



# Northumberland

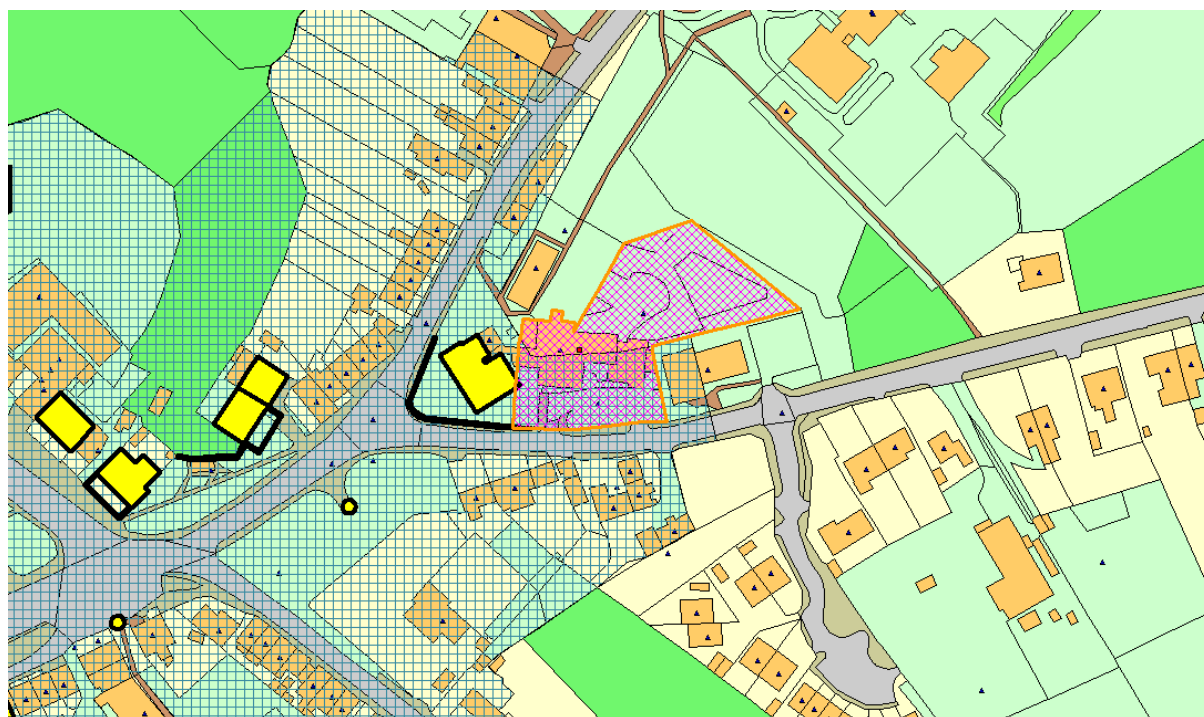
## County Council

### Tynedale Local Area Council Planning Committee

11 February 2020

<b>Application No:</b>	19/04490/LBC		
<b>Proposal:</b>	Listed Building Consent: Form new pedestrian gateway and pathway to pre-school and erect timber fence to rear garden to form new boundary.		
<b>Site Address</b>	Pre School Playgroup, Allendale County First School, Shilburn Road, Allendale Hexham Northumberland NE47 9PT		
<b>Applicant:</b>	Mr Lee Anderson County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	<b>Agent:</b>	None
<b>Ward</b>	South Tynedale	<b>Parish</b>	Allendale
<b>Valid Date:</b>	19 November 2019	<b>Expiry Date:</b>	14 February 2020
<b>Case Officer Details:</b>	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, as Northumberland Council are the applicant.

## **2. Description of the Proposals**

- 2.1. This application seeks Listed Building Consent 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 planning application 19/04489/CCD. 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:** 19/04489/CCD

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

**Status:** PDE

**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

Building Conservation	No objection subject to conditions
North Penines AONB	No response received.
Allendale Parish Council	No response received.

