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Northumberland County Council

Your ref:

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Enquiries to: Nichola Turnbull

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Tel direct: 01670 622617

Date: Monday, 1 August 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **TYNEDALE LOCAL AREA COUNCIL** to be held in **CEREMONY ROOM - HEXHAM HOUSE** Gilesgate, Hexham, Northumberland, NE46 3NH on **TUESDAY, 9 AUGUST 2022** at **4.00 PM**.

Yours faithfully

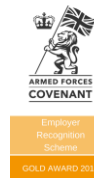
Rick O'Farrell
Interim Chief Executive

To Tynedale Local Area Council members as follows:-

T Cessford (Chair), D Kennedy (Vice-Chair), A Scott (Vice-Chair (Planning)), A Dale, S Fairless-Aitken, C Horncastle, JI Hutchinson, N Morphet, N Oliver, J Riddle, A Sharp, G Stewart and H Waddell



Rick O'Farrell, Interim Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS** (Pages 1 - 2)
2. **APOLOGIES FOR ABSENCE**
3. **MINUTES** (Pages 3 - 16)
Minutes of the meeting of the Tynedale Local Area Council, held on 12 July 2022, as circulated, to be confirmed as a true record, and signed by the Chair.
4. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.

- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

DEVELOPMENT CONTROL

- 5. DETERMINATION OF PLANNING APPLICATIONS** (Pages 17 - 20)
- To request the committee to decide the planning applications attached to this report using the powers delegated to it.
- Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>
- 6. 21/04540/FUL** (Pages 21 - 32)
- Proposed conversion of existing redundant farm building into single dwelling
Low Hall Farmhouse, Haydon Bridge, Hexham, Northumberland, NE47 6AF
- 7. 22/00579/FUL** (Pages 33 - 52)
- Conversion of existing barn to 1 dwelling
Land To East of Edgewell House Farm House, Edgewell House Road, Prudhoe, Northumberland, NE42 5PD
- 8. THE NORTHUMBERLAND COUNTY COUNCIL, (LAND AT MURRAYFIELD, ALLENDALE ROAD, HEXHAM, NORTHUMBERLAND), TREE PRESERVATION ORDER 2022 (NO. 02 OF 2022)** (Pages 53 - 58)
- 9. PLANNING APPEALS UPDATE** (Pages 59 - 68)
- For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.
- 10. DATE OF NEXT MEETING**
- The next meeting will be held on Tuesday, 13 September 2022.
- 11. URGENT BUSINESS (IF ANY)**

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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Northumberland County Council

Appendix 1

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Attendance / Apologies of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

Vote (by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)

Agenda Item 3

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at Hexham House, Gilesgate, Hexham, Northumberland, NE46 3NH on Tuesday, 12 July 2022 at 4.00 p.m.

PRESENT

Councillor T Cessford
(Chair, in the Chair)

MEMBERS

A Dale
SH Fairless-Aitken
C Horncastle
I Hutchinson
D Kennedy
N Morphet

N Oliver
JR Riddle
A Sharp
G Stewart
HR Waddell

OFFICERS

N Armstrong
G Cowell

T Crowe
D Hunt

C Mead
R Murfin

A Olive
I Stanners
N Turnbull

Principal Planning Officer (West)
Business and Community
Engagement Officer
Solicitor
Neighbourhood Services Area
Manager
Highways Development Manager
Interim Executive Director of
Planning & Local Services,
Regeneration, Commercial &
Economy
Highways Delivery Area Manager
Housing Enabling Officer
Democratic Services Officer

ALSO PRESENT

9 members of the public.

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Scott.

Ch.'s Initials.....

26. MINUTES

RESOLVED that the minutes of the meeting of Tynedale Local Area Council held on 14 June 2022, as circulated, be confirmed as a true record and signed by the Chair.

27. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Riddle declared a personal and non-prejudicial interest in agenda item no 6 planning application 21/03415/FUL as he had a very small number of shares in the Auction Mart below the threshold he was required to declare. He confirmed he had written advice from the NCC Legal Service that clarified that this was a non-prejudicial interest

Likewise, Councillor Hutchinson declared a personal and non-prejudicial interest in agenda item no 6 planning application 21/03415/FUL as he had a very small number of shares in the Auction Mart below the threshold he was required to declare.

DEVELOPMENT CONTROL

28. PROCEDURE TO BE FOLLOWED AT MEETINGS

The Chair advised members of the procedure which would be followed at the meeting.

29. DETERMINATION OF PLANNING APPLICATIONS

The committee was requested to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

30. 21/03415/FUL

**Construction of 44no. homes (Use Class C3) and 20no. apartments (Use Class C2) including associated access, landscaping and infrastructure (amended description)
Former Bellingham Auction Mart, Bellingham, Northumberland**

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Principal Planning Officer introduced the application with the aid of a powerpoint presentation and reported the following updates:

- A further objection had been received from a resident at Westfield House, which raised concerns in relation to:
 - the proposed Class C2 apartment use on the site;
 - the effect on the character of Bellingham;
 - not enough local people in need of the number of properties proposed;
 - effect on local infrastructure.
- Environmental Protection had initially raised an objection due to insufficient information relating to air source heat pumps (ASHPs). The applicant had since advised that the intention is for ASHPs to only be used on the C3 dwellings, not the apartments, and this would adopt photovoltaic panels with electric panel heaters within the properties. Environmental Protection had subsequently advised that details of ASHPs for the dwellings could be conditioned.
- On the basis of the current layout, and not accepting the Council's position on viability, the applicant had confirmed they would accept the £33,000 financial contribution to progress the application. Whilst this would address the main purpose for recommending refusal reason 4, it should still be included as the Section 106 agreement had not been completed. Reason 4 should also be amended to include reference to affordable housing as one of the obligations that would need to be secured through a S106 agreement.
- Confirmed that the applicants, following discussion with the LPA, had submitted a late amendment to:
 - (1) remove one of the residential units, and
 - (2) allow an increased level of amenity space around the residential block.

The Interim Executive Director of Planning & Local Services, Regeneration, Commercial & Economy commented that the application provided an unusual opportunity to provide a significant number of affordable housing units which benefitted from external funding in a rural location. He also confirmed that the site had remained "fallow" for many years because of site technical issues and consequent viability problems. The scheme proposed therefore represented a viable route to overcome significant problems associated with the site. He also confirmed that the site was allocated for residential development within the Northumberland Local Plan and that the principle of affordable/specialist housing in the location was fully supported. He noted however, that whilst there had been extensive negotiations with the applicant, the application as presented did not fully meet design standards that the Local Plan sought to achieve. He therefore asked Members to determine whether the benefits of the application outweighed the harm, both of which had been outlined.

Mr Cresswell, a director of Maple Oak Living, the applicant, spoke in support of the application. He highlighted the following: -

- The site had a number of complex issues which was why it had remained undeveloped for 18 years. The project provided a unique opportunity to

deliver a scheme which would bring substantial benefits to the local community.

- They had engaged with a wide variety of local stakeholders to establish the best purpose for the site.
- Discussions had also been held with various departments in the Council including adult services and in response to the 2019 Housing Needs Assessment it was evident that there was an under supply of affordable homes in the area and an under supply of housing for older people and adults who needed supported living. There were concerns that vulnerable adults living with elderly parents would need to move away from their support network.
- Frail elderly residents living in remote areas of the parish placed a strain on the local GP practice which would be eased if they could be accommodated within the scheme and closer to the main service hub of Bellingham.
- The housing needs assessment provided evidence that young families needed affordable housing choice in the area.
- They were committed to establishing a local lettings policy for the site in response to concerns expressed that the scheme could favour people from outside the area.
- Approval would help support school numbers for Bellingham Primary School and Bellingham Middle Schools which could be at risk of closure due to falling rolls. The primary school was currently operating at 63% capacity. One of the reasons for falling rolls being no suitable affordable housing for young families within the parish and having no option but to leave the village.
- The engagement had pointed towards the need for an affordable housing scheme that would accommodate young families, provide older person bungalows and housing that vulnerable adults and older people could safely live in.
- Due to the challenges of the site, the economics were finely balanced and unviable without additional funding. They had successfully secured funding from Homes England and Brown Field Grant Funding from North of Tyne Combined Authority. The money needed to be committed otherwise it was at risk of being reallocated. Approval of the planning application was required whilst refusal would put the funding in jeopardy.
- The scheme and infrastructure were sustainable and included provision of electric car charging points for all dwellings, photovoltaics on roofs and low carbon air source heat pumps.
- They had listened to the council's concerns on design and had amended plans and layouts and added some stone facades, within the constraints of viability.
- A further late amendment proposed the removal of one house to provide additional amenity space around the apartment block. If the Council was minded to accept this, they would commit to the changes and make them work within the brown field grant parameters. Any further loss of units would result in the site becoming unviable for development.

In response to questions from Members of the Committee the following information was provided, both by Planning Officers and the NCC Affordable Housing Officer: -

- The NTCA Brownfield Housing Fund approved funding on a scheme-by-scheme basis and would be contingent on planning permission being obtained.
- The role of planning was to secure the best possible design. The viability issues of the site were acknowledged. Positive discussions had been held between the developer and officers from the pre-application stage until the present day with changes and amendments having been agreed progressively.
- Initial proposals for planning use Class C3 dwellings for the apartment block units had been amended to Class C2 use for the provision of residential accommodation and care to people in need of care following discussions with Adult Social Care and a review of the Housing Needs Assessments in 2019 and Homefinder data. Care staff would not be on site all of the time but there would be support via an alert system and daily visits for those residents who required assistance.
- Whilst it may be not likely be possible to fill all of the units with local residents when lettings commenced, the proportion of local people would likely increase with subsequent lettings as units became vacant over time.
- Residents in rural areas were less likely to engage with the Homefinder system. However, the Housing Needs Assessment in 2019 had identified a need for affordable housing in Bellingham. Comparison was made with a similar large affordable housing scheme in Belford, although it had initially commenced with 10 units and had increased over several phases. In this light, the Committee was advised that while Homefinder data reported on expressed demand, it did not capture latent demand in the area fully.
- A mix of housing tenure was proposed including affordable rented, supported living, older persons shared ownership and rent to buy. The approach was considered to be suitable for the site.
- Two phases of development were set out in paragraph 2.7 of the report. The Section 106 agreement would also allow for a change in tenure types if there were a change in the market or difficulty in finding occupants for a particular type.
- There was a risk if the application were refused that the external funding would be reallocated to another scheme as there were challenging delivery targets to be met.
- Amendments to the scheme had been made in relation to density, amenity space and number of parking spaces to reconcile issues of design with the site-based problems. The applicant stated that the loss of any further units would make the scheme unviable.
- Local policies in the Northumberland Local Plan reflected national guidance and the same difficulties had existed during earlier discussions before the plan was adopted. Members could arrive at a different conclusion when weighing the harm from the layout, scale and design of the development against the benefits of developing a challenging

brownfield site with use of external funds and provision of significant affordable housing.

