



Northumberland County Council

Tynedale Local Area Council Planning Committee 10 December 2019

Application No:	19/01949/FUL		
Proposal:	Refurbishment and extension of an existing one storey agricultural building to form a single private dwelling-house		
Site Address	Land North West of Leawater, 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:	1 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 conversion and extension of an existing agricultural building to create one residential dwelling on land north west of Leawater, Allendale.

2.2 The existing agricultural building is single storey and is constructed of stone with a metal profiled roof. The application proposes to retain, convert and extend the existing building to provide one dwelling. The dwelling would have one bedroom with en-suite and an open plan kitchen/dining/living area. The proposed conversion would involve the installation of new timber windows and doors within the existing openings and would involve re-roofing the single storey structure with slate tiles.

2.3 The application proposes to extend the original building. The proposed single storey extension would project 3.7 metres from the south, side elevation of the existing building and would measure 4.2 metres in depth. The height of the proposed single storey extension would measure 2 metres to the eaves and 3.5 metres to the ridge of the pitched roof. The proposed single storey extension would be set down from the ridge of the roof of the existing building and would be set back from the east, principal elevation of the existing building. The proposed single storey side extension would be constructed of random rubble stone with quoin detailing and a slate tiled roof and timber windows and doors.

2.4 Car parking would be provided to the south of the unit, with the proposed development to be accessed from the C290 via a private, single access track. The proposed access track would measure approximately 100 metres in length and would wind through the field. A new vehicular access point would be created to the south west of the application site. As part of the application, the open land surrounding the building (land within the red line boundary on the proposed plans) is proposed to be incorporated within the curtilage of the dwelling, amounting to a change of use of the land to residential use. The application also proposes to install a sewage treatment plant to the south east of the application site and to install a ground source heat pump to the north of the application site to provide domestic hot water and central heating for the new dwelling. The proposal also includes the construction of a terraced area with stone retaining walls to the east and south of the proposed dwelling.

2.5 The application site is located within the open countryside to the north of the village of Thornley Gate. 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 70 metres of a scheduled flue system associated with Allen Smelt Mills and is within approximately 40 metres of nearby listed buildings, known as Brides Hill Cottages. Also, a Public Right of Way runs to the west of the application site.

2.6 Amended plans have been submitted to reduced the scale of the single storey side extension. Automatic Traffic Counter (ATC) Survey results have been submitted to accompany the application and to address the Council's Highway Development Management team's concerns regarding the safety of the proposed vehicular access point.

3. Planning History

3.1 No planning history.

4. Consultee Responses

Building Conservation	Concerns are expressed regarding the size and scale of the proposed dwelling and its impact upon the setting of the listed former school house. Concerns are also expressed regarding the impact of the proposed access road on the setting of these important listed buildings.
Countryside/ Rights Of Way	No objection subject to the protection of the Parish of Allendale Public Footpath No. 27 throughout.
North Pennines AONB	No response received.
Highways	No objection subject to conditions and informatives.
County Archaeologist	No objection from an archaeological perspective and no archaeological work are required in this particular instance.
County Ecologist	No objection subject to conditions and informatives.
Allendale Parish Council	Allendale Parish Council unanimously agreed to support the application that is in keeping with Policy ANDP2 of the Allendale Neighbourhood Development Plan.

5. Public Responses

Neighbour Notification

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

Notices

Site notice affecting Public Right of Way & setting of Listed Buildings – Displayed on 5th July 2019

Press notice in Hexham Courant – Published 11th July 2019

Summary of Responses:

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

- Highway safety;
- Access and car parking;
- Traffic;
- Scale and design of the proposed extension;
- Impact of the proposed development on the setting of the Listed Buildings (Brideshill Cottages);
- 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;
- Impact of the proposed development upon the North Pennines AONB and character of the area;
- The proposal would require significant engineering operations;
- Inaccurate application;
- Similarities to planning application reference: 18/02693/FUL which was refused.
- The proposed development, combined with planning application 19/01950/FUL, would set a precedent for future development.
- The proposed development fails to accord with national and local planning policies.

