



Northumberland

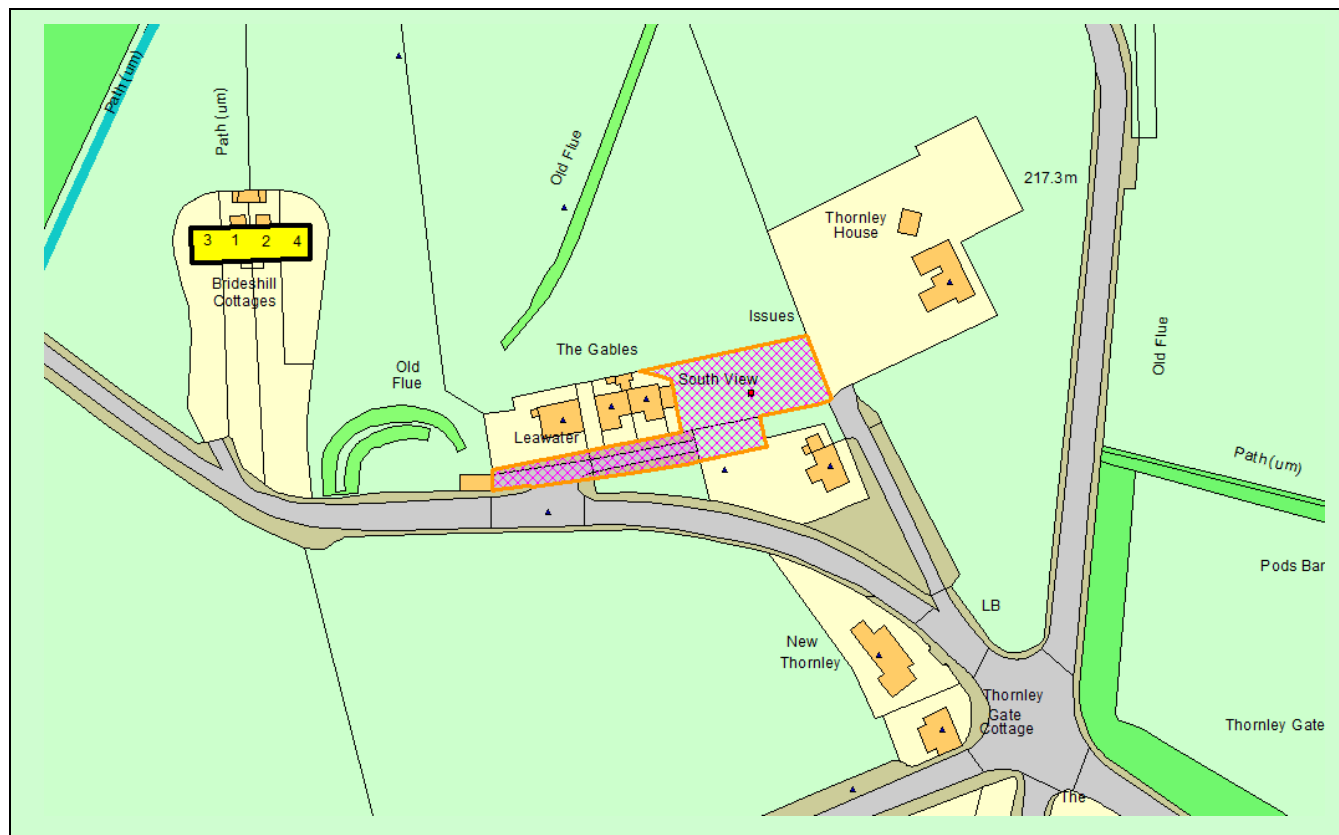
County Council

Tynedale Local Area Council Planning Committee

10 December 2019

Application No:	19/01950/FUL		
Proposal:	Creation of a pair of semi-detached dwellings including attached garages.		
Site Address	Land East of South View, Thornley Gate, Allendale, Northumberland		
Applicant:	Mr David Fairlamb 71 Hotspur Street, Tynemouth, NE30 4EN	Agent:	Miss Amy Sleight Unit 2, Bewick House, Horsley Business Centre, Horsley, Northumberland, NE15 0NY
Ward	South Tynedale	Parish	Allendale
Valid Date:	2 July 2019	Expiry Date:	13 December 2019
Case Officer Details:	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 A relatively significant number of representations have been received in relation to this application. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Senior Planning Manager – Development Management and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the proposals