- The requirements for parking provision were lower for Class C2 use than Class C3 use. However, there was insufficient provision for the apartment block which should have 20 spaces and 5 visitor parking spaces as per local policy and the Manual for Streets and impacted on amenity and the long-term quality of the place. (Only 12 spaces had been provided within the courtyard and 6 on grasscrete.)
- The site was allocated for residential development within the Policy HOU 4 of the Northumberland Local Plan and it was therefore expected and had been considered at the Local Plan EIP that development of the site would bring changes to the area and adjacent properties, and that this was acceptable in principle. Issues with flooding had meant that ground levels had needed to be raised at the southern end of the site. House types had been swapped on the eastern boundary to ensure that impacts on existing residents were reduced and new bungalows had been located next to existing bungalows.
- The concerns regarding limited amenity related to future occupants of the development and residents of Maltings Close, particularly in relation to the areas around the apartment block. The block was stepped with the largest block located in the middle and nearest to garages and two-storey dwellings outside the site.
- If the Committee were minded to approve the application with the recently proposed design changes, the agreement of the Chair would be obtained regarding the wording of conditions including a more stringent lettings policy and Section 106 agreement for the financial contribution for affordable housing, open space and healthcare provision.
- Standards regarding open space were set out within the NLP and did not require that play provision be included on site as there were less than 50 Class C3 dwelling units. The policy required that a financial contribution be made via a Section 106 agreement.
- The viability of the site had been evidenced by the developer who had needed to source additional external funding and also demonstrated by the length of time the site had been undeveloped. The site would not be viable if more units were lost to provide open space.
- Rural exception sites were those located outside a settlement boundary and therefore not relevant to this site which was within Bellingham.
- The sustainability of the location had been assessed as part of the NLP examination and approval process.
- It would not be possible to seek additional developer contributions due to the issues regarding the viability of the site. Improvements to connectivity could be achieved through the LCWIP process.
- The Interim Executive Director confirmed that, after hearing all the comments of Committee, that he held the view that the officer recommendation was appropriate and justified, but the matters discussed by members were capable of being material considerations in a decision to approve.

Councillor Dale proposed acceptance of the recommendation to refuse the application for the reasons in the officer's report and inclusion of affordable housing within reason no. 4. This was seconded by Councillor Waddle.

Some of the Members had found the site visit beneficial as it had demonstrated that the site would be suitable for residential development. They expressed their support for the application which would provide a significant amount of affordable housing, a Council priority, particularly in rural areas such as Bellingham. There was concern that the external funding might be lost if approval of the planning application was delayed.

Others highlighted that the apartment block was not a feature replicated elsewhere in the village and were not convinced that the benefits outweighed the harm from the design of the scheme, the impact on open space and amenity to the character of the site and surrounding area, particularly Maltings Close.

Members were in agreement that a stringent lettings policy needed to be adopted, and issues seen at other locations were not replicated. Reference was made to the difficulties parking in Bellingham and frequency and connectivity of public transport.

Upon being put to the vote the results were as follows: -

FOR: 5; AGAINST: 6; ABSTENTION: 1.

The motion failed.

Councilor Oliver proposed that the application be granted, contrary to the officer's recommendation that the application be refused as the benefits of delivering the affordable housing outweighed the harm from the development. If approved, the wording of conditions would need to be delegated to the Director of Planning in consultation with the Chair. This was seconded by Councillor Riddle.

Upon being put to the vote the results were as follows: -

FOR: 5; AGAINST: 5; ABSTENTION: 2.

As this was a tied decision, the Chair exercised his casting vote in favour of the proposal to approve the application and the motion was carried.

RESOLVED that the application be **GRANTED** permission for the reasons stated and that the wording of conditions to be delegated to the Director of Planning in consultation with the Chair, including:

- a) Incorporating the latest amendments to the design and removal of one C3 unit

- b) A condition for a Section 106 agreement for the £33,000 financial contribution to secure affordable housing, open space and healthcare provision.
- c) Details of the phasing, mix of affordable housing tenures, eligibility criteria for local lettings policy to be submitted and agreed in consultation with the local member and parish council.

31. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

RESOLVED that the information be noted.

Councillor Horncastle left the meeting.

The meeting adjourned at 5.53 p.m. until 6.10 p.m.

LOCAL AREA COUNCIL BUSINESS

32. PUBLIC QUESTION TIME

There were no questions from members of the public.

33. PETITIONS

This item was to:

a) Receive any new petitions:

It was reported that the following new petition had been opened for signatures on the Council's website:

Wentworth Car Park & Hexham Alemouth Road Car Park, Hexham

b) Consider reports on petitions previously received:

There were none to consider.

c) To consider updates on petitions previously considered:

There were none to consider.

34. LOCAL SERVICES UPDATE

Members received the following updates from the Area Managers from Neighbourhood Services and Technical Services:

Neighbourhood Services:

- The service had continued to experience severe staffing challenges in respect of HGV drivers, but with the assistance from colleagues in Highways and other depots, the service had continued with only a few missed collections which emptied on subsequent days. Recruitment was progressing.
- There were 7,200 garden waste customers in the west which was proving challenging when there were large tonnages collected.
- Amenity grass cutting had been impacted by staff assisting with refuse collections however these had been caught up via overtime. 4/5 cuts had been carried out to date with the service on target for 10-13 cuts during the season.
- Weed control was being delivered by a combination of a local contractor and grounds staff. The service was 3-4 weeks behind schedule due to the number of windy days which had prevented weed killer from being applied. Most areas had received a first application. Members were asked to forward any locations which needed another visit.
- Verge cutting was on target for completion by the end of July. Local farmers were engaged to assist with 6.8 million m² of grass verge in the county. Areas would be visited promptly if there were any concerns regarding regrowth at visibility splays. Any safety issues should be reported.
- 105 tonnes of glass had been collected from properties in the Hexham participating in the kerbside glass collection trial. In total 299 tonnes had been collected from across the 4 trial areas between November 2020 to October 2021 and 204 tonnes from November 2021 to date.
- They had worked in conjunction with Town and Parish Councils to ensure that In Bloom and Green Flag routes were well maintained and presented well before judging took place.

Responses to issues raised by Councillors included:

- A food waste trial was scheduled to commence in the Morpeth area in September to gather information on participation and collection amounts prior to it becoming a mandatory service. A hot box composting bin trial would also be commencing in some rural and sparsely populated areas where it would not be technically, economically or environmentally practical to provide a weekly collection.
- The locations of areas of concern regarding the cutting of grass verges should be emailed to the officer to investigate whether there had been regrowth, or the location missed. Verges in the most rural areas were last in the programme and may not yet have been visited.
- Further information on the food waste trial was available in a report considered by the Communities & Place Overview and Scrutiny Committee on 29 June 2022.
- A report on the alternative methods of weed control was being prepared by the Head of Neighbourhood Services and Neighbourhood Services

Divisional Manager. The alternative methods had generally been more expensive and less effective with several more visits being required.

- Vandalism at the bandstand at the Sele had been identified as a priority for the police and community safety colleagues. The damage was being repaired and benches would be replaced when suitable alternatives were sourced.
- An external contractor was responsible for the cutting of the hay meadow at Hexham Middle School.

Technical Services:

- Reactive maintenance following statutory highway inspections and reports from third parties were up to date in the Tynedale area. 98% of actionable defects were repaired in line with the Council's policy. 3,943 actionable defects had been recorded between April and May 2022.
- Work on footways had commenced in Kielder with work also programmed in a number of other locations.
- The gulley tanker continued its routine cleansing programme with a dedicated drainage gang renewing gully pots, cross drains and ditching.
- Discussions were being held by the Construction Manager and Street Works to address concerns of residents regarding the surfacing and pavement works to be carried out during the school summer holiday period in the vicinity of the High School.
- Work at 13 sites was being programmed in to improve U and C roads under the LTP Programme. Provisional dates would be shared with members although were weather dependent.
- Surface dressing work at 9 of 12 sites had been completed within the Tynedale area. This amounted to nearly 135,000m².
- Local safety scheme work was also being carried out at a number of areas including replacement signs and road markings, bollards and tactile repairs.
- Salt supplies were being restocked ahead of the winter period with 28,000 tonnes of salt having been delivered to take the Council to its maximum capacity of 70,000 tonnes. Gritters had been out 'dusting' the roads during recent spells of hot weather.

The following issues were discussed:

- The Council was unable to undertake work at a specified location if a permit for a road closure had been issued to a utility company. Discussions would be held with Street Works regarding delays for NCC work in Riding Mill.
- A damaged / missing roundabout sign on the A68 had been reordered and would be followed up.
- Councillors were invited to arrange a site visit if they wished to discuss issues within their wards.
- Road markings would be renewed around taxi bays in Hexham to deter use by other vehicles at school drop off and pick up times.

It was reported that Hexham Town Council had identified a 20mph speed limit across the town an LTP priority as the current system was confusing. This had been raised with officers.

Several members expressed their gratitude to the officers and their teams for swift response to issues reported.

RESOLVED that the updates be noted.

Councillor Riddle left the meeting at 6.50 p.m.

35. BROADBAND UPDATE

Gill Cowell, Business and Community Engagement Officer, iNorthumberland Programme, was in attendance to give an update and answer questions about broadband and connectivity in the Tynedale area. (A copy of the presentation is enclosed with the signed minutes).

The presentation included information on:

- Current broadband coverage in Tynedale and comparison with Northumberland and national data.
- Expansion of Local Full Fibre Networks using BDUK and NCC funds to act as a catalyst to roll out fibre following installation at public buildings.
- The Openreach Fibre First programme and roll out fibre to additional areas by 2026.
- Delivery of fibre by Altnet suppliers within the next 12-18 months with more locations not yet publicised.
- Project Gigabit provided a subsidy for commercial investment in hard-to-reach parts of the UK that would not be otherwise be viable to help meet the government's target for 85% of UK premises to access gigabit capable broadband by 2025. The closing date for tenders for over 62,000 properties in Northumberland and Durham was 28 July with a decision expected in November 2022. A decision on a smaller Type A lot of around 4,000 properties was expected to be announced in August 2022. A map depicted properties:
 - Green – included within the Type A lot
 - Grey – included within the procurement exercise for Cumbria as served by the Brampton telephone exchange. (A decision was expected in September 2022.)
 - Blue – deferred as potentially being rolled out commercially.
 - Red – included within the initial Type B roll out for Northumberland and Durham.
- Gigabit vouchers had temporarily been frozen during the aforementioned procurement process. The vouchers provided £1,500 for homes and £3,500 for businesses towards the costs of installing gigabit broadband for people experiencing slow broadband speeds in rural areas. NCC had also put in place top up funding to match the Gigabit vouchers to increase the amount available to £3,000 for homes and £7,000 for businesses who

were eligible (i.e. rural designation and current speeds less than 30 Mbps). Alternative methods were to be explored to connect very hard to reach premises.

