



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Nichola Turnbull

Email: nichola.turnbull@northumberland.gov.uk

Tel direct: 01670 622617

Date: 29 February 2024

Dear Sir or Madam,

Your attendance is requested at a meeting of the **TYNEDALE LOCAL AREA PLANNING COMMITTEE** to be held in **CEREMONY ROOM - HEXHAM HOUSE** on **TUESDAY, 12 MARCH 2024** at **4.00 PM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Tynedale Local Area Planning Committee members as follows:-

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



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

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

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 6)

Minutes of the meeting of the Tynedale Local Area Planning Committee, held on 14 November 2023, as circulated, to be confirmed as a true record, and signed by the Chair.

3. 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.

- 4. DETERMINATION OF PLANNING APPLICATIONS** (Pages 7 - 12)

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>
- 5. 23/02793/FUL** (Pages 13 - 32)

Full planning permission for 8no. residential dwellings (Use Class C3) with associated infrastructure and landscaping
Land South of Ashlea, Melkridge, Northumberland
- 6. 23/04596/FUL** (Pages 33 - 46)

Proposed demolition of existing portal framed cattle building and replacement with new build self-catering/bed and breakfast wheelchair accessible holiday accommodation (Resubmission of Application 22/01374/FUL)
Leazes Head, Humshaugh, Northumberland, NE46 4BE
- 7. TREE PRESERVATION ORDER 2023 (NO. 05 OF 2023)** (Pages 47 - 52)

The Northumberland County Council
(Land at 15 Hextol Terrace, Hexham)
- 8. PLANNING APPEALS UPDATE MARCH 2024** (Pages 53 - 68)
- 9. DATE OF NEXT MEETING**

The next meeting will be held on 9 March 2024.
- 10. URGENT BUSINESS**

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.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	--

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA PLANNING COMMITTEE

At a meeting of the **Tynedale Local Area Planning Committee** held at Hexham House, Hexham on Tuesday, 14 November 2023 at 4.00 p.m.

PRESENT

Councillor SH Fairless-Aitken
(Planning Vice-Chair, in the Chair)

MEMBERS

A Dale
T Cessford
I Hutchinson
D Kennedy

N Morphet
A Sharp
G Stewart

OFFICERS

K Blyth
R Campbell
T Crowe
N Turnbull

Planning Area Manager (West)
Senior Planning Officer
Solicitor
Democratic Services Officer

ALSO PRESENT

3 members of the public and 1 press.

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Horncastle, Riddle, Oliver, Scott and Waddell.

9. 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.

Ch.'s Initials.....

10. 23/03362/FUL
Retention and change of use from agricultural workers chalet to holiday chalet
Hillfield, Allendale Road, Hexham, Northumberland, NE46 2NJ

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

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation and reported that four additional representations of support had been received bringing the total to 28. These had been circulated to members electronically the previous day.

Paul Shrimpton, the applicant, spoke in support of the application. He highlighted the following:-

- They had lived in Lowgate since 1996 with the alpacas providing their livelihood for the last 6 years.
- In 2014 they had obtained pre-planning advice to move to a 5-acre site in the same village. They were given formal approval for a temporary agricultural dwelling house after proving the viability of the business and complying with advice regarding the type, colour and position of the structure.
- With confidence in the business, they had invested £200,000 to construct and equip the cabin but had understood that the permission was temporary and would need to be removed if the business had not flourished.
- Documents received from the planners in 2014/15 contributed to their belief that the log cabin had a long-term future.
- They moved into the cabin in May 2018 and applied in 2021 for a permanent residence with the intention of keeping the log cabin. Having proved the viability of the business, the application for the permanent dwelling was approved two years later only when the log cabin had been removed from the plans.
- Since 2021 the cost of building had increased whilst their capital funding for the build had significantly reduced, both impacted by Covid, the cost-of-living crisis, Ukraine and Gaza. They now required income from diversification into holiday accommodation to support a self-build loan to bridge the gap.
- Officers and themselves had differing views regarding the complexity of the situation. There was only a single objection which was not from one of the statutory consultees. An earlier identical application had been supported by Hexham Town Council earlier in the year, but the most recent application had not been included on a meeting agenda.
- The officer accepted that the development could be screened further to reduce the impact on the open countryside and Green Belt further. If the cabin was removed, the barn and new house would be more exposed. Examples of similar properties in the vicinity had been demonstrated in response to comments from the officer regarding the type of construction.