- 2.1 Planning permission is sought for the construction of two semi-detached dwellings with associated landscaping and car parking on land east of South View, Thornley Gate, Allendale.
- 2.2 The new dwellings would be two storey in height, with each dwelling comprising of four bedrooms at first floor level and living accommodation and integral single garage at ground floor level. The dwellings would be constructed of random rubble stone with stone quoin detailing and with a slate tiled roof and timber windows and doors.
- 2.3 Each unit would measure 12.7 metres in length by 9.1 metres in depth and each unit would have a height of 6 metres to the eaves and 9.7 metres to the ridge of the roof. The units would be constructed on land which generally slopes in a south-north direction and therefore the height measurements have been taken from the front, south elevations. As part of the application, the land surrounding the two dwellings, predominantly to the north, is proposed to be incorporated within the curtilage of the two dwellings and would provide amenity space.
- 2.4 Two car parking spaces would be provided to the south of the units. The proposed development would provide a total of two car parking spaces per unit when taking the integral single garages into consideration. The proposed development would be accessed from the C290 via a private access road. The proposed development would utilise an existing shared access point to the south west of the application site.
- 2.5 The application site is located within the small village of Thornley Gate, to the north west of the local centre of Allendale. The application site is within the North Pennines Area of Outstanding Natural Beauty (AONB) and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI). The application site is within 30 metres of a scheduled flue system associated with Allen Smelt Mills and is within 100 metres of nearby listed buildings, known as Brides Hill Cottages.
- 2.6 Amended plans have been submitted to address the case officer and Highway Development Management Officer's concerns. The amended plans have altered the car parking and have increased the amount of amenity space per unit. A Phase 1 Preliminary Contamination Risk Assessment has also been submitted to accompany the application and to address the Council's Public Protection team's initial concerns. The issue of land ownership was raised through a representation

that was received from the neighbouring property. The applicant has since correctly served notice on the neighbouring property.

3. Planning History

3.1 No planning history.

4. Consultee Responses

North Pennines AONB	No response received.
Allendale Parish Council	Allendale Parish Council unanimously agreed to support the application that is in keeping with Allendale Neighbourhood Development Plan (ANDP) Policy 2: Scale of Housing Development.
Highways	No objection subject to conditions and informatives.
Northumbrian Water Ltd	Northumbrian Water actively promotes sustainable surface water management.
Building Conservation	No response received.
Public Protection	No objection subject to conditions and informatives.
County Ecologist	No objection subject to conditions and informatives.
County Archaeologist	No objection from an archaeological perspective and no archaeological work would be required in this particular instance.
Lead Local Flood Authority (LLFA)	No comment. Recommended informative.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	15
Number of Support	0
Number of General Comments	0

Notices

Site notice affecting the setting of a Listed Building – Displayed on 5th July 2019
Press notice in Hexham Courant – Published on 11th July 2019

Summary of Responses:

15 representations of objection have been received in relation to this application. The objections raise concerns on the following issues:

- Land ownership;
- Right of access;
- Highway safety;
- Access and car parking;
- Traffic;
- Misleading plans;
- Impact of the proposed development upon the residential amenity and privacy of neighbouring properties;
- Sewerage and drainage;
- Allendale Parish Council have not followed the correct procedure prior to their consideration of the application;
- The proposal does not meet local housing requirements;
- Impact of the proposed development on local wildlife;
- Protection of the Sycamore tree at the eastern boundary of the site;
- Impact of the proposed development upon the North Pennines AONB and visual amenity;
- Previous refusal of outline planning application for one dwelling and garage at nearby site (application reference: T/89/E/138);
- Scale of the development;
- Description of the development as two semi-detached dwellings;
- Limited outdoor space provided by the proposed development;
- The proposal would set a precedent in Thornley Gate for future development.

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=PT93CNQSGPP00>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (2015)

Policy ANDP 1 – General Development Principles

Policy ANDP 2 – Scale of Housing Development

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment

Policy GD1 – The General Location of Development

Policy GD2 – Prioritising Sites for Development

Policy GD4 – Principles for Transport and Accessibility

Policy H1 – Principles for Housing

Policy H3 – The Location of New Housing

Policy H4 – Housing on Green Field Land

Policy NE1 – Principles for the Natural Environment

Tynedale District Local Plan (2000)

Policy BE22 – The Setting of Listed Buildings

Policy BE25 – Preservation of Scheduled Ancient Monuments, Nationally Important Sites and Settings

Policy CS23 – Development on Contaminated Land

Policy CS27 – Sewerage

Policy GD2 – Design Criteria for Development

Policy GD4 – Range of Transport Provision for all Development

Policy GD6 – Car Parking Standards outside the built-up areas

Policy H32 – Residential Design Criteria

Policy NE15 – Development in the North Pennines AONB

Policy NE27 – Protection of Protected Species

Policy NE37 – Landscaping in Developments

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) and Proposed Minor Modifications, submitted on 29 May 2019

Policy ENV 2 – Biodiversity and Geodiversity

Policy ENV 3 – Landscape

Policy ENV 6 – North Pennines Area of Outstanding Natural Beauty

Policy ENV 7 – Historic Environment and Heritage Assets

Policy HOU 2 – Provision of New Residential Development (Strategic Policy)

Policy HOU 3 – Housing Requirements for Neighbourhood Plan Areas (Strategic Policy)

Policy HOU 9 – Residential Development Management

Policy POL 1 – Unstable and Contaminated Land

Policy QOP 1 – Design Principles (Strategic Policy)

Policy QOP 2 – Good Design and Amenity

Policy QOP 4 – Landscaping and Trees

Policy QOP 6 – Delivering Well-Designed Places

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 TRA 1 – Promoting Sustainable Connections (Strategic Policy)

Policy TRA 2 – The Effects of Development on the Transport Network

Policy TRA 4 – Parking Provision in New Development

Policy WAT 2 – Water Supply and Sewerage

Policy WAT 4 – Sustainable Drainage Systems

North Pennines AONB Building Design Guide (2011)

7. Appraisal

7.1 The main considerations in the determination of this application are:

- Principle of the development;
- Design and impact upon the North Pennines AONB;
- Impact upon residential amenity;
- Heritage impact;
- Highway safety and car parking;
- Ecology;
- Contamination;
- Drainage and sewerage; and
- Other matters.