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=PT93BSQSGPN00>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (2015)

Policy ANDP 1 – General Development Principles

Policy ANDP 7 – Conversion of Buildings in the Open Countryside

Policy ANDP 9 – Extension to Dwellings

Tynedale LDF Core Strategy (2007)

Policy BE1 – Principles for the Built Environment

Policy GD1 – The General Location of Development

Policy GD4 – Principles for Transport and Accessibility
Policy H6 – Change of Use of Existing Buildings to Housing
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 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 LR19 – Safeguard Existing and Promotion of New Public Rights of Way
Policy NE15 – Development in the North Pennines AONB
Policy NE27 – Protection of Protected Species
Policy NE37 – Landscaping in Developments
Policy TP27 – Development affecting Public Rights of Way

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, as submitted 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 1 – Making the Best Use of Existing Buildings (Strategic Policy)
Policy HOU 2 – Provision of New Residential Development (Strategic Policy)
Policy HOU 3 – Housing Requirements for Neighbourhood Plan Areas (Strategic Policy)
Policy HOU 8 – Residential Development in the Open Countryside
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

7. Appraisal

7.1 The main considerations when assessing this type of 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;
- Impact on the Public Right of Way;
- 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 7 of the Allendale Neighbourhood Development Plan relates to the conversion of buildings in the open countryside. This policy is supportive of the conversion and re-use of redundant and disused buildings in the open countryside to create permanent residential accommodation, permanent business and employment space, residential tourist accommodation and tourist facilities and live-work accommodation. The policy states *“planning permission will be granted where all of the following requirements are met:*

- (a) *Reports of surveys conducted by appropriately qualified and experienced people have been submitted with the planning application demonstrating that:*
- *Protected species and their habitats will not be harmed during building works or as a result of the conversion. Any future potential impact on those species and their habitat will be required to be satisfactorily mitigated or compensatory measures provided for any acceptable loss;*
 - *There will be no unjustified harm to the significance of a heritage asset and the local and national importance of the historic fabric, features and setting of any building being converted have been suitably assessed and where necessary recorded in accordance with a scheme of works agreed*

with the local planning authority before planning permission is granted for conversion;

- (b) Safe and convenient access arrangements to the site exist or can be created;*
- (c) Sufficient off-street car parking can be provided to ensure that highway safety is maintained;*
- (d) The conversion, alteration and any extension to the building is designed and implemented having regard to advice provided in the North Pennines AONB Building Design Guide (2011), the North Pennines AONB Planning Guidelines (2011) and any other relevant design guidance for AONB areas extant at time the application is determined;*
- (e) In all cases, the design and location of ancillary works including access, curtilage boundary treatments and any outbuildings should not have an adverse and unacceptable impact on the landscape and visual amenity of the area; and*
- (f) Permitted development rights will be removed to ensure reasonable controls exist over future extension and modification of buildings converted to alternative uses under this policy in the interests of landscape and visual amenity across the AONB. ``*

7.5 Policy GD1 of the Tynedale LDF Core Strategy establishes a settlement hierarchy and spatial distribution aims for new development. Policy GD1 states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan.

7.6 Policy H6 of the Tynedale LDF Core Strategy sets out the approach to the change of use of existing buildings to dwellings. Such changes of use will be permitted in principle in all towns and villages (as defined in Policy GD1 of the Tynedale LDF Core Strategy) regardless of the level of services. In the open countryside, Policy H6 states that *“the change of use of existing buildings to residential use will only be permitted where:*

- (a) The building is of permanent construction and has visual or historic merit which contributes to the distinctive character of the area and justifies retention; and*
- (b) The change of use does not involve any extension, significant rebuilding or harm to its character; and*
- (c) The applicant has demonstrated that it cannot be developed for an employment generating or tourism use; and*
- (d) Energy efficiency measures and/or on site renewable energy generation results in the actual CO² emission rate being at least 10% below the target emission rate as defined by building regulations’.*

