set out at paragraph 149 f) of the NPPF as limited affordable housing.

8.4 The proposed layout, scale and design of the new housing is considered to be acceptable in this location in the context of its relationship with existing housing and having regard to the character and appearance of the settlement and the surrounding countryside. Furthermore, on the basis of the layout and scale of the development, the proposals are not felt to result in any significant or adverse impacts upon the amenity of existing residents in the area. Impacts on the character of the area in terms of the loss of hedgerow can be mitigated through new planting proposals.

8.5 Following consultation with relevant consultees, and subject to conditions where required, it is considered that an acceptable form of development can be achieved in relation to matters such as access and highway safety; drainage and flood risk; ecological impacts; archaeology; and ground conditions.

9. Recommendation

That this application be GRANTED permission subject to the completion of a Section 106 Agreement to secure 100% affordable housing provision on the site and a financial contribution to sport and play provision and 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 and documents. The approved plans and documents for this development are:-

3964 10 02 J – Proposed Site Plan
3964 20 01 B – 2 Bed Bungalow – Plot 1 & 2
3964 20 02 A – 2 Bed Bungalow – Plot 3-4 & 5-6
3964 20 06 B - 2 Bed House – Plot 8 & 9
3964 20 09 A – 4 Bed House – Plot 7

C-GA-005 P6 - Proposed Drainage Strategy
Surface Water Drainage Strategy – CK21 Ltd ref: Project 9133 Rev C (July 2021)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. Notwithstanding any description of the materials in the application, no construction of the dwellings above damp proof course level shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the dwellings have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, H23 and H32 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local

provenance, including a planting schedule setting out species, numbers, densities and locations, the provision of all new boundary treatments, the creation of areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Notwithstanding the details submitted with the application, all trees and hedges within, and to the boundaries, of the site identified for retention on the approved plans shall be retained and protected throughout the course of development in accordance with updated details that shall first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall include measures for minimising the impact of groundworks in close proximity to the existing trees and hedges to be retained and shall be prepared in accordance with guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To maintain and protect the existing landscape and biodiversity value of the site, in accordance with the provisions of Policies GD2, NE33, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Piper Road, Ovingham Ecological Survey Report', BSG Ecology Ltd., 17.9.19) including, but not restricted to:

- inclusion of 'in built' bat roost and nesting bird features in the new houses and/or hedgehog boxes in garden areas at a rate of not less than 1 feature per dwelling with types, numbers and locations to be agreed in writing with the Local Planning Authority before the development progresses above foundation level;
- adherence to timing restrictions; adherence to precautionary working methods;
- adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018;

- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;
- an updating in season ecological survey to be carried out in the event that works do not commence before the end of August 2022, with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with the provisions of Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

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

Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of any netting shall first be agreed in writing with the Local Planning Authority prior to installation.

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

08. All new garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species, in accordance with the provisions of Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. No dwelling shall be occupied until the car parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework.

10. No development shall commence until details of the proposed new footway running along the site frontage on Piper Road have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

11. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

12. No dwelling shall be occupied until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

13. Prior to occupation, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

14. No development shall commence until a Construction Method Statement, together with supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes, and vehicles.
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors; iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

15. No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

17. Prior to any works on the northern perimeter of the development, an inspection and survey of the existing filter trench and culverted watercourse shall be undertaken. Post development a further inspection of this trench and culvert shall be undertaken. Any damages, defects and debris caused by the development shall be put right to the satisfaction of the Local Planning Authority in accordance with a scheme of details that shall first be submitted for approval in writing.

Reason: To ensure adequate protection from flood risk on and off site, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

18. The invert level of the proposed foul water sewer shall be no greater than 300mm to the base of the culverted watercourse.

Reason: To provide adequate protection to the culverted watercourse, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

19. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources, in accordance with Policy GD5 of the Tynedale Core Strategy, Policy CS27 of the Tynedale Local Plan and the National Planning Policy Framework.

20. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

21. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

22. No development shall commence until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall thereafter be carried out in accordance with the plan so agreed at all times.

Reason: To ensure a commensurate level of protection against windblown dust and debris in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

23. If during redevelopment contamination not previously considered within the approved plan: "Phase I Contaminated Land Desk Study – DBS Environmental Ltd May 2020 Ref: 1354R001i2 REV A FINAL" is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Should no contamination be found during development then the applicant/developer shall submit a signed statement indicating this to discharge this condition.

"Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF).

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

24. No dwelling shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have

been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health and amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

25. No dwelling shall be brought into use or occupied until the applicant/developer has submitted a validation and verification report to the approved methodology in Condition 24 which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

26. Prior to the installation of any external lighting in association with the development hereby permitted, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- the specific location of all external lighting units;
- design of all lighting units;
- details of beam orientation and lux levels; and
- any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme for shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

27. A programme of archaeological work is required in accordance with NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 12/11/21). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCEDT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason The site is of archaeological interest, in accordance with Policy BE28 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

28. Notwithstanding the details submitted with the application, prior to the construction of groundworks of the new dwellings hereby approved, details to be shown on annotated site plans to include:

- a) existing site levels;
- b) proposed site levels; and
- c) proposed finished floor levels of the dwellings

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved levels.

Reason: In the interests of visual and residential amenity, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

29. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, dormer windows and curtilage buildings shall be added to or constructed within the curtilage of the dwellinghouses hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact of any additions on the appearance of the dwellinghouses, the Green Belt and the affordability of the properties may be properly assessed, in accordance with Policies GD2, H23 and H32 of the Tynedale Local Plan and the National Planning Policy Framework.

Informatives

01. Your attention is drawn to the Agreement under Section 106 of the Town and Country Planning Act 1990 affecting this site.

02. You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

03. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway

Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

04. 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.

05. 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.

06. You are advised to contact the Councils Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect to street lighting to ensure sufficient illumination levels of the public highway.

07. The applicant/developer is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 11 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

08. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the Highway.

09. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979.

10. The risk of encountering nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). All wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Accordingly, any vegetation removal or soil stripping undertaken between 1 March – 31 August carried out as part of the proposal should be preceded by checks to confirm that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078. Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk.

11. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

12. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Background Papers: Planning application file(s) 20/03425/FUL



Northumberland County Council

Tynedale Local Area Council Planning Committee
10 May 2022

ADDENDUM REPORT

Application No: 20/02417/FUL

Proposal: Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure works (amended description).

Site Address: Land North Of Lonkley Lodge, Lonkley Head, Allendale, Northumberland

Applicant: Mr Mark Goodson, 12 Ridley Close, Hexham, NE46 2HY

RECOMMENDATION: That this application be GRANTED subject to conditions

1. Introduction

1.1 The purpose of this addendum report is to update Members on the implications arising on the above application following the adoption of the Northumberland Local Plan (NLP) in March 2022.

1.2 This application was previously considered by the Planning Committee on the 10 August 2021. The resolution of the Committee was to grant planning permission subject to signing a Section 106 agreement for Sports and Play and subject to relevant conditions. The Section 106 agreement was not signed because the ownership of the site had not been finalised and because of delays in the Land Registry.

1.3 The officer report that was previously considered by Members at the August meeting is appended to this addendum report for information. That report considered the proposals having regard to the adopted development plan at the time, comprising the Tynedale Core Strategy and the saved policies of the Tynedale Local Plan, as well as the National Planning Policy Framework and other material considerations.

1.4 The previous report did make reference to the advanced stage of preparation of the NLP and assessed the proposals on the basis of the weight that could be attached to relevant policies at that time. However, this report will provide a further update and assessment of the proposals in the context of the adopted NLP.

2. Planning Policy

2.1 Development Plan Policy

Northumberland Local Plan (March 2022)

STP1 Spatial strategy
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
HOU 4 Housing development site allocations (Strategic Policy)
HOU 6 Affordable housing provision
HOU 9 Residential development management
QOP2 Good design and amenity
QOP4 Landscaping and trees
TRA4 Parking provision in new development
ENV2 Biodiversity and geodiversity
ENV3 Landscape
ENV4 Tranquillity, dark skies and a sense of rurality
ENV6 North Pennines Area of Outstanding Natural Beauty
ENV7 Historic environment and heritage assets
WAT2 Water supply and sewerage
WAT3 Flooding
WAT4 Sustainable drainage systems
INF 2 Community services and facilities
INF 5 Open space and facilities for sport and recreation
INF6 Planning obligations

Allendale Neighbourhood Development Plan (Made 1 July 2015)

ANDP 1 General Development Principles
ANDP 2 Scale of Housing Development

2.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

2.3 National Planning Policy

North Pennines AONB Building Design Guide (2011)

3. Appraisal

3.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan (NLP).

3.2 The main issues on which the application was assessed are listed below with an update on the relevant policies within the NLP.

- Principle of development
- Housing land supply

- Siting, design and residential amenity
- Impact on the character of Allendale Conservation Area and the North Pennines AONB
- Impact on adjoining residential amenity
- Access, highways and parking
- Ecological impact and trees
- Archaeology
- Flooding, foul and surface water drainage
- Public protection
- Education
- Sports and play provision

Principle of development

3.3 Allendale is classified as a service centre under Policy STP 1 of the adopted Northumberland Local Plan (NLP) which will accommodate employment, housing and services that maintains and strengthens their roles. In considering development proposals there is a presumption in favour of sustainable development as outlined in Policy STP 2 of the NLP and the NPPF. The principles of sustainable development as discussed in Policy STP 3 of the NLP includes providing a type and mix of homes to meet local housing need and increase choice in the local housing market.

3.4 Policy HOU 3 of the NLP provides housing requirements for neighbourhood areas, which includes Allendale. This gives a requirement to deliver 100 houses during the plan period 2016-2036 within Allendale and includes in the housing development site allocations (Policy HOU 4) 0.55 hectares of land to the east of Lonkley Terrace for the provision of 8-16 houses. This is the proposed site and so the application would accord with Policy HOU 3 and HOU 4 of the Northumberland Local Plan.

3.5 Allendale Neighbourhood Plan Policy ANDP 2 refers to small scale housing schemes which do not compromise the character and appearance of the area and covers schemes of up to 9 dwellings. The policy states that the housing development would: need to be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting; not result in an adverse impact on the amenity of any existing neighbours; and not otherwise adversely impact sensitive land uses.

3.6 As the development is for less than ten houses and the site is less than 0.5 hectares, there is no requirement for affordable housing as outlined in NLP Policy HOU 6.

