



DELEGATED DECISION REPORT

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| Application Reference Number | 21NP0053 |
| Description / Site Address | Installation of new vehicular access at Fell End Farm, Greenhead, Brampton, Northumberland, CA8 7HZ |
| Expiry date of publicity / consultations | 27 July 2021 |
| Last date for decision | 23 August 2021 |

Details of Proposal

The application seeks approval for the creation of a vehicular access on an existing grass verge. The site consists of existing agricultural buildings located within the open countryside to the north of the B6318 'Military Road'. The National Park boundary lies directly to the south. The site lies within the World Heritage Site, *Frontiers of the Roman Empire: Hadrian's Wall*.

The application proposes to alter the existing access arrangement to the farm. Currently the access follows the public right of way from the east of the site. A new access would be constructed to the west of the farm along an existing grass verge. Historical maps indicate that this was previously the access to the site. The Public Right of Way previously used to follow the route proposed in this development. The works will involve the lowering of ground levels at the vicinity of the access point. The track would be constructed from hardcore. A number of trees would be removed from the highways verge.

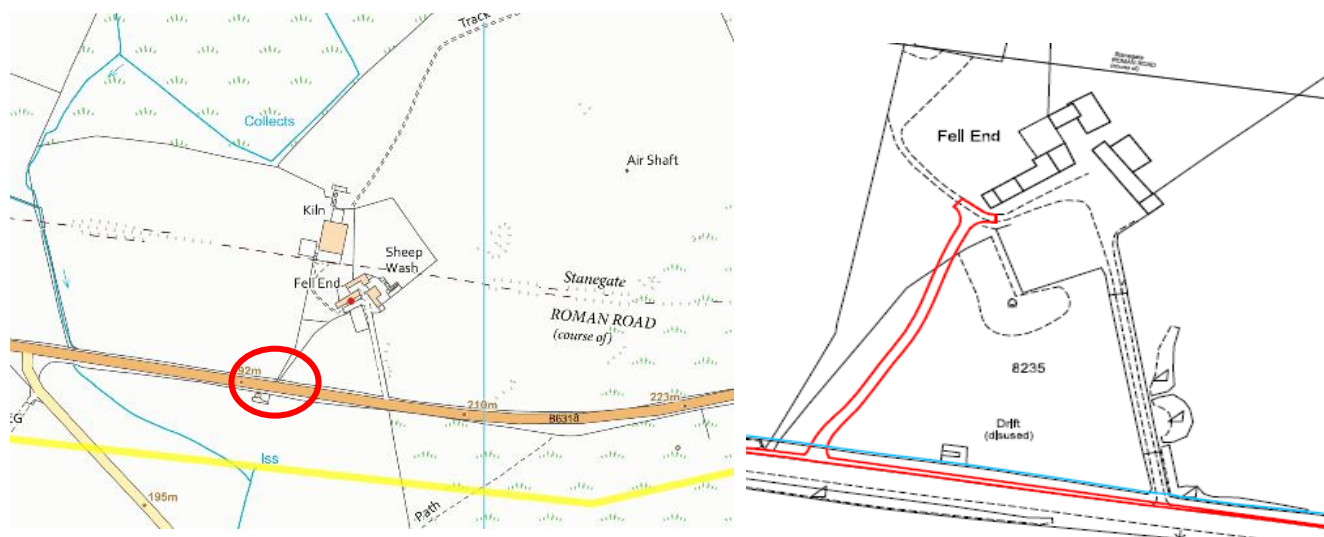


Figure 1: Location Plan

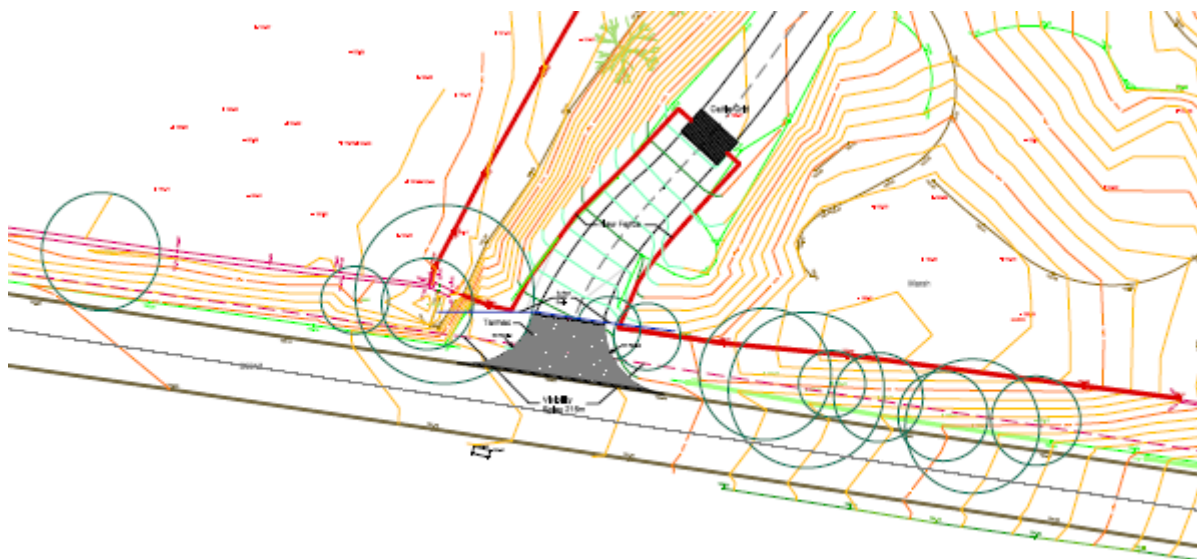


Figure 2: Proposed Site Access

Planning Policy & Guidance

National Policies

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance

Local Policies

Northumberland National Park Authority Local Plan (2017-2037)

| | |
|-------------|-----------------------------------------------------|
| Policy ST1 | <i>Sustainable Development</i> |
| Policy ST2 | <i>General Development Principles</i> |
| Policy ST4 | <i>Spatial Strategy</i> |
| Policy DM7 | <i>Rural Economy and Diversification</i> |
| Policy DM9 | <i>Transport and Accessibility</i> |
| Policy DM10 | <i>Habitats, Biodiversity and Geodiversity</i> |
| Policy DM11 | <i>Landscape, Tranquillity and Dark Night Skies</i> |
| Policy DM12 | <i>Trees, Woodlands and Forests</i> |
| Policy DM14 | <i>Historic Landscape Assets and Built Heritage</i> |
| Policy DM15 | <i>Archaeological Heritage</i> |



Supplementary Planning Guidance

NNPA Building Design Guide Supplementary Planning Document (Design Guide SPD)
NNPA Landscape Supplementary Planning Document (Landscape SPD)

Relevant Planning History

