



# Northumberland County Council

## Tynedale Local Area Council Planning Committee 14 September 2021

<b>Application No:</b>	21/00437/FUL		
<b>Proposal:</b>	Proposed new build dwelling		
<b>Site Address</b>	Land west of Tyne View Terrace, Well Bank, Corbridge, Northumberland		
<b>Applicant/ Agent</b>	Nathan Darby, Idpartnership, 1 St Wilfreds Rd, Corbridge, NE45 5DE		
<b>Ward</b>	Corbridge	<b>Parish</b>	Corbridge
<b>Valid Date</b>	12 March 2021	<b>Expiry Date</b>	15 September 2021
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That Members are MINDED TO GRANT planning permission, subject to completion of a Section 106 Agreement



## **1. Introduction**

- 1.1 The application site is located within Corbridge. Objections have been received from Corbridge Parish Council and from a number of local residents. Following referral to the Director of Planning and the Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Virtual Delegation Scheme, it was agreed that this application raises sufficient interest within the wider community to be considered by the Tynedale Local Area Council Planning Committee.

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

- 2.1 Full planning permission is sought for the construction of a dwelling on land west of Tyne View Terrace and to the east of 5 Well Bank in Corbridge.
- 2.2 The application site is a parcel of land that falls within the ownership of the adjacent property at 5 Well Bank. Well Bank features a notable gradient from the centre of Corbridge to the east sloping downward past the site to the west. As a result, the site is set at a greater height than No.5 to the west, though at a lower height than the properties along Tyne View Terrace to the east. The eastern and northern boundaries comprise large stone retaining walls, with small surface water outfall pipes from Tyne View Terrace located within the retaining wall which forms the eastern boundary of the site. The site measures 24m in depth and 10m in width at the furthest points, and comprises hard and soft landscaping at varying levels. The neighbouring properties are constructed of a mix of stone, facing brick and render.
- 2.3 The proposal seeks consent for a two-bedroom property constructed of reclaimed random rubble sandstone and vertical hanging reclaimed Welsh slate elevations, with dark grey timber or aluminum windows and doors. The dwelling would feature a sedum green roof at a 2-degree pitch, which would lead to very low planting across the roof. The dwelling would measure 12m in length and 8.5m in width at the furthest points.
- 2.4 Due to the difference in levels of the land surrounding the site, the single storey property would measure 4.3m in height along the eastern elevation, and 6.1m in height along the western elevation. For context, the height of the eastern gable of 5 Well Bank is 8.5m in height, and the retaining wall which forms the eastern boundary of the site measures 4.5m in height. Consequently, the proposed dwelling would be at a lower height than the adjacent property to the west and the retaining wall which forms the eastern boundary.
- 2.5 The proposal seeks to provide 1 car parking bay to the front of the property and create an access onto Well Bank. The property would feature a rear split-level private amenity space area measuring 4.5m in depth and 9.5m in width. A 1.7m high close boarded fence would be erected along the western boundary of the rear of the property to prevent overlooking toward the rear of 5 Well Bank to the west.

2.6 An existing ground floor opening on the eastern gable of 5 Well Bank would be obscurely glazed as part of the development. No other works are proposed to the existing dwelling at 5 Well Bank to the west, and the existing car port at the property would remain. No works are proposed to the existing retaining walls which form the western, northern and eastern boundaries of the site. Surface water run off from within the site would flow into an aco-drain system which would lead into the main sewer. The property would connect to the main sewer for foul drainage.

2.7 The application site is located within the Corbridge Conservation Area.

### 3. Planning History

**Reference Number:** 13/02473/OUT

**Description:** Outline permission for a single two-storey dwelling

**Status:** Withdrawn

**Reference Number:** T/93/E/181

**Description:** Renewal of temporary permission for change of use of domestic garage to retail shop for the sale of second hand clothing.