Principle of the Development

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. In this case, the relevant development plans for this application are the Tynedale LDF Core Strategy (2007) and the Tynedale District Local Plan (2000) and the proposed works shall be considered in the light of the saved policies of these documents.

7.3 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29th May 2019. In accordance with Paragraph 48 of the NPPF; the policies contained within this document at this stage carry some weight in the assessment of planning applications.

7.4 As a starting point, Policy ANDP 2 of the Allendale Neighbourhood Development Plan relates to the scale of housing development. Policy ANDP 2 states *“planning permission will be granted for individual dwellings and small scale housing development schemes, including affordable housing, that contribute to meeting the objectively assessed housing needs of the Parish as:*

- *Set out in the statutory Development Plan, taking account of the fact that Allendale is the main settlement in the parish; and*
- *Supplemented, as necessary, through up to date housing needs surveys.”*

Policy ANDP 2 follows on to state that *“housing development will be required to:*

- (a) Be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting;*
- (b) Not result in an adverse impact on the amenity of any existing neighbours, including businesses; and*

(c) Not otherwise adversely impact sensitive land uses”.

7.5 Policy GD1 of the Tynedale LDF Core Strategy establishes a settlement hierarchy and spatial distribution aims for new development. Thornley Gate is identified as a smaller village within Policy GD1 of the Tynedale LDF Core Strategy. Policy GD1 states only small scale development is acceptable in smaller villages unless otherwise allowed under alternative policies in the development plan. The policy follows on to state that *“in all cases the scale and nature of the development should respect the character of the town or village concerned”*.

7.6 Policy GD2 of the Tynedale LDF Core Strategy relates to prioritising sites for development. This policy sets out a sequential approach to site selection. Policy GD2 states *“when meeting development needs sites will be prioritised in the following order:*

- (i) Previously developed land and buildings within the built up area of settlements;*
- (ii) Other suitable sites within the built up area of settlements;*
- (iii) Other suitable sites adjoining the built up area of settlements”.*

7.7 Policy H1 of the Tynedale LDF Core Strategy establishes the principles for housing, which includes limiting new build housing to main towns, local centres and smaller villages with adequate services. Similarly, Policy H3 of the Tynedale LDF Core Strategy states that new build housing will only be located in main towns, local centres and smaller villages with adequate services. Policy H3 follows on to state that *“a smaller village will be regarded as having adequate services if, within it, there is at least:*

- A school or a shop selling food to meet day-to-day needs and either;*
- A village hall/community centre or a pub”.*

7.8 Policy H4 of the Tynedale LDF Core Strategy relates to housing on green field land. This policy states *“the proportion of new housing on previously developed land will be maximised and housing development on green field sites will not be permitted unless:*

- All of the dwellings are affordable, they would meet an identified local need for such housing and there is a lack of alternative previously developed sites; or*
- The site is allocated for housing in the Site Allocations Development Plan Document”.*

7.9 Paragraph 78 of the NPPF states *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.*

7.10 Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) does not specifically refer to Thornley Gate, however, criterion e. states that *“in order to support the social and economic vitality of rural areas, and recognising that development in one village can support services in a nearby village, small scale sustainable development within, or immediately adjacent to the continuous built form of settlements not listed in this policy, will be supported if it:*

- i. Retains the core shape and form of the settlement; and*
- ii. Does not adversely impact upon the character and appearance of the settlement, the rural setting of the settlement or the surrounding countryside; and*
- iii. Does not increase the number of dwellings in the settlement over the plan period by more than 10%”.*

7.11 The Allendale Neighbourhood Development Plan adopts a less restrictive approach than the Tynedale LDF Core Strategy and the Tynedale District Local Plan and generally directs development to settlements, however, housing policies within the Plan focus more intently on the type of housing development required in Allendale Parish. Policy ANDP 2 of the Allendale Neighbourhood Development Plan is supportive of small scale housing schemes that appear as natural or organic additions which might normally be expected to have occurred over time rather than as larger new streets or estates of housing. It is considered that the two proposed dwellings would constitute a small addition, completing the linear pattern of development along the private access road to the north of the C290. The development would provide a modest contribution towards the supply of housing more generally in Northumberland, and also towards local housing need in Allendale Parish in accordance with Policy ANDP 2 of the Allendale Neighbourhood Plan and Policy HOU 3 of the Northumberland Local Plan (Publication Draft Plan).