Housing land supply

3.7 The Housing land supply has not been updated since the previous report and as outlined in paragraph 7.10 of the report there is a 'deliverable' 5-year supply for 2020-2025 would equate to a 10.9 years housing land supply. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

Siting, design and residential amenity

3.8 This was assessed in the previous report and considered to accord with the NPPF, the North Pennines AONB Design Guide and Policy ANDP 1 in relation to design and residential amenity, as well as the Tynedale policies relevant at the time. Residential development management, Policy HOU 9 of the Northumberland Local Plan, seeks development that contributes to a sense of place, is of a high quality design and provides functional space and facilities for refuse and recycling storage. The application would accord with this and Policy QOP 1 which is a strategic policy for design principles and QOP 2 which covers good design and amenity.

Impact on the character of Allendale Conservation Area and the North Pennines AONB

3.9 The site abuts the boundary of the Allendale Conservation Area and the site and village lie within the North Pennines AONB. The site has been developed to follow the design principles of the AONB Building Design Guide and in line with Policy ANDP 1 to not significantly and adversely affect the 'character and appearance of the settlement ...in which it is located'. Policy ENV 6 of the NLP is a policy for the North Pennines AONB and in line with this policy it is considered that the proposed development would not impact on the AONB's special qualities.

Impact on adjoining residential amenity

3.10 The impact on the amenity of adjoining residential properties was assessed previously and despite objections, it was considered that the development would not have a detrimental impact on the amenity of adjoining residential properties and that planning permission should not be refused for this reason. The application accords with Policy ANDP 1 and it is considered that it would accord with Policy QOP 2 of the NLP which requires a high standard of amenity for existing and future users and to preserve the amenity of neighbouring uses and those living in, working in or visiting the local area.

Access, highways and parking

3.11 The parking and access have been considered acceptable and the Highway Authority had no objection to the principle of the proposal subject to relevant conditions. It is also considered that the proposal would accord with Policy TRA 4 (Parking provision in new development) of the Northumberland Local Plan.

Ecological impact and trees

3.12 The impact on biodiversity has been considered and the County Ecologist had no objection subject to conditions being attached to any grant of planning permission. It is considered that the application would accord with Policy ENV 2 of the NLP, as well as Policy ANDP 1 and the NPPF.

3.13 In terms of the wider ecological impacts of the development, the site lies some 900 metres north of the North Pennines Dales Meadows Special Area of Conservation (SAC) and Peckriding Meadows Site of Special Scientific Interest (SSSI) with further SAC and SSSI lying some 1.2km to the south-east. The site has been considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) by Northumberland County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having

considered the nature, scale, timing, duration and location of the project it was concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The proposal does not meet any of the criteria in Natural England's Impact Risk Zone (IRZ) for this location.

Archaeology

3.14 As set out in the original report (paragraph 7.25), the County Archaeologist has recommended an archaeological recording condition to be attached to any grant of planning permission. Policy ENV 7 of the NLP covers the requirement for recording heritage assets as part of a development and subject to this condition the application would accord with Policy ENV 7 and the NPPF.

Flooding, foul and surface water drainage

3.15 The LLFA and Northumbrian Water were consulted on the application and conditions were recommended, with an additional condition added following discussion at committee. In terms of flooding and sustainable drainage systems, the application would accord with NLP Policies WAT 3 and WAT 4 and the NPPF.

Public Protection

3.16 Public Protection have been satisfied that the risk to human health from the proposal was negligible in terms of ground contamination and ground gases including radon. They did, however, recommend conditions in relation to noise and dust during the construction phase to protect the amenity of adjoining residential properties. Subject to these conditions the application would accord with NLP Policy POL 1 and the NPPF.

Education

3.17 The NPPF (paragraph 95) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In this respect the Education Department was consulted and commented that the development has been assessed for its impact on local education infrastructure and there would be no impact on educational infrastructure or SEND numbers. The application would accord with the NPPF and Policy INF 2 of the NLP.

Sports and play provision

3.18 The proposal was granted permission by Tynedale Local Area Planning Committee on 10 August 2021 with a recommendation that this was subject to signing a Section 106 agreement for Sports and Play and subject to relevant conditions. Sports and play provision is no longer required to be considered for this site as part of the new Northumberland Local Plan and the application would accord with NLP Policy INF 5 and INF 6.

8. Conclusion

8.1 This application was determined by the Tynedale Local Area Planning Committee on 10 August 2021 with a recommendation to grant planning permission subject to signing a Section 106 agreement for Sports and Play and subject to relevant conditions. The Section 106 agreement was never signed and so the

permission was not released. The application has now been assessed against the relevant Northumberland Local Plan policies as set out above and is still considered to be acceptable, subject to the conditions as set out below, in accordance with these policies.

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 accordance with the approved plans. The approved plans for this development are:

Drawing no: 102 Rev E Proposed site plan
Drawing no: 1110 Plot 1 elevations
Drawing no: 1111 Plot 1 floor and roof plans and section
Drawing no: 1112 Plot 2 elevations
Drawing no: 1113 Plot 2 floor and roof plans and section
Drawing no: 1114 Rev A Plot 3 elevations
Drawing no: 1115 Plot 3 floor and roof plans and section
Drawing no: 1116 Rev A Plot 4 elevations
Drawing no: 1117 Plot 4 floor and roof plans and section
Drawing no: 1118 Rev A Plot 5 elevations
Drawing no: 1119 Rev A Plot 5 floor and roof plans and section
Drawing no: 1120 Rev A Plots 6 and 7 elevations
Drawing no: 1121 Rev A Plots 6 and 7 floor plans
Drawing no: 1122 Rev A Plots 6 and 7 roof plan and sections
Drawing no: 1123 Rev A Plots 8 and 9 elevations
Drawing no: 1124 Rev A Plots 8 and 9 floor plans
Drawing no: 1125 Rev A Plots 8 and 9 roof plan and sections
Drawing no: 110 Proposed hard and soft landscaping
Drawing no: 0300/CIV/200 Site access: existing and proposed
Drawing no: 0300/CIV/202 Site access: sections and details
Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed reference 0300/CIV/220
Sustainable Drainage Assessment reference 74540R1 Surface Water Drainage - Details as Proposed Sheet 1 of 2 reference 0300/CIV/221
Surface Water Drainage - Details as Proposed Sheet 2 of 2 reference 0300/CIV/222

Reason: To ensure that the development is carried out in complete accordance with the approved plans.

03. Before development commences above damp-proof course level, details and samples of all materials, including slate, stone, lintels, sills, drainage goods, windows and doors and any other materials to be used in the construction of the dwellings and garaging and for use in the landscaping, shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area and the amenity of neighbouring properties. In accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

04. The natural stone to be used in the exterior of the building shall be laid in rough courses with mortar of a colour to match the natural colour of the stone and with flush or very slightly recessed joints.

Reason: In the interest of the appearance of the area. In accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

05. A sample panel of at least one metre square shall be built and made available to the Local Planning Authority with details of the mortar, which shall be lime based, provided and approved in writing by the Local Planning Authority prior to the construction of the stonework. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

06. The proposed houses shall have no fascia boards and guttering shall be fixed with traditional brackets.

Reason: In the interest of the appearance of the area. In accordance with Core Northumberland Local Plan Policy QOP 2 and the NPPF.

07. Windows shall be set within their openings by approximately 100mm and have no trickle vents.

Reason: In the interest of the appearance of the area. In accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

08. All roof lights shall be black and vertically proportioned in a flush fitting conservation style.

Reason: In the interest of the appearance of the area. In accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

09. Notwithstanding what is shown on the submitted plans, full details of the existing and proposed finished site levels, as well as the finished floor levels of all the dwellings, shall be submitted and approved in writing by the Local Planning Authority prior to any construction above damp- proof level. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the site and the area in accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

10. Notwithstanding what is shown on the submitted plans, included drawing no: 0300/ARCH /110: proposed hard and soft landscaping, details and samples where

appropriate of all boundary treatments including dry stone walls and hedging, and safety measures around the pond, plus soft landscaping, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Northumberland Local Plan Policy QOP 2 and QOP 4 and the NPPF.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches or additional window openings, boundary treatment or other structures or buildings shall be constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions may be properly assessed in the interests of amenity and in accordance with Northumberland Local Plan Policy QOP 2 and the NPPF.

12. No dwelling shall be occupied until the car parking areas indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Northumberland Local Plan TRA 4 and the NPPF.

13. Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed highway works (the construction of the site access/egress onto the C296, Lonkley Terrace, together with associated pedestrian connectivity works and dropped kerb crossing/tactile paving on Lonkley Terrace and Allenfields, drainage and streetlighting) have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Northumberland Local Plan TRA 4 and the NPPF.

14. Notwithstanding the details provided, the development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Northumberland Local Plan TRA 4 and the NPPF.

15. Development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the

Local Planning Authority. The approved Construction Method Statement and plan shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development
- v. Routing Strategy

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Northumberland Local Plan TRA 4 and the NPPF.

16. No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse servicing strategy shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Northumberland Local Plan TRA 4 and the NPPF.

17. No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Northumberland Local Plan TRA 4 and the NPPF.

18. The development hereby permitted shall undertake in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- o No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- o Prior to first occupation or use of the development, a minimum of one integrated bird box and/or bat box must have been constructed within the fabric of each of the new building following best practice guidance.
- o All species used in the planting proposals shall be locally native species of local provenance.
- o All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the NPPF. In accordance with Northumberland Local Plan Policy ENV 2 and the NPPF.

19. No development shall be carried out other than in accordance with the tree protection plan included in 'Pre-Development BS5837 Arboricultural Implications Assessment - Lonkley Terrace 2020', Woodsman Arboricultural Consultancy, Rev A 12th March 2021.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Northumberland Local Plan Policies ENV 2 and the NPPF.

20. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 15/10/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest. In accordance with Northumberland Local Plan ENV 7 and the NPPF.

21. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Northumberland Local Plan Policy WAT 3 and the NPPF.

22. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Northumberland Local Plan Policy QOP 2.

23. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00 With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Northumberland Local Plan Policy QOP 2.

24. No development shall commence, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against obtrusive windblown dust and debris. In accordance with Northumberland Local Plan Policy QOP 2.

25. If during redevelopment contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with Northumberland Local Plan Policy POL 1.

26. No external lighting may be installed at or above the first floor level of any of the approved dwellings.

Reason: To protect residential amenity and provide a commensurate level of protection against light. In accordance with Northumberland Local Plan Policy QOP 2.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into habitable accommodation, including utility room, study or similar uses, without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate off-road parking space within the site and in accordance with Northumberland Local Plan TRA 4 and the NPPF.

28. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

i. Restrict discharge from the development to 2 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.

ii. Adhere to the principles as set out in the drainage strategy from 'Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed'

reference '0300/CIV/220' and 'Sustainable Drainage Assessment' reference '74540R1'

- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
 - iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
 - v. Provide details of the adoption and maintenance of all surface water features on site.
 - vi. Provide technical details and cross-section of the proposed permeable paving.
- The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development in accordance with Northumberland Local Plan Policies WAT 3 and WAT 4 and the NPPF.

29. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime in accordance with Northumberland Local Plan Policy WAT 4 and the NPPF.

30. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features in accordance with Northumberland Local Plan Policy WAT 3 and the NPPF.

31. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards in accordance with Northumberland Local Plan Policy WAT 4 and the NPPF.

32. Prior to occupation details of Electric Vehicle Charging associated with each dwelling to provide a minimum of 1 EV charging facility per dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is

occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development in accordance with Northumberland Local Plan Policy TRA 4 and the National Planning Policy Framework.

33. Any watercourses, sewers and land drainage found on site during construction shall be diverted and reconnected accordingly. Where additional land drainage is installed, this shall connect to the existing underground storage tank.

Reason: To ensure the effective drainage and passage of ground water to offsite sources in accordance with Policies Northumberland Local Plan WAT 2 and WAT 3 and the NNPF.

34. Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 20% of the new dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

35. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Author

Melanie Francis - Senior Planning Officer

Appendices:

Appendix 1 - Report to Tynedale Local Area Council Planning Committee dated 10 August 2021



Northumberland

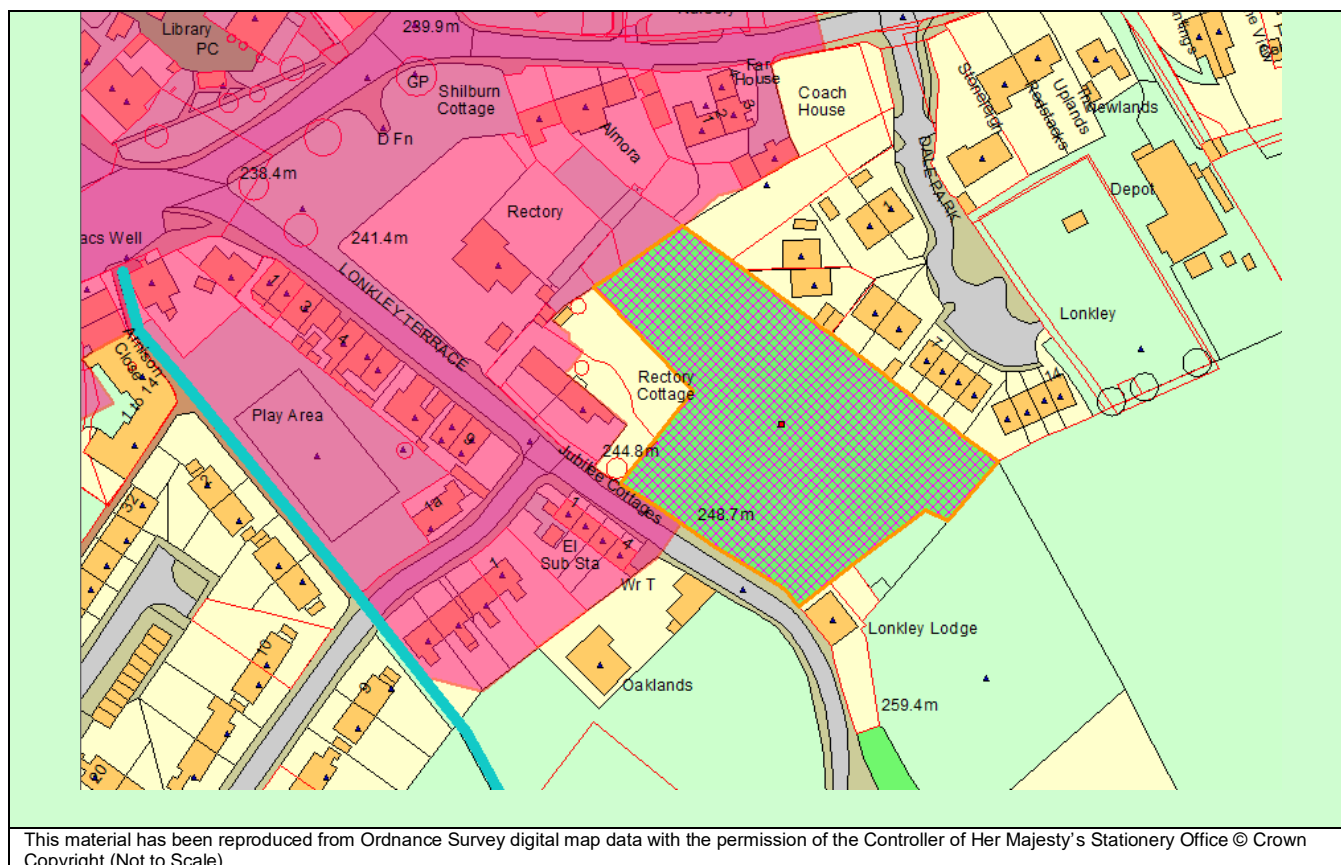
County Council

Tynedale Local Area Council Planning Committee

10 August 2021

Application No:	20/02417/FUL		
Proposal:	Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure works (amended description).		
Site Address	Land North of Lonkley Lodge, Lonkley Head, Allendale, Northumberland		
Applicant:	Mr Mark Goodson 12 Ridley Close, Hexham, NE46 2HY,	Agent:	Mr Andrew Herdman Forge Cottage, 16 Eglington, Alnwick, NE66 2TZ
Ward	South Tynedale	Parish	Allendale
Valid Date:	17 August 2020	Expiry Date:	30 June 2021
Case Officer Details:	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 Under the Virtual delegation scheme, the application was referred to the Director of Planning and Chair and Vice Chair of the Tynedale Local Area Council Planning Committee who agreed that the application raises issues of strategic, wider community or significant County Council interest and therefore should be considered by Members of the Tynedale Local Area Council Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of nine dwellings, plus associated infrastructure works on land north of Lonkley Lodge, Allendale. The site, which covers some 0.48 hectares, is an area of grassland with some mature trees fronting Lonkley Terrace (C296). The site slopes steeply from south to north and is the start of the built-up area of Allendale when approached from the south-east. To the rear (east) of the site is the Dale Park residential development, with Lonkley Lodge located at the south-west corner of the site.

2.2 The site would be accessed to the north of the existing field access with the development covering a roughly rectangular area of land, and in the north-eastern portion of the site, a pond for water capture and area of grassland would be sited. The proposal would consist of a mixture of detached three- bedroom houses, detached two and three bedroom bungalows; and three bedroom semi-detached houses. Three two storey properties would face towards Lonkley Terrace: plot 1, a detached house to the west of the access and plots 8 and 9 to the east which would be semi-detached and step down the slope of the land. Plot 2, a detached dwelling would be located behind plot 1 with three bungalows, plots 3, 4 and 5 parallel to the boundary with Dale Park. Plots 6 and 7, which would be semi-detached houses, would be located in the south-eastern corner of the site. All the properties would have garages, apart from plots 8 and 9 which would have two car parking spaces to the rear of each dwelling.

2.3 The dwellings would be built with natural random rubble sandstone to all principal elevations with the use of stone quoins, lintels, mullions and sills; render on some elevations and slate roofs. The proposal would have differing designs: some with single storey extensions and front and rear porches, and gables to the roof in the case of plots 6 and 7. Windows would be white or off-white uPVC in a traditional sliding sash style. Doors would also be of a traditional style. Rainwater gutters would be fixed using traditional methods with no fascia or soffit boards. The bungalows would be between 5.8 and 6.1 metres high in the case of Plot 5 which has a bedroom in the roof space and the houses would be 7.29 metres in height for plots 6 and 7; some 7.4 metres in height for plots 8 and 8.1 metres in height for plot 2 and 8.5 metres in height to the apex of the roof for plot 1. The existing stone boundary walls would be retained, apart from where the entrance would be created, and further dry-stone walling would be used throughout the site, as well as the planting of hedgerows and trees. Private driveways and visitor parking areas would be formed from Beamish cobble blocks.

2.4 The site is currently bounded with a stone wall and a wide grass verge along Lonkley Terrace, with mature trees along the boundary in the south -west corner. The stone walling continues around most of the site with some timber fencing and

hedging adjacent to Rectory Cottage to the north-west. The site is on the edge of the village of Allendale and immediately adjacent to the boundary of the Allendale Conservation Area. The site is located in the North Pennines AONB.

2.5 The application was submitted in 2020 but since that time the application has been amended reducing the numbers, layout and design of the dwellings.

2.6 Submitted with the application were the following documents:

- 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21.
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd September 2020
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd March 2021 Ref: 1401R001i2
- Design, Access and Heritage Statement Rev A (20 February 2021)
- Arboricultural Implications Assessment Lonkley Terrace V2 2021 (Woodsman Arboricultural Consultancy)
- Flood risk assessment and proposed drainage strategy
- Sustainable Drainage Assessment (GeoSmart Information)

3. Planning History

No known planning history

4. Consultee Responses

Allendale Parish Council	Objection: regarding underwater tank and drainage problems of residents to the north and the safeguarding of water to Isaac's Well. The Council recommend that the Planning Officer contact the Newcastle Diocese because of the existence of a covenant preventing development of the land.
Highways	No objection subject to conditions.
North Pennines AONB	No objection as ecological issues dealt with.
Forestry Commission	No opinion given.
Building Conservation	No objection: design and layout much improved. Chimneys should be added to all properties. All rooflights should be vertically proportioned, flush fitting conservation roof lights.
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Education - Schools	No impact on educational infrastructure or SEND numbers.
Northumbrian Water Ltd	No objection subject to a condition.
Fire & Rescue Service	No objection in principle
Public Protection	No objection subject to conditions

County Ecologist	No objection subject to conditions
County Archaeologist	No objection subject to a condition

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	34
Number of Objections	40
Number of Support	3
Number of General Comments	0

Notices

Site notice: expired 6 October 2020

Press notice: expired 17 September 2020

Summary of Responses:

There have been 40 objections from 20 households and three letters of support.