- The iNorthumberland website pages had recently been revamped and residents were encouraged to input their postcodes to check broadband speeds.
- Officers would be meeting with colleagues in planning regarding gigabit broadband requirements for new developments.

It was noted that rural areas in Northumberland were identified as a priority to improve broadband speeds. Alternative technical solutions would be required for some isolated properties where it would not be practical to dig miles of trenches to lay cables.

Whilst Members were pleased that progress was being made, delivery of the projects in some areas was not expected until 2026, which was frustrating, particularly in areas which did not have a good mobile telephone reception.

It was thought it would be useful if the presentation could also be given parish councils.

The Chair thanked the officer for the useful update and agreed that a copy of the presentation be circulated following the meeting.

RESOLVED that the information be noted.

36. MEMBERS LOCAL IMPROVEMENT SCHEMES – PROGRESS REPORT

The Local Area Council received a progress update on Members' Local Improvement Schemes as at 1 June 2022. (A copy of the report is enclosed with the minutes.)

RESOLVED that the report be noted.

37. LOCAL AREA COUNCIL WORK PROGRAMME

A list of agreed items for future Local Area Council meetings was circulated. (A copy is enclosed with the minutes.)

Members were invited to email any requests to the Chair and / or Democratic Services Officer between meetings.

The following presentations had recently been arranged:

September - North of Tyne Rural Business Growth Service
November – Highways Maintenance

RESOLVED that the work programme be noted.

38. DATE OF NEXT MEETING

The next meeting (planning only) would be held on Tuesday 9 August 2022 at 4.00 p.m.

CHAIR _____

DATE _____

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Northumberland County Council

TYNEDALE LOCAL AREA COUNCIL

9 AUGUST 2022

DETERMINATION OF PLANNING APPLICATIONS

**Report of the Interim Executive Director of Planning and Local Services,
Regeneration, Commercial and Economy**

Cabinet Member: Councillor CW Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Tynedale Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:

- Decision makers are to have regard to the development plan, so far as it is material to the application
 - Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for	None unless stated

Money:

Human Resources: None

Property: None

Equalities: None

Risk Assessment: None

Sustainability: Each application will have an impact on the local environment and it has been assessed accordingly

Crime and Disorder: As set out in the individual reports

Customer Considerations: None

Consultations: As set out in the individual reports

Wards: All

Report author Rob Murfin
Report of the Interim Executive Director of Planning and Local
Services, Regeneration, Commercial and Economy
01670 622542
Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

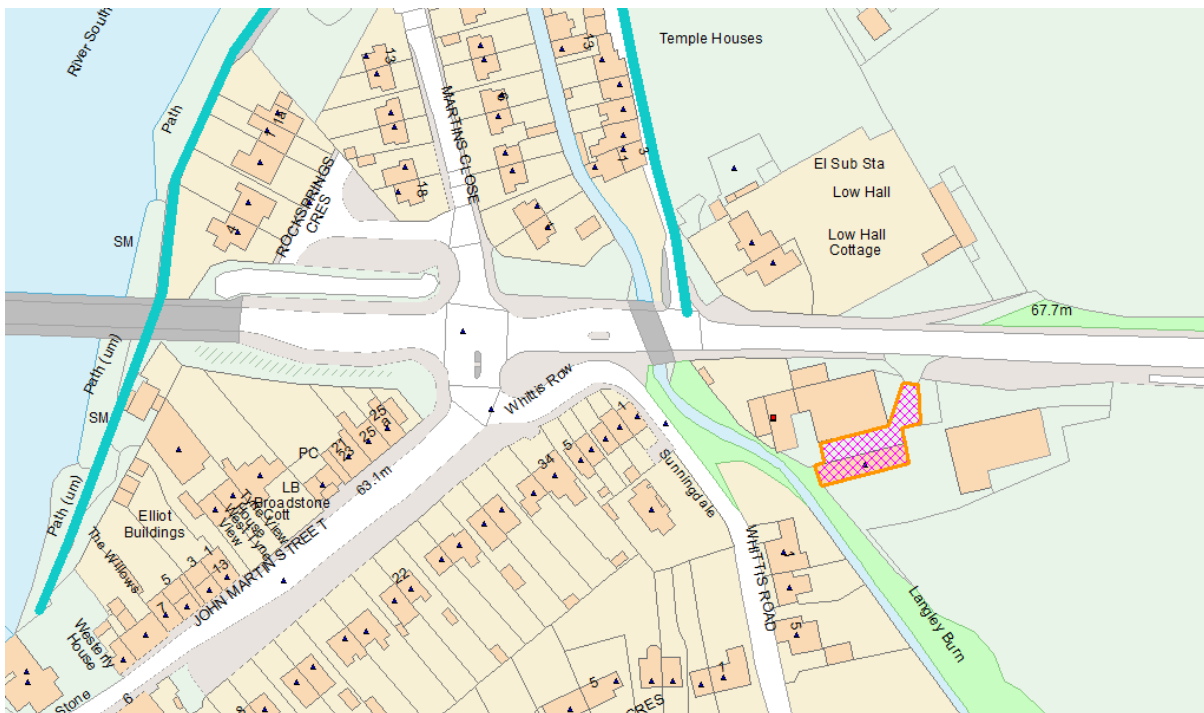


Northumberland County Council

Tynedale Local Area Council Planning Committee 9th August 2022

Application No:	21/04540/FUL		
Proposal:	Proposed conversion of existing redundant farm building into single dwelling		
Site Address	Low Hall Farmhouse, Haydon Bridge, Hexham, Northumberland NE47 6AF		
Applicant:	Mr Peter MacDonald Low Hall Farmhouse, Haydon Bridge, Hexham, Northumberland NE47 6AF	Agent:	Mr Mike Holliday Broadwath Cottage, Broadwath, Heads Nook, Brampton, CA8 9BA
Ward	Haydon And Hadrian	Parish	Haydon
Valid Date:	23 November 2021	Expiry Date:	18 January 2022
Case Officer Details:	Name: Miss Charlie Hall Job Title: Planning Officer Tel No: 01670 624525 Email: Charlie.Hall@northumberland.gov.uk		

Recommendation: That this application be REFUSED



1. Introduction

1.1. The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due Officer recommendation being contrary to the Parish Councils' in addition to a local Councillor calling the application in. It was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1. Full planning permission is sought for the conversion and extension of a redundant byre into a residential dwelling.

2.2. The application seeks permission to change the use of an existing byre into a residential dwelling. The proposal will include increasing the height of the existing building by 2m in height to create a two storey 3-bedroom property. There would be a number of new openings for windows and doors including a floor to ceiling door and glazing to the front of the building. The new roof would be pitched and constructed from natural slate and would have 9no. rooflights. The proposal would try to retain as much of the existing stone exterior and would use matching stone to build the walls up.

2.3. The application byre is located on the existing farm, with the site being located on the eastern edge of Haydon Bridge. The byre that is proposed to become a single dwelling, was previously used in conjunction with the farm but has been neglected over recent years with the applicant stating that the building is no longer fit for purpose. The site is located on the eastern edge of Haydon Bridge and Haydon Bridge Conservation Area. The building itself first appears on the second edition of the OS map. The farm itself is specifically mentioned numerous times throughout the Haydon Bridge Conservation Area Appraisal. Due to its age, history related to Low Hall and traditional agricultural features the byre is considered to have high local significance associated with the history and development of Haydon Bridge and therefore is considered a non-designated heritage asset.

2.4. This application is a resubmission of planning application 21/02129/FUL which was withdrawn due to the application being recommended for refusal. This application seeks permission for similar works but has removed the extension to the south elevation.

3. Planning History

Reference Number: 19/04083/TREECA

Description: Trees in a Conservation Area : T1, T2, T3 and T4 - Sycamore trees (fell due to damage to gable end of stone byre and roots undermining foundations)

Status: No Objection

Reference Number: 21/02129/FUL

Description: Proposed conversion of existing redundant farm building into a single dwelling

Status: Withdrawn

Reference Number: T/20100632

Description: Construction of steel agricultural building for storage of animal fodder.

Status: Permitted

Reference Number: T/90/E/486

Description: Conversion of existing farm buildings to four two storey dwelling units, (as amended by letters dated 2.8.90 & attached plan, and 15.10.90 & attached plan).

Status: Permitted

Reference Number: T/89/E/A/51

Description: Erection of advertisement sign.

Status: Permitted

4. Consultee Responses

Highways	No objection subject to conditions
Environment Agency	No objection
Haydon Parish Council	Support the application
Forestry Commission	No response received.
Highways England	No objection
Building Conservation	Built Heritage and Design have considered the submitted proposal with regards to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. While supportive of the principle of conversion, we conclude that the design of the proposed development would cause harm to a non-designated heritage asset and fails the statutory test to preserve the character and appearance of Haydon Bridge Conservation Area. The proposals would result in 'less than substantial' harm to the significance of the designated heritage asset, within the terms of paragraph 199 of the NPPF. Paragraph 202 requires 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use however, securing the optimum viable use of the farm building could be achieved without the loss of character, important architectural features and historic fabric. We therefore do not support this proposal and recommend refusal.
West Tree And Woodland Officer	No response received.
Lead Local Flood Authority (LLFA)	No objection
County Ecologist	No objection subject to conditions
Public Protection	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
Number of Support	35
Number of General Comments	0

Notices

Affecting Conservation, 16th December 2021
Hexham Courant 2nd December 2021

Summary of Responses:

There have been 35 letters of support for the application. The comments that have been raised address the following points:

- The applicants work in the local community and family farm
- The proposal would bring a derelict building back into use
- The proposed design, materials and increase in height would be in keeping with the site and surrounding area
- The conversion would enhance the site and surrounding area
- There is a lack of affordable local housing for young couples in the area
- The proposed change of use would help reduce agricultural crime
- The existing building is not fit for purpose.