**Status:** Permitted

### 4. Consultee Responses

Corbridge Parish Council	Corbridge Parish Council object to this planning application.  Whilst the proposed materials are acceptable the design of this building makes no accommodation to neighbouring buildings. It is totally out of character to this locality. There are also problems with the vehicular access. In particular, the proposal includes a high wall on the boundary of the car parking area which might hamper visibility and could be prejudicial to the safety of road users and pedestrians.
Highways	No objection following receipt of amended plans. Conditions and informatives recommended.
Built Heritage and Design	No objection subject to the use of recommended conditions.
County Archaeologist	No objection subject to the use of recommended conditions.
Northumbrian Water Ltd	No response received.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	3

Number of Support	0
Number of General Comments	0

## Notices

Site Notice - Affecting the Character or Appearance of a Conservation Area:18  
March 2021

Press Notice - Hexham Courant: 25 March 2021

## Summary of Responses:

3 letters of objection have been received from neighbouring properties at Tyne View Terrace to the east of the site. The comments received have raised the following material planning considerations:

- Design and visual impact of proposed materials
- Visual impact of the proposed sedum green roof
- Gradient of Well Bank and subsequent issues with vehicular access

The comments received have also raised concerns in respect of the impact on the structural integrity of the retaining walls which form the boundaries of the site. This is a matter covered under a separate Building Regulations approval process done under separate legislation, and is not a material consideration when assessing and determining the current application for planning permission.

The comments received have also referred to the Party Wall Act, however this would be a civil matter between the applicant and the relevant parties, and is not a material consideration when assessing and determining the current application for planning permission.

The above is a summary of the comments received, the comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QO1VVCQSLSW00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy 2007*

Policy GD1 – Locational policy setting out settlement hierarchy

Policy GD4 – Principles for transport and accessibility

Policy GD5 – Principles for flood risk

Policy GD6 – Planning obligations

Policy NE1 – Principles for natural environment

Policy BE1 – Principles for the built environment

Policy H1 – Principles for housing

Policy H3 – New building housing

Policy H4 – Housing on previously developed land

Policy H5 – Housing density  
Policy EN1 – Principles for energy

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

Policy GD2 – Design Criteria for development  
Policy GD4 – Highway safety  
Policy GD6 – Car parking provision outside of the main towns  
Policy NE37 – Landscaping  
Policy BE22 – Setting of listed buildings  
Policy BE27 – Sites of local or regional archaeological interest  
Policy BE28 – Archaeological remains  
Policy H32 – Residential development  
Policy LR11 – Off-site sport or recreation facilities  
Policy LR15 – Children’s play areas  
Policy CS27 – Foul drainage

6.2 National Planning Policy

National Planning Policy Framework (July 2021)  
National Planning Practice Guidance (2018, as updated)  
National Model Design Code (2021)  
National Design Guide (2019)

6.3 Emerging Planning Policy

*Northumberland Local Plan Publication Draft (Regulation 19) with Main Modifications  
(June 2021)*

Policy STP 1 – Settlement Boundaries  
Policy STP 3 - Principles of sustainable development (Strategic Policy)  
Policy STP 4 - Climate change mitigation and adaption (Strategic Policy)  
Policy QOP 1 - Design principles  
Policy QOP 2 - Good design and amenity  
Policy QOP 3 - Public realm design principles  
Policy QOP 4 - Landscaping and trees  
Policy QOP 5 - Sustainable design and construction  
Policy QOP 6 - Delivering well-designed places  
Policy HOU 2 - Provision of new residential development (Strategic Policy)  
Policy HOU 9 - Residential development management  
Policy TRA 1 – Promoting sustainable connections (Strategic Policy)  
Policy TRA 2 – The effects of development on the transport network  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 3 – Landscape  
Policy WAT 2 – Water supply and sewerage  
Policy WAT 3 - Flooding  
Policy POL 1 – Unstable and Contaminated Land  
Policy POL 2 – Pollution and air, soil and water quality

6.4 Other documents

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2015)

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Supplementary Planning Document – New Housing: Planning obligations for sport and play facilities 2006

Northumberland Open Space, Sport and Recreation Strategy 2011

## **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 and saved policies in the Tynedale District Local Plan, as identified earlier in this report. 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. 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.

7.3 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact
- Archaeology
- Residential amenity

- Highway safety
- Landscaping
- Surface water and Foul water drainage
- Energy efficiency
- Planning obligations

### Principle of development

#### *Housing Land Supply Position*

- 7.4 As identified in the Northumberland Strategic Housing Land Availability Assessment (2019), and allowing for the 5% buffer, Northumberland has a 218% 5-year housing land supply, equivalent to about 10.9 years supply of potentially 'deliverable' sites. Northumberland's identified supply of potentially 'deliverable' housing development sites is therefore evidenced to be significantly in excess of its current 5-year housing land supply requirement. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development would not apply to the consideration of this application.