7.7 Policy HOU 1 of the Northumberland Local Plan (Publication Draft Plan) relates to making the best use of existing buildings. Criterion (c) of Policy HOU 1 supports *“the conversion and change of use to residential use of other suitable redundant premises”.*

7.8 Policy HOU 8 of the Northumberland Local Plan (Publication Draft Plan) relates to residential development in the open countryside. Policy HOU 8 states *“within the open countryside, the conversion and change of use of non-residential buildings, the re-use of redundant or disused buildings to residential use, and the extension or adaptation of existing dwellings, will be supported where:*

- a. The existing building or structure is of permanent and substantial construction, is in keeping with and makes a positive contribution to the character and setting of the area and/or is of architectural or historic merit, and is capable of conversion and appropriate enhancement without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations;*
- b. Any extension or other householder development is within the curtilage of the existing property and is incidental and subordinate to the new or existing dwelling(s) in size and massing, uses appropriate materials and would not have an adverse impact on the open character of the area; and*
- c. The development would not result in the unjustified loss of a valued community service or facility, and the applicant has clearly demonstrated that it cannot be viably redeveloped for an employment-generating or tourism use, or otherwise that the proposed residential conversion is subordinate to and a necessary part of the primary business or community use or facilities necessary homeworking”.*

7.9 The existing building on the site is of permanent and substantial construction. A Structural Report has been submitted to accompany this application and concludes that the building is structurally in a satisfactory condition and is capable of conversion with only some minor structural repair works being necessary. Policy H6 of the Tynedale LDF Core Strategy specifically states that extensions are not acceptable as part of the conversion process. The proposal would involve the construction of a single storey extension to the south, side elevation of the building; therefore the proposal would not adhere to Policy H6 of the Tynedale LDF Core Strategy.

7.10 However, the proposed development would accord with Policy ANDP 7 of the Allendale Neighbourhood Plan and Policy HOU 8 of the Northumberland Local Plan (Publication Draft Plan) as a matter of principle. These policies are generally supportive of the conversion and reuse of redundant and disused buildings into permanent residential use and also allow for extensions as part of the conversion process. The proposed conversion of the existing building would not involve substantial rebuilding works, would involve a proportionate extension and would involve sympathetic alterations. The volume of the original building is 111.72m³. The volume of the proposed extension is 42.73m³ and would therefore result in a 38.2% increase in the volume of the original building. It is therefore considered that the proposed extension would be proportionate and subservient to the existing building.

7.11 Overall, the proposed development would be acceptable as a matter of principle in accordance with Policy ANDP 7 of the Allendale Neighbourhood Development Plan and Policy HOU 8 of the Northumberland Local Plan (Publication Draft Plan).

Design and Impact upon the North Pennines AONB

- 7.12 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”*.
- 7.13 Policy ANDP 9 of the Allendale Neighbourhood Development Plan sets out the principles for extensions to dwellings. This policy states that the overall design, size, appearance, scale, height and mass of the extension should remain visually and functionally subservient to the host dwelling and that the materials used in the construction of the extension should match or complement the materials of the main dwelling.
- 7.14 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”*.
- 7.15 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”*.
- 7.16 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”*.
- 7.17 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.
- 7.18 Policy NE37 of the Tynedale District Local Plan sets out criteria for new development to meet in relation to landscaping.
- 7.17 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”*.
- 7.18 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”*.

7.19 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”*.

7.20 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”*.

7.21 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”*.

7.22 The North Pennines AONB Building Design Guide sets out principles for conversions in the AONB. The Guide states *“planning authorities have a requirement to ensure any alterations brought about by a change of use do not detract from the established character of the building or its setting”*. The Guide also states *“it is unlikely to be acceptable to make alterations, or to extend a traditional barn or byre, if in the process its external character is lost”*.