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=R62C3BQS0CI00>

6. Planning Policy

6.1. Development Plan Policy

Northumberland Local Plan (March 2022)

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 HOU 1 – Making the Best Use of Existing Buildings (Strategic Policy)

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

Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
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 ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 - Biodiversity and geodiversity
Policy ENV 7 – Historic Environment and Heritage Assets
Policy ENV 9 – Conservation Areas
Policy WAT 2 – Water Supply and Sewerage
Policy WAT 3 - Flooding

6.2. National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as amended)

6.3. Emerging Policy

Haydon Parish Neighbourhood Plan

Policy H1. Sustainable development
Policy H2. Sustainable location of new development
Policy H5. Flood prevention and alleviation
Policy H6. Design
Policy H7. Haydon Bridge Conservation Area
Policy H9. Biodiversity
Policy H19. Sustainable transport and new development

6.4. Other Documents

Adapting Traditional Farm Buildings (2017)

Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2017)

Haydon Bridge Conservation Area Character Appraisal (2009)

7. **Appraisal**

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan (NLP).

7.2. The main considerations in the determination of this application are:

- Principle of the development;

- Design and impact on the Conservation Area;
- Amenity;
- Highway safety;
- Flood risk;
- Ecology; and
- Drainage and sewerage.

Principle of the development

- 7.3. Policy HOU 1 of the Northumberland Local 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”*. This policy follows on to state that proposals for change of use to residential use should take account of any impacts on the continued operation of surrounding businesses and any need to retain sufficient premises for business and commercial uses.
- 7.4. Policy HOU 2 of the Northumberland Local Plan relates to the provision of new residential development. This policy is supportive of the delivery of new open market and affordable dwellings in a range of tenures, types and sizes where it is consistent with the spatial strategy for Northumberland, as set out in Policy STP 1 of the Northumberland Local Plan.
- 7.5. Policies H1 and H2 of the adopted Haydon Neighbourhood plan both support development within the settlement of Haydon and encourage the re-use of existing buildings to provide residential dwellings where possible.
- 7.6. The Northumberland Local Plan and the Haydon Neighbourhood Plan both support the conversion of an existing building within the settlement of Haydon. The proposed building is located within the settlement boundary and would reuse a redundant building. Therefore the principle of converting the building into a residential dwelling would be acceptable and in accordance with Policies H1 and H2 of the Haydon Neighbourhood Plan and Policies STP1, HOU1 and HOU2 of the Northumberland Local Plan in this respect.

Design and impact on the Conservation Area

- 7.7. The application site is located within Haydon Bridge Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character, appearance and setting of Conservation Areas in exercising their planning functions.
- 7.8. Paragraph 203 relates to non-designated heritage assets and requires the impact of development proposals on the significance of a non-designated heritage asset to be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy ENV7 of the Northumberland Local Plan reiterates the importance of non-designated heritage assets and any development should preserve, enhance and protect heritage assets.

7.9. Policy QOP 1 of the Northumberland Local Plan relates to design. Criteria b states that development should:

“create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area, having particular regard to:

- i. Building heights;*
- ii. The form, scale and massing, prevailing around the site;*
- iii. The framework of routes and spaces connecting locally and more widely;*
- iv. The pattern of any neighbouring or local regular plot and building widths, and where appropriate, follow existing building lines;*
- v. v. the need to provide active frontages to the public realm; and*
- vi. vi. distinctive local architectural styles, detailing and materials;”*

7.10. Policy H6 of the Haydon Neighbourhood Plan relates to design and how development should conserve and enhance local distinctiveness. The policy sets out a list of objectives that a proposal should meet. Policy H6 covers a wide range of principles including the following principals:

- a. “Maintains and where possible enhances the character of the locality, paying particular attention to the appearance, size, scale and density of the proposed development;*
- d. Conserves and enhances the significance of heritage assets including that generated by the relationship with their setting;*
- f. Respects established building lines and introduces boundary treatments and roof lines that are in keeping with the street scene”*

7.11. Policy ENV 1 relates to the historic built environment and states that:

“The character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by:

- a) Giving appropriate weight to the statutory purposes and special qualities of the hierarchy of international, national and local designated and non-designated nature and historic conservation assets or sites and their settings”*

7.12. Policy ENV 9 of the Northumberland Local Plan relates to works within Conservation Areas. The Policy states that any development within these protected areas should:

“respect existing architectural and historic character and cultural associations, by having regard to:

- i. Historic plot boundaries, layouts, densities and patterns of development; and*

- ii. *The design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures; and*
- iii. *The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, trees, hedges, walls, fences, watercourses and surfacing.”*

These principles are reiterated within Policy H7 of the Haydon Neighbourhood Plan which seeks to preserve or enhances the character or appearance of the conservation area and its setting.

- 7.13. Low Hall Farm comprises a complex of sandstone agricultural buildings with hipped and dual pitched slate and metal roofs. The adopted Conservation Area Character Appraisal (CACA) highlights Low Hall Farm “*as a landmark group of buildings, marking the eastern extremity of Haydon Bridge*”. It continues “*that the farm complex provides an appropriate agricultural link between the built-up form of the village and the surrounding rural area and serves as a reminder of the area’s former economic dependence upon farming*”.
- 7.14. The long byre first appears on the second edition of the OS map. It retains some of its original features, as referenced in the CACA. Due to its age, history related to Low Hall and traditional agricultural features the byre is considered to have high local significance associated with the history and development of Haydon Bridge and therefore is considered a non-designated heritage asset.
- 7.15. Any barn conversion should follow Historic England’s guidance on the adaption of historic farm buildings. Historic England identifies key principles for farm conversion which includes the retention of distinctive features, both internally and externally and minimal alterations and loss to significant historic fabric.
- 7.16. The Council’s Building Conservation Team were consulted on this application. The Building Conservation officer identifies that the additional storey and removal of important features such as the timber planked windows, columns with chamfered edges and breather slits, would fundamentally alter the character and appearance of the building, obscuring its legibility as a former byre for the housing of animals. The new openings to all elevations and the large area of glazing around the main entrance on the north elevation would result in loss of historic fabric and further obscure the simple, restrained vernacular of the byre. This would amount to harm to the non-designated heritage asset.
- 7.17. As required by law, the proposals must preserve or enhance the character and appearance of Haydon Bridge Conservation Area. Even in its semi- derelict condition, the byre’s form, materiality and appreciable former function, enhanced by its farmstead setting, makes a positive contribution to the conservation area.
- 7.18. The submitted proposal now retains the linearity of the former byre and would be finished in traditional stone to match the existing with timber windows. The proposed materials would reflect the general character of a traditional farm buildings but the authenticity of its contribution to the conservation area would be lost. Furthermore, the proposals would have a harmful impact on the historic

composition of the farmstead, recognised in the Conservation Area Character Appraisal as an important visual gatekeeper within the conservation area.

- 7.19. Nearest the road is a two storey hipped roof stone building with first floor hayloft opening and boarded doors and part planked windows. Abutting this on its southern elevation is a dual pitched corrugated metal roofed barn with stone sides. A few metres away from this is the former byre. An additional storey to the byre would unbalance this composition, adversely impacting on its visual and subservient relationship with the adjacent farm buildings to which there is an established order and hierarchy. The increase in height would have a significant impact on the visual appearance of the property from the main road and would alter how the site is read as a landmark group of buildings as defined in the CACA. The degree of change proposed to the former byre and the impact this would have on the historic character of the Low Hall farmstead would not preserve or enhance the character and appearance of Haydon Bridge Conservation Area.
- 7.20. The Building Conservation Officer has concluded that whilst we are supportive of the principle of conversion, the design of the proposed development would cause harm to a non-designated heritage asset and fails the statutory test to preserve the character and appearance of Haydon Bridge Conservation Area. The proposals would result in 'less than substantial' harm to the significance of the designated heritage asset, within the terms of paragraph 199 of the NPPF.
- 7.21. Paragraph 202 requires 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use however, securing the optimum viable use of the farm building could be achieved without the loss of character, important architectural features and historic fabric. Therefore, Building Conservation do not support this proposal and recommend refusal.
- 7.22. The proposed design and development of the building would result in a loss of historic fabric and would significantly alter the historic relationship of the farm stabling and the relationship between the buildings. The proposed works would cause harm to the non-designated heritage asset but also the wider Haydon Bridge Conservation Area, with no wider public benefit demonstrated which would outweigh this harm. Therefore, the proposal fails to accord with Policies H6 and H7 of the Haydon Neighbourhood Plan, Policies QOP1, ENV1, ENV7 and ENV9 of the Northumberland Local Plan, Historic England's guide to Adapting Traditional Farm Buildings and Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets and the NPPF in this respect.

Amenity

- 7.23. The application building is located on a working farm and is situated south east of the existing farmhouse. There are neighbouring properties to the north and south west of the building. The properties to the north would not be impacted by the conversion due to the separation distance and main road separating the buildings. The property to the south west of the byre (Burn Cottage 1 Whitts Road) is located across from the byre with Langley burn and the surrounding vegetation separating the buildings. It is considered that the proposed

conversion and extension would not impact this property. Given the location and orientation of the existing farmhouse and proposed conversion there would be no direct impact on the farmhouse. Therefore the proposal is not considered to significantly impact the neighbour properties and would accord with Policy QOP2 and the NPPF in this respect.

Highway safety

- 7.24. The development management highways team were consulted on this application and requested additional information relating to proposed parking spaces and turning areas. This information was provided by the applicant the highways officer is satisfied that the car parking proposed is acceptable. They have no objections to the development subject to planning conditions securing the car parking provision and details of cycle parking and refuse storage/strategy. The proposal therefore accords with Policies TRA1, TRA2 and TRA4 of the Northumberland Local Plan and the NPPF in this respect.

Flood risk

- 7.25. The application site is located within flood zone 2 and 3 and therefore the EA and LLFA have been consulted as statutory consultees. With regards to the original submission both the EA and LLFA raised objections to the information submitted. The applicant submitted additional information that satisfied the EA requirements however the information submitted is not sufficient to alleviate the LLFAs (Lead Local Flood Authority) concerns, and their objection was maintained. The applicant has since submitted additional information which now satisfies the LLFA, and they no longer object to the proposed works. As such the submitted information accords with Policy H5 of the Haydon Neighbourhood Plan, Policy WAT 2 of the Northumberland Local Plan and the NPPF in this respect.

Ecology

- 7.26. Policy H9 from the Haydon Neighbourhood plan relates to biodiversity and states that *“development should protect and enhance biodiversity, including sites identified on the policies map, by seeking to ensure no loss or significant harm to sites of biodiversity value, protected and priority species, their habitats or the corridors that connect them”*
- 7.27. Policy ENV2 of the Northumberland Local Plan seeks to ensure that all proposals *“affecting biodiversity and geodiversity, including designated sites, protected species, and habitats shall minimise their impact, avoiding significant harm through location and/ or design.”*
- 7.28. The Council’s Ecology Team were consulted on the application. The ecologist objected to the previous application due to insufficient information, this additional information was still not supplied when this application was submitted. The applicant has submitted additional information which has satisfies the Ecologist concerns. The Council’s Ecologist no longer objects to the proposal subject to conditions. The proposed works and information supplied accords with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017, Policy ENV2 of the Northumberland Local Plan

Drainage and Sewage

7.29. The application form states that foul sewerage would be disposed of by the mains sewer. Public Protection were consulted on this application and they raise no objection to the proposal subject to conditions. Therefore, the proposal would be in accordance with Policy WAT 2 of the Northumberland Local Plan.