#### *Location/sustainability*

- 7.5 The application site falls within Corbridge, which is listed as a local centre under Policy GD1 of the Tynedale Core Strategy. Policy GD1 states that Corbridge is a location to be a focus for development within Tynedale, though to a lesser extent than the main towns of Hexham, Prudhoe and Haltwhistle. Policy GD1 also states that in all cases the scale and nature of the development should respect the character of the town or village concerned, and take into account the capacity of essential infrastructure.
- 7.6 Policy STP1 of the emerging Northumberland Local Plan establishes a settlement hierarchy which directs the location of development across the County. Corbridge is listed as a Service Centre under this Policy, therefore the provisions of part b) of Policy STP1 would apply, which seeks to direct a proportionate level of development that maintains and strengthens the settlement's role as a Service Centre.
- 7.7 Policies H1 and H3 of the Tynedale Core Strategy limit the construction of new housing to the main towns, local centres and smaller villages with adequate services.
- 7.8 Corbridge benefits from a range of facilities proportionate to a settlement of this scale, including a first school and a middle school, shops, public houses, churches, and a health centre. The village is served by regular buses to Hexham, Prudhoe and Newcastle and is situated on the Newcastle to Carlisle rail line with regular trains stopping in either direction. The application site is therefore a sustainable location for development and the construction of a dwelling within the settlement is acceptable in principle. The proposal would accord with Policies GD1, H1, H3 and H4 of the Tynedale Core Strategy and Policy STP1 of the emerging Northumberland Local Plan.

- 7.9 The acceptability of the principle of constructing a dwelling in this particular location is also subject site-specific considerations, which are discussed further in this report.

### Design and visual impact

#### *Relevant Legislation, Planning Policies and the NPPF*

- 7.10 When considering proposals which could affect Listed buildings or structures, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the County Council as the local planning authority to have special regard to the desirability of preserving listed buildings, their setting and the architectural and historic interest they possess.
- 7.11 The application site is located within the Corbridge Conservation Area. When considering proposals within a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 7.12 Policy BE1 of the Tynedale Core Strategy sets out the principles of the built environment, which include the conservation and where appropriate enhancement of the quality and integrity of Tynedale's built environment and its historic features including archaeology; giving particular attention to listed buildings, scheduled monuments and conservation areas. Policy GD2 of the Tynedale District Local Plan requires the design of proposals to be appropriate to the character of the site, existing buildings and their setting. Policy BE22 of the Tynedale District Local Plan requires works within the setting of listed buildings to be of a sympathetic and detailed design in keeping with the building; and use materials, building techniques and architectural details which either match or are sympathetic to the building.
- 7.13 Paragraph 199 of the NPPF states that when local planning authorities consider the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### *Assessment of proposal*

- 7.15 The application site is located within the Corbridge Conservation Area, and appears to be located within one of the former narrow medieval burgage plots



that would have been located between Watling Street and the riverside to the west. The site appears to sit within the former burgage plot of Warden Cottage, Watling Street, which is Grade II listed. The existing properties located to the west and east of the site appear to be 20<sup>th</sup> century developments which have filled in much of the former medieval burgage plot, and officers consider that there is no current or recent historic association between the listed building and the application site.

- 7.16 The proposal seeks to infill a narrow gap along a built-up street, and due to the difference in levels across the surrounding land and the height of the retaining wall boundaries and the neighbouring properties to the west, east and south, the site and proposed development would be well concealed from views from the surrounding area. The Grade II listed St Andrews Cottage and Grade I listed Church of St Andrew are located to the east of the site on the opposite side of Watling Street. However, due to the degree of visual screening highlighted above it is considered that the development would not affect the setting of these assets, or the setting of the Grade II listed churchyard wall. The application site is considered to currently have a neutral impact on the significance of the Conservation Area.
- 7.17 Corbridge Parish Council and neighbouring properties have raised concerns with the design of the development and the subsequent impact on the character and appearance of the streetscene.
- 7.18 The Built Heritage and Design Officer has been consulted and they note the contemporary design of the building, and the use of natural random rubble sandstone and vertically hung Welsh slate, which reflects the character of the Conservation Area. The use of dark grey window frames and a sedum roof are also considered acceptable, although further details can be secured in relation to the materials of the doors and windows. Subject to the use of conditions requiring further details of the proposed materials, windows and doors to be provided and approved in writing by officers, it is considered that the proposed development would preserve the character and appearance of the Conservation Area.
- 7.19 It is also considered that the scale of the development, and its siting which would be set back from the southern boundary, would be sympathetic to the appearance of the streetscene.
- 7.20 The proposal seeks to use a contemporary design, including the use of a flat sedum roof. Whilst such a design approach may not be entirely appropriate in all locations, in this particular instance due to the height of the adjacent retaining wall to the east; the mix in material palette along Well Bank; and the siting of the development back from the front of the plot, the use of a more contemporary design for a development of this scale is considered acceptable. For the reasons set out above, the proposal is in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2, BE22 and H32 of the Tynedale District Local Plan and the NPPF.

