

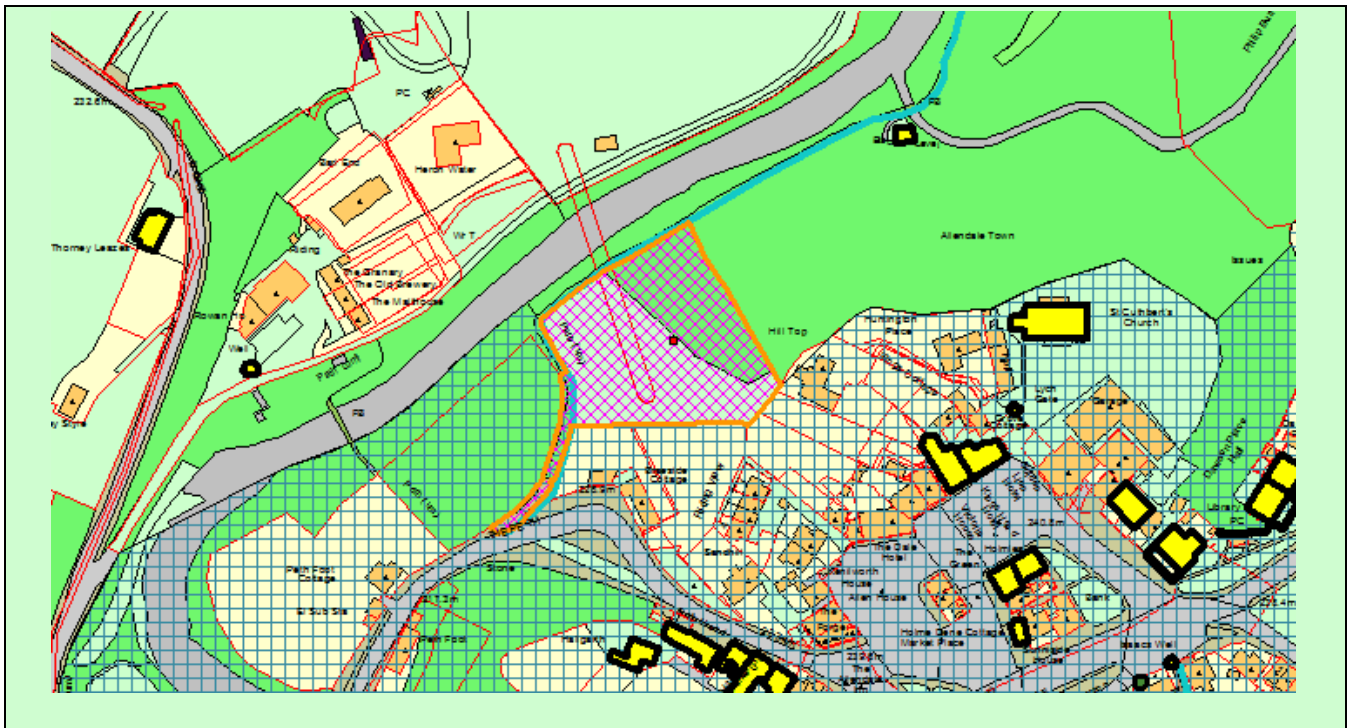


Northumberland County Council

Local Area Committee – Tynedale : 13 August 2019

Application No:	19/01401/FUL		
Proposal:	2 bedroom single storey holiday let accommodation		
Site Address	Land North Of Braeside Cottage, The Peth, Allendale, Northumberland		
Applicant:	Mr Andrew Docchar Kings Head Cottage, Market Place, Allendale, Hexham, Northumberland NE47 9BD	Agent:	None
Ward	South Tynedale	Parish	Allendale
Valid Date:	10 May 2019	Expiry Date:	5 July 2019
Case Officer Details:	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



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1. Introduction

1.1 Under the provisions of the Council's current scheme of delegation, where an application is recommended for refusal contrary to the views of a Parish Council

where there is a made Neighbourhood Plan in place, then it shall be determined by Committee.

2. Description of the Proposals

2.1 Planning permission is sought to construct a single storey holiday let on land north of Braeside Cottage, Allendale. The holiday let, which would be constructed with a solid oak frame and oak cladding, would be located on a steeply sloping site and would be raised on a stilt like structure of grey coloured steel. The building would be 12.7 metres by 7.7 metres in size with a porch to the rear and would have a reclaimed slate roof 4.6 metres in height. The front elevation of the building, which would have large areas of glazing, would have six rooflights. There would be a balcony with a hot tub recessed into the floor and a glass balustrade. To the rear would be a detached building to be used as a boiler house and waste storage area, 2.6 by 3.4 metres in size and 3.1 metres in height. The site, which is located in a large field, would be reached by a public right of way from The Peth. Steps have been built into the steep slope to reach the site. There would be no vehicular access.