7.12 The application site is a green field site, and as such the development of this site would not accord with Policies GD2 and H4 of the Tynedale LDF Core Strategy, as set out above. Weight should, however, also be given to the NPPF which is a material planning consideration in the determination of this application. The NPPF has made a number of changes to national policy including there no longer being a requirement to seek sequentially preferable sites, to boost significantly the supply of housing and a presumption in favour of sustainable development. As such, whilst it is acknowledged that the site is a green field one and which is not sequentially preferable to previously developed sites, it is considered in this instance that there would be no requirement for a sequential test to be carried out and a departure from Policies GD2 and H4 of the Tynedale LDF Core Strategy is therefore acceptable.

7.13 The proposal is for the construction of two semi-detached dwellings with associated landscaping and car parking within the village of Thornley Gate. Thornley Gate is identified as a smaller village within Policy GD1 of the Tynedale LDF Core Strategy; however, it does not have any community services or facilities such as a village hall/community centre, public house, school or local shop to meet day-to-day needs. The village of Thornley Gate is characterised by a small number of residential dwellings clustered around the Five Lane End

crossroads. Therefore, the proposal would be contrary to Policies H1 and H3 of the Tynedale LDF Core Strategy, as set out above, as a result of its lack of adequate services but it is not considered that this policy is in line with the aims of the NPPF and the more up to date Allendale Neighbourhood Plan .

7.14 The village of Thornley Gate is located within close proximity (approximately 0.5 miles) to Allendale, which is identified as a local centre within Policy GD1 of the Tynedale LDF Core Strategy. A footpath along the B6295 connects the Five Lane End crossroads, which acts as a central point within the village of Thornley Gate, to the centre of Allendale. Therefore, the presence of a connecting footpath, combined with the modest walking distance to Allendale, would result in the proposed development within the village of Thornley Gate supporting the community services and facilities in Allendale in accordance with Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) and Paragraph 78 of the NPPF. It is acknowledged that the local centre of Allendale has adequate services such as public houses, a school and local shops, which could serve, and be supported by, the proposed dwellings. There is also a local and regular bus service to the main town of Hexham from Allendale, which has a wider range of services and which the proposed dwellings could utilise.

7.15 The principle of the development is acceptable in accordance with Policy ANDP 2 of the Allendale Neighbourhood Development Plan and Paragraph 78 of the NPPF as the proposal would support the community services and facilities in the nearby local centre of Allendale and would provide a modest contribution towards local housing need in Allendale Parish. The proposal would result in a departure from Policies GD2 and H4 of the Tynedale LDF Core Strategy because the application site is green field land, however, this departure is considered to be acceptable under the principles of the NPPF, which are a material planning consideration. Although the proposal would also be contrary to Policies H1 and H3 of the Tynedale LDF Core Strategy as a result of a lack of adequate services within the village of Thornley Gate, the proposed development would adhere to the emerging Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan). Overall, the proposal comprising of the construction of two dwellings with associated landscaping and car parking in the small village of Thornley Gate, is considered to be acceptable as a matter of principle.

Design and Impact upon the North Pennines AONB

7.16 Policy ANDP 1 of the Allendale Neighbourhood Development Plan sets out the general principles for development and states that *“all development shall avoid harm to the significance of social, built, historic, cultural and natural heritage assets of the Parish”*.

7.17 Policy ANDP 2 of the Allendale Neighbourhood Development Plan sets out that housing developments should *“be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting”*.

7.18 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states *“good design is a key aspect of sustainable*

development, creates better places in which to live and work and helps make development acceptable to communities”.

- 7.19 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the principles set out within Policy BE1 seeks to *“ensure that development is of a high quality design that will maintain and enhance the distinctive local character of the District’s towns, villages and countryside”.*
- 7.20 Policy GD2 of the Tynedale District Local Plan sets out the design criteria which must be met by all types of development. One of the criteria set out within Policy GD2 states the design of proposed development *“should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas”.*
- 7.21 Policy H32 of the Tynedale District Local Plan establishes the private outdoor amenity space requirements and also sets out a number of criteria which are aimed at ensuring that adequate privacy and outlook are provided for the occupants of the new dwellings.
- 7.22 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping.
- 7.23 Policy NE15 of the Tynedale District Local Plan relates to development in the North Pennines AONB. Policy NE15 states that *“development within or adjacent to the AONB which adversely affects the scenic quality of the AONB will not be permitted”.*
- 7.24 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *“makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography”.* Criterion (c) states proposed development should incorporate *“high quality aesthetics, materials and detailing”.*
- 7.25 Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy states *“development will be required to provide a high standard of amenity for existing and future users of the development itself”.*
- 7.26 Policy QOP 4 of the Northumberland Local Plan (Publication Draft Plan) relates to landscaping and trees. This policy states *“new development will be expected to incorporate well-designed landscaping”.*
- 7.27 Policy ENV 6 of the Northumberland Local Plan (Publication Draft Plan) relates to development within the North Pennines AONB. This policy states *“the special qualities of the North Pennines Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific guidance”.*

7.28 The North Pennines AONB Building Design Guide sets out principles for new buildings in the AONB. The guide states *“new building in the AONB should relate to the established character of the area in which it is to be located”*. The guide follows on to state *“whatever the type of development, the key to successful integration lies in the careful consideration of the characteristics of the surrounding landscape, the setting of the proposed building, the scale and massing of adjacent buildings and the general range of materials used in them”*.