07NP0032 Agricultural Determination in respect of two feed bins on side of existing buildings
Approval determined 13/07/2007

Consultation/Representations

Haltwhistle Parish Council: No Objection

NNPA Historic Environment Officer: No Objection I have no objections to this application having reviewed the details against known information and also having considered the potential for harm to unknown archaeological remains. Given the nature of the work as effectively a topsoil strip to lay geotextile membrane and laying of sub-base to form the track, on this basis I do not consider there to be potential for harm to archaeological remains, in an area of former ground disturbance, I do not feel monitoring to be a proportionate response.

NNPA Landscape & Forestry Officer: No objection: I am not unduly concerned about the trees that would be affected by this proposed development that lie along the Military Road. I would however request that Policy requirement DM12 (4) be considered. i.e. replacement broadleaved planting that secures a biodiversity net-gain should be undertaken in an appropriate location elsewhere on the applicant's holding.

However, of more concern to me is the potential implication of this proposed development on the mature tree nearer to the farmhouse. The proposed development is likely to have a detrimental effect upon the root zone of this tree and consequently it's health.

Additional Information submitted: The alterations have been made to ensure the vehicular access does not encroach upon the root protection zone of the mature oak. As a result, no objections are raised.

NCC Highways: No Objection The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals Subject to conditions and informatives recommended.

Historic England: No Objection: The area proposed for the new access track is within the buffer-zone of the Hadrian's Wall World Heritage Site (WHS), though away from the areas of Scheduled Ancient Monument (in this case areas of the monument known as the Stanegate), which is located immediately to the north. As the proposed track will not directly impact on an area of Scheduled Ancient Monument the applicant will not need to apply for Scheduled Monument Consent.



We have also considered the impact on the setting of the monument. Due to the nature of the development (a track leading to a domestic dwelling which will improve road safety), and the possible presence of an earlier track at the proposed location, Historic England will not be objecting to the proposal.