2.2 The site is within a grass field located adjacent to the Public Right of Way and the River East Allen. The field had an extensive number of trees, but a number of these on the slope where the buildings are proposed have been cut down. The site is adjacent to the Allendale Conservation Area, is within the North Pennines AONB and is within flood zone 2.

2.3 Submitted with the application were the following documents:

- Preliminary Ecological Assessment (amended June 2019)
- Heritage Statement
- Flood Risk Assessment

3. Planning History

None

4. Consultee Responses

Allendale Parish Council	Support the application but Cllr Dunn objected to the application as considered that it was not in keeping with ANDP 5: New build tourism accommodation.
County Ecologist	No objection subject to a condition.
Building Conservation	Objection as it will cause harm to the existing landscaped setting of the Allendale Conservation Area.
Highways	Concerns regarding parking, cycle storage and disposal of waste.
Countryside/ Rights Of Way	No objection subject to Public Footpath No. 141 is protected throughout.

Lead Local Flood Authority (LLFA)	As minor development, not a statutory consultee and so make no comment.
North Pennines AONB	Comments received that visuals should be provided to assess impact on visual amenity, landscape and character. Night time lighting should be considered. Further detail needed in terms of biodiversity improvements required.
Northumbrian Water Ltd	Developer should develop their surface water drainage solution

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	10
Number of General Comments	0

Notices

Site notice: expired 26 June 2019

Press notice: expired 13 June 2019

Summary of Responses:

Ten letters of support have been received which focus on the need for holiday accommodation in the area; the importance that it will have on the local economy; the low impact that this would have on the environment; and the benefits of introducing biodiversity to an underused field.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PQS1M8QS0K500>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Plan (2015)

ANDP1 General development principles

ANDP5 New build tourism accommodation

ANDP7 Conversion of buildings in the open countryside

Tynedale Core Strategy Local Development Framework (2007)

GD1 The general location of development
GD5 Minimising flood risk
BE1 Principles for the built environment
NE1 Principles for the natural environment
EDT1 Principles for economic development and tourism

Tynedale Local Plan (2000, Policies Saved 2007)

GD2 Design criteria including extensions and alterations
GD4 Range of transport provision for all development
GD6 Car parking standards outside the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge
BE18 Development affecting the character and setting of a Conservation Area
NE15 Development in the North Pennines AONB
NE27 Protection of protected species
TP27 Development affecting Public Rights of Way
LR19 Safeguard existing and promotion of new public rights of way
TM6 Tourism development in the North Pennines AONB
TM15 Occupancy condition on self-catering tourist accommodation
CS27 Sewerage

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2014 as updated)

6.3 Emerging Planning Policy

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

STP1 Spatial strategy
ECN 15 Tourism and visitor development
ENV 2 Biodiversity and geodiversity
ENV 3 Landscape
ENV6 North Pennines Area of Outstanding Natural Beauty
ENV 7 Historic environment and heritage assets
ENV 9 Conservation Area
QOP2 Good design and amenity
QOP4 Landscaping and trees
TRA4 Parking provision in new development
INF 5 Open space and facilities for sport and recreation

7. Appraisal

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

Principle of development
Design and impact on the landscape and the North Pennines AONB

Impact on the Allendale Conservation Area
Impact on Public Right of Way
Access and parking
Impact on the ecology of the site
Impact on residential amenity
Flood risk
Provision of utilities

Principle of development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration. The Allendale Neighbourhood Plan, the Tynedale Core Strategy and the Tynedale Local Plan remain the development plan and as outlined in paragraph 12 of the NPPF is the starting point for decision making. Paragraph 213 of the NPPF does, however, advise that the weight given to Local Plan policies depends on their degree of consistency with the NPPF.

7.3 The Draft Northumberland Local Plan has been published. In line with paragraph 48 of the NPPF, the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF. At this stage some weight can be given to the emerging Local Plan policies.

7.4 The site is located outside the village of Allendale in the open countryside where Core Strategy Policy GD1 limits development to the re-use of existing buildings only.

7.5 Core Strategy Policy EDT1 sets out the principles for tourism including recognising its importance and allowing new tourist development where appropriate in order to increase the range, quality and type of facilities available to tourists. Tynedale Local Plan Policy TM6 states that special consideration will be given to proposals for tourism development within the North Pennines AONB to ensure that its scenic quality is maintained. Development will only be allowed if it does not detract from the landscape quality and wildlife value of the AONB and is in keeping with the upland rural character of the area; and does not conflict with the quiet enjoyment of the countryside. This will be explored further below. The Tynedale Local Plan will only grant planning permission for self-catering tourist accommodation subject to a condition ensuring that the property is not used as a full-time residence as outlined in Local Plan Policy TM15.