7.23 The proposed conversion of the existing agricultural building would retain and utilise all of the existing openings of the building. The proposed conversion would involve some structural repair works (as outlined within the Structural Report) and would involve the installation of new timber windows and doors within the existing openings and the re-roofing of the single storey structure with slate tiles. The single storey structure would therefore remain traditional in appearance. The proposed conversion includes the extension of the existing building to the south, side elevation and the proposed extension would be constructed in materials to match the existing building. The proposed extension would not result in a disproportionate addition; increasing the volume of the original building by a modest 38.2%. The proposed extension would be set down from the ridge of the roof of the existing building and would be set back from the east, principal elevation of the existing building. Therefore, the proposed extension would respect the existing building, as a result of its sympathetic design and appearance, and would also respect the wider landscape.

7.26 Landscaping within the site would provide a more domestic arrangement, however would maintain the character of the site. The land surrounding the building (within the red line boundary) is proposed to be incorporated within the curtilage of the dwelling, amounting to the change of use of the land into residential use. The paved terraced area and retaining stone walls to the south and east of the unit would provide usable amenity space.

7.27 The proposed car parking spaces and access track to the south of the unit would be constructed of permeable paving grids, which is also more commonly known as grasscrete, and would therefore have an open permeable surface that would enable vegetation growth through the base structure. The North Pennines

AONB Building Design Guide advises that the use of grass reinforcement products provides a 'greener' finish. The proposed access track, which would be approximately 100 metres in length and would wind through the field, is considered to respect the natural contours and the natural topography of the land, therefore limiting the level of engineering operations required for the proposal. It is also recognised that access tracks/driveways and site entrances are common features prevalent throughout the open countryside, and are not considered inappropriate in this respect. Therefore, a vehicular access and access track is a reasonable requirement in a rural area. Given the above, it is considered that the proposed development would not adversely affect the scenic quality of the North Pennines AONB.

7.28 It is therefore considered that the proposed development, for the reasons detailed above, would accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2, H32, NE15 and NE37 of the Tynedale District Local Plan, Policies ENV 6, HOU 8, QOP 1, QOP 2 and QOP 4 of the Northumberland Local Plan, Policies ANDP 1 and ANDP 9 of the Allendale Neighbourhood Development Plan, the principles of the North Pennines AONB Building Design Guide and the principles of the NPPF in relation to design.

Impact upon Residential Amenity

7.29 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.

7.30 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.

7.31 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”*.

7.32 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.

7.33 The proposed development would be located within an agricultural field. The proposed dwelling would be situated approximately 55 metres to the north of the properties at 1-4 Brides Hill Cottages and approximately 40 metres to the east of the property, Brides Hill Cottage. These separation distances between the proposed dwelling and the neighbouring dwellings are considered to be acceptable. The proposed conversion would utilise the majority of the existing openings, which are predominantly to the eastern elevation and look out onto the field. The proposed extension would introduce one window to the south elevation which would serve the bedroom and would face towards the properties of 1-4

Bride Hill Cottages. A condition is considered to be necessary to ensure that the window to the southern elevation of the proposed unit, which faces towards the properties of 1-4 Bride Hill Cottages, is obscure glazed to ensure privacy for all occupiers.

- 7.34 The proposed vehicular access would be created to the south west of the application site and would be connected to the proposed car parking by a private, single access track. The proposed access track would measure approximately 100 metres in length and would wind through the field following the natural topography of the land and would also curve around 1-4 Brides Hill Cottages. The separation distance between the proposed access track and 1-4 Brides Hill Cottages would be approximately 18 metres. This separation distance is considered to be acceptable.
- 7.35 The proposed development would be visible from the neighbouring properties, however due to the separation distances involved, it is considered that the proposed development would not impact upon the residential amenity of the residents of immediate neighbouring properties in terms of loss of privacy, overbearing appearance or 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), Policy ANDP 1 of the Allendale Neighbourhood Development Plan and the aims of the NPPF in relation to impact upon residential amenity.

Heritage Impact

- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 Policy BE25 of the Tynedale District Local Plan relates to the preservation of Scheduled Ancient Monuments and their setting.
- 7.40 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*".

