



# Northumberland County Council

## Tynedale Local Area Council Planning Committee 11 June 2019

<b>Application No:</b>	19/00702/FUL		
<b>Proposal:</b>	Extension and alterations to existing office building		
<b>Site Address</b>	Blue Sky Resorts Ltd, Heathergate Country Park, Lowgate, Hexham, Northumberland, NE46 2NN		
<b>Applicant:</b>	Mr Andrew Blackie Heathergate Country Park, Lowgate, Hexham, Northumberland, NE46 2NN	<b>Agent:</b>	Mr Michael Sheldon 38 Grasmere Terrace, Hawkeys Lane, North Shields, NE29 0PW
<b>Ward</b>	Hexham West	<b>Parish</b>	Hexham
<b>Valid Date:</b>	12 March 2019	<b>Expiry Date:</b>	17 June 2019
<b>Case Officer Details:</b>	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as the officer recommendation contrasts with the statutory consultee response of Hexham Town Council and the application site is within a Neighbourhood Plan area.

## 2. Description of the Proposals

2.1 Planning permission is sought for the extension and alteration of the existing office building at Heathergate Country Park, near Lowgate.

2.2 The proposal seeks to extend the existing office building to the east, rear elevation and to the west, principal elevation. The proposed single storey rear extension would project 2.3 metres from the east elevation and would measure 25 metres in length, with a height of 3.1 metres to the flat roof. The proposed single storey front extension would project 3.3 metres from the west elevation and would measure 12.4 metres in length, with a height of 2.9 metres to the flat roof. The proposal would include undertaking internal and external alterations to the existing office building on the site.

2.3 The proposed extensions would have natural stone work and rendered walls with a single layer membrane roof and aluminium windows and doors. The existing windows and doors of the building, which are currently uPVC and timber, would be replaced with aluminium.

2.4 The proposed development would create additional tourist facilities at Heathergate Country Park such as a spa pool, steam room, sauna and changing rooms. The proposed development would also improve the existing tourist facilities at Heathergate Country Park such as the gym and coffee lounge area.

2.5 The application site is located within the open countryside and is within the Green Belt. The application site is located directly to the north of the village of Lowgate and is within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Scientific Interest (SSSI).

## 3. Planning History

**Reference Number:** 19/01171/VARYCO

**Description:** Variation of condition 2 (habitation period) of application T/20050948 to allow 12 month habitation period

**Status:** Pending Consideration

**Reference Number:** 19/01170/VARYCO

**Description:** Variation of condition 2 (habitation period) of application 16/04092/VARYCO to allow 12 month habitation period

**Status:** Pending Consideration

**Reference Number:** 18/04091/ELEGDO

**Description:** Erection of 3 new wooden poles

**Status:** No Objection

**Reference Number:** 18/02761/VARYCO

**Description:** Variation of condition 1 (temporary permission) pursuant to planning permission 17/00223/FUL

**Status:** Permitted

**Reference Number:** 18/02755/DISCON

**Description:** Discharge of conditions 8 (External lighting) 11 (Bird Boxes) on approved planning application 18/01745/VARYCO (amended description 20/08/2017)

**Status:** Permitted

**Reference Number:** 18/01745/VARYCO

**Description:** Variation of condition 1 (approved plans) pursuant to planning permission 16/04092/VARYCO in order to amend the location of 6 location plans.

**Status:** Permitted

**Reference Number:** 17/03217/DISCON

**Description:** Discharge of conditions 5 (Hedgerow Replacement) and 6 (Crushed Stone Colour) relating to planning permission 17/00223/FUL

**Status:** Permitted

**Reference Number:** 16/04322/DISCON

**Description:** Discharge of conditions 5 (landscaping) and 9 (drainage) of approved planning application 16/00950/VARYCO

**Status:** Permitted

**Reference Number:** 16/03818/DISCON

**Description:** Discharge of condition 15 (amphibian method statement) on approved planning application 16/00950/VARYCO

**Status:** Permitted

**Reference Number:** 16/00950/VARYCO

**Description:** Variation of conditions 1 (approved plans), 6 (landscaping) and 8 (access provision) pursuant to planning permission 82/E/559 in order to allow revision of caravan layout, landscaping and access arrangements.