The Planning Balance

7.30 The application site falls within an existing settlement where development for housing is acceptable in principle, and the applicant has indicated that the proposed dwelling would be used for an agricultural worker. However, the hard to the existing building and the Haydon Bridge Conservation area as identified above is significant and it is not considered that this harm can be justified by the benefits of the scheme.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

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

8. Conclusion

8.1. To conclude the principle of converting the existing byre into a residential dwelling is supported however the proposed design and development are not acceptable for the reasons listed above. The proposed changes would harm the non-designated heritage asset and would have an impact on the wider conservation area. Therefore the application is recommended for refusal.

9. Recommendation

That this application be REFUSED subject to the following:

Conditions/Reason

1. The proposed design, scale and increase in height would fail to preserve the special interest of the host building which is a non-designated heritage asset and the wider Haydon Bridge Conservation Area. The proposed increase in height would alter the historic relationship between buildings on the farm steading. The proposed works would be unsympathetic to the character of the original building and would be visible from the Conservation Area and would change the appearance of the site from the public domain. It is not considered that there are sufficient public benefits resulting from the development that would outweigh the identified harm. Therefore the proposal fails to accord with Policies ENV7 and ENV9 of the Northumberland Local Plan and the NPPF in this respect.

Background Papers: Planning application file(s) 21/04540/FUL



Northumberland County Council

Tynedale Local Area Council Planning Committee 9th August 2022

Application No:	22/00579/FUL		
Proposal:	Conversion of existing barn to 1 dwelling		
Site Address	Land To East Of Edgewell House Farm House, Edgewell House Road, Prudhoe, Northumberland, NE42 5PD		
Applicant:	Mr Steve Underwood Edgewell House Farm House, Edgewell House Road, Prudhoe, NE42 5PD	Agent:	Mr Tony Carter 1st Floor, Hepscott House, Coopies Lane, Morpeth, NE61 6JT
Ward	Prudhoe North	Parish	Prudhoe
Valid Date:	17 February 2022	Expiry Date:	12 August 2022
Case Officer Details:	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions.



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1. Introduction

1.1 The application has been called in by a Local Member. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and the Chair and Vice Chair of the Tynedale Local Area Council 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 of one former milking parlour building to create one residential dwelling on land east of Edgewell House Farmhouse, Edgewell House Road, Prudhoe.

2.2 The application proposes to retain and convert the existing building at the site to provide one dwelling. The dwelling would have three bedrooms and the accommodation would be set over one level. The existing brick walls would be retained and cleaned and repointed, where necessary, and the existing metal framed windows to the north west and south east elevations would be replaced with uPVC windows in enlarged openings. The existing corrugated sheeting to the roof, which contains asbestos, would be replaced with new black corrugated roof sheeting. Powder coated aluminium bi-folding doors would be installed to the south east elevation of the building. The existing large openings to the north east and south west elevations of the building would be partially bricked up with new openings installed.

2.3 Car parking would be provided to the south west of the unit, with the proposed development to be accessed from Edgewell House Road via a private road/driveway, which currently serves the residential property, Edgewell House Farmhouse. The vehicular access point onto Edgewell House Road would remain as existing. As part of the application, the 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 into residential use.

2.4 The application site is located within the open countryside to the south of the main town of Prudhoe. The application site is within the Green Belt, is within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI). The application site is also within a high-risk coal working referral area.

2.5 Further information and revised plans have been submitted during the course of the application to address the initial concerns raised by the Council's Public Protection (PP) team, the Council's Ecology team and the Council's Highway Development Management (HDM) team.

2.6 The building has been subject to two previous prior approval applications for conversion into residential use (references: 20/02734/AGTRES and 21/01205/AGTRES). Prior approval applications of this type are solely assessed

against the criteria and conditions of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Both prior approval applications concluded that insufficient information was provided to demonstrate that the building was last used for agricultural purposes and therefore it was considered that the proposals did not constitute permitted development and the prior approval applications were refused. The current application, is a full planning application, and will therefore be assessed differently to the prior approval applications and will be assessed against relevant local and national planning policies. This assessment is set out in the below appraisal section of this report.

3. Planning History

Reference Number: 20/02734/AGTRES

Description: Change of use of an existing agricultural building and conversion to 1no. dwelling

Status: Refused

Reference Number: 21/01205/AGTRES

Description: Prior notification for change of use of an existing agricultural building and conversion to 1no. dwelling

Status: Refused

Appeals

Reference Number: 21/00034/REFUSE

Description: Prior notification for change of use of an existing agricultural building and conversion to 1no. dwelling

Status: Dismissed

4. Consultee Responses

Prudhoe Town Council	Support the application.
Highways Development Management (HDM)	Raise concerns that the proposed development would be located in an unsustainable location in terms of connectivity, due to its open countryside location. However, HDM do find technical highway matters, such as access and parking, to be acceptable. At the request of the case officer, HDM have recommended conditions, as the Local Planning Authority consider the proposed development to be acceptable as a matter of principle in this open countryside location and in the Green Belt and recommend approval of the application.
County Ecologist	No objection subject to recommended conditions.
The Coal Authority	Recommend an informative be attached to any permission granted.
Public Protection	No objection subject to recommended conditions.
Northumbrian Water Ltd	No response received.

Lead Local Flood Authority (LLFA)	No objection subject to recommended condition.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

General site notice – Displayed on 16th March 2022

No press notice required.

Summary of Responses:

Two representations of objection have been received from neighbouring properties, raising concerns on the following issues:

- Highway safety.
- Access.
- Impact upon the amenity of neighbouring properties, The Granary and Edgewell East Cottage.
- Loss of privacy for neighbouring properties, The Granary and Edgewell East Cottage.
- Impact on the rural setting/area.
- Coal mining risk/land instability.
- Contamination.
- Validation matters.

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=R7EQ7EQSMIR00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022)

Policy ENV 1 – Approaches to Assessing the Impact of Development on the Natural, Historic and Built Environment (Strategic Policy)

Policy ENV 2 – Biodiversity and Geodiversity

Policy ENV 3 – Landscape

Policy HOU 1 – Making the Best Use of Existing Buildings (Strategic Policy)

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

Policy HOU 8 – Isolated Residential Development in the Open Countryside
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 STP 7 – Strategic Approach to the Green Belt (Strategic Policy)
Policy STP 8 – Development in the Green Belt (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
Policy ICT 2 – New Developments

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan.

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

- Principle of the development and Green Belt.
- Design.
- Amenity.
- Highway safety.
- Ecology.
- Public Protection.
- Coal mining risk.
- Drainage and sewerage.
- Connectivity.
- Other matters.

Principle of the Development and Green Belt

7.3 As a starting point, Policy STP 1 of the Northumberland Local Plan relates to spatial strategy. This policy sets out the overall approach to the distribution of development across the county. Policy STP 1 indicates that development within the open countryside will be supported where it can be demonstrated that it fulfils one of a number of criteria. Criterion (iv.) allows for the provision of residential development in accordance with Policies HOU 7 or HOU 8.

7.4 Policy HOU 1 of the Northumberland Local 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”*. Policy HOU 8 of the Northumberland Local Plan relates to isolated residential development in the open countryside. Policy HOU 8 supports the re-use of redundant or disused buildings where it enhances the immediate setting.

7.5 The existing building on the site is of substantial construction. A letter from Jackson Church Structural Engineering has been submitted as part of this application which, following a visual inspection, concludes that the masonry structure is generally in good condition and is considered suitable for conversion into a dwelling. The submitted letter also acknowledges that the majority of the existing masonry structure can be maintained. The retention of the building is considered justified, with the proposals not involving any extension, significant rebuilding or, as set out later in this appraisal, harm to their character. It is also considered that the proposal would enhance the visual appearance of the existing building and its immediate setting. The proposed conversion of the redundant building would be in accordance with Policies HOU 1 and HOU 8 of the Northumberland Local Plan as a matter of principle.

7.6 As a material consideration, the NPPF seeks to boost significantly the supply of housing. Paragraph 79 of the NPPF states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply, one of which includes where the development would re-use redundant or disused buildings and enhance its immediate setting. Paragraph 80 of the NPPF is accepting of the re-use of existing buildings in what may be regarded as unsustainable locations.

7.7 The proposed conversion of the existing redundant building to provide one dwelling would be acceptable as a matter of principle within this open countryside location. The proposed conversion is considered to be acceptable in accordance with Policies HOU 1 and HOU 8 of the Northumberland Local Plan and Paragraph 80 of the NPPF.

7.8 The application site is also located within the Green Belt. Development within the Green Belt is strictly controlled. Paragraph 134 of the NPPF states that *“Green Belt serves five purposes:*

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”*.

7.9 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, and lists a number of exceptions to this, none of which are relevant in this instance. Paragraph 150 of the NPPF states that *“certain other forms of development are*

also not inappropriate in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land within it". One of the forms of development which is also considered not to be inappropriate in the Green Belt under Paragraph 150 is the re-use of existing buildings provided that the buildings are of permanent and substantial construction.

7.10 Policy STP 8 of the Northumberland Local Plan relates to development in the Green Belt. Policy STP 8 states *"development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported"* and *"development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt and any other harm resulting from the proposal"*.

7.11 The proposal seeks to re-use an existing building which is of permanent and substantial construction, although it is recognised that some works are required in order to facilitate the conversion of the building. These works are limited in scale and are viewed as part of the overall conversion of the building. The principle of the conversion is considered to be acceptable, and no significant extension or alteration of the building is proposed. Therefore, this element of the proposal is considered to preserve the openness of the Green Belt by re-using an existing, redundant building that would bring the building back into use. The proposed conversion is therefore considered to be acceptable in accordance with Policy STP 8 of the Northumberland Local Plan and the principles set out within Chapter 13 of the NPPF.

7.12 This current full planning application has been appropriately assessed against relevant local and national planning policies and it is concluded that the principle of the proposed development is acceptable for the reasons set out above.

