



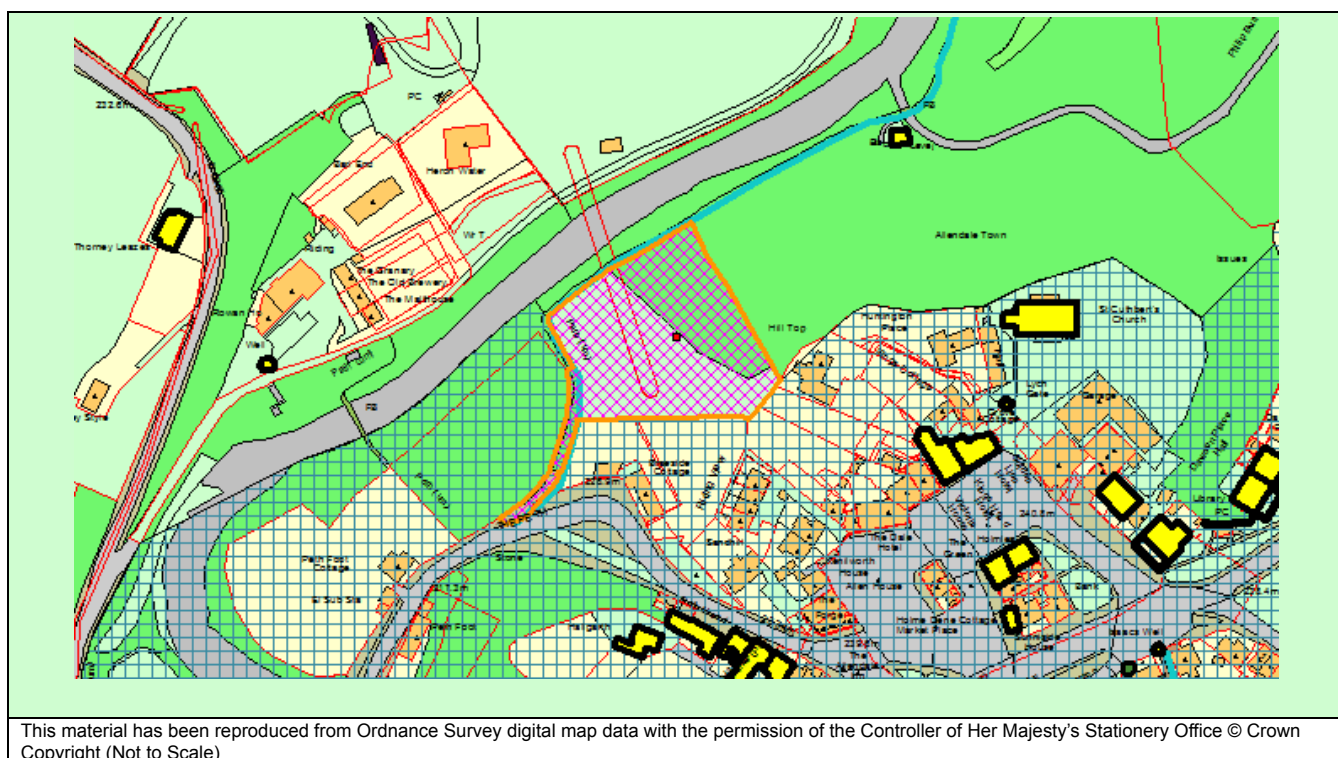
Northumberland

County Council

Local Area Committee – Tynedale : 12 November 2019

Application No:	19/01401/FUL		
Proposal:	Construction of 2 bedroom single storey holiday let accommodation, separate boiler house and construction of footpaths (amended description)		
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



1. Introduction

1.1 This application was presented and discussed at the Tynedale Local Area Committee on 13 August 2019. Members resolved that the application was deferred so that a site visit could be undertaken, detailed plans and visuals and a flood risk assessment submitted, and that further consultation with the North Pennines AONB and the LLFA was made.

1.2 The application was originally brought to committee as there is a recommendation for refusal contrary to the views of a Parish Council where there is a made Neighbourhood Plan in place.

2. Description of the Proposals

2.1 Planning permission is sought to construct a single storey holiday let, a separate boiler house and the construction of pathways 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. From the bottom of the slope to the apex of the roof, the building would be some 8.2 metres in height.

2.2 As presented to the August committee, the previous plans showed a building measuring 12.7 metres by 7.7 metres in size with a porch to the rear. The application form states that the internal floor space would be 75m². The building as shown on the resubmitted plans has increased the size to some 14.5 metres by 7 metres, plus a further 3 metres in depth for the balcony to the front, giving an internal floorspace of some 101m². The building would have a reclaimed slate roof 4.6 metres in height. The front elevation of the building would have large areas of glazing, and would have six rooflights. The balcony would have 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, cycle and waste storage area. This building has also increased from the previous plans and would be 4 by 3 metres in size. It would be constructed of timber with a slate roof and includes a rooflight.

2.3 The site, which is located in a large field, would be reached by a public right of way from The Peth. The proposal also includes footpaths with handrails which have already been built into the steep slope to reach the site. There would be no vehicular access.

2.4 The site is within a grass field located adjacent to a 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.

2.5 Submitted with the application were the following documents:

- Preliminary Ecological Assessment (amended June 2019)

- Heritage Statement
- Flood Risk Statement
- Photomontage

3. Planning History

None

4. Consultee Responses

Allendale Parish Council	Support the application.
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 no designated parking for the development
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 but flood risk assessment not required.
North Pennines AONB	No objection subject to further details.
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. Consultation on the amended plans is due to expire prior to the committee and Members will be updated on any additional representations received.