**Status:** Permitted

**Reference Number:** 15/02361/CLEXIS

**Description:** Certificate of lawfulness of existing use for 39 caravan pitches

**Status:** Permitted

**Reference Number:** T/20050948

**Description:** Vary condition No. 2 of Planning Permission Reference: J74/32 to extend the opening times to 11 months (1st March to 31st January)

**Status:** Permitted

**Reference Number:** T/960154

**Description:** Proposed construction of extension to existing toilet and shower block to provide community room, storage and residential flat

**Status:** Permitted

**Reference Number:** T/93/E/818

**Description:** Renewal - Siting of residential caravan.

**Status:** Permitted

**Reference Number:** T/93/E/209

**Description:** Unopposed Revocation of Planning permission under section 99 of the Town and Country Planning Act 1990.

**Status:** Permitted

**Reference Number:** T/92/E/70

**Description:** Erection of dwelling house for warden, and refurbishment of existing shower and toilet building.

**Status:** Refused

**Reference Number:** T/91/E/679

**Description:** Construction of dwelling house for Warden.

**Status:** Refused

**Reference Number:** T/75/E/104

**Description:** Extension to existing toilet facilities.

**Status:** Permitted

#### 4. Consultee Responses

Hexham Town Council	Objects on the grounds of this being an unacceptable intrusion into the Green Belt.
Highways	No objection subject to one condition and informatives.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

General site notice – Displayed on 10<sup>th</sup> April 2019

No press notice required.

##### Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

## **6. Planning Policy**

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

Policy BE1 – Principles for the Built Environment  
Policy EDT1 – Principles for Economic Development and Tourism  
Policy GD1 – The General Location of Development  
Policy GD4 – Principles for Transport and Accessibility  
Policy NE1 – Principles for the Natural Environment

*Tynedale District Local Plan (2000)*

Policy GD2 – Design Criteria for Development  
Policy GD4 – Range of Transport Provision for all Development  
Policy NE14 – Use of Existing Buildings in the Green Belt  
Policy TM2 – Enhancement of Existing Facilities, Attractions and Infrastructure

### 6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as updated)*

### 6.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) (January 2019)*

Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)  
Policy ECN 12 – A Strategy for Rural Economic Growth (Strategic Policy)  
Policy ECN 15 – Tourism and Visitor Development  
Policy ENV 3 – Landscape  
Policy QOP 1 – Design Principles (Strategic Policy)  
Policy QOP 2 – Good Design and Amenity  
Policy STP 1 – Spatial Strategy (Strategic Policy)  
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)  
Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)  
Policy STP 8 – Development in the Green Belt (Strategic Policy)  
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)

*Hexham Neighbourhood Plan 2019-2036 Submission Plan (January 2019)*

Policy HNP1 – Sustainable Development in the Neighbourhood Area  
Policy HNP2 – High-Quality Sustainable Design in the Neighbourhood Area  
Policy HNP23 – Hotel and Tourism Accommodation

## 7. Appraisal

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

- Principle of the development;
- Green Belt;
- Design;
- Impact upon amenity;
- Highway safety.

### *Principle of the Development*

7.2 The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. The policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan. The application site is located within the open countryside and is directly to the north of the village of Lowgate.

7.3 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.4 Policy STP 1 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to spatial strategy. Policy STP 1 sets out the types of development that are supported in the open countryside. This policy states “*development in the open countryside will only be supported if it can be demonstrated that it:*

*i) is directly related to the needs of primary activity in agriculture, forestry, other land based industries, rural businesses, or the sustainable diversification of such activities; or*

*ii) supports the sustainable growth and expansion of an existing business; or*

*iii) supports a newly forming business; or*

*iv) supports or adds to the range of sustainable visitor attractions and facilities appropriate to the character of the area; or*

*v) reuses redundant or disused buildings and leads to an enhancement to the immediate setting; or*

*vi) provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or*

*vii) relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan; or*

*viii) is a house, the architecture of which is innovative and of the highest standard, it significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area”.*

7.5 Policy EDT1 of the Tynedale LDF Core Strategy sets out the principles for economic development and tourism, one of which is to support a buoyant and diverse local economy, which recognises the importance of tourism to the District. A further principle within Policy EDT1 seeks to protect and enhance existing tourist facilities and infrastructure, whilst allowing new tourist development where appropriate in order to increase the range, quality and type of facilities available to tourists.