Design

7.13 The proposed conversion of the existing building would utilise the majority of the existing small openings to the north west and south east elevations of the building and would seek to enlarge these existing openings to create standard sized openings. Powder coated aluminium bi-folding doors would be installed to the south east elevation of the building, replacing three existing small openings, and the existing large openings to the north east and south west elevations of the building would be partially bricked up with new openings installed. The proposed dwelling would have large elements of glazing, predominantly to the south east elevation, which faces onto open, agricultural fields. The large elements of glazing, to the south east elevation, would be a modern design feature; however, this element is not considered to have an adverse impact on the character of the site. It is also noted that the existing building has several openings to each elevation at present. The existing brick walls would be retained and cleaned and repointed, where necessary, and the new windows would be uPVC. The existing corrugated sheeting to the roof, which contains asbestos, would be replaced with new black corrugated roof sheeting. A condition relating to the submission of details of the proposed materials to be used in the proposed conversion works is considered necessary to ensure that the materials are sympathetic to the existing building and would respect and retain its character and the character of the wider rural area.

7.14 Landscaping within the site would provide a more domestic arrangement. The 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 land within the red line boundary would provide amenity space and three car parking spaces for the dwelling. It is acknowledged that the proposed residential curtilage would be modest, therefore, a condition removing permitted development rights would be applied to ensure sufficient amenity space is provided and retained for the occupiers of the proposed dwelling. It is therefore considered that this element of the proposed development is acceptable.

7.15 Overall, it is considered that the proposed development, for reasons detailed above, would accord with Policies ENV 3, QOP 1, QOP 2 and QOP 4 of the Northumberland Local Plan and the principles of Chapter 12 of the NPPF in relation to design.

7.16 The representations of objection have made comments in regard to the impact of the proposed development upon the character of the rural area. These comments have been taken into account when compiling this section of the appraisal; however, following an assessment, it is considered that the proposal as submitted, is acceptable in this respect in planning terms.

Amenity

7.17 The application proposes to convert an existing agricultural building on the site to provide a three bedroom dwelling. 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 unit would have a garden area and car parking area and this would provide a modest curtilage for the new dwelling. As aforementioned, a condition removing permitted development rights would be applied to ensure sufficient amenity space is provided and retained for the occupiers of the proposed dwelling.

7.18 The building has three immediate neighbouring properties; Edgewell House Farmhouse to the west, The Granary to the north west and Edgewell East Cottage to the north east. The separation distances between the proposed dwelling and the existing neighbouring dwellings range from 21 metres to 40 metres, with The Granary being the closest dwelling. It is acknowledged that the land in this area slopes in a south-north direction and that the building subject to this application is located on higher ground than the immediate neighbouring properties. The topography of the land has been taken into account when assessing the impact of the proposal on the immediate neighbouring properties.

7.19 The proposed conversion entails re-using an existing building and improving its visual appearance by renovation works. The proposal involves the re-use of existing openings and the sensitive installation of new openings. It is considered that due to the separation distances, the single storey nature of the development, the pattern of the proposed openings, and the existing boundary treatments, the proposed conversion would not have a significant adverse impact on the privacy of the future occupiers of the unit and the residents of the existing dwellings at Edgewell House Farmhouse, The Granary and Edgewell East Cottage. It is also considered that the proposed development

would not have a significant adverse impact on the residents of the existing dwellings at Edgewell House Farmhouse, The Granary and Edgewell East Cottage with regard to loss of outlook or from an overbearing appearance. It is considered necessary to remove permitted development rights for additional openings, extensions, etc. To the new dwelling to ensure that the impact of future householder alterations/extensions on neighbouring properties can be fully assessed. It is also considered necessary to condition details of boundary treatments for the new dwelling to ensure these are appropriate and to ensure these are retained in perpetuity.

7.20 Concerns regarding amenity have been raised within the representations of objection, which are from occupiers directly adjacent to the site. Whilst the concerns raised have been taken into consideration when assessing the impact on amenity, it is not considered they represent an appropriate reason for refusal in this instance. It is therefore considered that for the reasons outlined above, the scheme proposed, represents a proposal which would not impact significantly on neighbouring occupiers as to warrant refusal in terms of impact on amenity.

7.21 The application is considered to be acceptable in respect of the impact of the development on the amenity of local residents and future occupants in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the principles of the NPPF.

Highway Safety

7.22 The Council's Highway Development Management (HDM) team has been consulted on this application and having reviewed the revised plans, considers technical highway matters, such as access and parking, are acceptable. Within the Council's HDM team's response, they raise concerns that the proposed development would be located in an unsustainable location in terms of connectivity, due to its open countryside location. HDM advise within their responses of their stance with regard to the sustainability of proposals in highways terms. However, their assessment of sustainability is highways related only and is different to that of the overall planning assessment of sustainability. Therefore, HDM, in their response, are just making the case officer aware that from a highway perspective the location is unsustainable in terms of connectivity, which in this case is due to it being within the open countryside. As the proposal involves the re-use of an existing, redundant building, it is considered acceptable as a matter of principle in this location (as assessed in the above sections of this appraisal), Therefore, at the request of the case officer, HDM, who consider the technical highway matters are acceptable, have recommended conditions which they consider are appropriate in this instance and which should be applied to any permission granted.

7.23 The representations of objection have made comments in regard to highway safety and access. These comments have been taken into account when compiling this section of the appraisal; however, following an assessment in consultation with the Council's HDM team, it is considered that the proposal as submitted, is acceptable in respect of highway safety and access. The highway safety and access concerns raised within the objections were brought to the attention of the Council's HDM team during internal discussions, at which time they reiterated that they had no concerns with the technical highway matters relating to this application.

7.24 Subject to accordance with the recommended conditions, the application is considered to be acceptable in this respect and thus the proposal is in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the principles of Chapter 9 the NPPF.

Ecology

7.25 An updated Bat Survey has been submitted during the course of the application, at the request of the Council's Ecologist. Following a review of the updated Bat Survey, the Council's Ecologist concludes that they have no objection to the application as the proposed development is unlikely to impact protected species or designated nature conservation sites. The Council's Ecologist recommends conditions to secure appropriate mitigation and biodiversity enhancement. Subject to accordance with these conditions, the application is considered to be acceptable in accordance with Policies ENV 1 and ENV 2 of the Northumberland Local Plan and the aims of the NPPF in this respect.

Public Protection

7.26 A Phase 1 Report and gas membrane details have been submitted during the course of the application, at the request of the Public Protection (PP) team. Following a review of these details, the Council's PP team conclude that they have no objection subject to conditions relating to land contamination and ground gas protection. Subject to accordance with these conditions, the application is considered to be acceptable in accordance with Policy POL 1 of the Northumberland Local Plan and the aims of the NPPF in this respect.

7.27 The representations of objection have made comments in regard to land contamination. These comments have been taken into account when compiling this section of the appraisal; however, following an assessment in consultation with the Council's PP team, it is considered that the proposal as submitted, is acceptable in respect of contamination and ground gas protection.

Coal Mining Risk

7.28 The application site is located within a high-risk coal working referral area. A Coal Mining Report has been submitted as part of this application. The Coal Authority have therefore been consulted on this application and concur with the findings in the submitted Coal Mining Report and recommend an informative containing advice be added to any permission granted. The application is therefore considered to be acceptable in this respect in accordance with Policy POL 1 of the Northumberland Local Plan and the aims of the NPPF.

7.29 The representations of objection have made comments in regard to coal mining risk and land instability. These comments have been taken into account when compiling this section of the appraisal; however, following an assessment in consultation with The Coal Authority, it is considered that the proposal as submitted, is acceptable in respect of coal mining risk and land instability.

Drainage and Sewerage

7.30 The application form states that foul sewerage would be disposed of by mains sewers and that surface water would be disposed of by sustainable drainage system. Northumbrian Water have been consulted on this application; however, no response has been received. The Council's Lead Local Flood Authority (LLFA) have also been consulted on this application and raise no objection subject to a condition relating to the submission of details of a scheme for the disposal of surface water. Subject to accordance with this condition, the application is considered to be acceptable in accordance with Policies WAT 2 and WAT 4 of the Northumberland Local Plan and the aims of the NPPF.

Connectivity

7.31 Policy ICT 2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate, where justified. The Policy goes on to state that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.32 The current application does not state whether full-fibre broadband connections are proposed, whilst officers are mindful of the rural location of the site which may affect availability of existing connections and viability of future connections. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT 2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Sustainability Measures

7.33 Policy QOP 5 of the Northumberland Local Plan relates to sustainable design and construction and seeks to minimise resource use, mitigate climate change, and ensure proposals are adaptable to a changing climate. This policy indicates that proposals will be supported, where feasible, where it incorporates sustainability measures, such as renewable and low carbon energy systems. This application was validated in February 2022, prior to the adoption of the Northumberland Local Plan, therefore sustainability measures were not sought from the outset. However, details of sustainability measures for the development can be secured by condition, in accordance with Policy QOP 5 of the Northumberland Local Plan and the principles of the NPPF.

Other Matters

7.34 One of the representations of objection raises concerns with the validation process. It is considered that the application has been correctly validated and the relevant processes have been followed in this respect. One of the representations of objection raises that some of the land within the blue line boundary on the submitted location plan is not within the ownership of the applicant. The case officer has sought clarification from the applicant's planning agent on this matter, who confirmed that the blue line boundary on the submitted location plan (which outlines other land owned by the applicant) is correct and is within the ownership of the applicant.

Equality Duty

7.35 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

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

Human Rights Act Implications

7.37 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.

7.38 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.

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

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above indicating accordance with the relevant development plan policies. The application has also been considered against the relevant sections within the NPPF and there is not considered to be any conflict between the local planning policies and the NPPF on the matters of relevance in this application.

8.2 The technical issues affecting the proposal have been suitably addressed subject to conditions set out in the recommendation.

8.3 The application has addressed the main considerations and it is considered appropriate to recommend the approval of the application. The proposal is therefore supported and approval subject to conditions is recommended.