### Archaeology

- 7.21 The proposed development is located in an area of archaeological potential. The site is located adjacent to Well Bank, which is located on the line of Watling Street Roman road with the potential for roadside ditches, quarry pits or associated archaeological remains adjacent to the line of the road. The rest of the site is located across several medieval burgage plots with the potential for boundaries and remains of a range of activities from domestic rubbish disposal to industrial activity. The site has been subject to subsequent terracing which has the potential to impact on below ground archaeological remains. However, the ground appears to have been built-up rather than significantly cut into the original ground level which means that there is still the potential for archaeological remains to survive on site.
- 7.22 The Council's Archaeologist has been consulted and they have no objection subject to the use of a recommended condition securing details of further investigative work. Subject to the use of this condition it is considered that the development would not harm below ground archaeological remains, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies BE27 and BE28 of the Tynedale District Local Plan, and the NPPF.

#### Residential amenity

- 7.23 The proposal seeks to subdivide an existing residential plot and construct a new dwelling to the east of the existing plot. Officers have carefully considered the amount of private amenity space for the proposed plot, and note the density of development in the locality and that the existing properties in the immediately surrounding area have relatively small rear gardens. The proposal seeks to construct a new, two-bedroom dwelling in a sustainable location, within a short walking distance of nearby outdoor amenity space. Whilst the amount of private amenity space for the proposed development may be more limited for a family dwelling, on balance it is considered sufficient for a two-bedroom dwelling in this location and in the context of surrounding development. Officers are also mindful of the scale of the proposed openings on the southern elevation and the use of roof lights which would provide sufficient natural lighting to the property.
- 7.24 It is considered that the proposed subdivision of the existing plot would leave sufficient private amenity space for the occupiers of 5 Well Bank, which is similar in size to the existing private amenity space further down the terrace. Officers note an existing ground floor opening on the eastern gable of 5 Well Bank, and whilst the applicant resides at the property, the amenity of requirements of both existing and future occupiers of neighbouring dwellings must be taken into consideration. The applicant has agreed to the installation of obscured glazing to this opening, and it is recommended that this be secured by condition.
- 7.25 The proposed dwelling would include an opening from a study room on the western elevation, though the proposed plans state that this would be obscurely glazed. The proposal seeks to erect a close boarded timber fence to the rear along the western boundary to prevent overlooking toward the rear of 5 Well Bank. The proposal would not have an adverse impact on the amenity of occupiers of 5 Well Bank to the west.

7.26 Due to the scale of the property and the difference in levels, the development would not have an adverse impact on the amenity of occupiers of neighbouring dwellings to the north-east, east or south.

7.27 For the above reasons the proposal would accord with Policies GD2 and H32 of the Tynedale District Local Plan and Paragraph 130 of the NPPF.

#### Highway safety

7.28 The proposal seeks to construct a two-bedroom dwelling. A new vehicular access would be created leading onto Well Bank which has a notable gradient. Corbridge Parish Council have raised concerns with the safety of the proposed access arrangement.

7.29 It is noted that the application site is within close walking distance of the centre of Corbridge, which is listed as a local centre within the Tynedale Core Strategy. Officers are also mindful of the availability of the rent permit scheme on Well Bank. This proposal is for a two-bedroom dwelling and it is considered that in this particular instance the provision of one car parking bay is acceptable, and this is indicated to the front of the property on the received plans.

7.30 The Highways Development Management team has been consulted and they have no objection to the revised scheme, subject to recommended conditions. The revised scheme demonstrates sufficient visibility spays for the proposed access, and sufficient car parking provision as set out above. The technical approval of the access arrangement onto the adopted highway at Well Bank can be secured through a Section 184 Agreement under the Highways Act, which would be separate from the Planning process. One of the recommended conditions requires that access arrangements, once approved, are implemented prior to the development being occupied. Subject to the use of recommended conditions it is considered that the proposal would not have an adverse impact on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, and the NPPF.