The the main objections can be summarised as:

- Increased traffic congestion and concerns over road safety
- Noise pollution and CO² emissions
- Loss of privacy, light and overshadowing of adjacent properties
- Lack of privacy for plot 8
- Loss of natural habitat for range of fauna seen on the site
- Loss of mature trees
- Development does not reflect local people and local need
- Not fulfil affordable housing need
- Disruption of historic water course which feeds into Isaac's Well
- Increased surface run off leading to risk of future flooding from the site
- No reference to drainage system or solution
- Poor design and layout
- Fails to comply with planning policy
- Loss of historic and archaeological importance

The three letters of support highlighted that the development was:

- Good for the community
- A good use of land
- Good design

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=QE6PX7QSHT400>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (Made 1 July 2015)

ANDP 1 General Development Principles

ANDP 2 Scale of Housing Development

Tynedale LDF Core Strategy 2007

GD1 Locational policy setting out settlement hierarchy

GD5 Minimising flood risk

BE1 Principles for the built environment

NE1 Principles for the natural environment

H1 Principles for housing

H3 The location of new housing

H4 Housing on green field land

Tynedale Local Plan (April 2000)

GD2 Design Criteria for development, including extensions and alterations

GD4 Range of transport provision for all development

GD6 Car parking standards outside the built-up areas

NE15 Development in the North Pennines AONB

NE27 Protection of Protected Species

NE33 Protection of Trees, Woodlands and Hedgerows

NE34 Tree felling

NE37 Landscaping in developments

BE18 Development affecting the character and setting of a Conservation Area

BE29 Development and preservation

H32 Residential design criteria

CS24 Development adjacent to or in vicinity of contaminated land

CS27 Sewerage

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG) (2014 as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP1 Spatial strategy

HOU 2 Provision of new residential development (Strategic Policy)

HOU 5 Housing types and mix

QOP2 Good design and amenity

QOP4 Landscaping and trees

TRA4 Parking provision in new development
ENC15 Tourism and visitor development
ENV2 Biodiversity and geodiversity
ENV3 Landscape
ENV4 Tranquillity, dark skies and a sense of rurality
ENV6 North Pennines Area of Outstanding Natural Beauty
ENV7 Historic environment and heritage assets
WAT2 Water supply and sewerage
WAT3 Flooding
WAT4 Sustainable drainage systems
INF6 Planning obligations

6.4 Other documents/strategies

North Pennines AONB Building Design Guide (2011)

7. Appraisal

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

Principle of development
Housing land supply
Siting, design and residential amenity
Impact on the character of Allendale Conservation Area and the North Pennines AONB
Impact on adjoining residential amenity
Access, highways and parking
Ecological impact and trees
Archaeology
Flooding, foul and surface water drainage
Public protection
Education
Sports and play provision
Other issues: underground tank and Isaac's Well

Principle of development

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Tynedale Core Strategy and the Tynedale Local Plan as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.5 The application site is a greenfield site on the edge of the village of Allendale. Policy GD1 of the Tynedale Core Strategy sets out the principles for the location of new development with the main focus for development being main towns, local centres and smaller villages with adequate services. The location of the site accords with the 'General Development Principles' in Policy ANDP 1 of the Neighbourhood Plan where development should be at a scale and in locations where the development can be shown to support and maintain the continued sustainability and viability of communities across the Parish by providing new homes.

7.6. The proposed housing would be on a greenfield site but the emerging Local Plan allocates the site for housing under Policy HOU 4 (d)(viii) 'land east of Lonkley Terrace, Allendale Town' stating the site to be 0.55ha in area and having capacity of between 8 and 16 dwellings which is based on two SHLAA assessments which assessed the site as 'suitable', available' and 'achievable' within 6-10 years of the SHLAA. Although the Tynedale Core Strategy establishes a sequential approach to the location of new development, the NPPF (chapter 11) requires an effective use of land in providing homes and other uses, therefore limited weight can be given to the Core Strategy in this respect. As the site is in a local centre with adequate services, the provision of housing would accord with Tynedale Core Strategy Policies H1 and H3.

7.7 Allendale Neighbourhood Plan Policy ANDP 2 refers to small scale housing schemes which do not compromise the character and appearance of the area and covers schemes of up to 9 dwellings. The policy states that the housing development would: need to be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting; not result in an adverse impact on the amenity of any existing neighbours; and not otherwise adversely impact sensitive land uses. These issues will be explored further below.

7.8 As the development is for less than ten houses, an affordable housing provision is not required, as confirmed by the Affordable Housing Officer.

7.9 The NPPF (paragraphs 125) also discusses appropriate densities for dwellings. At this site the density would be 19 dwellings per hectare which is below the site density of 30 dwellings per hectare as set out in Core Strategy Policy H5. However, in the context of this site, which is on the edge of the settlement, and within a village, the density proposed for this site is not inappropriate.

Housing land supply

7.10 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2020-2030 period, together with the then latest updated 2019 affordability ratio, now gives a minimum Local Housing Need of 651 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the forecast updated 'deliverable' 5-year supply for 2020-2025 would equate to a 10.9 years housing land supply. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

Siting, design and residential amenity

7.11 Chapter 12 of the NPPF sets out the principles of creating well-designed places. Good design is a key aspect of sustainable development and the NPPF stresses that planning decisions should ensure that development adds to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history, including the surrounding built environment and landscape setting; and establishes or maintains a strong sense of place. This understanding of a site and its context is discussed in the National Design Guide and the need for the design to contribute to local distinctiveness.

7.12 A Design and Access Statement has been submitted with the application which discusses the design ethos of the proposal. The application has been amended since the original submission, creating an overall design, including the housing, roads and landscaping to be appropriate to the character of the village of Allendale, redolent of the vernacular and in line with the North Pennines AONB Design Guide.

7.13 The development has also been amended to 'work with the site' and have a more traditional form with properties fronting onto Lonkley Terrace stepping down the slope. This stepping of levels would continue through the site and plots 6, 7 and 8 would partially be built into the hillside and any retaining works within the site would use natural materials, either timber or stonework. Stone, slate and some render would be used for the housing with roofs constructed as traditional gables and chimneys added to some of the properties. Windows and doors would be of a traditional style. Different surfacing materials for the roads, parking and pathways would be used and there would be native mixed hedging and tree planting around the site in order to enhance the biodiversity of the site. Stone walling would be used as boundaries, based on the existing stone boundaries around much of the site.

7.14 The North Pennines AONB and the Building Conservation Officer have been involved in discussions on the design and layout of the development. The AONB has no objection to the development. The Building Conservation Officer has commented that the design and layout is much improved, although considers that chimneys should be added to all properties and has recommended a condition in relation to the proposed rooflights.

7.15 In order to design a more traditional form of development, not all of the plots would have a rear garden depth of 10m as outlined in Tynedale Local Plan Policy H32. However, because of the width of the dwellings, the gardens would be of an

appropriate size providing private amenity space. The plots at the front of the site would have, in the case of plots 8 and 9, long front gardens with the existing mature trees and further hedging and tree planting creating privacy. Objections from Lonkley Lodge have raised the issue that they would be looking into the amenity space of plot 8, and although there may be a degree of overlooking into the front garden, it is considered that adequate privacy can be created in the side area to the south. Plot 1 would have no rear garden but would have garden to the front, and to both sides. Again, the site would have landscaping in the form of hedging and trees and the area to the north would provide private amenity space, as would the area to the north of Plot 2. Despite objections relating to overlooking into the amenity space of proposed dwellings, it is considered that overall an adequate level of private amenity space would be provided for the proposed dwellings. It is considered that this and the proposed design of the development would accord with Policy ANDP 1, Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and H32 and the NPPF.

Impact on the character of Allendale Conservation Area and the North Pennines AONB

7.16 The site abuts the boundary of the Allendale Conservation Area and the site and village lie within the North Pennines AONB. The site has been developed to follow the design principles of the AONB Building Design Guide and in line with Policy ANDP 1 to not significantly and adversely affect the 'character and appearance of the settlement ...in which it is located'. Policy ANDP 1 goes on to say that development that significantly and adversely affects the landscape character, and appearance of the AONB will not be permitted which is also mirrored in Policy NE15 of the Tynedale Local Plan. It is considered that the design of the development as assessed above using a traditional design, form and materials would not harm the character of the adjoining Allendale Conservation Area and the character and appearance of the AONB in line with Policy ANDP 1, Tynedale Local Plan Policies NE15 and BE18 and chapters 15 and 16 of the NPPF.

Impact on adjoining residential amenity

7.17 The application has been designed to take account of the position of existing properties and is sited with the residential development at Dale Park to the rear. Consequently, bungalows have been proposed along the eastern side of the site so that they would not be overbearing on the existing properties and would not result in overlooking into the rear gardens of 4-6 Dale Park. Providing garages at the rear of the plots and planting additional hedging and trees would also increase levels of privacy. By constructing plots 5 and 6 in the south-east corner, facing down the site to the north, there would be no overlooking into plots 7-10 Dale Park. Although there have been a number of objections from residents of Dale Park, and it is acknowledged that their outlook would change as a result of this development, it is considered that the proposal would not be overbearing or have an adverse effect on their amenity.

7.18 At the front of the site, plots 1, 2 and 9 are considered to not impact on the amenity of adjoining neighbours. Lonkley Lodge, which is the closest property to the site, has objected to the position of plot 8 and so this plot has been positioned a further 2.7 metres away, 5.7 metres in total, from their boundary wall but would be set back from their side elevation, which with windows on the side and a conservatory, looks northwards and into the site. Although the outlook of Lonkley

Lodge would change, they are in an elevated position above the site and with existing trees on the boundary and the location of plot 8, they would not be overlooked. The property also has a long garden area to the east of their house and so they would maintain private amenity space.

7.19 Despite objections, it is considered that the development would not have a detrimental impact on the amenity of adjoining residential properties and that planning permission should not be refused for this reason. It is considered that the application would accord with Policy ANDP 1 and Tynedale Local Plan Policies GD2 and H32.

Access, highways and parking

7.20 The site is located off the C296, Lonkley Terrace, and the development would access the site to the north of an existing field access. As there are no pavements along the front of the site, the Highway Authority has recommended a footway from the site to the existing footway at the junction with the U8226, Allenfields. The access provided would be a Northumberland County Council's Type C, which would require an agreement with the Council, with the access to the site being offered for adoption by Northumberland County Council and the internal road to remain under private ownership. Visibility splays would be acceptable. Details of the surface water drainage in relation to the highway which would discharge surface water into the existing combined NWL drain, plus details of surface water drainage at the site access have been provided and considered acceptable. Drawings of vehicle swept paths have been submitted and these show that turning and manoeuvring throughout the site is achievable by both car and refuse vehicle. A Construction Method Statement would need to be submitted and approved prior to any works commencing on site.