7.6 In terms of the Allendale Neighbourhood Plan, Policy ANDP1 states that planning permission will be granted for development at a scale and in locations where the development would support and maintain the continued sustainability and viability of communities including by providing tourism related development and tourist accommodation. This policy states that the development should be located so that it does not significantly and adversely affect the amenity of nearby residents or other sensitive land uses; and the character and appearance of the settlement or area in which it is located. Policy ANDP5 states that the construction of new permanent buildings for overnight tourist accommodation will be only be permitted within or adjoining existing settlements. Likewise, the Draft Local Plan in Policy ECN 15 states that in rural locations, outside the settlement boundaries and/or built-up

areas of main towns, service centres or service villages, the development of new build, permanent buildings for holiday accommodation of any sort should be small scale and form part of a recognised village or hamlet.

7.7 It is acknowledged that the proposal for tourism development is very close to the centre of the town of Allendale but it is outside the built form of the town in a field with no previous development. Despite the overall views of Allendale Parish Council, it is considered that the location is not in keeping with the character and appearance of the area and in this respect a tourism use is not appropriate and would not accord with Policies ANDP 1 and ANDP 5, Core Strategy Policy GD1, Tynedale Local Plan Policy TM6 and Draft Local Plan Policy ECN 15.

Design and impact on the landscape and the North Pennines AONB

7.8 The holiday let is proposed to be built with solid oak cladding and a reclaimed slate roof, with six rooflights on the front elevation, and would be constructed on a grey coloured steel framework built into the slope of the land. The building would have a balcony to the front (north) with a glass balustrade. A separate building to the rear would house a boiler and waste storage area. The drawings which are of a rudimentary nature provide no detail of the design and there have been no images provided as recommended by the North Pennines AONB Partnership to assess the impact of the development on visual amenity, landscape and character.

7.9 The development, including proposed footpaths and landscaping would be in a prominent location, visible from the Public Right of Way and across the valley where the cricket ground is located. The site is outside the current built form of Allendale and as such it would appear alien and out of character with this location. The topography of the site would require extensive remodelling and engineering to make this steep site accessible to visitors. Part of the site is also designated as Protected Open Space within the Draft Local Plan where Policy INF 5 states that development which would result in the loss of open space that contributes to the character and visual amenity of an area will not be supported unless it can be demonstrated that the benefits of development clearly outweigh the loss.

7.10 Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Core Strategy Policy NE1 seeks to protect and enhance the character and quality of the landscape and to give specific protection to the landscape quality of the North Pennines AONB. Local Plan Policy NE15 states that development within or adjacent to the AONB which adversely affects its special scenic quality will not be permitted. This is mirrored in Allendale Neighbourhood Plan Policy ANDP1 which states that all development shall be designed and located to ensure that it does not significantly and adversely affect the character and appearance of the settlement and landscape of the North Pennines AONB. Policy ENV6 of the emerging Local Plan says that when assessing development proposals in the AONB, considerations will include the openness of the landscape and its sensitivity to development, and that small scale development will be supported where it does not impact on the AONBs special qualities.

7.11 The front elevation of the building would largely be glazed, including a glass balustrade and six rooflights. The introduction of a glass balustrade and grey coloured steel stilts in this rural setting would appear alien and incongruous. Policy

ANDP 1 states that development that significantly and adversely affects the landscape character, appearance, tranquillity and dark skies of the North Pennines AONB will not be permitted. The construction of this building, even if conditions are attached in relation to external lighting, would have large areas of glazing which would introduce a visible and lit structure in an area of countryside, where no development currently exists. It is considered that the overall design of the building including the use of non-traditional materials such as a glass balustrade and metal framework are not appropriate and the development would have a detrimental impact on the character of the landscape and of the AONB in this location contrary to Policy ANDP 1, Tynedale Core Strategy Policy NE1, Local Plan Policies GD2 and NE15, Draft Local Plan Policy ENV 6 and the NPPF.

Impact on the Allendale Conservation Area

7.12 The site adjoins the north-west boundary of the Allendale Conservation Area. The site is important as part of a green buffer that runs between the built environment of the town on the top of the slope and the river Allen below. The Conservation Officer has assessed the application and has commented that the building is proposed to be built on a grassy slope which rises up from the river bank towards the town, which is an open field and provides an attractive setting to the Conservation Area. The Officer has commented that a number of trees on the slope have been recently felled which has had a detrimental impact on the attractive rural setting of the Conservation Area. The Officer goes on to say that the development of a single storey lodge, with its tall pitched roof, set up on a metal frame would destroy the currently open and undeveloped form of the site and would harm the existing landscaped setting of the Allendale Conservation Area.