- 7.41 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.
- 7.42 The application site is located approximately 70 metres to the west of the line of the scheduled flue system associated with Allen Smelt Mills. An Archaeological Evaluation has been submitted to accompany the application. 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.
- 7.43 The application site is located to the north of 1-4 Brides Hill Cottages, which are Grade II listed buildings. The Council's Building Conservation team have been consulted on this application and whilst they have not formally objected, they have raised concerns regarding the size and scale of the proposed dwelling and the impact of the proposed development, in particular the access track, upon the setting of the Grade II listed buildings. The Council's Building Conservation team have not indicated within their response whether the proposed development would incite harm to the setting of the Grade II listed buildings. It is also acknowledged that the comments from the Council's Building Conservation team were received prior to the receipt of amended plans which have significantly reduced the scale of the proposed extension to be a proportionate addition to the existing building.
- 7.44 The proposed dwelling would be located approximately 55 metres to the north of 1-4 Brides Hill Cottages. The proposed single storey side extension would be constructed of traditional materials which are commonly found within the wider area; random rubble stone with quoin detailing and a slate tiled roof and timber windows and doors. The proposed conversion would involve some structural repair works (as outlined within the Structural Report) and would involve the installation of new timber windows and doors within the existing openings and the re-roofing of the single storey structure with slate tiles. The single storey structure would therefore remain traditional in appearance.
- 7.45 The proposed development would be accessed from the C290 via a new vehicular access point and a private, single access track. The proposed access track would measure approximately 100 metres in length and would wind through the field and would curve around 1-4 Brides Hill Cottages. The proposed vehicular access point would be located to the south west of the application site and would be located within the south western corner of the field to lessen its impact upon the setting of nearby listed buildings. The proposed access track would be constructed of permeable paving grids and would follow the natural topography of the land to limit the amount of engineering works required and to also lessen its impact upon the setting of nearby listed buildings. Access tracks and site entrances are common features prevalent throughout the open countryside, and are not considered inappropriate in this respect. On balance, it is considered that the proposed development would not significantly impact upon the setting of the Listed Buildings due to the distances involved and also the careful siting and good design of the proposed development.

7.46 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

7.47 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.

7.48 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.

7.49 The application proposes to provide two car parking spaces to the south of the unit, with the proposed development to be accessed from the C290 road via a private access track. A new vehicular access point would be created at the south western corner of the field. The proposal would involve the removal of part of the existing boundary stone wall to the southern boundary of the field to create the new vehicular access point. The results of an Automatic Traffic Counter (ATC) Survey have been submitted to address the initial concerns raised by Highway Development Management.

7.50 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 construction of the means of vehicular access, the implementation of cycle parking and refuse storage. The results of the ATC Survey supports the proposed site access plan and the visibility splays indicated on the proposed site access arrangement with visibility splays plan. The visibility splays are considered by the Council's Highways Development Management team to be acceptable to serve the proposed development's new access on to the C290 road. To form the vehicular access point a Type B construction specification is required.

7.51 Northumberland County Council's car parking standards indicate that a minimum of one car parking space is required for a one bedroom dwelling. The proposed site plan illustrates two car parking spaces would be provided as part of the application. The Council's Highway Development Management team highlights that the car parking spaces do not accord with Northumberland County Council's Parking Standards. However, the parking provision is in excess of the minimum requirement and provides sufficient room for one vehicle. Therefore this, combined with the proposed dwelling being set back from the adopted highway, results in the car parking provision being 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 and a Bat Survey have been submitted to accompany the application.

7.54 The Council’s Ecologist has no objection to the application subject to conditions and informatives. The conditions relate to the protection of nesting birds and to ensure that the mitigation measures set out within the Preliminary Ecological Appraisal and the Bat Survey are adhered to. Subject to accordance with these conditions, 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.