7.21 Parking would consist of a mixture of garages and parking areas, including visitor parking. Cycle storage would use Sheffield-style cycle racks, wall mounted cycle hooks or external timber storage sheds. The parking and proposed cycle and refuse storage is considered acceptable by the Highway Authority. Following revisions to the scheme, and despite objections in relation to the development and its impact on the highway, the Highway Authority considers that the development would not have a significant impact on highway safety and there is no objection in principle to the proposals. Conditions and informatives in relation to car parking, cycle storage, highway works, refuse servicing, street lighting and impacts during the construction phase would address any concerns with the development. The application would accord with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

Ecological impact and trees

7.22 The report 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21 was submitted with the application; an update to the original one submitted. The application includes the planting of 20 native trees and a mixed native hedgerow, the provision of rain gardens and a pond, plus the planting of meadow mix grassed areas.

7.23 The site is considered to be largely species poor semi-improved grassland, with trees near the site boundaries. The County Ecologist has assessed the application and has no objections but recommended a condition to secure ecological avoidance,

mitigation and enhancement. The Ecologist has also commented that the revised proposal has provided space to create and enhance grassland to the north-west of the site with the hard and soft landscaping plan showing a range of native species to be used in boundary hedgerows as standard trees and meadow grassland. It is considered that the inclusion of areas of enhanced meadow is positive, particularly around the SuDS pond. The Ecologist has commented that the species proposed is appropriate apart from the use of Field Maple and has therefore recommended that there is a condition in terms of further details on landscaping. A condition to protect the existing trees during construction has also been recommended.

7.24 In terms of the wider ecological impacts of the development, the site lies some 900 metres north of the North Pennines Dales Meadows Special Area of Conservation (SAC) and Peckriding Meadows Site of Special Scientific Interest (SSSI) with further SAC and SSSI lying some 1.2km to the south-east. The site has been considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) by Northumberland County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it was concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The proposal does not meet any of the criteria in Natural England's Impact Risk Zone (IRZ) for this location. In terms of the ecology of the site, including the trees, the application would accord with Tynedale Local Plan Policy NE27, Policy ANDP 1 and the NPPF.

Archaeology

7.25 The County Archaeologist has evaluated the proposal and has said that the site is outside the historic settlement focus of Allendale with the slope of the site making it less likely to have been used for historic settlement. The site does, however, contain quite well-preserved ridge and furrow earthworks showing that the site was used for agriculture probably from the medieval period onwards. The County Archaeologist considers that although the earthworks are of interest, this is of local importance and 'not of sufficient significance to warrant refusal of the application to enable them to be preserved in situ' but as evidence of historic land-use within the medieval and later settlement of Allendale, they do warrant preservation by record. The County Archaeologist has therefore recommended an archaeological recording condition to be attached to any grant of planning permission. Subject to this condition the application would accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

Flooding, foul and surface water drainage

7.26 The site is in flood zone 1. A Flood risk assessment and proposed drainage strategy, a Sustainable Drainage Assessment (GeoSmart Information) and plans showing the surface water management on the site (Drawing no:0300CIV220) and one showing proposed foul drainage (Drawing no:0300CIV210) have been submitted and assessed. There would be a pond in the north-eastern corner of the site, rainwater harvesting butts, permeable paving and attenuation tanks/geo-cellular storage crates for surface water runoff. Existing drainage and flooding issues have been of concern to many objectors but the LLFA have been consulted on the application and following the submission of additional information have no objection

subject to conditions. Subject to these conditions the application would accord with Tynedale Core Strategy Policy GD5.

7.27 Northumbrian Water had previously commented at the pre-application stage that their initial analysis was that there was insufficient capacity in the network for the anticipated surface water flows arising from the development and advised that alternative sustainable solutions for surface water should be found. They have recommended a condition in this respect.

Public Protection

7.28 The Environmental Protection team have been consulted on the application and are satisfied that the risk to human health from the proposal is negligible in terms of ground contamination and ground gases including radon. They have, however, because of the proximity of adjoining residential properties recommended conditions in relation to noise and dust during the construction phase. Subject to these conditions the application would accord with Tynedale Local Plan Policies GD2 and CS23.

Education

7.29 Tynedale Core Strategy Policy CS1 which discusses the principles for community services and facilities seeks to address deficiencies in services and facilities and facilitate improvements in their level of provision. The NPPF (paragraph 95) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In this respect the Education Department has been consulted and have commented that the development has been assessed for its impact on local education infrastructure and there would be no impact on educational infrastructure or SEND numbers. The application would accord with Tynedale Core Strategy Policy CS1 and the NPPF.

Sports and play provision

7.30 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its policies on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing development in line with Tynedale Local Plan Policies LR11 and LR15. The provision of sports and play provision arising from residential development is a fundamental aspect of such developments, and as such, failure to make adequate provision on this basis can provide a justification for the refusal of an application. The developer has agreed to a contribution which with seven 3-bedroom dwellings and two 2-bedroom dwellings would include a contribution of £17,350 to play/informal open space and £9850 to outdoor sport, totalling £27,200. This would need to be provided and secured by way of a Section 106 agreement for any development to progress on the site and subject to this the application would accord with Tynedale Local Plan Policies LR11 and LR15 in this respect.

Other issues: Underground tank and Isaac's Well

7.31 A number of objections have been received, including from the Parish Council regarding the impact that the development would have on Isaac's Well. The applicant has since undertaken investigations on the site which has shown that the

discharge pipe ultimately flows into the existing 150mm diameter combined sewer belonging to Northumbrian Water – and not Isaac's Well. The applicant has confirmed that the works on the site would not affect the below-ground tank or the discharge pipe. It has been found that Isaac's Well is fed by a drain that collects water from the Allenfields playing fields. An updated topographical survey showing the location of the underground water tank was provided. The application would therefore accord with Tynedale Core Strategy Policy BE1 and GD5.

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 proposal has been assessed against the NPPF and the development plan, which includes the Allendale Neighbourhood Plan, and the principle of housing on this site is considered acceptable. Despite the objections from neighbours, consultees have assessed the application and have no objection subject to relevant conditions. The objection from the Parish Council with regard to Isaac's Well and the underground tank has been investigated on site and would not be affected by the development. The design and layout of the development using traditional materials and native landscaping following the principles of the AONB Design Guide would ensure that the proposal would not harm the character of the adjoining Allendale Conservation Area and the landscape and appearance of the North Pennines. Despite the outlook of adjoining residents changing as a result of this development, it is considered that the development would not result in an overbearing appearance or loss of privacy whereby planning permission should be refused. Subject to all relevant conditions and the signing of a Section 106 agreement in respect of financial contributions for Sports and Play, including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport, the application is considered to be in accordance with the development plan.

9. Recommendation

That this application be GRANTED permission subject to the signing of a Section 106 agreement in respect of financial contributions for Sports and Play including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport.

Conditions/Reason

1 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).

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

Drawing no: 102 Rev E Proposed site plan
Drawing no: 1110 Plot 1 elevations
Drawing no: 1111 Plot 1 floor and roof plans and section
Drawing no: 1112 Plot 2 elevations
Drawing no: 1113 Plot 2 floor and roof plans and section
Drawing no: 1114 Rev A Plot 3 elevations
Drawing no: 1115 Plot 3 floor and roof plans and section
Drawing no: 1116 Rev A Plot 4 elevations
Drawing no: 1117 Plot 4 floor and roof plans and section
Drawing no: 1118 Rev A Plot 5 elevations
Drawing no: 1119 Rev A Plot 5 floor and roof plans and section
Drawing no: 1120 Rev A Plots 6 and 7 elevations
Drawing no: 1121 Rev A Plots 6 and 7 floor plans
Drawing no: 1122 Rev A Plots 6 and 7 roof plan and sections
Drawing no: 1123 Rev A Plots 8 and 9 elevations
Drawing no: 1124 Rev A Plots 8 and 9 floor plans
Drawing no: 1125 Rev A Plots 8 and 9 roof plan and sections
Drawing no: 110 Proposed hard and soft landscaping

Drawing no:0300/CIV/200 Site access: existing and proposed
Drawing no:0300/CIV/202 Site access: sections and details

Surface Water Management Scheme Incorporating SuDS Features / Elements - As
Proposed reference 0300/CIV/220
Sustainable Drainage Assessment reference 74540R1 Surface Water Drainage -
Details as Proposed Sheet 1 of 2 reference 0300/CIV/221
Surface Water Drainage - Details as Proposed Sheet 2 of 2 reference 0300/CIV/222

Reason: To ensure that the development is carried out in complete accordance with the approved plans.

3 Before development commences above damp-proof course level, details and samples of all materials, including slate, stone, lintels, sills, drainage goods, windows and doors and any other materials to be used in the construction of the dwellings and garaging and for use in the landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area and the amenity of neighbouring properties. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

4 The natural stone to be used in the exterior of the building shall be laid in rough courses with mortar of a colour to match the natural colour of the stone and with flush or very slightly recessed joints.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

5 A sample panel of at least one metre square shall be built and made available to the Local Planning Authority with details of the mortar, which shall be lime based, provided and approved in writing by the Local Planning Authority prior to the construction of the stonework. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

6 The proposed houses shall have no fascia boards and guttering shall be fixed with traditional brackets.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Windows shall be set within their openings by approximately 100mm and have no trickle vents.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Roofs shall be constructed of natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

8 All roof lights shall be black and vertically proportioned in a flush fitting conservation style.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

9 Notwithstanding what is shown on the submitted plans, full details of the existing and proposed finished site levels, as well as the finished floor levels of all the dwellings, shall be submitted and approved in writing by the Local Planning Authority prior to any construction above damp- proof level. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the site and the area in accordance with Tynedale Local Plan Policies Gd2 and H32 and the NPPF.

10 Notwithstanding what is shown on the submitted plans, included drawing no: 0300/ARCH /110: proposed hard and soft landscaping, details and samples where appropriate of all boundary treatments including dry stone walls and hedging, and the soft landscaping shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches or additional window openings, boundary treatment or other structures or buildings shall be constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions may be properly assessed in the interests of amenity and in accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

12 No dwelling shall be occupied until the car parking areas indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

13 Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed highway works (the construction of the site access/egress onto the C296, Lonkley Terrace, together with associated pedestrian connectivity works and dropped kerb crossing/tactile paving on Lonkley Terrace and Allenfields, drainage and streetlighting) have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

14 Notwithstanding the details provided, the development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

15 Development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement and plan shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development
- v. Routing Strategy

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Tynedale Local Plan Policies GD2, GD4 and GD6 and the NPPF.

16 No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse servicing strategy shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Local Plan Policy GD2 and the NPPF.