7.13 Paragraph 194 of the NPPF states that any harm to the significance of a heritage asset, including development within its setting, would require clear and convincing justification and no justification has been provided. The Conservation Officer considers that the proposal would lead to less than substantial harm to the heritage asset, and as outlined in paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal. No justification of public benefit has been put forward by the applicant. It is considered that the development would harm the setting of the Allendale Conservation Area and would not accord with Policy ANDP 1, Core Strategy Policy BE1, Local Plan Policy BE18, Draft Local Plan Policies ENV 6, ENV 7 and ENV 9 and the NPPF.

Impact on Public Right of Way

7.14 The proposal intends using a public footpath, Parish of Allendale Public Footpath No. 141 to access the site. The Rights of Way team have been consulted on the application and has no objection as long as there is no disturbance to the footpath. Subject to this, the application would accord with Local Plan Policies LR19 and TP27.

Access and parking

7.15 The site would be accessed along a Public Right of Way with no vehicular access to the site. The applicant has proposed that the parking would be provided in public spaces within the Market Place. The Highway Authority has commented that it is proposed to provide two car parking spaces, but there are concerns about the

deliverability of the car parking as it is located within the Market Place of Allendale and no relevant ownership certificates have been signed. In addition, if cars were to park adjacent to The Peth, there would be highway concerns as there is a bend in the road. The Highway Authority has asked for additional information in relation to the deliverability of car parking for the site; details of cycle parking; and further details for the disposal and collection of waste. In this respect the application would not accord with Local Plan Policies GD4 and GD6 and the NPPF.

Impact on the ecology of the site

7.16 A Preliminary Ecological Assessment has been submitted with the application. Notwithstanding that the applicant has already cut down a significant number of trees on the site to facilitate the development, it is proposed to provide ecological enhancement in terms of planting further trees, introducing wild flowers and digging a pond. The County Ecologist has assessed the application and has no objection subject to a relevant condition. The application would accord with Local Plan Policy NE27, Draft Local Plan Policy ENV 2 and the NPPF.

Impact on residential amenity

7.17 The scale of the development and its location outside the centre of Allendale is such that it is considered that it would not have a detrimental impact on adjoining residential amenity and in this respect it would accord with Local Plan Policy GD2.

Flood risk

7.18 The application only provides an evacuation plan if flooding was to take place. Although it is acknowledged that the flood risk is at the lower part of the site, where the access would be, rather than where the holiday accommodation is located, the flood risk is not adequate for the purposes of the application and would not accord with Core Strategy Policy GD5.

Provision of utilities

7.19 The applicant has stated that the development would be connected to the mains sewer but a connection to mains water would be required. Northumbrian Water has been consulted and has commented that the developer should develop their surface water drainage solution, in order of priority: discharge into ground (infiltration); discharge to a surface water body; discharge to a surface water sewer, highway drain or another drainage system and as a last resort, discharge to a combined sewer. It is considered that based on the information submitted that the application would accord with Local Plan Policy CS27.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

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

8. Conclusion

8.1 The application has been assessed against national and local planning policy as outlined above. It is considered that the site is not appropriate for the location of tourism accommodation and the design would have a detrimental impact on the character of the landscape and the AONB and the adjoining Allendale Conservation Area. There is inadequate information in relation to parking, cycle and refuse storage and flood risk.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reason

1 The location of the proposal, outside the defined settlement of Allendale, is in an inappropriate location for tourism contrary to Policies ANDP 1 and ANDP 5, Core Strategy Policy GD1 and Tynedale Local Plan Policy TM6.

2 It is considered that the overall design of the building, including the use of non-traditional materials, within a sensitive location would have a detrimental impact on the character of the landscape and the AONB contrary to Policy ANDP 1, Tynedale Core Strategy Policy NE1, Local Plan Policies GD2 and NE15 and the NPPF.

3 The application would harm the setting of the Allendale Conservation Area without adequate justification or public benefit and would not accord with Policy ANDP 1, Core Strategy Policy BE1, Local Plan Policy BE18 and the NPPF.

4 The deliverability of car parking and cycle parking for the site has not been assured contrary to Local Plan Policies GD4 and GD6 and the NPPF.

5 The flood risk assessment is not adequate for the purposes of the application and would not accord with Core Strategy Policy GD5.

6 The applicant has failed to submit appropriate plans to accompany the application. The plans submitted with the application are not sufficiently adequate to accurately show what proposed on site and would be difficult to enforce.

Date of Report: 24 July 2019

Background Papers: Planning application file(s) 19/01401/FUL