Impact on the Public Right of Way

7.55 The Parish of Allendale Public Footpath No. 27 shares a section of the proposed access track at the south west corner of the field. The Public Right of Way runs to the west of the application site and crosses the field in a south-north direction. The Council’s Countryside Rights of Way team have been consulted on this application and they have no objection subject to the Parish of Allendale Public Footpath No. 27 being protected throughout. Policies LR19 and TP27 of the Tynedale District Local Plan relate to safeguarding public rights of way and limiting any potential adverse impacts from proposed development. Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) seeks to support development which *“protects, enhances and supports public rights of way”*. The proposed development would not disrupt the use of the footpath. The proposed development would not adversely affect the Public Right of Way and would accord with Policies LR19 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan).

Drainage and Sewerage

7.56 Section 11 of the application form states that surface water would be disposed of by a soakaway. Foul sewerage would be disposed of by package treatment plant. The application proposes to install a package treatment plant to the south

east of the site. A Foul Drainage Assessment Form has been submitted to accompany this application. As no connections to the public sewerage network are proposed, Northumbrian Water has not been consulted on this application. 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 Nine 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, the impact upon residential amenity, the impact upon the nearby Listed Buildings 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 indicates that there are similarities between the proposal set out within this application and with planning application reference: 18/02693/FUL, which was refused. Planning application reference 18/02693/FUL was a householder planning application for the conversion of the existing, attached barn into living accommodation, the construction of two single storey extensions and one two storey extension and the alteration of the existing conservatory into a porch entrance at Parlour Close, near Sinderhope. It must be noted that each planning application is assessed on its own merits and on a case-by-case basis.

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 bring a redundant building back into use. Overall, the proposal comprising of the conversion and extension of an existing agricultural building in the open countryside is considered to be acceptable as a matter of principle, as despite being contrary to Policy H6 of the Tynedale LDF Core Strategy, the proposal is in accordance with Policy HOU 8 of the Northumberland Local Plan (Publication Draft Plan) and Policy ANDP 7 of the Allendale Neighbourhood Development Plan 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, CS27, GD2, GD4, GD6, H32, LR19, NE15, NE27, NE37 and TP27 of the Tynedale District Local Plan, Policies ENV 2, ENV 3, ENV 6, ENV 7, HOU 1, HOU 2, HOU 3, HOU 8, QOP 1, QOP 2, QOP 4, QOP 6, STP 1, STP 2, STP 3, TRA 1, TRA 2, TRA 4 and WAT 2 of the Northumberland Local Plan (Publication Draft Plan), Policies ANDP 1, ANDP 7 and ANDP 9 of the Allendale Neighbourhood Development Plan, the principles of the North Pennines AONB Building Design Guide, the principles of the North Pennines AONB Planning Guidelines 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. 3D IMAGE AS PROPOSED, Drawing No: DL(--)-05 Rev. a (Date: 22.10.19) (Received on: 28/10/2019)
2. GROUND FLOOR PLAN AND ELEVATIONS AS PROPOSED, Drawing No: DL(--)-01-04 Rev. a (Date: 22.10.19) (Received on: 28/10/2019)
3. SITE PLAN AS PROPOSED, Drawing No: DL(9-)-03 Rev. b (Date: 22.10.19) (Received on: 28/10/2019)
4. ATC 1 Eastern ATC (Date: 29-Nov-18) (Received on: 21/10/2019)
5. ATC 2 Western ATC (Date: 29-Nov-18) (Received on: 21/10/2019)
6. LOCATION PLAN AS EXISTING, Drawing No: L(9-)-01 Rev. a (Date: 01.07.19) (Received on: 02/07/2019)
7. Foul Drainage Assessment Form (FDA) (No Date) (Received on: 02/07/2019)
8. FDA1 Foul Drainage Assessment Form: Feasibility of mains foul sewer connection statement (Date: 1 July 2019) (Received on: 02/07/2019)
9. SITE ACCESS AS PROPOSED, Drawing No: DL(9-)-04-06 (Date: 17.06.19) (Received on: 18/06/2019)
10. PROPOSED SITE ACCESS ARRANGEMENT WITH VISIBILITY SPLAYS, Drawing No: JN1778-Dwg-0002 (Date: JANUARY 2019) (Received on: 18/06/2019)
11. THORNLEY GATE ALLENDALE NORTHUMBERLAND ARCHAEOLOGICAL EVALUATION (Date: FEBRUARY 2019) (Received on: 18/06/2019)
12. THORNLEY GATE BYRE, NEAR ALLENDALE, PROPOSED DEVELOPMENT BAT SURVEY – SUMMER 2019 prepared by Ruth Hadden BSc. MCIEEM (Received on: 18/06/2019)
13. LAND AT THORNLEY GATE, NEAR ALLENDALE, PROPOSED DEVELOPMENT PRELIMINARY ECOLOGICAL ASSESSMENT prepared by Ruth Hadden, BSc. MCIEEM (Date: February 2019) (Received on: 18/06/2019)
14. Heritage Statement (Date: 17 June 2019) (Received on: 18/06/2019)
15. Proposed New Dwelling Thornley Gate Allendale Structural Report produced by ADA Consulting Civil & Structural Engineers (Date: 27th November 2018) (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. The development shall not be occupied until the car parking area indicated on the approved plans 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.