7.6 Policy ECN 1 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the planning strategy for the economy. This policy sets out a number of principles, one of which is to *“support and promote tourism and the visitor economy”*.

7.7 Policy ECN 12 of the emerging Northumberland Local Plan (Publication Draft Plan) sets out the strategy for rural economic growth. Policy ECN 12 states *“the growth of the rural economy will be encouraged through:*

*a). fostering innovation, promoting digital technologies and enhancing the interconnectedness of rural economies; and*

*b). within constraints, facilitating the formation, growth and up-scaling of businesses in rural locations;*

*c). safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends”.*

7.8 Policy TM2 of the Tynedale District Local Plan relates to the enhancement of existing tourist facilities, attractions and infrastructure. Policy TM2 states *“proposals to enhance existing facilities, attractions and infrastructure will be encouraged, particularly in the towns and villages of the District”*.

7.9 Policy HNP23 of the Hexham Neighbourhood Plan relates to hotel and tourism accommodation. This policy states that *“provision of new tourist facilities and improvement of existing tourist facilities and services in the town that will contribute further to developing the tourism offer, including encouraging longer stays, will be supported”*.

7.9 The proposed development would assist in the growth and expansion of an existing business, Blue Sky Resorts Ltd, and would create additional tourist facilities at Heathergate Country Park. The proposed development would enhance an existing tourist facility and would increase the range and quality of facilities available to tourists. The proposal would be acceptable as a matter of principle in its open countryside location in accordance with Policies EDT1 and GD1 of the Tynedale LDF Core Strategy, Policy TM2 of the Tynedale District Local Plan, Policies ECN 1, ECN 12, ECN 15 and STP 1 of the Northumberland Local Plan (Publication Draft Plan) and Policy HNP23 of the Hexham Neighbourhood Plan.

## *Green Belt*

- 7.10 The application site is located within the Green Belt. Development within the Green Belt is strictly controlled. Policy NE14 of the Tynedale District Local Plan sets out the criteria which must be met for the change of use, conversion or extension of existing buildings in the Green Belt. Policy STP 7 of the Northumberland Local Plan (Publication Draft Plan) sets out the strategic approach to the Green Belt. Policy STP 8 of the Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt.
- 7.11 Paragraph 134 of the NPPF sets out the five purposes of the Green Belt. The proposal would not conflict with these purposes because the proposal is to extend and alter an existing building. Notwithstanding this, Paragraph 145 of the NPPF states the construction of new buildings should be viewed as inappropriate in the Green Belt. Paragraph 145 of the NPPF follows on to list a number of exceptions to this, one of which allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 7.12 The office building subject to this application is located at Heathergate Country Park and is viewed in the wider context of the caravan site; and this combined with the relatively small scale of the development would ensure that the proposal would not have a materially greater impact on the openness of the Green Belt than the existing building. The proposal is small in scale, and even when viewed in combination with previous additions it is considered that the development would remain subordinate to the existing building and would not result in disproportionate additions. Hexham Town Council objects to the application on the grounds that the proposed development is an unacceptable intrusion into the Green Belt. This section of the report has assessed the impact of the proposal on the Green Belt and it is concluded that the proposal would not amount to inappropriate development within the Green Belt and would accord with Paragraph 145 of the NPPF in this respect, and would be acceptable in accordance with Policy NE14 of the Tynedale District Local Plan and Policies STP 7 and STP 8 of the Northumberland Local Plan (Publication Draft Plan).

## *Design*

- 7.13 The office building at Heathergate Country Park is located to the north of the village of Lowgate and is within close proximity to the vehicular access point from the C284 road, which leads on to the B6305 road. The office building is located within close proximity to the eastern curtilage boundary of Heathergate Country Park. The proposed development would be visible from the C284 road to the south of the application site, despite the presence of boundary treatment and vegetation enclosing Heathergate Country Park.
- 7.14 The majority of the materials used for the proposed development would be similar to those of the existing property and would be considered acceptable. The windows and doors of the proposed extensions would be aluminium and the existing windows and doors of the building, which are currently uPVC and timber, would be replaced with aluminium, providing a consistent approach to design across the whole building. It is considered that the design and materials of the proposed development would be sympathetic to the original building, the



surrounding area and wider landscape. The proposed development would accord with Policy BE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies ENV 3, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan), Policies HNP1 and HNP2 of the Hexham Neighbourhood Plan and the principles of the NPPF in relation to design.