7.29 The application site is located within an agricultural field to the east of three existing properties. These three existing properties are situated along a private access road from the C290 and are located within the small village of Thornley Gate. The existing dwellings within the Thornley Gate area are predominantly two storey and constructed of stone and slate. The proposed development would extend this linear row of built development in a sympathetic manner. It is considered that the proposed dwellings, which would be constructed of random rubble stone with stone quoin detailing and with a slate tiled roof, would not appear out of character in the wider street scene of Thornley Gate in terms of its design, scale and materials. It is also acknowledged that the design of the proposed dwellings would generally mirror the design of the adjacent semi-detached properties of South View and The Gables by utilising features such as bay windows and gable features to the principal elevations. Given this, it is considered that the proposed development would not adversely affect the scenic quality of the North Pennines AONB.

7.30 As part of the application, the land surrounding the new dwellings, predominantly to the north, is proposed to be incorporated within the curtilage of the dwelling and would provide amenity space. The proposed garden areas for each unit would provide modestly proportioned curtilages for the new dwellings. The proposed site plan has been amended to increase the amount of amenity space per unit and this has been achieved by extending the curtilage further north into the field, thus extending beyond the boundaries of the adjacent existing properties. This amendment is considered to be necessary to provide adequate amenity space for future occupiers. It is also considered to be necessary for permitted development rights for buildings and structures in the gardens of the dwellings to be removed to retain the open character and appearance of the area and also to retain the rural setting of Thornley Gate.

7.30 The design of the proposed development is considered to be acceptable and would accord with Policies ANDP 1 and ANDP 2 of the Allendale Neighbourhood Development Plan, Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32, NE15 and NE37 of the Tynedale District Local Plan, Policies ENV 6, QOP 1, QOP 2 and QOP 4 of the Northumberland Local Plan (Publication Draft Plan), and the principles of the North Pennines AONB Building Design Guide and the principles of the NPPF in this respect.

Impact upon Residential Amenity

7.31 Policy ANDP 1 of the Allendale Neighbourhood Development Plan relates to the principles for general development. Policy ANDP 1 seeks to ensure that development is located to ensure that it does not significantly and adversely affect the amenity of nearby residents or other sensitive land uses. Policy ANDP 2 of the Allendale Neighbourhood Development Plan, which relates to the scale

of housing development, requests that housing developments should not result in an adverse impact on the amenity of any existing neighbours, including businesses.

7.32 Policy H32 of the Tynedale District Local Plan seeks to ensure that the amenity of nearby residents is safeguarded and sets out a number of criteria which are aimed at ensuring that adequate privacy and outlook are maintained for the occupants of existing dwellings that adjoin development sites. Policy GD2 of the Tynedale District Local Plan states there should be *“no adverse effect on adjacent land or buildings in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy”*.

7.33 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development. One of the principles of this policy states that proposals will be supported where design *“protects general amenity”*. Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.

7.34 The proposed dwellings would have three immediate neighbouring dwellings; South View to the west, Thornley Lodge to the south east and Thornley House to the north east. These neighbouring dwellings would be situated between 5 metres and 40 metres from the proposed dwellings, with South View being the closest. There are no openings to the east, gable elevation of the main property of South View, however, there is one window opening to the east elevation of the rear extension at South View. The eastern elevation of South View faces towards the proposed development. The proposed unit furthest west and closest to South View would have three narrow windows to the west, gable elevation which would face towards South View. Two of these narrow windows would be at ground floor level and would serve the dining room and one of these narrow windows would be at first floor level and would serve the second bedroom. A condition is considered to be necessary to ensure that the window at first floor level to the western elevation of the proposed unit furthest west, which faces towards South View, is obscure glazed to ensure privacy for both occupiers. It is acknowledged that the existing property at South View is set further forward within its plot and would therefore be slightly forward of the proposed dwellings. Therefore, the proposed dwellings would be sited further north of South View, thus limiting its overall impact on the amenity of this neighbour.

7.35 To the south east a distance of approximately 17 metres would separate the principal elevations of the proposed units and the gable, side elevation of the property at Thornley Lodge. The proposed units, particularly the unit furthest east, would look towards the garden space of Thornley Lodge. The distance from the proposed units and the northern garden boundary of Thornley Gate is approximately 13 metres and this separation distance is considered to be acceptable. Also, it is acknowledged that the private access road lies between the proposed development and Thornley Lodge and is currently a partially grassed area of land.

7.36 To the north east a distance of approximately 40 metres would separate the eastern gable elevation of the proposed unit furthest east and the existing property at Thornley House. The vegetation at the eastern curtilage boundary

would partially screen the proposed development from Thornley House. Given the separation distances and subject to a condition requiring obscure glazing to the first floor windows on the west, side elevation of the proposed dwelling to the west, the proposals would not impact upon the residential amenity of the residents of immediate neighbouring properties in terms of loss of privacy, overbearing appearance and outlook. The proposal would therefore accord with Policies GD2 and H32 of the Tynedale District Local Plan, Policies QOP 1 and QOP 2 of the Northumberland Local Plan (Publication Draft Plan), Policies ANDP 1 and ANDP 2 of the Allendale Neighbourhood Development Plan and the aims of the NPPF in relation to impact upon residential amenity.