17 No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with with Local Plan Policy GD2 and the NPPF.

18 The development hereby permitted shall undertake in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- Prior to first occupation or use of the development, a minimum of one integrated bird box and/or bat box must have been constructed within the fabric of each of the new building following best practice guidance.
- All species used in the planting proposals shall be locally native species of local provenance.
- All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the NPPF. In accordance with Tynedale Core Strategy Policy NE1 and the NPPF.

19 No development shall be carried out other than in accordance with the tree protection plan included in 'Pre-Development BS5837 Arboricultural Implications Assessment - Lonkley Terrace 2020', Woodsman Arboricultural Consultancy, Rev A 12th March 2021.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Tynedale Core Strategy Policy NE1, Tynedale Local Plan Policy NE33 and the NPPF.

20 A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 15/10/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

- a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.
- b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
- c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest. In accordance with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

21 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Tynedale Core Strategy Policy GD5 and the NPPF.

22 During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

23 Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00 With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

24 No development shall commence, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against obtrusive windblown dust and debris. In accordance with Tynedale Local Plan Policy GD2

25 If during redevelopment contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with Tynedale Local Plan Policy CS23.

26 No external lighting may be installed at or above the first floor level of any of the approved dwellings.

Reason: To protect residential amenity and provide a commensurate level of protection against light. In accordance with Tynedale Local Plan Policy GD2.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into habitable accommodation, including utility room, study or similar uses, without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate off-road parking space within the site and in accordance with Policy GD6 of the Local Plan.

Reason: The Local Planning Authority considers that any further development may prejudice a satisfactory layout and could have a harmful effect upon the amenity of the area and in accordance with the Nation Planning Policy Framework.

28 Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict discharge from the development to 2 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from '*Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed*' reference '0300/CIV/220' and '*Sustainable Drainage Assessment*' reference '74540R1'
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.
- vi. Provide technical details and cross-section of the proposed permeable paving. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development in accordance with Tynedale Core Strategy Policy GD5.

29 Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime in accordance with Tynedale Core Strategy Policy GD5.

30 Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features. in accordance with Tynedale Core Strategy Policy GD5.

31 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards. in accordance with Tynedale Core Strategy Policy GD5.

Background Papers: Planning application file(s) 20/02417/FUL

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Northumberland County Council

Appeal Update Report

Date: May 2022

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
21/01578/OUT	<p>Outline permission with all matters reserved - demolition of existing garage, stable block and tennis court and erection of 1 dwelling with associated driveway and landscaping (Self Build) - land west of Roecliffe, Ladycutter Lane, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt; and encroachment into the countryside and would not respond to the character of the area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
21/02734/FUL	<p>Demolish garage and erect two storey side extension and single storey flat roof rear extension – 23 The Beeches, Ponteland</p> <p>Main issues: disproportionate addition to the property resulting in negative impact to the character of the area and inappropriate design.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/03861/VARYCO	<p>Variation of condition 2 (approved plans) pursuant to planning permission 20/00297/FUL in order to allow new wall to be moved closer to boundary wall to underpin and give support. Also French doors have 3/4 height windows on either side and single window</p>	No

	<p>in extension will be replaced using existing 2no. sash windows and mullions – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: extension would be out of scale and character with the existing property and would have a harmful impact on the character and appearance of the site and surrounding area; and detrimental impact upon the residential amenity of the neighbouring property.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
20/03542/FUL	<p>Change of use of land to site shepherd's hut for tourism accommodation – land east of Kingshaw Green, Tyne Green, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; inadequate flood risk assessment; and insufficient information regarding foul water treatment.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
21/00465/FUL	<p>Resubmission: alterations to existing window opening on front elevation and installation of replacement balcony – Riverview, Shepherds Hill, Alnmouth</p> <p>Main issues: unacceptable impact on amenity of neighbouring properties; and detrimental impact on the AONB.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/01600/FUL	<p>Development of 9no. affordable houses, including access road, gardens, car parking and other ancillary works - land north of B6350, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt; development in an unsustainable location in the open countryside; results in encroachment into the countryside, loss of mature trees and visually intrusive and harmful impact on rural and open character of the site and setting of Corbridge; and loss of Grade 2 agricultural land.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/01584/FUL	<p>Demolition of agricultural buildings. Replace and</p>	No

	<p>build on footprint 4 workers cottages and install solar panels – South Dissington Farm, Eachwick</p> <p>Main issues: development in the open countryside and no demonstrated need for new rural worker's dwellings; and inappropriate development in the Green Belt with no very special circumstances demonstrated.</p> <p>Committee Decision - Officer Recommendation: Refuse</p>	
21/03224/FUL	<p>Change of use of private dwelling into 4no. holiday lets and separate holiday home to rent and erection of 4no. holiday homes to rent with associated car parking – Bayview, Beachway, Blyth</p> <p>Main issues: inadequate off-road car parking provision and resultant off-site impacts; increased noise and light pollution to the shoreline of the Northumberland Shore SSSI and harmful to bird species in that area; inadequate provision to mitigate the impact of increased recreational disturbance to designated sites of ecological importance; insufficient information to demonstrate that the proposals are acceptable in terms of coastal erosion vulnerability and surface water drainage; and insufficient information to demonstrate the proposals are acceptable in terms of impacts on the World War II pill box and setting of Blyth Battery.</p> <p>Appeal against non-determination</p>	No – claim refused
21/01882/FUL	<p>Change of use of agricultural buildings to residential use and incorporation into existing dwelling; creation of one new dwelling - Stublic Hill, Langley-on-Tyne, Hexham</p> <p>Main issues: the site is located in open countryside, the building is of no historic merit and the conversion proposes a large extension; inappropriate design resulting in harm to the building and the North Pennines AONB; and no contribution to sports and play provision has been provided.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	Partial award of costs
21/01840/FUL	<p>Replacement of timber cladding with new natural cedar boarding. Change of balustrade to glazed and patio size as built. (retrospective) - The Signal Box, Farley Cottage, Ellingham</p> <p>Main issues: design would have a harmful effect on</p>	No

	<p>the character and appearance of the existing property and surrounding area</p> <p>Committee Decision - Officer Recommendation: Approve</p>	
20/01932/FUL	<p>Construction of single dwelling with annex and ancillary accommodation, c.6.5 metre high wind turbine, associated landscaping and highway works (amended description) - land south of Church Lane, Riding Mill</p> <p>Main issues: isolated dwelling in the open countryside; inappropriate development in the Green Belt; insufficient information to fully assess ecological impacts; harmful impacts on the character of the site, wider area and countryside; lack of completed Section 106 Agreement to secure planning obligations for contributions to sport and play provision; and insufficient information to assess noise from wind turbine and impacts in residents and local area.</p> <p>Committee Decision - Officer Recommendation: Refuse</p>	No
19/01008/FUL	<p>Construction of 58no. dwellings with associated landscaping, access and infrastructure works – land to north of Fairmoor Centre, Morpeth</p> <p>Main issues: unacceptable in principle as the site is allocated in the development plan for employment use and it is considered that the site should be retained for such purposes; outstanding technical matters also remain to be resolved regarding surface water drainage and highways matters; and Section 106 contributions in respect of education, primary healthcare and affordable housing have not been secured.</p> <p>Appeal against non-determination</p>	No – claim refused
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: the proposal would appear as an incongruous and over-dominant addition to the street scene, would not be sympathetic to the built environment or local character, and would fail to add to the overall quality of the area and undermine community cohesion.</p>	No

	Committee Decision - Officer Recommendation: Approve	
19/04660/FUL	New external plant – Asda, Main Street, Tweedmouth Main issues: insufficient information in relation to noise and potential impacts on residential amenity. Delegated Decision - Officer Recommendation: Refuse	No
21/02824/FUL	Retrospective: Installation of raised decking to part of side garden – 7 East Burton Cottage, Bamburgh Main issues: detrimental impact on residential amenity. Delegated Decision - Officer Recommendation: Refuse	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
21/02878/FUL	Change of use of land for siting of shepherd's huts and associated development – land north of White House Farm, Slaley Main issues: inappropriate development in the Green Belt.	4 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/01136/FUL	Construction of 1no detached dwelling (as amended) - land south of Embleton Hall and behind Front Street, Longframlington	13 December 2021 Delegated

	<p>Main issues: fails to protect and enhance the landscape character of the village; and forms an incursion into the open countryside, is not essential and fails to support the conservation and enhancement of the countryside.</p>	<p>Decision - Officer Recommendation: Refuse</p>
20/02979/DISCON	<p>Discharge of conditions: 3 (materials - chimney), 4 (schedule of plaster work), 5 (installation services) and 6 roof/rainwater goods) pursuant to planning approval 17/02196/LBC - Felton Park Lodge, Felton Park, Felton</p> <p>Main issues: lack of information provided to approve and discharge the conditions.</p>	<p>19 January 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02984/FUL	<p>Erection of 4 bedroom dormer bungalow - land south of The Old Farmhouse, Ulgham</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; fails to demonstrate that safe ingress and access can be achieved from the proposed access; and no completed legal agreement to secure a contribution to the coastal mitigation service.</p>	<p>24 January 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03160/LBC	<p>Listed Building Consent: Replace 3 existing sash windows and associated secondary glazing at front of property in original style with grade 1 Redwood sashes and duplicating original pattern. The work will include slim line double glazed units – The Manor House, 55 Northumberland Street, Alnmouth</p> <p>Main issues: less than substantial harm caused to the listed building and Conservation Area and no public benefits identified.</p>	<p>25 January 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03892/FUL	<p>Demolition of outbuilding and rear bay window. Proposed rear single storey extension with roof terrace – 8 Woodlands, Warkworth</p> <p>Main issues: unacceptable impact on residential amenity.</p>	<p>3 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with</p>	<p>9 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	
21/03042/FUL	<p>Change of use from landscape contractors yard to residential, removal of existing buildings and erection of one no. dwellinghouse (C3 use) - Warkworth Landscaping Services, land north of Old Helsay, Warkworth</p> <p>Main issues: development in the open countryside; fails to support the conservation and enhancement of the countryside; fails to protect and enhance landscape character; and no suitable mitigation secured to address recreational disturbance to designated sites.</p>	<p>14 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02183/FUL	<p>Proposed conversion of self contained house to create an additional 2 bedroom dwelling – 1-2 South Road, Longhorsley</p> <p>Main issues: intensification of use of a sub-standard access and fails to demonstrate appropriate car parking provision.</p>	<p>16 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04610/LBC	<p>Listed building consent for internal and external works including ensuite shower room, installation 2 new windows to rear, replace windows/doors with double glazed timber units, installation of external door to sunroom, removal of rear porch, raised deck and steps down to garden – West House, Seahouses</p> <p>Main issues: harm to the listed building and no public benefits to outweigh the identified harm.</p>	<p>17 February 2022</p> <p>Appeal against non-determination</p>
21/04384/AGTRES	<p>Prior notification for conversion of an agricultural building to form two dwellinghouses – building west of Chattlehope Farm, Catcleugh</p> <p>Main issues: the development is not considered to be permitted development in relation to transport and highway impacts.</p>	<p>28 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