#### Landscaping

7.31 The proposal seeks to construct a dwelling and associated curtilage. The indicated provision of hard landscaping and potted planting is considered acceptable. The use of a sedum grass roof is also considered acceptable. The proposed hard and soft landscaping within the site would accord with Policy NE37 of the Tynedale District Local Plan and the NPPF.

#### Surface Water and Foul Water Drainage

7.32 The application site is within Flood Zone 1, which is the area at least risk of flooding. The proposal is minor scale development on a site of less than one hectare, therefore the Lead Local Flood Authority have not been consulted.

- 7.33 It is considered that the provision of an aco drain leading into the mains sewer is acceptable for a development of this scale. The proposed development would not lead to a surface water risk within the site or on adjacent land, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.
- 7.34 The application seeks to connect to the existing mains sewer. This foul drainage solution is acceptable in accordance with Policy CS27 of the Tynedale District Local Plan and the NPPF.

#### Energy efficiency

- 7.35 Policy EN1 of the Tynedale Core Strategy sets out the principles for energy when assessing applications, which look to minimise the amount of energy used through the location, layout and design of development, and look to promote the development of micro renewable energy generation.
- 7.36 In line with the provisions of the NPPF, Policy STP3 of the emerging Northumberland Local Plan looks to maximise energy efficiency and the use of renewable and low carbon energy sources, whilst emerging Policy QOP5 requires proposals to incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting. Policy QOP5 also requires proposals to demonstrate that opportunities to incorporate locally sourced, recycled and energy efficient building materials have been considered; and requires proposals to demonstrate that opportunities to include small-scale renewable and low carbon energy generation have been considered.
- 7.37 It is considered that the application site is in a sustainable location for development for development on this scale, with adequate services and amenities being located in Corbridge and public transport links to nearby larger settlements. The occupiers of the proposed development would not be dependent on the use of private vehicles for their day-to-day needs.
- 7.38 The design of the development looks to maximise solar gain through the scale and positioning of openings on the southern elevation and roof. The proposal also seeks to use reclaimed stone and slate external materials, with a sedum green roof. Officers are mindful of the scale and nature of the development, and it is considered that a requirement to provide micro-renewable energy sources such as solar panels is not necessary in this instance.
- 7.39 For the above reasons, the proposal accords with Policy EN1 of the Tynedale Core Strategy, Policies STP3 and QOP5 of the emerging Northumberland Local Plan and the NPPF.

#### Planning Obligations

- 7.40 In addition to the Development Plan, the Council has regard to central Government planning policy; notably National Planning Policy Framework and National Planning Practice Guidance. Additionally, the Council's Open Space, Sport and Recreation Strategy, adopted March 2005, identifies shortfalls in the

provision of sport and recreation facilities in Tynedale. The Council has therefore adopted a Supplementary Planning Document – New Housing: Planning obligations for sport and play facilities, in March 2006.

- 7.41 The Community Infrastructure Levy (Amendment) (England)(No.2) Regulations 2019 came into force on 1 September 2019. These regulations make a number of important changes to the operation of the Community Infrastructure Levy (CIL) and section 106 planning obligations. These changes included removing altogether the ‘pooling restriction’ which prevented charging authorities from entering into more than five section 106 obligations to fund a single infrastructure project and allowing authorities to charge developers for the costs of monitoring planning obligations. Following a review of the relevant legislation and policy, Northumberland County Council will be requesting contributions towards Sport and Play infrastructure in the Tynedale and Wansbeck Areas again for development of one or more dwellings from any applications validated on or after 1st April 2020. This requirement therefore applies to the consideration of the current application, and a contribution of £2,176 is sought in this instance, which the applicant has agreed to provide.
- 7.42 At the time of writing this report a Section 106 Agreement has been drafted and would need to be completed and issued alongside the granting of planning consent should Members resolve to approve the application. The completion of the Section 106 agreement would accord with Policy GD6 of the Tynedale Core Strategy, Paragraph 57 of the NPPF, and the New Housing: Planning obligations for sport and play facilities SPD.