Heritage Impact

7.37 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a statutory duty upon local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.

7.38 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the criteria set out within Policy BE1 seeks to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas.

7.39 Policy BE22 of the Tynedale District Local Plan relates to the setting of listed buildings. This policy states *"proposals for development which would adversely affect the essential character or setting of a Listed Building will not be permitted"*. Policy BE22 follows on to list a number of criteria which must be met in order for development within the setting of a Listed Building to be considered acceptable.

7.40 Policy BE25 of the Tynedale District Local Plan relates to the preservation of Scheduled Ancient Monuments and their setting.

7.41 Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan) relates to the historic environment and heritage assets. Policy ENV 7 states that *"development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings"*.

7.42 Policy ANDP 1 of the Allendale Neighbourhood Development Plan sets out the general principles for development and states all development should avoid harm to the significance of social, built, historic, cultural and natural heritage assets of the Parish.

7.43 The nearest listed buildings to the application site are Brides Hill Cottages which are situated approximately 100 metres to the west of the application site. The proposal comprises of the construction of two semi-detached dwellings with associated landscaping and car parking on agricultural land to the south east of the property of South View at Thornley Gate. The two proposed dwellings would extend the linear form of the three existing residential properties (South View, The Gables and Leawater) at Thornley Gate which face onto a private access

road. On balance, it is considered that the proposed development would be unlikely to adversely impact upon the setting of the Listed Buildings due to the distances involved and also the careful siting and good design of the proposed dwellings.

7.44 The application site is located approximately 30 metres to the south east of the line of the scheduled flue system associated with Allen Smelt Mills. The Council's Archaeologist has been consulted on this application and has no objection from an archaeological perspective and therefore no archaeological work is required in this particular instance. The Council's Archaeologist concludes that the proposed development would not adversely impact on the setting of the scheduled monument of the Allen Smelt Mills flue system.

7.45 Overall, the application is regarded as being acceptable in accordance with Policy BE1 of the Tynedale LDF Core Strategy, Policies BE22 and BE25 of the Tynedale District Local Plan, Policy ENV 7 of the Northumberland Local Plan (Publication Draft Plan), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the aims of Chapter 16 of the NPPF in relation to heritage impact.

Highway Safety and Car Parking

7.46 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 for all types of development. Policy GD6 of the Tynedale District Local Plan relates to car parking standards outside of the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge.

7.47 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to all types of development affecting the transport network. Policy TRA 4 of the Northumberland Local Plan (Publication Draft Plan) relates to parking provision in new development.

7.48 The integral garages would provide one car parking space per unit and driveways, providing one car parking space per unit, would be constructed to the south of the units which are proposed to connect to the private access road. The proposed development would be accessed from the C290 via the existing shared access which currently serves three residential properties. Amended plans have been submitted to address the initial concerns raised by Highway Development Management.

7.49 The Council's Highway Development Management team has been consulted on this application and has no objection subject to conditions and informatives. The conditions relate to the implementation of the car parking area, the implementation of cycle parking, refuse storage and the submission of a Construction Method Statement. The proposed dwellings are to be accessed via a private access road with an existing junction to the adopted highway at the C290, therefore the impact of vehicular trips associated with an additional two dwellings is not expected to lead to an increased risk to road safety on the surrounding road network or lead to capacity issues.

- 7.50 The proposed site plan has been amended to increase the width of the driveways at each dwelling to accord with Northumberland County Council standards. The amended proposed site plan illustrates a 6.6 metres total width (3.3 metres per driveway) which is acceptable to allow the parking of a vehicle and entry to a dwelling. The Council's Highway Development Management team consider that the driveway length, inclusive of the existing private access road and entry radii into the driveways incorporates sufficient manoeuvrability space to accord with standards where 6 metres is required. The driveway layout is therefore considered to be acceptable.
- 7.51 Following the submission of amended plans, the proposed development now provides two car parking spaces per unit. It is acknowledged that this falls below the car parking requirements for 4/5 bedroom dwellings where three car parking spaces would be required per dwelling. The two dwellings would be accessed via a private access road and as such the Council's Highway Development Management team consider that in this particular instance there is no requirement to incorporate parking for visitors beyond the car parking spaces for the occupants of the residential dwellings. Therefore, the provision of two car parking spaces per unit is considered to be acceptable.
- 7.52 Subject to accordance with conditions, the proposed development is considered to be acceptable in highway terms. The proposals are considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in relation to highway safety.