9. Recommendation

That this application be GRANTED permission subject to the conditions set out below:

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 be carried out in complete accordance with the approved plans. The approved plans are:
 - Location Plan, Received: 17/03/2022
 - Proposed Elevations, Drawing No: 06 Revision: B
 - Proposed Site Plan, Drawing No: 04 Revision: B
 - Proposed Floor Plan, Drawing No: 05
 - Phase 1 Contaminated Land Assessment Dated October 2020 Produced by GeoSmart Information Ltd, Reference: 73810R1
 - Proposed Gas Membrane Installation Detail
 - Bat Survey – Old Dairy, Edgewell House Farm, Prudhoe, NE42 5PD Dated April 2022 (Update to 2020 Report) Version 3 Produced by RH Ecological Services
 - Coal Mining Report Produced by Tony Carter
 - Letter from Jackson Church Structural Engineering Dated 11/08/2020

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

3. Prior to the installation of the corrugated metal sheeting, precise details including type, colour and finish of the corrugated metal sheeting to be used for the external roofs of the hereby approved dwelling 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 retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

4. Prior to the installation of the windows and doors to the dwelling, precise details including type, colour and finish of the windows and doors of the hereby approved dwelling 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 retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

5. Prior to its first use on site, precise details including type, colour and finish of the brickwork to be used in the conversion of the hereby approved dwelling 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 retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

6. 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 additional window or other opening shall be made in any of the elevations of the hereby approved dwelling without the prior grant of planning permission from the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent neighbouring properties and to retain control over the external appearance of the development in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

7. 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 freestanding buildings, enclosures or structures shall be added to or constructed within the curtilage of the hereby approved dwelling without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwellinghouse and the Green Belt may be properly assessed and to safeguard the privacy and amenity of the occupiers of adjacent neighbouring properties in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

8. The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and shall be maintained in perpetuity.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent neighbouring properties and ensure the boundary treatments are appropriate

to the rural setting in accordance with Policies QOP 1, QOP 2 and QOP 4 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until a scheme to deal with contamination of land or controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by a competent and qualified consultant. The scheme shall include all the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - a) a site investigation 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-PathwayReceptor 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 and approved 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.

Reason: To ensure that risks from land contamination are minimised, in accordance with Policy POL 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

10. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. 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. 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 are minimised, in accordance with Policy POL 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

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. The written method statement must be written by a 'competent person'. 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 are minimised, in accordance with Policy POL 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

12. No building works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a Characteristic Situation 2 level of protection, whichever is the highest, has been submitted to and approved in writing by the Local Planning Authority.

The report shall also specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall also contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity, in accordance with Policies POL 1 and QOP 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

13. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 12, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity, in accordance with Policies POL 1 and QOP 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

14. 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 TRA 4 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

15. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Policy TRA 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

16. The development shall not be occupied until the 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 TRA 1 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

17. During construction, all works on site shall be undertaken in accordance with the avoidance and mitigation measures identified in the ecological report 'Bat Survey Old Dairy Edgewell House Farm Prudhoe' V3 April 2022, by RH Ecological Services, including:

- a) Works will be undertaken to a precautionary working method statement set out in Appendix 1 of the Bat Survey report.
- b) A pre-commencement check for nesting birds will be undertaken by a suitably experienced ecologist if construction work to the building is undertaken between March and August inclusive.
- c) Any pits or holes dug during construction phase must be covered up overnight or fitted with exit ramps (scaffolding planks) for mammals to be placed at an angle of 30o from base to top.

Reason: To avoid and mitigate impacts on biodiversity in accordance with Policy ENV 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

18. To ensure there is a net gain in ecological value, the following features will be included as part of the development:

- a) A minimum of 1 long-lasting bat box shall be attached to the new dwelling following best practice guidance (e.g., as close to the eaves as possible on the south or south-west elevation), and
- b) A minimum of 1 long-lasting bird box shall be attached to the new dwelling following best practice guidance (e.g., as close to the eaves as possible facing between the north and east elevation and away from artificial light).

Prior to first occupation or use of the building a verification report and/or photographic evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that this work has been done.

Reason: To conserve and enhance biodiversity in accordance with Policy ENV 2 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

19. Prior to the commencement of development, a scheme for the disposal of surface water from the development which shall use sustainable drainage

techniques wherever possible shall be submitted to and approved in writing by the Local Planning Authority. These shall include the driveway and parking areas being constructed of a permeable surface. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure the effective disposal of surface water from the development, in accordance with Policies WAT 2 and WAT 4 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

20. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT 2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

21. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures

and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Date of Report: 22.07.2022

Background Papers: Planning application file(s) 22/00579/FUL

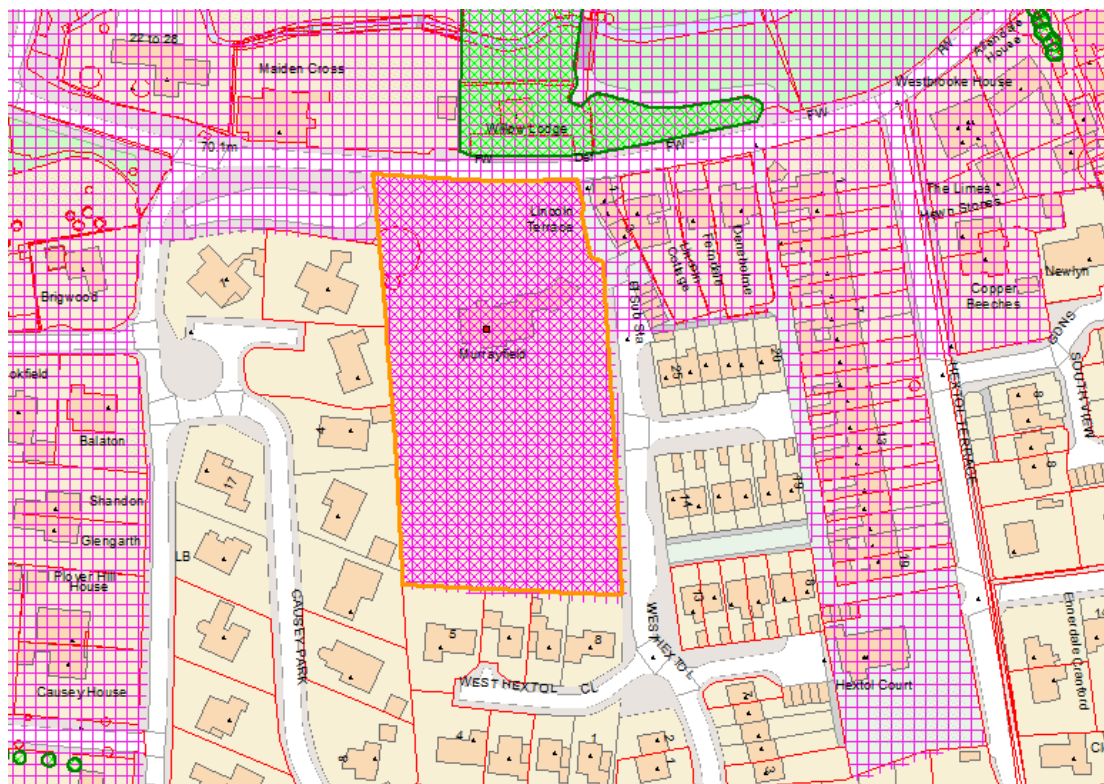
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Northumberland County Council

TYNEDALE LOCAL AREA COUNCIL AUGUST 2022

THE NORTHUMBERLAND COUNTY COUNCIL (LAND AT MURRAYFIELD, ALLENDALE ROAD, HEXHAM, NORTHUMBERLAND) TREE PRESERVATION ORDER 2022 (NO. 02 OF 2022).



1. Introduction

- 1.1. The purpose of this report is to seek a decision from the Local Area Council as to whether or not they wish the County Council to confirm the provisional Northumberland County Council (Land at Murrayfield, Allendale Road, Hexham, Northumberland) Tree Preservation Order 2022 (no. 02 of 2022).

2. Appraisal

- 2.1. The provisional TPO was made by the County Council under Section 198 of the Town & Country Planning Act 1990 on 24th March 2022 under delegated powers following the refusal of planning application 22/00474/TREECA, which

proposed to reduce the height of two Cypress Trees and fell 32no. trees of a variety of species which include the main trees of special interest comprising of 1 no. Austrian Pine, 9 no. Cypress, 2 no. Cedar, 1 no. Blue Atlas Cedar, 1 no. Cedar of Lebanon, 1 no. Birch, 1 no. Elm, 1 no. Acer sp. 1 no. Beech and 1 no. Spruce.

- 2.2. The land in which the order applies lies within the Hexham Conservation Area, specifically within the residential curtilage of Murrayfield, Allendale Road, Hexham.
- 2.3. The order confirms protection of the site at Murrayfield, with the entire area referred to as A1.
- 2.4. Proposed is to modify the TPO, as will be discussed later in the report, from an Area TPO, to 25no. individually specified trees and 5no. groups of trees within the site.
- 2.5. The trees were first assessed by the case officer on 16th February 2022 and by Arboricultural Consultant of Tilia Tree Consultancy Services on 25th February 2022. Following these visits, it was considered appropriate to refuse the application to prune and or fell the aforementioned trees while the Consultant also highlighted a number of trees that could or would merit a TPO at the site that were not included in the application. It was considered appropriate to create a new provisional TPO to protect the whole site.
- 2.6. The owners of the land on which the trees are situated, along with directly adjacent neighbours and the Parish Council, were informed of the making of the provisional TPO on 24th March 2022. Following the receipt of 1no. written objection, the confirmation of the TPO must now be determined by the Local Area Committee.
- 2.7. The objection received was from the agent for the planning application 22/00474/TREECA and was submitted to the Local Planning Authority on the 22nd April 2022. The objection included a report by Dendra Consulting Ltd which summarised that generally the trees are in good health with little required in the way of urgent health and safety works. Several trees were recommended for crown cleaning to remove deadwood and to sever the ivy at the base of some of the trees. Group 2 at the north eastern corner of the site was outlined to contain dead trees which should be removed.
- 2.8. The Dendra report continued that while some of the trees on the site are worthy of a TPO, many are not. The groups of trees and the individuals at the northern end of the site, around the entrance, were deemed mostly of a low value, with some exceptions. The individual trees numbered T1 to T22 (mostly at the north western corner) were deemed mostly low value specimens and the area deemed overgrown which would benefit from work to remove some specimens to open the canopy. T38 Beech at the southern end of site is in poor condition and further work in terms of decay detection is required. Another group of trees, numbered T41-T50 in the south east corner, and also T66-T68 which sit centrally at the eastern site boundary consist of cypress trees which contribute

little to the amenity of the grounds and actually detract from the better broadleaved specimens and larger cedars.