#### Other considerations

##### *Equality Duty*

- 7.43 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

##### *Crime and Disorder Act Implications*

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

##### *Human Rights Act Implications*

- 7.45 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests

of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

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

## **8. Conclusion**

8.1 The proposal seeks to subdivide an existing residential plot and construct a new two-bedroom dwelling. The principle of constructing a dwelling in the settlement of Corbridge is considered acceptable, subject to site specific considerations.

8.2 The proposed works preserve the character and appearance the Corbridge Conservation Area, and would not affect the setting of nearby listed buildings. Conditions are recommended to secure further details of the proposed external facing materials to ensure these are appropriate and deliver a high-quality design in this location.

8.3 Subject to the use of a planning condition requiring the existing opening on the adjacent property to the west to be obscurely glazed, the works would not have an adverse impact on the amenity of occupiers of neighbouring properties. On balance, it is considered that the amount of private amenity space provision is acceptable for a two-bedroom dwelling in this location.

8.4 Subject to recommended conditions the development would not lead to an adverse impact on highway safety or below ground archaeological remains. The development would not lead to an increase in surface water flood risk.

8.5 The applicant has agreed to enter a Section 106 agreement in respect of sport and play financial contributions, which is currently being progressed by officers.

8.6 For the above reasons, the proposal is acceptable in accordance with the relevant Policies in the Development Plan and the NPPF. It is therefore

recommended that Members grant planning permission for the development, subject to recommended conditions as set out below and the completion of a Section 106 Agreement.

## 9. Recommendation

That Members be MINDED TO GRANT planning permission, subject to the completion of a Section 106 Agreement to secure a total of £2,176 in sport and play financial contributions and the following conditions:

### Conditions

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

L002 Revision B	Proposed Site Plan
L003 Revision A	Proposed Parking Level Plan
L004 Revision A	Proposed Ground Floor Plan
L005 Revision A	Proposed Roof Plan
L006 Revision B	Existing and Proposed Front Elevations
L007 Revision A	Existing and Proposed Gable (West) Elevation
L008 Revision B	Existing and Proposed Gable (East) Elevation
L009 Revision A	Existing and Proposed Rear Elevations
L010 Revision B	Proposed Drainage Plan
L011 Revision B	Proposed Visibility Splay
L012 Revision A	Parking Area Plan, Cross Sections, Drainage and Access Details

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

3) Notwithstanding the submitted details, prior to works proceeding beyond damp proof course level, precise details, including samples, of the natural stone and slate to be used, as well as any other materials proposed to the external walls and roofs of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the appearance of the development within the streetscene, and within the Corbridge Conservation Area, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and H32 of the Tynedale District Local Plan, and the National Planning Policy Framework.

4) Prior to their installation, precise details, including materials, of all windows and doors to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the appearance of the development within the streetscene, and within the Corbridge Conservation Area, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and H32 of the Tynedale District Local Plan, and the National Planning Policy Framework.

5) Prior to the occupation of the development, the existing opening on the eastern gable elevation of 5 Well Bank shall be obscurely glazed in level 3 or above Pilkington obscure glazing or equivalent. These measures shall remain in place during the lifetime of the development.

Reason: In the interest of the amenity of occupiers of 5 Well Bank in accordance with Policy GD2 of the Tynedale District Local Plan and the National Planning Policy Framework.

6) Prior to the occupation of the development, a close-boarded timber fence shall be constructed to the rear of the subject dwelling in accordance with the approved plans. The fence shall remain in place during the lifetime of the development.

Reason: In the interest of the amenity of occupiers of the development and the occupiers of the neighbouring dwelling known as 5 Well Bank, in accordance with Policy GD2 of the Tynedale District Local Plan and the National Planning Policy Framework.

7) 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 30/06/21). 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 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 Policy BE1 of the Tynedale Core Strategy, Policies BE27 and BE28 of the Tynedale District Local Plan, and the National Planning Policy Framework.



8) The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans.

Thereafter, the car parking area 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 the National Planning Policy Framework.

9) The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

10) The development shall not be occupied until 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 the National Planning Policy Framework.

## **Informatives**

1. You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)

2. You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: [westernareahighways@northumberland.gov.uk](mailto:westernareahighways@northumberland.gov.uk)

3. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

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

Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.

- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/avingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/avingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

5. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary. The applicant should seek independent legal advice about this legislation.

## **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Background Papers:** Planning application file(s) 21/00437/FUL