NNPA Ecologist: No Objection: If there is no alternative and the trees to be removed are not of significant merit to retain, then at least some tree replacement should occur. The largest one looks like a sycamore I think so potentially a self-seeded tree but it could be 20-40 years old. If they are felled it would have to be not in the bird breeding season or checked for nests. Also checked that there are no features that would support bats, and this is doubtful.

NNPA Access Officer: No Objection: I would envisage that as the current route of the bridleway is to be retained, then the proposals should not impact on this public right of way or other access opportunities in the area. Whilst any construction works are ongoing, care should be taken to not obstruct access to these rights of way or in any way prevent or deter public use of the paths without the necessary legal diversion or closure order having been made.

Publicity

The application was advertised by means of a site notice displayed on the 6th July 2021. No representations have been received in response.

Assessment

The key material planning considerations are:

- The principle of the development and forestry/agricultural justification
- Design and amenity
- Impact upon National Park Special Qualities
- Highways
- Access

The principle of the development

Sustainable Development

The National Planning Policy Framework (NPPF) places emphasis on a presumption in favour of sustainable development to guide decision making. Policy ST1 of the Local Plan adopts a similar assumption in favour of sustainable development and defines the qualities and criteria which are deemed to represent 'sustainable development'. Paragraphs a) & e) are of specific relevance as they refer to '*making the National Park a high-quality place to live and work*', & '*improves biodiversity by protecting existing priority habitats and species*'. The degree to which the proposals accord with these qualities is discussed throughout the report.



Location of Development

Local Plan policy ST4 aims to direct development to a series of named settlements set out within the Local Plan. The application site is located within an open countryside location, outside of the settlements identified within the Local Plan as the focus for new development within the National Park. Paragraph 2 b) of Policy ST4 of the Local Plan permits proposals within the open countryside where there is an essential need in the interests of farming. The submitted heritage statement provides an essential justification for the new vehicular access. Careful consideration has been given to providing a new vehicular access to the property in a more appropriate location. The current access location is on a hill and the vision splay to the East is not considered to be sufficient. The new access point will provide a better vision splay to the East and maintain the vision splay to the West. This is considered an appropriate justification in the interests of highways safety, and it is considered that the proposal complies with the requirements of Policy ST4 of the Local Plan.

Policy DM7 is supportive of proposals for new sustainable rural economic development that are compatible with and subsidiary to an existing farming activity. As the proposals relate to the provision of a new vehicular access to serve an existing farmstead, the proposals are considered to be in accord with the requirements of Policy DM7.

Policy DM8 refers to Agricultural Development. While the proposal does not relate to the provision of a new agricultural building, having considered the aims and objectives of the policy, it is considered that the proposal would comply with the requirements of policy DM8.

In considering strategic policy ST4, and development management policies DM7 & DM8, it is considered that the principle of development is acceptable.

Design and Landscape

Local Plan policy ST2 places an emphasis on ensuring new development is of a high-quality design that will make a positive contribution to the National Park's special qualities and the local environment incorporating high quality construction materials and design details. Paragraph b) is of specific relevance as developments must demonstrate that *'the proposal is of a high-quality design that will make a positive contribution to the National Park's special qualities and the local environment'*.

Policy DM11 states that the natural beauty and heritage of the National Park will be conserved and enhanced whilst being responsive to landscape change. To achieve this, new development will need to ensure that *'the visual impact of the development in its immediate and wider setting is minimised through high quality design that reflects local landscape character with particular regard to scale, siting, materials and colour'* and *'the cumulative and/or sequential landscape and visual effect of development do not detract from the natural beauty of the National Park'*.

The proposal would involve the creation of a new vehicular access to Fell End Farm. A hardcore track would be constructed which would run in a north-west arrangement from the B6318 'Military Road' to the steading of Fell End Farm.



The provision of a vehicular access is considered a typical feature of a farm steading within the National Park. The use of hardcore materials is considered appropriate and would ensure the proposal would not be visually prominent within the landscape it forms part of.

The proposed vehicular access would be constructed on a raised bank. The raised bank would be lowered at the access from the B6318 to provide a safe access. As the proposal would retain the existing bank as seen in Figure 2, it is not considered that any significant landscaping would occur which ensures the proposal would retain the existing landscape features of the local area.