- 2.9. The objector, the agent of planning application 22/00474/TREECA added a formal objection which conveyed a lack of maintenance that has caused self-sown trees and overgrown vegetation; the objection includes 2no. photographs from the early 1980s where the top end of the site which borders Allendale Road was sparse in the way of screening and cited that this – being able to see up to the house as you ascend the access – would make access and egress safer and easier. The agent also outlined that an objective is to reduce shading in the garden and outlined that many Cypress trees that were proposed for removal detract from the amenity of the grounds and impact on the broad leaved trees. The agent outlined that the TPO should only cover trees on amenity grounds where they make a positive contribution to the Conservation Area and local environment, and/or where there is a public benefit, visibility for the general public and referencing the tree's importance by virtue of its size, form or species, or screening contribution.
- 2.10. Subsequent to this objection and submission of the Dendra report, the Arboricultural Consultant of Tilia Tree Consultancy Services revisited the site on 19th May 2022 to give a full assessment of the wider site and the trees which were not addressed by the initial planning application. This report which was submitted to the LPA on 7th June 2022 cross referenced the Dendra report which was given due regard although please note that the labelling of trees is different between the 2 reports and the site plan attached relates to the Tilia Tree report. The majority of trees fell into brackets of possibly or definitely meriting a TPO. G1, G2, T5, T7, T9-11, T13-14, T17, T19 and T21-26 were all outlined to definitely merit a TPO. The 2 groups scored well over retention span of 40-100 years, and public visibility with G2 scoring highly suitable for meriting a TPO. G1, as highlighted by the Dendra report at the north east corner of the site does contain trees of indifferent form from dead/dying to fair which could be removed within 5-10 years for replacement planting. Of the individually specified trees to definitely merit a TPO, principle boundary trees scored highly including T5 Hornbeam deemed highly suitable for a TPO in terms of condition and form, with 100+ years retention span and suitable relative public visibility.
- 2.11. G3, G4, G5, T1, T2-4, T6, T8, T12, T15-16 and T18 were deemed by the Arboricultural Consultant to possibly merit a TPO. G3 is an example of a group visible from Allendale Road that is at the upper end of scoring for trees that possibly merit a TPO, which is listed as suitable for a TPO, with 20-40 years retention span, and highly suitable in terms of public visibility. This groups is noted to retain medium sized trees of variable condition and ranging from declining to fair; the report outlines that the removal of this group could be mitigated within a relatively short period of time (5-10 years) by replacement planting. The report acknowledges that those trees outlined as possibly meriting a TPO could be challenged but suggested to retain the capacity through securing replacement planting. The Tilia Consultant attributed importance to the Cypress trees to the rear of the application site due to the screening provided along with Mature Beech Tree T17 which definitely merits a TPO and is considered to be approximately 120 years old and could be a remnant of

planting from the original development within the Allendale Road area and therefore a principal component of arboricultural features locally. The trees on site serve to obscure the buildings, softening the overall skyline and therefore could be considered key for the character and appearance of the Hexham Conservation Area. The Cypress trees and some conifers are out of context with the original mid-late 1800s development of the lower parts of Allendale Road. Whilst they provide a good interface to the adjacent 1970's development they are not typical of Victorian era plantings. The application of the TPO in this context could be viewed as an option to secure suitable replacement planting to contribute more satisfactorily to the character and appearance of the area which would break up the current age class structure and provide a more sustainable amenity benefit for the locality.

- 2.12. The County Council must confirm the provisional TPO, with or without modifications, within the 6 month provisional period, i.e. by the 23rd September 2022 otherwise it will cease to have any effect.
- 2.13. The view of the case officer and the Arboricultural Consultant of Tilia Tree Consultancy Services is that the 25no. individually specified trees and 5no. groups of trees in question contribute significantly to the visual amenity of the locality and are worthy of TPO status. Whilst it is acknowledged that the landowner wishes to improve visibility and safety around the access of the site to the north, and that the site was previously sparse around 40 years ago, the groups of trees along the northern perimeter contribute significantly to the visual amenity of the wider area while pruning works would be advocated to remove deadwood, dying trees and to maintain the retaining wall at the northern boundary. The objector outlines that a lack of maintenance and overgrown vegetation to have increased the level of shade within the garden and on neighbouring properties. However, while pruning works would be recommended to a large number of the trees to ensure their longevity and that they remain well-related to the plot, in terms of shading, the trees to the north west of Murrayfield house do not sit close to any properties. Similarly, the trees to the south east of the property face only the gable ends of West Hextol. The objector also directly highlights that many Cypress trees detract from the amenity of the grounds, but the Case Officer and Tilia Arboricultural Consultant agree that they are of particular importance and that groups of trees on this sort play an important role on the setting of the public realm. As the Tilia Tree Consultancy report outlines, even those trees which could possibly merit a TPO contribute largely to the site and a view to secure replacement planting would give prominence to a more diverse age class structure and sustainable amenity benefit for the locality.
- 2.14. As a neighbour objector to the original 22/00474/TREECA application highlighted, the site sits as one of the largest garden sites remaining in Hexham and within the Conservation Area. As the 2009 Hexham Conservation Area Character Appraisal states: "A major element in the character and the appearance of the Hexham area are the trees, gardens and open spaces within it. Therefore, ill-considered works to trees may not only lead to the loss of the trees themselves but also ruin the appearance of the area surrounding them and spoil the setting of any buildings nearby." In areas

of detached housing: "Trees and garden hedges sometimes almost obscure the buildings, softening the skyline and emphasising the spaciousness of the area." The imposition of the TPO would not preclude works from taking place, but it would allow the council to monitor works and secure replanting if necessary following the necessary applications. It is therefore considered that the Order should be confirmed given the visual amenity value of the trees.

Other Issues

- 2.15. 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.
- 2.16. These proposals have no implications in relation to crime and disorder.
- 2.17. 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.
- 2.18. 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.
- 2.19. 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.

3. Recommendation

That the Northumberland County Council (Land at Murrayfield, Allendale Road, Hexham, Northumberland) Tree Preservation Order 2022 (no. 02 of 2022) **be confirmed subject to modifications.**

Background Papers: Planning application file(s) 22/00474/TREECA



Northumberland County Council

Appeal Update Report

Date: August 2022

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
21/04803/FUL	<p>Resubmission: Second storey extension above garage and extension to front to increase garage. Internal alterations. - 9 Crofts Close, Corbridge</p> <p>Main issues: fails to demonstrate that required parking can be provided with resultant impacts on amenity of neighbouring properties.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
21/04877/FUL	<p>Proposed garden summerhouse to rear garden – 62 Swansfield Park Road, Alnwick</p> <p>Main issues: significantly detracts from the character and appearance of the dwelling and immediate area; and significant harm to residential amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02853/FUL	<p>Retrospective: first floor balcony to rear elevation – 28 Arkle Court, Alnwick</p> <p>Main issues: significant loss of privacy to neighbouring residents; and design and size of balcony is an overly dominant feature on the rear elevation.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

21/01136/FUL	<p>Construction of 1no detached dwelling (as amended) - land south of Embleton Hall and behind Front Street, Longframlington</p> <p>Main issues: fails to protect and enhance the landscape character of the village; and forms an incursion into the open countryside, is not essential and fails to support the conservation and enhancement of the countryside.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03167/FUL	<p>Utility, store, bedroom, studio and playroom extension – 1 Cottingvale, Morpeth</p> <p>Main issues: significant detrimental impact on the character, appearance and visual amenity of the dwelling and surrounding area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/04062/FUL	<p>Two storey extension protruding from Western side to provide 2no. additional bedrooms, dining area and gym – Heighley Wood, Morpeth</p> <p>Main issues: inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02183/FUL	<p>Proposed conversion of self contained house to create an additional 2 bedroom dwelling – 1-2 South Road, Longhorsley</p> <p>Main issues: intensification of use of a sub-standard access and fails to demonstrate appropriate car parking provision.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.</p>	<p>4 January 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	<p>9 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04982/FUL	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p>	<p>7 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01668/LBC	Listed Building Consent for replacement of	20 April 2022

	<p>sash windows throughout and replacement of front door – Brockburn, Monkshouse, Seahouses</p> <p>Main issues: harm to the listed building with no public benefits to outweigh the harm</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03400/OUT	<p>Outline with all matters reserved for the construction of eight dwellings consisting of 8 x Dormer Bungalows – land east of Ashcroft Guest House, Lantys Lonnen, Haltwhistle</p> <p>Main issues: development on protected open space, harm to designated and non-designated heritage assets and currently objections and insufficient information to assess noise, highway safety, flood risk and drainage and ecological impacts.</p>	<p>21 April 2022</p> <p>Appeal against non-determination</p>
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
21//02591/FUL	<p>Installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no justifiable public benefits to outweigh the harm.</p>	<p>10 May 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02592/LBC	<p>Listed building consent for installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no public benefits to outweigh the harm.</p>	<p>10 May 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/03297/FUL	<p>Change of use: Retail to holiday accommodation on first floor with associated</p>	<p>14 June 2022</p>

	<p>internal and external alterations to the building – Amberley House, Stocksfield Post Office, Main Road, Stocksfield</p> <p>Main issues: lack of information to assess noise from air conditioning units and impacts on residential amenity; lack of information to assess impacts on bats or nesting birds; and lack of information to demonstrate adequate car parking provision can be achieved.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01188/FUL	<p>Two-storey extension at the front of the house – 13 Church Avenue, West Sleekburn</p> <p>Main issues: unduly prominent and incongruous addition to the property.</p>	<p>17 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04527/FUL	<p>Construction of 3 bungalows – land south of Leylen House, Main Street, Red Row</p> <p>Main issues: unacceptable in principle due to development in the open countryside beyond the settlement boundary and affecting protected open space.</p>	<p>22 June 2022</p> <p>Appeal against non-determination</p>
21/04587/FUL	<p>Proposed construction of a first floor dormer extension to the rear elevation and installation of rooflights to the front and rear elevations – 29 Leazes Street, Amble</p> <p>Main issues: incongruous and inappropriate form of development that would be out of scale and character with the existing property and would have a harmful impact upon the character and appearance of the site and surrounding Conservation Area.</p>	<p>24 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00078/FUL	<p>Construction of a single storey detached garage – Shield Law, Bellingham</p> <p>Main issues: appeal against imposition of condition 6 on the grant of permission that removes permitted development rights for further outbuildings.</p>	<p>29 June 2022</p> <p>Delegated Decision - Officer Recommendation: Approve</p>
21/04673/FUL	<p>Resubmission: Single-storey, flat-roofed, garage to rear of back garden (revised to now be 3 metres high) - 7 First Avenue, Blyth</p> <p>Main issues: incongruous addition to the rear garden of the property, represent an addition that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.</p>	<p>7 July 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	No

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date to be confirmed.
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date to be confirmed.
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm,	29 April 2022

	Kiln Pit Hill, Consett	
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	29 June 2022

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
20/04423/OUT	<p>Outline application seeking approval for access for construction of two storey 58 bed care home and associated but physically separate single storey 12 bedroom specialist unit with associated parking and hard and soft landscaping – Essendene, Kenilworth Road, Ashington</p> <p>Main issues: would prevent the reintroduction of facilities in connection to the passenger rail services on the Ashington Northumberland Line; and lack of information concerning off-site highway works, manoeuvrability within the site, parking provision and conflict between all modes of transport and pedestrians.</p>	<p>Hearing: 28 July 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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