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

LR3 Protection of open space facilities

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 and is being examined. 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, but on the edge of the village of Allendale in the open countryside where Core Strategy Policy GD1 limits development to the re-use of existing buildings only.

Principle of development: tourism

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. In addition Core Strategy Policy EDT4 permits small scale new build tourism development in the open countryside.

7.6 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, as outlined in Local Plan Policy TM15, 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.

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 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. Allendale Parish Council supports the development. The construction of a self-catering holiday unit would accord in principle with Core Strategy Policies EDT1 and EDT4 and with Allendale Neighbourhood Plan Policy ANDP 5 as long as the proposal can be adequately and effectively screened; and it conforms to criteria set out in policy ANDP1. This will be explored further below.

Principle of development: open space

7.8 Since the application was last considered by the committee, further consultation has been made with the Planning Policy team. Tynedale Core Strategy Policy GD2 defines strategic green spaces and one of these spaces overlaps into the application site. These open spaces were designated as they are considered as an important element of the character and appearance of the area and contribute positively to cultural heritage, the health and wellbeing of the local community and the general quality of life. They are seen as important to visual amenity, provide opportunities for informal recreation and wildlife habitats and contribute to natural drainage and surface water run off.

7.9 The open space that overlaps into the application site and in which the holiday let is located, is regarded as significant in terms of its size, function and location in relation to the residential areas of the town of Allendale.

7.10 This designation is continued in the emerging Northumberland Local Plan as Policy INF 5. This policy states that any loss of protected open space would only be acceptable if suitably replaced or if an excess of provision were to be demonstrated. Tynedale Local Plan Policy LR3 only allows for loss of open space if a more effective use of existing recreational land would result or equivalent replacement land is identified. It is therefore considered that the protected open space would be eroded by the development and that the loss of this has not been sufficiently justified and or compensated contrary to Core Strategy Policy GD2 and Local Plan Policy LR3.

Design and impact on the landscape and the North Pennines AONB

7.11 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) and sides with a glass balustrade. A separate building to the rear would house a boiler, with utility and cycle storage. Detailed elevations have now been submitted, plus a section through the site and a photomontage showing the development from two locations

7.12 The development would be in a prominent location, visible from the Public Right of Way and across the valley where the cricket ground is located. The footpath zig-zagging from the top of the site with its wooden handrail, which has already been constructed, is now prominently visible from both the Public Right of Way and from across the valley in the direction of the cricket ground. The site is outside the current built form of Allendale and as such it would appear alien and out of character with this location and would introduce development where none currently exists. The

topography of the site would require remodelling and engineering to make this steep site accessible and capable of constructing the building. Although the applicant intends to plant trees to create natural screening, as the building would be some 8.2 metres in height, it would take a considerable time for these to grow to a height which would screen the building, particularly through the use of native species, appropriate to the site. Adequate and effective screening is required under Allendale Policy ANDP 5.

7.13 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. The North Pennines AONB Partnership has no objection to the application subject to further details in relation to design, materials, screening and ecological enhancement.

7.14 The front elevation of the proposed 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 all development should not significantly and adversely affect the character and appearance of the settlement or area in which it is located. 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 and appearance of the landscape in this location and create an urbanising effect which would erode the special scenic quality of the AONB in this location contrary to Draft Local Plan Policy ENV 6, Tynedale Core Strategy Policy NE1 and Local Plan Policy GD2. It was also fail to satisfy Neighbourhood Plan policy ANDP 5 in the respect that it could not be adequately and effectively screened.

Impact on the Allendale Conservation Area

7.15 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 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.

7.16 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 or 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 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

7.17 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

7.18 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 within this location 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 and it is unsuitable for parking. Cycle parking and details relating to waste storage have been provided and the Highway Authority has no concerns regarding these elements of the proposal.

7.19 Although submissions have been made to the Local Planning Authority that other properties and visitors park in the Allendale Market Place, and this is acknowledged, this is an application for a new development which has a requirement for parking to be provided, and as such this requirement has not been satisfied in accordance with Local Plan Policies GD4 and GD6 and the NPPF.

Impact on the ecology of the site

7.20 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

7.21 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

7.22 The site is in flood zone 2. There was discussion at the August committee regarding the lack of a flood risk assessment and that there had been no input from the LLFA. Confirmation has now been made with the LLFA that as only the bottom part of the site is within flood zone 2, and that as the building can be accessed outside the flood zones, a flood risk assessment would not be required. In this respect the application would accord with Core Strategy Policy GD5.

Provision of utilities

7.23 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 does not object but 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 could 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 development of this site for tourism accommodation would not accord with policy as it would be located on designated open space which has not been justified, and that the design of the development in this location is not appropriate and would have a detrimental impact on the character of the landscape and the adjoining Allendale Conservation Area. In addition, the provision of car parking for the development has not been adequately addressed.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reason

1 It is considered that the overall design of the building within a sensitive location would result in a development that is out of character with the area and the landscape and would erode the special scenic quality of the AONB in this location contrary to Tynedale Core Strategy Policy NE1, Local Plan Policy GD2 and the NPPF.

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

3 The deliverability of car parking for the site has not been demonstrated and the proposals are therefore contrary to Local Plan Policies GD4 and GD6 and the NPPF.

4 The open space that extends into the application site and in which the holiday let is located, is regarded as significant in terms of its size, function and location in relation to the town of Allendale. This protected open space would be eroded by the proposal and the loss of this has not been sufficiently justified and or compensated contrary to Core Strategy Policy GD2 and Local Plan Policy LR3.

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