Figure 3: Existing bank that vehicular access would be created on

The Authority's Landscape & Forestry Officer has been consulted on the proposals. No concerns were raised over the loss of the trees in close proximity to the B6318 'Military Road' that would be affected by the development. However, concerns were raised regarding the potential implication of the development on the mature trees in close proximity to the farmhouse. As a rule of thumb, the extent of the tree's root system is likely to spread underground to the same extent as the canopy stretches out above the ground. The submitted drawings clearly indicate the proposed vehicular access would pass under the tree canopy of the existing oak. The applicant was made aware of the vehicular access' infringement on the root protection zone of the tree. The applicant has subsequently agreed to alter the path of the vehicular access to the west in order to avoid the root protection zone of the existing oak. The Landscape and Forestry Officer was satisfied that the proposal has minimised the impact of the development on the health of the existing oak tree and raises no objections to the development.



Figure 4: Mature Oak that would be affected by the development

As described in detail above, the proposal, in its revised format, raises no material impact in terms of design or impacts to the wider landscape. As a result of this, the proposal would satisfy the aims and objectives of policy ST2 and DM11 of the Local Plan.

Impact upon National Park special qualities

Biodiversity

Policy DM10 of the Local Plan states that *'the conservation and enhancement of wildlife, habitats and sites of geological interest within Northumberland National Park will be given great weight'*.

Policy DM12 of the Local Plan refers to Trees, Woodlands and Forests. The policy states that *'In order to maximise the social, economic and environmental opportunities that trees, woodlands and forests present support will be given to proposals which are not detrimental to other semi-natural habitats and which include native tree planting...'*

As the proposal would involve the loss of trees, both the authority's Landscape and Forestry Officer and the authority's ecologist have been consulted on the proposals.

The authority's ecologist has confirmed that the trees that would be felled as part of this application should not be felled during the bird breeding season, and they should be checked for nests before they are felled. This would be secured by an appropriately worded planning condition. It is not considered likely that the site would be able to accommodate roosting bats.



Local Plan Policy DM12 paragraph 4 states that *‘where development would result in the unavoidable loss of an existing tree...but the wider sustainability benefits of the development significantly outweigh the loss, proposals will be expected to minimise harm and provide a net biodiversity and amenity gain, with appropriate replacement of lost trees or hedgerows.* As a number of trees would be lost in close proximity to the B6318 ‘Military Road’ this would result in the loss of potential habitat. Whilst the loss of trees is always regrettable, in these circumstances where highway safety will be improved it is considered the wider benefits of the proposal would outweigh the loss of the trees. In line with Policy DM12 the proposal should provide a replacement broadleaved planting on site (within the applicant’s landholding) in order to provide biodiversity net gain as part of the proposals. This can be achieved through an appropriately worded condition.

Subject to the provision of an appropriately worded planning condition, the proposals raise no significant impacts in terms of ecology and would satisfy the requirements of policies DM10 and DM 12 of the Local Plan.

Cultural Heritage

Local Plan policy DM14 states that *‘Development affecting historic landscape assets of the National Park will be required to conserve and enhance landscape quality by taking into consideration the elements which contribute to its significance.’* Policy DM14 also discusses the World Heritage Site and states that *‘Development proposals that unacceptably harm the setting of the Frontiers of the Roman Empire: Hadrian’s Wall World Heritage Site (WHS) will not be permitted. Proposals within the extent of the WHS or its setting should, where possible, seek opportunities to sustain and better reveal the significance of its Outstanding Universal Value’.*

Local Plan policy DM15 refers to Archaeological Heritage. The policy requires *‘Development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted.’*

The applicant has confirmed that the proposal will not create direct harm to any designated or non-designated heritage asset. The point of access is in a location previously used and also in a landscape where more recent disturbance has been carried out by mining activity.

The application site is located within the World Heritage Site *‘Frontiers of the Roman Empire: Hadrian’s Wall’*. As a result of this, both Historic England and NNPA’s Historic Environment Officer have been consulted on the proposals.

Historic England confirmed that the area proposed for the new access track is within the buffer-zone of the Hadrian’s Wall World Heritage Site (WHS), though away from the areas of Scheduled Ancient Monument (in this case areas of the monument known as the Stanegate), which is located immediately to the north. As the proposed track will not directly impact on an area of Scheduled Ancient Monument the applicant will not need to apply for Scheduled Monument Consent.