21/02724/FUL	<p>Construction of new garage workshop on site of former garage – 70 Shielfield Terrace, Etal Road, Tweedmouth, Berwick-upon-Tweed</p> <p>Main issues: due to its scale and appearance the development would detract from the character and visual appearance of the area.</p>	<p>2 March 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03371/FUL	<p>Part-demolition of existing residential ancillary/incidental building with extension, new gable ended roof, raised ridge and two inward facing dormer windows to outbuilding and new decking area – 127 Bondicar Terrace, Blyth</p> <p>Main issues: due to the size and scale of the alterations the works would result in harm to the character of the Conservation Area.</p>	<p>10 March 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03387/FUL	<p>Dormer extensions to front and rear, removal of chimney, installation of rooflights to front, and alterations to fenestration to front and side elevations – 193 Edge Hill, Darras Hall, Ponteland</p> <p>Main issues: prominent and poor design would result in negative impact upon the character of the local area.</p>	<p>16 March 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04877/FUL	<p>Proposed garden summerhouse to rear garden – 62 Swansfield Park Road, Alnwick</p> <p>Main issues: significantly detracts from the character and appearance of the dwelling and immediate area; and significant harm to residential amenity.</p>	<p>21 March 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04982/FUL	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p>	<p>7 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
None		

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

Elizabeth Sinnamon
 Development Service Manager
 01670 625542
 Elizabeth.Sinnamon@northumberland.gov.uk

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TYNEDALE LOCAL AREA COUNCIL
DATE: 10TH MAY 2022

PETITION – ROAD SAFETY CONCERNS, PETH HEAD, HEXHAM

Report of: Service Director - Local Services, Paul Jones

Cabinet Member: John Riddle, Environment and Local Services

Purpose of report

To respond to the e petition which opened for signatures on 22nd February 2022 regarding road safety at Peth Head in Hexham.

Recommendations

It is recommended that the Local Area Council note the content of this report and support the actions proposed.

Link to Corporate Plan

How - “We want to be efficient, open and work for everyone”

Enjoying - “We want you to love where you live”

Connecting - “We want you to have access to the things you need”

Key Issues

1. An e petition has been received raising road safety concerns at Peth Head, Hexham.
2. This online petition has been signed by 62 signatories.
3. The petition raised concerns about traffic speeds on Peth Head which lies within the existing 20mph speed limit area in Hexham town centre. The petition states that “There needs to be at the least signage, and possibly a safe place to cross as this is no longer a small little back road, but is actually being used as an alternative to the main Corbridge Road”.
4. Since receiving the petition the area office have been requested to arrange for additional 20mph repeater signs to be installed. 20mph roundels (road markings) will also be introduced at Peth Head’s junctions with Priestpottle and Corbridge Road.

5. A speed survey will be carried out to assess actual vehicle speeds and traffic volumes. Depending on the outcomes of the survey further consideration can be given to whether any further measures would be appropriate.

Background

The Petition

The County Council has received a 62-name petition stating that :-

“The road across the front of Peth Head is supposed to be 20 mph. It has no signage or speed bumps and is used as a shortcut for traffic trying to access the Corbridge Road. Traffic drives at speed from morning till night and crossing the road is incredibly dangerous. Many parents with young children attempting to cross in order to access schools, nurseries or the hospital are left standing in fear for their children. There needs to be at the least signage, and possibly a safe place to cross as this is no longer a small little back road, but is actually being used as an alternative to the main Corbridge Road.”



Plan showing Peth Head, Hexham

Comments

Northumberland County Council would like to thank the lead petitioner for their work in putting the petition together. Peth Head lies within the existing wider 20mph speed limit area covering Hexham Town centre. However, petitioners are concerned that traffic is travelling at speeds above the speed limit. We note the issues raised and have requested that the area office arrange for additional repeater signs to be provided in the area. We have also requested the 20mph road marking roundels are provided at both entrances to Peth Head.

In addition, we will arrange for a speed survey to be carried out which will allow us to determine actual vehicle speeds. The speed survey will also provide information on traffic volumes. Depending on the outcomes of the survey further consideration can be given to

whether any further measures would be appropriate. If appropriate depending on speeds observed, data will be forwarded to the Road Safety Unit at Northumbria Police for consideration.

Accident Data

According to accident data from Northumbria Police, there have been no personal injury collisions on Peth Head itself in the previous five years.

There have been two personal injury collision's during that period in the general area at junctions adjoining Peth Head.

One "slight" personal injury collision occurred at the Dean Street junction with Priestpople in November 2019, the accident description states that a pedestrian was hit after the driver of a car did not check the junction fully.

A further "slight" personal injury collision occurred at the Peth Head junction with the A695 in September 2017. The accident description states that this involved a collision with a cyclist and a car resulting in the cyclist falling from their bike.

It should be noted that Northumbria Police only record details of injury accidents and we are unable to provide any information on any damage only incidents, or any near misses which may have occurred.

Proposed Actions

- A) A request has already been made to the area office for additional repeater signs to be introduced. 20mph roundels (road markings) are also to be provided at either end of Peth Head.
- B) A speed survey to be arranged to assess actual vehicle speeds. Depending on the outcomes of the survey further consideration can be given to whether any further measures would be appropriate.

Implications

Policy	The response to the issues raised in this petition is consistent with LTP Policies.
Finance and value for money	Additional repeater signs and road markings to be funded through 2022/23 Local Transport Plan.
Legal	None
Procurement	None

Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	None
Risk Assessment	n/a
Crime Disorder &	Driving at excessive speed is an offence which is only enforceable by the police.
Customer Consideration	Petition identifies various road safety issues along this route, notably during school run times which puts school children of all ages at potential risk
Carbon reduction	n/a
Health and Wellbeing	Petition raises issues regarding road safety due to traffic speeds
Wards	Hexham East

Background papers:

None

Report sign off

	Full Name of Officer
Monitoring Officer/Legal	N/A

Executive Director of Finance & S151 Officer	N/A
Relevant Executive Director	Rob Murfin
Chief Executive	N/A
Portfolio Holder(s)	John Riddle

Author and Contact Details

Neil Snowdon – Principal Programme Officer (Highways Improvement Team)

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Tynedale Local Area Council

Groundwork North East - Land of Oak and Iron Project Board	one
Haltwhistle Partnership Limited	one
Haltwhistle Swimming & Leisure Centre Management Committee	one
Hexham TORCH Centre Management Committee	one
Prudhoe Community Partnership	one
Queens Hall Arts Trust	one
Sport Tynedale	one
Tyne Valley Community Rail Partnership Board	one



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Tynedale Local Area Council

Members Local Improvement Schemes

2021 - 2022

Progress Report - 1st March 2022

 Cllr. T. Cessford Members Schemes 2021 to 2025 Tynedale - Hexham Central with Acomb						 Northumberland County Council
Report Date 01/02/2022						
Job Number	Scheme Description	Estimated Cost	Actual Cost	Current Status	Proposed Completion	Comments
	2013/2017					
HO166254	Contribution towards car park improvements in Hexham			Accounts	TBA	Cllr T Robson Contribution not paid yet
	2018/2019					
HO186499	Traffic calming (Speed reduction measures and residents parking scheme) U8290 Gibson Place, Hexham	£3,000.00	£3,016.74	CANCELLED	CANCELLED	Design brief issued. Not viable due unadopted section of road.
	2019 / 2020					
HO196625	Traffic calming (Residents Parking Scheme) U8290 Giles Place, Hexham	£9,500.00	£9,217.37	completed	completed	Works complete.
HO196651	Installation of new street lighting column, U8293 Cuddy's Lane Footpath, Hexham	£2,300.00	£2,300.00	Delivery	TBA	Works order issued to Street Lighting and Electrical Team
	2020 / 2021					
HO206769	Contribution towards refurbishment of Acomb Pavilion	£20,000.00	£20,000.00	completed	completed	Contribution to Acomb Parish Council made on 6 December 2021.
HO206787	Contribution towards construction of new footpaths at Acomb MUGA	£3,000.00	£3,000.00	Accounts	TBA	Contribution to Acomb Parish Council not made yet
	2021 / 2022					
HO210041	Contribution towards purchase of a new van for the Hextol Foundation, Hexham	£3,000.00	£3,000.00	completed	completed	Contribution to the Hextol Foundation made on 24 January 2022 - Joint scheme with Cllr's. Homer and Kennedy - Total contribution £8,000.00.
HO210065	Contribution towards the cost of refurbishing the lift at Hexham Community Centre	£3,000.00	£3,000.00	completed	completed	Contribution to Hexham and Tynedale Community Trust made on 11 November 2021 - Joint scheme with Cllr's Homer & Kennedy, total contribution £9,000.00.