Ecology

- 7.53 Policy NE1 of the Tynedale LDF Core Strategy relates to the principles for the natural environment. One of the criteria set out within Policy NE1 seeks to *"protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest"*. Policy NE27 of the Tynedale District Local Plan relates to the protection of protected species and states development which is likely to adversely affect protected species will only be permitted, if harm to the species can be avoided. Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity. A Preliminary Ecological Assessment has been submitted to accompany the application.
- 7.54 The Council's Ecologist has no objection to the application subject to the imposition of a condition to ensure mitigation and enhancement measures are adhered to. Subject to accordance with this condition, the application is considered to be acceptable in accordance with Policy NE1 of the Tynedale LDF Core Strategy, Policy NE27 of the Tynedale District Local Plan, Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

Contamination

7.55 Policy CS23 of the Tynedale District Local Plan sets out criteria which must be satisfied in relation to development on contaminated land. Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan) relates to unstable and contaminated land. A Phase 1 Preliminary Contamination Risk Assessment has been submitted to accompany the application and to address the Council's Public Protection team's initial concerns. The Council's Public Protection team has considered the information provided and have no objection to the application subject to conditions and informatives. The conditions relate to potentially contaminated land, unexpected contamination found during development, noisy working hours and construction delivery/collection hours. Subject to accordance with the recommended conditions, the proposed development is considered to be in accordance with Policy CS23 of the Tynedale District Local Plan and Policy POL 1 of the Northumberland Local Plan (Publication Draft Plan) in respect of contamination.

Drainage and Sewerage

7.56 Section 11 of the application form states that surface water drainage shall be disposed of by the mains sewer. Section 13 of the application form states that foul sewerage is also to be disposed of by mains sewer and therefore the proposed development would connect to the existing drainage system. Northumbrian Water has been consulted on this application and has advised that they actively promote sustainable surface water management. The Council's Lead Local Flood Authority (LLFA) have been consulted on this application and have no comment to make and recommend an informative regarding the surfacing of hardstanding areas. The proposed development is considered to be in accordance with Policy CS27 of the Tynedale District Local Plan and Policy WAT 2 of the Northumberland Local Plan (Publication Draft Plan).

Other Matters

7.57 Fifteen representations objecting to the application have been received and the comments have been summarised above (Section 5). These representations comment on issues such as the scale and design of the proposal, highway safety issues, sewerage and drainage, ecology and the impact upon residential amenity and the impact upon the North Pennines AONB. These issues have been addressed in the above paragraphs of this report (Section 7). One of the objections raises concerns regarding land ownership and states that the applicant does not own the access to the application site. The applicant has since correctly served notice on the neighbouring property who owns part of the access to the application site. One of the objections also raises concerns regarding rights of access. This is a civil matter and is not a material planning consideration. Also a few of the objections raised that planning permission was previously refused at a nearby site (which is to the south of the application site) for the construction of one dwelling (application reference: T/89/E/138). This application was an outline planning application and was determined in 1989. Both national and local planning policies have been significantly updated since 1989 and therefore the current application has been assessed against these up-to-date planning policies. It must also be noted that each application is assessed on its own merits.

Equality Duty

7.58 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

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

Human Rights Act Implications

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

7.61 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.

7.62 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 support the community services and facilities in the nearby local centre of Allendale and would provide a modest contribution towards local housing need in Allendale Parish. Overall, the proposal comprising of the construction of two dwellings with associated landscaping and car parking in the small village of Thornley Gate is considered

to be acceptable as a matter of principle, as despite being contrary to Policies H1 and H3 of the Tynedale LDF Core Strategy, the proposal constitutes an acceptable departure from Policies GD2 and H4 of the Tynedale LDF Core Strategy and would accord with other planning policies as set out below.

8.2 The proposal would accord with Policies BE1, GD4 and NE1 of the Tynedale LDF Core Strategy, Policies BE22, BE25, CS23, CS27, GD2, GD4, GD6, H32, NE15, NE27 and NE37 of the Tynedale District Local Plan, Policies ENV 2, ENV 3, ENV 6, ENV 7, HOU 2, HOU 3, HOU 9, POL 1, QOP 1, QOP 2, QOP 4, QOP 6, STP 1, STP 2, STP 3, TRA 1, TRA 2, TRA 4, WAT 2 and WAT 4 of the Northumberland Local Plan (Publication Draft Plan), Policies ANDP 1 and ANDP 2 of the Allendale Neighbourhood Development Plan, the principles of the North Pennines AONB Planning Guidelines, the principles of the North Pennines AONB Building Design Guide 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 be carried out in complete accordance with the approved plans. These plans are:

1. NEW SEMI-DETACHED DWELLINGS ELEVATIONS AS PROPOSED, Drawing No: DL(-)03-06 Rev. a (Date: 15.08.19) (Received on: 20/08/2019)
2. NEW SEMI-DETACHED DWELLINGS GROUND & FIRST FLOOR PLANS AS PROPOSED, Drawing No: DL(-)01-02 Rev. a (Date: 15.08.19) (Received on: 20/08/2019)
3. NEW SEMI-DETACHED DWELLINGS SITE PLAN AS PROPOSED, Drawing No: DL(9-)03 Rev. c (Date: 29.10.19) (Received on: 07/11/2019)
4. NEW SEMI-DETACHED DWELLINGS LOCATION PLAN AS EXISTING, Drawing No: L(9-)01 Rev. b (Date: 29.10.19) (Received on: 07/11/2019)
5. PRELIMINARY CONTAMINATION RISK ASSESSMENT FOR LAND WEST OF THORNLEY HOUSE, THORNLEY GATE, ALLENDALE produced by FWS Consultants Ltd (Date: August 2019) (Received on: 20/08/2019)
6. NEW DEVELOPMENT AT THORNLEY GATE, NEAR ALLENDALE PROPOSED DEVELOPMENT PRELIMINARY ECOLOGICAL ASSESSMENT produced by Ruth Hadden (Date: March 2019) (Received on: 18/06/2019)

