



Northumberland

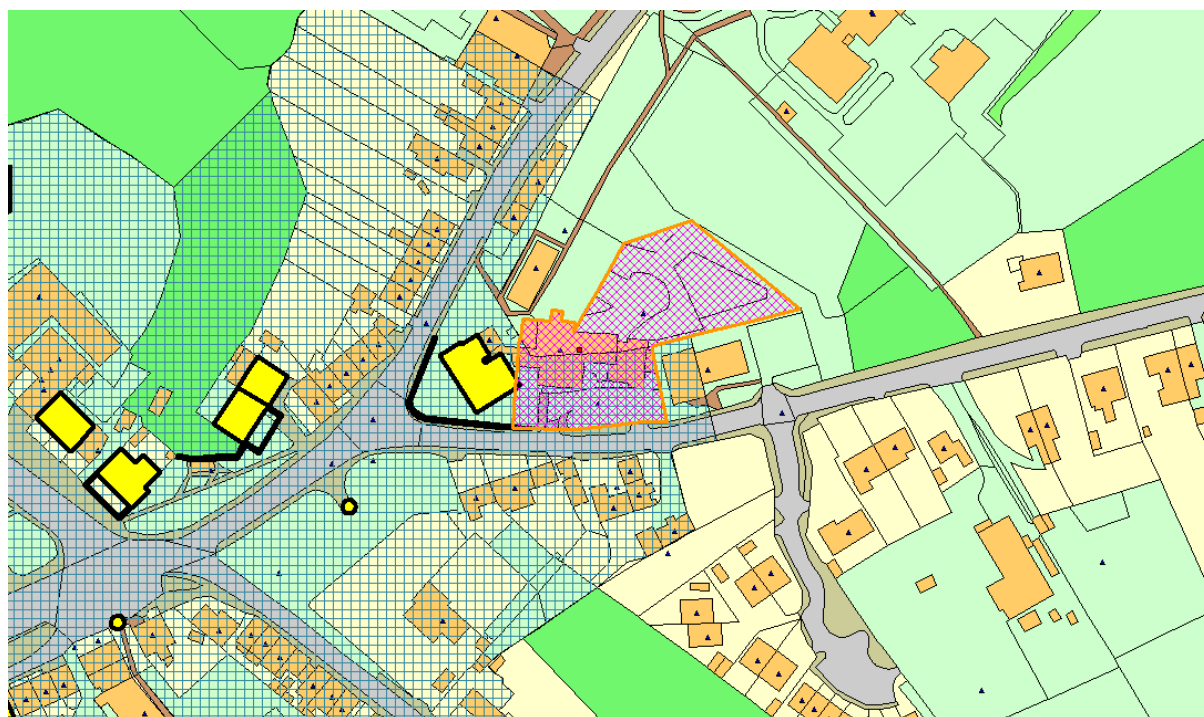
County Council

Tynedale Local Area Council Planning Committee

11 February 2020

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|------------------------------|--|---------------------|------------------|
| Application No: | 19/04489/CCD | | |
| Proposal: | Form new pedestrian gateway and pathway to pre-school and erect timber fence to rear garden to form new boundary. | | |
| Site Address | Pre School Playgroup, Allendale County First School, Shilburn Road, Allendale Hexham Northumberland NE47 9PT | | |
| Applicant: | Mr Lee Anderson County Hall, Loansdean, Morpeth, Northumberland NE61 2EF | Agent: | None |
| Ward | South Tynedale | Parish | Allendale |
| Valid Date: | 19 November 2019 | Expiry Date: | 14 February 2020 |
| Case Officer Details: | Name: Miss Charlie Hall Job Title: Planning Technician Tel No: 01670 624525 Email: Charlie.Hall@northumberland.gov.uk | | |

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1. This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, the applicant is Northumberland County Council.

2. Description of the Proposals

- 2.1. Planning permission is sought for a new pedestrian gateway and pathway to the front of the pre-school and to erect a new timber fence to the rear garden to create a new boundary. The application also seeks permission to repoint areas of the existing listed stone wall at Allendale Pre-school, Shilburn Road, Allendale.
- 2.2. The application has an adjoining LBC application 19/04490/LBC. The pre-school building itself is not listed but the former first school is a Grade II listed building. Part of the listing is the stone wall that is located around both the First School and the Pre-school. This application relates to works to the listed wall and works that are located within the curtilage of the Listed School. The application site is located with Allendale Conservation Area and the North Pennines AONB.
- 2.3. The proposed works are to create an opening in the listed stone wall to the front elevation of the school. This opening will be for a wide gate which would be 1.2m wide and high. This would provide a gated pedestrian access into the site and increase the safety for the users. This pathway would include a new tarmac surface and new 1.2m bow top metal powder coated railings/fence, to separate the new path and the existing car park. The application also seeks permission to erect a 1.5m high close boarded timber fence to the rear garden which would form a new boundary between the former school site and the existing nursery. There is also a small section of the listed wall that needs repointing and would use 1:3 to 1:5 lime mortar.

3. Planning History

Reference Number: C/09/00179/DISCON

Description: Discharge of condition 3 of planning permission 09/00076/CCD relating to material use at Allendale Nursery

Status: Permitted

Reference Number: 19/04490/LBC

Description: Listed Building Consent: Form new pedestrian gateway and pathway to pre-school and erect timber fence to rear garden to form new boundary.