Historic England have also considered the impact on the setting of the monument. Due to the nature of the development (a track leading to a domestic dwelling which will improve road safety),



and the possible presence of an earlier track at the proposed location, Historic England have raised no objection to the proposals.

Historic England also noted that part of the design involves the excavation of soil from the surrounding area. Historic England have recommended that the applicant be reminded to avoid areas protected as part of the Scheduled Ancient Monument when undertaking this excavation work. A suitably worded informative will be attached to any decision notice.

NNPA's Historic Environment Officer has been consulted on the proposals. The officer raised no objections to the proposals having reviewed the details against known information and also having considered the potential for harm to unknown archaeological remains.

There are no known heritage assets on the line of the proposed access, the nearest being the line of the Stanegate, (Scheduled Monument 1010956). Aerial photographs highlight post-medieval extractive pits (marked as disused drift mines on 20th century OS mapping).

Given the nature of the work as effectively a topsoil strip to lay geotextile membrane and laying of sub-base to form the track, on this basis the Historic Environment Officer did not consider there to be potential for harm to archaeological remains, in an area of former ground disturbance and therefore monitoring would not be a proportionate response.

As described in detail above, the proposals would not cause harm to any designated heritage assets within the vicinity of the application site, and therefore the proposals would adhere with the requirements of policy DM14 & DM15 of the Local Plan.

Tranquility

Local Plan policy DM11 requires amongst others that '*The level of noise, traffic and light generated as a result of the development during construction and thereafter is minimised and dark night skies maintained*' and '*All development proposals should avoid external lighting where possible. Where external lighting is necessary its design should avoid all unacceptable adverse impacts, or as a last resort mitigate them to...avoid adverse impacts on tranquillity, dark skies.*'

As the proposals only relate to the provision of a vehicular access to an existing farmstead, it is considered that the proposals are unlikely to generate significant levels of additional vehicle movements/traffic or noise.

The proposals do not propose any new lighting. As such it is considered that there would not be any significant effect on the Dark Sky status of the National Park. However, given the location of the development within the open countryside, it would be considered appropriate to attach a condition restricting the installation of any external lighting required in association with the proposed development without approval first being sought from the Authority. Subject to such a condition, the proposals are considered to accord with the requirements of Policy DM11 in relation to tranquillity.



Highways

Amongst other criteria, Policy ST2, requires *'proposals to ensure the proportionate creation of an accessible, safe and secure environment for all potential users with appropriate cycling facilities and car parking provision and without compromising highway safety, the local road network or public right of way'*.

As the vehicular access would be accessed to a classified road, the competent highways authority, Northumberland County Council Highways has been consulted on the proposals.

It is noted from the Design & Access Statement that 'the current access location is on a hill and the vision splay to the East is not considered to be sufficient'. This is considered a sufficient justification for the need to provide a new vehicular access.

The new vehicular access would provide access from the B6318 which is subject to a 60mph speed limit. The plan submitted highlights the proposed visibility splays of 2.4 x 215m at the proposed access point. This is in accordance with 'Design Manual for Roads and Bridges (DMRB)' and is considered acceptable. There are a number of trees and hedges which fall within the required visibility splay area and will be removed to keep the visibility splay clear from obstruction. This is considered appropriate in highways terms.

The new vehicular access would be constructed to NCC's access specifications, which is acceptable, it should be noted that the first 6m of the access will need to be hard surfaced. The Highways authority suggested a planning condition should be attached to any decision notice to ensure the vehicular access is constructed prior to the occupation of the farmhouse, however as the proposal only relates to the new access this condition would need to be amended to ensure the access is not brought into use until the access is fully completed. Subject to the use of appropriately worded planning condition and informatives, the proposal would not compromise highways safety and would satisfy policy ST2 of the Local Plan in relation to highways.

Access

The existing vehicular access to Fell End Farm currently follows the same route as an existing Public Right of Way. Previously, a Public Right of Way followed the route of the proposed vehicular access that this application is in relation to. As the proposal has the potential to affect existing Public Rights of Way, the authority's Access Officer has been consulted on the proposals.