KEY

Total Budget May 2021 - April 2022	£15,000.00		
Actual Cost + Committed Cost to Date		£6,000.00	<div style="background-color: yellow; width: 20px; height: 20px; display: inline-block;"></div> Approved Scheme Budget
Total Estimated Cost	£6,000.00		<div style="background-color: white; width: 20px; height: 20px; display: inline-block;"></div> Proposed Scheme
			<div style="background-color: #d9ead3; width: 20px; height: 20px; display: inline-block;"></div> Completed Scheme / Final Cost
Balance Remaining to 31/3/22	£ 9,000.00		



Cllr. P.A.M. Dale Members Schemes 2021 to 2025

Tynedale - Stocksfield and Broomhaugh

Report Date 01/02/2022



Northumberland
County Council

[illegible]

KEY

	Approved Scheme Budget
	Proposed Scheme
	Completed Scheme / Final Cost

[illegible]

<div><div><div>Total Budget May 2021 - April 2022</div><div>£15,000.00</div></div><div><div>Actual Cost + Committed Cost to Date</div><div>£5,000.00</div></div><div><div>Total Estimated Cost</div><div>£5,000.00</div></div><div><div>Balance Remaining to 31/3/22</div><div>£10,000.00</div></div></div> <div><div>KEY</div><div><div></div><div>Approved Scheme Budget</div></div><div><div></div><div>Proposed Scheme</div></div><div><div></div><div>Completed Scheme / Final Cost</div></div></div>						

[illegible]

<div><div><div><div><div>Total Budget May 2021 - April 2022</div><div>£15,000.00</div></div><div><div>Actual Cost + Committed Cost to Date</div><div>£9,821.42</div></div><div><div>Total Estimated Cost</div><div>£9,821.42</div></div><div><div>Balance Remaining to 31/3/22</div><div>£5,178.58</div></div></div><div><div>KEY</div><div><div><div></div><div></div><div></div></div><div><div>Approved Scheme Budget</div><div>Proposed Scheme</div><div>Completed Scheme / Final Cost</div></div></div></div></div></div>						

Tynedale - Hexham West

Report Date 01/02/2022



 **Northumberland**
County Council

[illegible]

Tynedale - Humshaugh



Northumberland
County Council

[illegible]

[illegible]

KEY

	Approved Scheme Budget
	Proposed Scheme
	Completed Scheme / Final Cost

[illegible]

Tynedale - Prudhoe North



Northumberland
County Council

[illegible]

[illegible]

[illegible]

Total Budget May 2021 - April 2022	£15,000.00	
Actual Cost + Committed Cost to Date		£6,462.00
Total Estimated Cost	£6,462.00	
Balance Remaining to 31/3/22	£ 8,538.00	

KEY

	Approved Scheme Budget
	Proposed Scheme
	Completed Scheme / Final Cost

Tynedale - Prudhoe South

[illegible]

Tynedale - Bywell

Report Date 01/02/2022



 **Northumberland**
County Council

[illegible]



	Number
A = Proposed Schemes	1

	Number	Original Estimated Cost	Current Estimate - Actual Cost	Totals
Total Budget May 2021 - Apr 2022				£195,000.00
Total Approved schemes	28	£295,115.47	£295,940.99	
Total Uncommitted Balance				-£100,940.99

Highway Scheme	15	£123,797.59	£124,623.11
External Contributions	11	£159,122.24	£159,122.24
	26	£282,919.83	£283,745.35

Northumberland County Council

Tynedale Local Area Council

Work Programme 2022 - 2023

Nichola Turnbull: 01670 622617 - Nichola.Turnbull@northumberland.gov.uk

TERMS OF REFERENCE

- (1) To enhance good governance in the area and ensure that the Council's policies take account of the needs and aspirations of local communities and do not discriminate unfairly between the different Areas.
- (2) To advise the Cabinet on budget priorities and expenditure within the Area.
- (3) To consider, develop and influence policy and strategy development of the Council, its arms-length organisations, and other relevant bodies, to ensure that they meet local requirements and facilitate efficient and transparent decision making.
- (4) To receive information, consider and comment on matters associated with service delivery including those undertaken in partnership agencies, affecting the local area to ensure that they meet local requirements, including matters relating to community safety, anti-social behaviour and environmental crime.
- (5) To consider and refer to Cabinet any issues from a local community perspective with emerging Neighbourhood Plans within their area, and consider local planning applications as per the planning delegation scheme.
- (6) To consider and recommend adjustments to budget priorities in relation to Local Transport Plan issues within their area, and to make decisions in relation to devolved capital highway maintenance allocations.
- (7) To engage, through the appropriate networks, with all key stakeholders from the public, private, voluntary and community sectors to facilitate the delivery of area priorities. This will include undertaking regular liaison with parish and town councils.
- (8) To inform, consult and engage local communities in accordance with Council policy and guidance, through the appropriate networks.
- (9) To, as appropriate, respond or refer with recommendations to local petitions and councillor calls for action.
- (10) To make certain appointments to outside bodies as agreed by Council.
- (11) To determine applications for grant aid from the Community Chest, either through Panels for individual Local Area Councils, or through the Panel of Local Area Council Chairs for countywide applications.
- (12) To refer and receive appropriate issues for consideration to or from other Council Committees, and as appropriate invite Portfolio Holders to attend a meeting if an item in their area of responsibility is to be discussed.
- (13) To exercise the following functions within their area:-
 - (a) the Council's functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way.
 - (b) the Council's functions as the Commons Registration Authority for common land and town/village greens in Northumberland.
 - (c) the Council's functions in relation to the preparation and maintenance of the Rights of Way Improvement Plan.
 - (d) the Council's functions in relation to the Northumberland National Park and County Joint Local Access Forum (Local Access Forums (England) Regulations 2007.
 - (e) the Council's role in encouraging wider access for all to the County's network of public rights of way and other recreational routes.

ISSUES TO BE SCHEDULED/CONSIDERED

Standard items updates: Planning Applications (monthly), public question time (bimonthly, not at planning only meetings), petitions (bimonthly, not at planning only meetings), members' local improvement schemes (quarterly)

To be listed: Broadband Update.

Northumberland County Council Tynedale Local Area Council Work Programme 2022-23

10 May 2022

- Planning
- Local Services Update
- Police Crime Commissioner
- Members Local Improvement Schemes
- Petition Report – Dangerous Road (Peth Head, Hexham)

14 June 2022

- Planning and Rights of Way

12 July 2022

- Planning
- Local Services Update
- *Other items to be confirmed*

9 August 2022

	<ul style="list-style-type: none"> • Planning and Rights of Way
13 September 2022	
	<ul style="list-style-type: none"> • Planning • Local Services Update • <i>Other items to be confirmed</i>
11 October 2022	
	<ul style="list-style-type: none"> • Planning and Rights of Way
15 November 2022	
	<ul style="list-style-type: none"> • Planning • Local Services Update • <i>Other items to be confirmed</i>
13 December 2022	
	<ul style="list-style-type: none"> • Planning and Rights of Way
10 January 2022	
	<ul style="list-style-type: none"> • Planning • Local Services Update • <i>Other items to be confirmed</i>

14 February 2022	
	<ul style="list-style-type: none"> • Planning and Rights of Way
14 March 2022	
	<ul style="list-style-type: none"> • Planning • Local Services Update • <i>Other items to be confirmed</i>
11 April 2022	
	<ul style="list-style-type: none"> • Planning and Rights of Way
9 May 2023	
	<ul style="list-style-type: none"> • Planning • Local Services Update • <i>Other items to be confirmed</i>

Northumberland County Council
Tynedale Local Area Council Monitoring Report 2021-2022

Ref	Date	Report	Decision	Updates (if any)
1	13 July 2021	Outside Bodies	<p>RESOLVED that the following list of appointments be confirmed:</p> <p>Groundwork North East - Land of Oak and Iron Project Board – G Stewart Haltwhistle Partnership Limited - Vacancy Haltwhistle Swimming & Leisure Centre Man. Cttee - A Sharp Hexham TORCH Centre Management Committee - T Cessford Prudhoe Community Partnership - Vacancy Queens Hall Arts Trust - CR Homer Rede Tyne & Coquet Sports Centre – Vacancy Sport Tynedale – N Oliver Tyne Valley Community Rail Partnership Board - Vacancy</p>	
2	13 July 2021	Members Local Improvement Schemes – Progress Report	RESOLVED that the report be noted.	

3	14 September 2021	Policing and Community Safety Update	RESOLVED that the update be received.	
4	14 September 2021	Local Transport Plan Update	RESOLVED that the report be received.	
5 Page 181	14 September 2021	Outside Bodies	RESOLVED that the following list of appointments be confirmed: Haltwhistle Partnership Limited - Vacancy Prudhoe Community Partnership – A Scott Rede Tyne & Coquet Sports Centre – JR Riddle Tyne Valley Community Rail Partnership Board – H Waddell	
6	9 November 2021	Allendale Road Petition	New petition received.	Report to be considered at meeting on 15 March 2022.

7	9 November 2021	Wylam Right of way path closure; Stephenson Terrace to Country Park repair riverbank subsidence	RESOLVED that 1. The approach taken to respond on the matter, be noted and supported. 2. It be noted that the County Council was not the landowner and therefore had no legal or financial responsibility for the land. Taking any responsibility for this private land would set a precedent for how the Council responded to other similar land stability issues elsewhere in the county which would create significant long-term financial liabilities for the Council.	
8	9 November 2021	Winter Services Preparedness and Resilience:	RESOLVED that the report be received.	
9	9 November 2021	Northumberland Communities Together	RESOLVED that the presentation be received.	
10	9 November 2021	Youth Service Presentation	RESOLVED that the presentation be received.	

11	11 January 2022	Northumberland Fire and Rescue Service: Community Risk Management Plan 2022-26 Consultation	RESOLVED that the report and presentation be received and that the comments be noted.	
12	11 January 2022	Budget 2022-23 and Medium-Term Financial Plan	RESOLVED that the presentation be received.	
13 Page 183	15 February 2022	Local Transport Plan Programme 2022-23	RESOLVED that: a. The report be received and noted. b. Members' comments be considered in the finalisation of the LTP Programme for 2022-23.	
14	15 February 2022	Land at Mickley Square: Application for Land to be Registered as Town or Village Green	RESOLVED that the recommendations of the Inspector, Mr James Marwick, be accepted; namely that the application to register land at Bewick Green, Mickley Square, Stocksfield as Town or Village Green, be rejected.	
15	15 March 2022	Petition: Allendale Road, Hexham	RESOLVED that: 1. The officers proposed actions be supported, namely: A. Funding has already been allocated to carrying out some preliminary design work which would consider potential options to improve road	

			<p>safety on Allendale Road. These could then be considered for inclusion in a future Local Transport Plan (LTP) Programme. This may include appropriate physical traffic calming measures as requested through the petition.</p> <p>B. Remind the school they need to publicise and encourage the use of the preferred walking route.</p> <p>C. A copy of the petition and report to be forwarded to the Road Safety Unit at Northumbria Police for further investigation and any appropriate enforcement action deemed necessary.</p> <p>D. Concerns regarding the clearing of the footpath, and the cutting back of overhanging vegetation and thorns have already been addressed. We will request Neighbourhood Services to ensure that Allendale Road is regularly inspected, to ensure the maximum footway width is available for use.</p> <p>2. The Chair liaise with the Portfolio Holder for Local Services to obtain a further report as soon as practicable.</p>	
16	15 March 2022	LOCAL CYCLING AND WALKING INFRASTRUCTURE PLANS	RESOLVED that the presentation be received and that the comments be noted.	

17	15 March 2022	OUTSIDE BODIES	RESOLVED that the following appointments be confirmed: Haltwhistle Partnership Limited – A Sharp Queens Hall Arts Trust – SH Fairless-Aitken	
Page 185				

NT 28.04.22

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