Status: PCO

Reference Number: T/20031493

Description: County council 03/00268/CCD - Construction of extension

Status: No Objection

Reference Number: T/20010034

Description: 01/00007/LBC - Internal & External alterations to form new office & reception area, new car parking area & the construction of a 1.2 metre high fence at
Status: No Objection

4. Consultee Responses

| | |
|--------------------------|--|
| North Penines AONB | No response received. |
| Allendale Parish Council | Support the application |
| Building Conservation | No Objection subject to conditions |
| Forestry Commission | No comments to make on the application |
| Strategic Estates | No response received. |
| Highways | No objection subject to informatives |

5. Public Responses

Neighbour Notification

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|-------------------------------|---|
| Number of Neighbours Notified | 9 |
| Number of Objections | 0 |
| Number of Support | 1 |
| Number of General Comments | 0 |

Notices

Site notice Conservation & affect LB, 17th December 2019

Hexham Courant 28th November 2019

Summary of Responses:

One letter of support has been submitted. They believe that the additional outside space will enrich the experience of the children attending and help to secure the future of the Pre-school.

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=Q0SSS4QS0K500>

6. Planning Policy

6.1 Development Plan Policy

Allendale Neighbourhood Development Plan 2015

ANDP 1 General development principles

Tynedale LDF Core Strategy 2007

GD1 General location of development

BE1 Principles for the built environment

Tynedale District Local Plan 2000 (policies saved 2007)

GD2 Design Criteria for Development

NE15 Development in the North Pennines AONB

BE21 Alterations and Extensions to Listed Buildings

BE22 The setting of Listed Buildings

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Planning Policy

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

QOP 1 Design Principles

QOP 2 Good Design and Amenity

ENV 6 North Pennines Area of Outstanding Natural Beauty

ENV 7 Historic Environment and Heritage Assets

ENV 9 Conservation Areas

6.4 Other Documents

North Pennines AONB Building Design Guide

North Pennines AONB Planning Guidelines

7. Appraisal

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

- Principle of the Development
- Design and Visual Impact on Heritage Assets
- Impact upon amenity

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. Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. Policy GD1 classifies Allendale as a Local centre where there is a focus for development but to a lesser extent than Main Towns. The application proposes works that are considered to be minor development and would be considered acceptable and in accordance with policy GD1 of the Tynedale LDF Core Strategy.

Design and Impact on Heritage Assets

- 7.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.5. The application seeks permission to erect a 1.5m high close boarded timber fence to the rear garden of the building to form a new boundary. The fence would match the existing fences that are located to the rear of the pre-school. The proposed railings/fence to the front elevation would be bow top metal powder coated. The proposed railings would also match the existing railings that are currently located to the front of the pre-school and would not impact the visual appearance of the site, wider conservation area or the ANOB.
- 7.6. The Conservation Team were consulted on this application and they have no objections to the proposal subject to several conditions. These conditions relate to the details of the proposed fence, railings and gate being submitted prior to them being installed on site. The heritage statements states that the materials used on site would be in keeping with what is currently onsite. It is considered that these proposals would not have a significant impact on the conservation area or the listed building.
- 7.7. The proposed works to the listed wall are also considered to be acceptable by the conservation officer subject to conditions. The proposal states that the repointing of the wall would use 1:3 to 1:5 lime mortar which is acceptable however a sample section would need to be inspected before all of the works are carried out.
- 7.8. Overall it is considered that the proposed works would benefit the users of the building and would improve the safety of pedestrian access into the site. The materials proposed are subject to further details however, the application states that they would be in keeping with the site and the wider area. Therefore, the

proposal would be in accordance with Policy BE1 of the Tynedale Core Strategy and Policies GD2 and BE22 of the Tynedale District Local Plan. *North Pennines AONB Building Design Guide* NE15 Development in the North Pennines AONB

Impact upon amenity

- 7.9. The proposed fence, railings/fence and gate would not cause any significant harm to any of the neighbouring properties. The proposals are considered to be minor development to the site and would not significantly alter the character of the site. The proposed works to the front elevation would allow safer pedestrian access into the site and would benefit the users of the building. Therefore, proposal would accord with Policy GD2 and of the Tynedale District Local Plan and the NPPF

Equality Duty

- 7.10. 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

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

Human Rights Act Implications

- 7.12. 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.
- 7.13. 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.

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

8. Conclusion

- 8.1. National and local planning policies have been taken into consideration when assessing this application. The proposal would accord with Policy ANDP 1 of the Allendale Neighbourhood Development Plan, Policies BE1 and GD1 of the Tynedale LDF Core Strategy, Policies GD2, NE15 and BE22 of the Tynedale District Local Plan, Policies QOP 1, QOP 2, ENV 6, ENV7 and ENV 9 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the National Planning Policy Framework.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

1. 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)

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:
 - Location Plan, Received on 21st November 2019.
 - Proposed Site Plan, drawing no IP181024 A(0)02, Received on 8th November 2019.
 - Heritage and Design and Access Statement, Received on 8th November 2019.

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

3. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policies GD2, NE15 and H33 of the Tynedale Local Plan.

Date of Report: 23rd November 2019

Background Papers: Planning application file(s) 19/04489/CCD