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

03. Notwithstanding any description of the materials in the application, no development shall commence above damp proof course level until precise details including type and colour and finish, of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to, and approved in writing by, the Local Planning Authority. All materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy BE1 of the Tynedale LDF Core Strategy and Policy GD2 of the Tynedale District Local Plan.

04. Notwithstanding any description of the materials in the application, the windows and doors of the dwellings shall be timber with a painted finish.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy BE1 of the Tynedale LDF Core Strategy and Policy GD2 of the Tynedale District Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no building or structure placed within the residential curtilage of the dwellings hereby permitted unless an application for planning permission has first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To retain the rural setting of the settlement of Thornley Gate, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policies GD2 and NE15 of the Tynedale District Local Plan.

06. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD4 and GD6 of the Tynedale District Local Plan.

07. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD2 and GD4 of the Tynedale District Local Plan.

08. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD2 and GD4 of the Tynedale District Local Plan.

09. Development shall not commence until a Construction Method Statement, together with a supporting plan, 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 and plan shall, where applicable, provide for:

- i. Details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. Vehicle cleaning facilities;
- iii. The parking of vehicles of site operatives and visitors;
- iv. The loading and unloading of plant and materials;
- v. 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 Policy GD4 of the Tynedale LDF Core Strategy and Policies GD2 and GD4 of the Tynedale District Local Plan.

10. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to, and approved in writing by, the Local Planning Authority and until the measures approved in that scheme are implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

- (a) Further site investigations are recommended in the Preliminary Contamination Risk Assessment (produced by FWS Consultants Ltd, Report Reference: 3695OR01 (Revision Rev00) and dated 15/08/2019) and shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- (b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to, and approved in writing by, the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

- (c) Two full copies of a full closure (Verification Report) report shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risk to any future occupants, in accordance with Policy CS23 of the Tynedale District Local Plan.

11. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to, and approved in writing by, the Local Planning Authority. No building shall be occupied until a method statement has been submitted to, and approved in writing by, the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale District Local Plan.

12. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside of the following hours:

Monday to Friday – 08:00 to 18:00
Saturday – 08:00 to 13:00

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy GD2 of the Tynedale District Local Plan.

13. Deliveries to, and collections from the demolition and/or construction phase of the development shall only be permitted between the following hours:

Monday to Friday – 08:00 to 18:00
Saturday – 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy GD2 of the Tynedale District Local Plan.

14. No development shall be undertaken except in full accordance with the ecological mitigation and enhancement measures detailed in Section 8 *Recommendations* of the report entitled *New Development at Thornley Gate, Near Allendale, Proposed Development, Preliminary Ecological Assessment* (Ruth Hadden, March 2019) including but not restricted to:

- Provision of at least two integrated swift nest boxes;
- Provision of two eaves void bat roosts with gable vent access points, in which breathable roof membranes will not be used;
- Protection of all existing trees on the site and their root protection zones.

Reason: To protect features of ecological importance and provide ecological enhancement, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policy NE27 of the Tynedale District Local Plan.

15. The window shown on the west elevation at first floor level of the dwelling furthest west shall be obscure glazed to a minimum of level 2 on the Pilkington Scale (of obscurity), or other comparable scale, before the dwellings are occupied and shall be retained as such in perpetuity.

Reason: In the interests of the privacy of neighbouring properties, in accordance with Policies GD2 and H32 of the Tynedale District Local Plan.

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. In accordance with the Highways Act 1980, mud, debris or rubbish shall not be deposited on the highway.
3. For new individual properties, the following will be required to be provided:
 - 240 litre wheeled bin for residual refuse;
 - 240 litre wheeled bin for recycling.

Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme.

4. There shall be no burning of any materials associated with the construction phase on the site.
5. The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisers. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

6. There is a risk that bird nests will be damaged if vegetation is removed during the breeding season (typically mid-March to mid-August). All wild birds and active nests are protected and it is an offence to intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system and planning consent does not override the legislation relating to protected species and that they should be aware of this risk. Professional advice can be obtained from an Ecological Consultant, and a list of such consultants can be found on the website of the Chartered Institute of Ecology and Environmental Management (CIEEM) at: <http://www.cieem.net/members-directory>

7. Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:
 - Using gravel or a mainly green, vegetated area;
 - Directing water from an impermeable surface to a border rain garden or soakaway;
 - Using permeable block paving, porous asphalt/concrete.

Further information can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

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

Date of Report: 21.11.2019

Background Papers: Planning application file(s) 19/01950/FUL