04. Notwithstanding the details submitted as part of this application, the development shall not be occupied until a means of vehicular access has been constructed in accordance with Northumberland County Council Type B construction specification with visibility splays in both the vertical and horizontal planes in accordance with the approved plans. Thereafter this access and the visibility splays shall be maintained at all times in accordance with the approved plans.

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

05. 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.

06. No external refuse or refuse container 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.

07. No development will take place unless in strict accordance with the mitigation proposed in the report *Thornley Gate Byre, Near Allendale, Proposed Development Bat Survey* – Summer 2019, Ruth Hadden, including restrictions to works during the hibernation period, precautionary working methods and replacement roost/nest provisions as shown on the proposed elevations plan.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policy NE27 of the Tynedale District Local Plan.

08. No development will take place unless in strict accordance with the mitigation proposed in the report *Land At Thornley Gate, Near Allendale, Proposed Development, Preliminary Ecological Assessment*, February 2019, Ruth Hadden, including working to a reptile method statement.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policy NE27 of the Tynedale District Local Plan.

09. No demolition, development, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified

ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society of the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing by the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with Policy NE1 of the Tynedale LDF Core Strategy and Policy NE27 of the Tynedale District Local Plan.

10. 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.

11. 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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwellinghouse of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance with Policy GD2 of the Tynedale District Local Plan.

13. 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 facing stone and slate roofing tiles to be used in the construction of the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall not be constructed other than in complete accordance with these approved materials.

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.

14. Notwithstanding any description of the materials in the application, the window frames and doors 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.

15. Notwithstanding any description of the materials in the application, the roof light windows shall be Conservation style.

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.

16. Prior to installation of any new boundary treatments, details of any new boundary treatments shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development upon completion of the works, in accordance with Policy BE1 of the Tynedale LDF Core Strategy and Policy GD2 of the Tynedale District Local Plan.

17. Notwithstanding any description of the materials in the application, the private access track/driveway shall be constructed of permeable paving grids.

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.

18. Prior to the construction of the external paved terrace area, details of the materials of the external paved terrace area shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter The development shall not be constructed other than in complete accordance with these approved materials.

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.

Informatives

1. You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:
westernareahighways@northumberland.gov.uk
2. 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.
3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
4. 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.

5. The Parish of Allendale Public Footpath No.27 should be protected throughout the proposed development. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
6. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them. Barn Owl are especially protected under Schedule 1 of the Act.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

If protected species such as bats or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice on bats by telephoning Natural England's bat advice line on 0345 1300 228.

The Chartered Institute of Ecology and Environmental Management (CIEEM) have an online professional directory should assistance be required:
<https://cieem.net/i-need/finding-a-consultant/>

Further information about protected species and the law can be found on the government website:
<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

Date of Report: 21.11.2019

Background Papers: Planning application file(s) 19/01949/FUL