#### 5. Public Responses

##### Neighbour Notification

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

##### Notices

Site notice - Listed Building Consent, 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=Q0SSY7QS0K500>

#### 6. Planning Policy

##### 6.1. Development Plan Policy

## *Allendale Neighbourhood Development Plan 2015*

ANDP 1 General development principles

## *Tynedale LDF Core Strategy (2007)*

Policy BE1 Principles for the Built Environment

## *Tynedale District Local Plan (2000)*

Policy BE21 Alterations and Extensions to Listed Buildings

Policy GD2 Design Criteria for all Development, including Extensions and Alterations

### 6.2. National Planning Policy

National Planning Policy Framework (NPPF) (2019)

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

### 6.3. National Planning Policy

*Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019)*

ENV7 Historic environment and heritage assets

QOP 1 Design Principles

## **7. Appraisal**

- 7.1. The main issue in the determination of this application falls on whether the proposed development would preserve or enhance the listed building and its features of architectural and historic interest, having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), relevant policies in the development plan and the aims of the NPPF.

### Impact on the Character of the Listed Building

- 7.2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires the local authority to have special regard to the desirability of preserving the listed building, its setting and any features of special or historic interest which it possesses. The NPPF also places emphasis on the preservation and enhancement of heritage assets.
- 7.3. Proposals that would result in harm to or loss of the significance of heritage assets will not ordinarily be permitted. Policy BE21 of the Tynedale District Local Plan sets out the criteria which must be met in order for development to listed buildings to be granted consent. This includes criteria such as the retention of the character of the building and its special features, that architectural details and methods match or are in keeping with those found on the listed building and the materials used are traditional and sympathetic.

- 7.4. The Council's Building Conservation Team were consulted on this application to assess the impact that the proposal would have on the listed building and the listed wall. The Conservation Officer raises no objections or concerns regarding the proposal subject to relevant conditions. These conditions relate to details of the proposed fence, metal railings/fence and gate being provided before installation on site. In addition to a sample area of repointing being carried out and approved before all of the repointing is carried out.
- 7.5. The proposed works would not negatively impact upon the significance of the listed building and wall. The Council's Building Conservation Officer has raised no objections to the proposed works subject to relevant conditions. The proposed development is considered to adhere to Policy BE1 of the Tynedale LDF Core Strategy, Policy BE21 of the Tynedale District Local Plan and the principles within Chapter 16 of the NPPF.

#### Equality Duty

- 7.6. 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

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

#### Human Rights Act Implications

- 7.8. 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.
- 7.9. 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.

- 7.10. 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 not have a significant impact on the listed building and wall, thereby according with Policy BE1 of the Tynedale LDF Core Strategy, Policies GD2 and BE21 of the Tynedale District Local Plan and the aims of the NPPF.

## **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 18 of the Planning (Listed Buildings and Conservation Areas) 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 21st November 2019.
- Proposed Site Plan, Drawing no. IP181024 A(0)02, Received 8th November 2019.
- Heritage Statement, Received 8th November 2019.

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

3. Prior to the installation of the timber fence a large scale elevation and details of the timber fence need to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure works are carried out in a manner consistent with the character of the building, in accordance with Policies GD2 and BE21 of the Tynedale District Local Plan and Policy BE1 of the Tynedale Core Strategy.

4. Prior to the installation of the metal railings/fence a large scale elevation and details of the metal railings/fence needs to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure works are carried out in a manner consistent with the character of the building, in accordance with Policies GD2 and BE21 of the Tynedale District Local Plan and Policy BE1 of the Tynedale Core Strategy.

5. Prior to the installation of the gate a large scale elevation and details of the gate needs to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure works are carried out in a manner consistent with the character of the building, in accordance with Policies GD2 and BE21 of the Tynedale District Local Plan and Policy BE1 of the Tynedale Core Strategy.

6. Prior to the works on the listed wall and new pedestrian access commencing, large scale elevations, sections and details need to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure works are carried out in a manner consistent with the character of the building, in accordance with Policies GD2 and BE21 of the Tynedale District Local Plan and Policy BE1 of the Tynedale Core Strategy.

7. Prior to any pointing works being carried out, a sample panel using the proposed mortar mix (which should be lime mortar 1:3 or 1:5) shall be provided on site and made available for inspection and approved in writing by the Local Planning Authority before further pointing works can take place on site. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure works are carried out in a manner consistent with the character of the building, in accordance with Policies GD2 and BE21 of the Tynedale District Local Plan and Policy BE1 of the Tynedale Core Strategy.

**Date of Report: 23rd January 2020**

**Background Papers:** Planning application file(s) 19/04490/LBC