### *Impact upon Amenity*

7.15 There is one residential dwelling within the immediate vicinity of the application site; Fairfields to the north east. The property of Fairfields is located approximately 25 metres from the proposed development and this separation distance is considered to be acceptable. Fairfields has an outbuilding which is located between the property of Fairfields and the office building at Heathergate Country Park and this outbuilding combined with the high boundary treatment to the east of the application site would partially screen the proposed development from this neighbour. The proposed development would not overlook, overbear or overshadow this neighbouring property and would not adversely affect this neighbour's residential amenity.

7.16 The proposed development would provide additional facilities, whilst improving the existing facilities, at Heathergate Country Park. The tourists visiting Heathergate Country Park would utilise the facilities provided as part of the proposed development. As a result of the small scale of the development, the proposal would not adversely impact upon the amenity of visitors to Heathergate Country Park. Also, as aforementioned, Heathergate Country Park is located to the north of the village of Lowgate and due to the small scale of the proposed development, the proposal would not directly impact on the residential amenity of the local residents of Lowgate. The application is considered to be acceptable in respect of the impact on local residents in accordance with Policy GD2 of the Tynedale District Local Plan, Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan), Policy HNP2 of the Hexham Neighbourhood Plan and the principles of the NPPF.

### *Highway Safety*

7.17 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport provision for all types of development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) promotes sustainable connections.

7.18 The Council's Highway Development Management Team has been consulted on this application and has raised no objection to the proposal subject to one condition and informatives. The recommended condition relates to the submission of a Construction Method Statement. Highway Development Management consider that the proposed development would not have a severe impact on highway safety. It is presumed that as the proposal is for improvements to an existing building at Heathergate Country Park, that the proposed development would not lead to an increased level of vehicle trips with the purpose of the building (primarily leisure) being ancillary to the adjoining sites use as a holiday park. The proposed development is therefore considered to be

in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policy GD4 of the Tynedale District Local Plan, Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

### *Equality Duty*

7.19 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*

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

### *Human Rights Act Implications*

7.21 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 well-being 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.

7.22 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.

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

## **8. Conclusion**

8.1 National and local planning policies have been taken into consideration when assessing this application. The proposal would accord with Policies BE1, EDT1, GD1, GD4 and NE1 of the Tynedale LDF Core Strategy, Policies GD2, GD4, NE14 and TM2 of the Tynedale District Local Plan, Policies ECN 1, ECN 12, ECN 15, ENV 3, QOP 1, QOP 2, STP 1, STP 2, STP 3, STP 7, STP 8 and TRA 1 of the Northumberland Local Plan (Publication Draft Plan), Policies HNP1, HNP2 and HNP23 of the Hexham Neighbourhood Plan and the principles of the National Planning Policy Framework.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

1. PROPOSED FRONT & REAR ELEVATIONS, Drawing No: 04 (Date: 04-02-2019) (Received on: 12/03/2019)
2. PROPOSED FRONT & REAR ELEVATIONS, Drawing No: 05 (Date: 04-02-2019) (Received on: 26/02/2019)
3. PROPOSED SIDE ELEVATIONS, Drawing No: 06 (Date: 04-02-2019) (Received on: 26/02/2019)
4. PROPOSED SITE PLAN 1:200, Drawing No: 07 (Date: 26-02-19) (Received on: 26/02/2019)
5. PROPOSED SITE PLAN 1:500, Drawing No: 08 (Date: 26-02-19) (Received on: 26/02/2019)

Reason: To ensure the development is carried out in complete accordance with the approved plans, in the interests of proper planning.

03. The facing stonework and render to be used in the construction of the hereby approved development shall match the corresponding materials of the existing building in respect of colour, size, shape and texture.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policies GD2 of the Tynedale District Local Plan.

04. Development shall not commence until a Construction Method Statement 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 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.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

### **Informatives**

1. 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.
2. You are advised to contact the Council's Lighting Section on [HighwaysStreetLighting@northumberland.gov.uk](mailto:HighwaysStreetLighting@northumberland.gov.uk) before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.
3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Background Papers:** Planning application file(s) 19/00702/FUL