The Access Officer confirmed that in terms of public access, there is one public bridleway (Haltwhistle 21) on the land-holding that co-exists with the current access track into the property. The route of this bridleway was previously located further to the west on the approximate line of the current access road proposed. This route was legally diverted in 2005 in order to afford safer access across the Military Road (B6318) and to and from bridleway 30 on the south side of the road. The officer would envisage however, that as the current route of the bridleway is to be retained, then the proposals should not impact on this Public Right of Way or other access opportunities in the area.



Whilst any construction works are ongoing, care should be taken to not obstruct access to these rights of way or in any way prevent or deter public use of the paths without the necessary legal diversion or closure order having been made. This would be secured by an appropriately worded planning informative.

Subject to an appropriately worded planning informative, the proposal raises no material impact in terms of access.

Recommendation & Conditions

Grant conditional permission subject to the following conditions:

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

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission, as required by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application form received 28 June 2021
- Existing Block Plan Dwg No. FE/09/EBP/02 received 28 June 2021
- Existing Site Plan Dwg No. FE/09/ESP/04 received 28 June 2021
- Existing Site Plan and Section Dwg No. FE/09/EAP/06 received 28 June 2021
- Heritage Statement received 28 June 2021
- Location Plan Dwg No. FE/09/LP/01 received 29 July 2021
- Proposed Site Plan and Sections Dwg No. FE/09/PAP/07 received 29 July 2021
- Proposed Block Plan Dwg No. FE/09/PBP/03 received 29 July 2021
- Proposed Site Plan Dwg NO. FE/09/PSP/05 received 29 July 2021

Reason: For the avoidance of doubt, to enable the local planning authority to adequately manage the development and to ensure the proposal accords with policies ST2, ST4, DM8, DM9, DM10, DM11, DM14 & DM15 of the Northumberland National Park Local Plan and the National Planning Policy Framework.

3. The development shall not be brought into use until the vehicular access has been constructed in full and in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with policies ST2 & DM9 of the Local Plan and the National Planning Policy Framework.

4. The new vehicular access hereby permitted shall be constructed to ensure the first 6 metres of the access will be hard surfaced.



Reason: In the interests of highway safety, in accordance with policies ST2 & DM9 of the Local Plan and the National Planning Policy Framework.

5. No trees shall be felled in the bird breeding season (March-August), unless a checking survey has first been undertaken by a suitably qualified ecologist and any birds that are found to be nesting being allowed to finish nesting before such work commences.

Reason: To ensure that ground nesting birds on the site are protected and for the development in accordance with Northumberland National Park Local Plan policies ST1, ST2, DM10 and Chapter 15 of the NPPF.

6. Should any external lighting be proposed, prior to the fixing of any external lighting required in association with the proposal, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details should 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 shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In order to ensure that there is no harmful effect upon the tranquility and intrinsically dark character of the area, including the Northumberland Dark Sky Park through excessive light pollution, in accordance with paragraph 185 of the NPPF.

7. Prior to the proposed access being brought into first use, a scheme showing replacement trees (including locations, species and specifications) for those lost as part of this proposal, shall be submitted to and approved by the local planning authority. This scheme shall show replacement broadleaved planting that secures a biodiversity net gain and can be undertaken in an appropriate location elsewhere on the applicant's holding. The approved scheme shall be carried out in full accordance with the approved details in the first planting season following the commencement of development. Any trees which die, or are otherwise removed, within a period of five years of the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to provide an adequate level of compensation and net biodiversity and amenity gain for the loss of several trees as part of the proposal, in line with Local Plan Policies ST2 and DM12.



Informative Notes

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.
 - b) You, your agent, or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.

Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

3. 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
4. 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.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. You are reminded to avoid areas protected as part of the Scheduled Ancient Monument when undertaking this excavation work.
7. During the construction phase, construction vehicles should avoid tracking over the Root Protection Zone of the mature trees in close proximity to the farmhouse.
8. During the construction phase, building materials or equipment shall not be stored over the Root Protection Zone of the mature trees in close proximity to the farmhouse.



9. Care should be taken to not obstruct access to Haltwhistle footpath 21 or any other public right of way, or in any way prevent or deter public use of the paths without the necessary legal diversion or closure order having been made.

Background Papers

Planning File: 21NP0053
EIA Screening Opinion

| | Signature | Date |
|-----------------------------|------------------------|------------|
| Planning Officer | A Ewart | 30.07.2021 |
| Head of Planning and Policy | <i>Susannah Buylla</i> | 06/08/2021 |