- The planning system allowed for exceptions and approval of projects which demonstrated 'very special circumstances'. There was no definition of these and was a matter of judgement. The officer's report had given minimal weight to the submissions of support and unique position.
- There were 28 comments of support, more than one third from neighbours in favour of the application reflecting the benefits and that the cabin was a feature of the landscape.
- Their alpaca business made a significant contribution to the local economy. A new self-catering luxury holiday home in walking distance of Hexham would increase this.
- They did not intend to make themselves homeless, contrary to the officer's belief, and would accept any conditions which ensured that the change of use only took effect once the new house was built.
- They had been encouraged by the Director of Planning to go to appeal. However, they had been keen that the committee considered their very special circumstances.
- If unsuccessful, the extant approval gave potential for Hillfield to be sold with planning for the house but no guarantee of the other benefits. Reference was made to statements by a councillor on another Local Area Planning Committee when an application in Stamfordham had been rejected.
- It was in their own interests to protect the open countryside in which their business thrived. The committee were asked to consider the impact that demolition of a ready-made tourism asset would have on the environment and the prospects it would have offered to the local economy. These were supported in the local and Hexham Neighbourhood plans.
- Voting to permit the application would facilitate diversification of their livelihood with very little impact on the open countryside. It would also support sustainability, the local economy, charities and beneficiaries, local tourism and the businesses that relied on tourism. They considered that these were very special circumstances.

In response to questions from Members of the Committee the following information was provided:-

- An identical application had been refused earlier in the year under delegated powers under the Council's scheme of delegation. The applicant had been informed that they had a right of appeal to the Planning Inspectorate but had chosen not to do so.
- Policies under the previous Tynedale Local Plan had allowed the grant of planning permission for the temporary rural workers dwelling for a period of three years to enable the applicant to establish the rural business on site with a view to then seeking permission for a permanent dwelling. Normally temporary dwellings were not of such high quality or design. Often caravans were utilised which would then be removed when permanent permission was obtained.
- Time had been allowed for the business to become established and enable an assessment of whether a functional and financial need was present that meant a new agricultural workers dwelling could be constructed in the open countryside.

- There was no prescribed definition of ‘very special circumstances’ to allow an exception of development in the Green Belt. Officers were of the view that the case made by the applicant did not constitute ‘very special circumstances’ or that it outweighed the harm from development in the Green Belt, in accordance with paragraphs 147 and 148 of the National Planning Policy Framework (NPPF). Members were entitled to make a different judgement on whether the benefits of the development outweighed the potential harm to the Green Belt but this must be robustly justified.
- Policy ECN 16 of the Northumberland Local Plan set out exceptions for tourism developments in Green Belt Locations. However, the permanent siting of a timber chalet building on the farm steading for tourism purposes was not one of the specified exceptions identified within Policy ECN 16 or the NPPF.
- A meeting had been held between the applicant and the Director of Planning to discuss options following refusal of the earlier identical application including alterations to the approved permanent building to make it more affordable to construct but the applicant chose not to pursue those or an appeal. Robust reasons would be required to make an alternative decision.
- An extension for the temporary rural workers dwelling had been granted in February 2023 for 18 months when permission had been granted for the permanent rural workers dwelling. The temporary permission expires in August 2024. Work had not yet started on the permanent dwelling despite permission having been granted many months previously. It was unlikely that a further extension would be supported for the temporary chalet.
- An independent consultant had assessed whether the business required a worker to live on site. It was established that there was an essential need and a tied agricultural condition had been included within the permission for the permanent rural workers dwelling.
- The applicant currently resided in the temporary chalet.
- A better-quality design had been secured for the permanent dwelling which was set further back on the site, located behind the barn and would be less intrusive than the temporary chalet which was closer to Allendale Road.
- Whilst the property was in an accessible location in walking distance of the town of Hexham, the land was in the Green Belt and outside the settlement boundary of Hexham town as identified by the NLP. It did not abut existing buildings with farmland in between the site and the town. Whilst the site was close; in policy terms it was outside the town boundary and located in the Green Belt.
- Permanent planning permission had been granted for the barn at the time of the temporary building.
- Officers were unable to comment why Hexham Town Council had not considered the second application, it was outside their control. The earlier application had been supported by Hexham Town Council.
- Consideration of issues relating to utilities would come under the jurisdiction of Building Control, not planning.

- The applicant believed holiday accommodation would contribute to the local economy but would need to prove that the need was not met elsewhere. A similar application nearby had also recently been refused.
- Applications of this nature were unique and would not normally be permitted in the Green Belt. Numerous applications were received for development in the Green Belt and all applications were considered on their own merits. Members were entitled to arrive at their own conclusion but would be required to give robust reasons to justify if permission should be granted.
- The earlier application had been dealt with under delegated powers in accordance with the scheme of delegation as a request for it to be considered by committee had been made outside the required 21-day period from the application being validated and the Director of Planning and Housing, together with the Chair and Vice Chair of Planning had agreed it could be delegated for a decision.
- Policies within the Northumberland Local Plan, Hexham Neighbourhood Plan and NPPF did not generally support new build tourism development within the Green Belt.

Councillor Hutchinson proposed that the officer's recommendation that the application be refused permission. This was seconded by Councillor Dale.

Whilst members sympathised with the applicant who was striving to make a living, most were of the opinion that the committee needed to make consistent decisions. Temporary permission had been granted which had been extended. It had been the applicant's choice not to appeal to the Planning Inspectorate.

A member with a different view considered that the buildings was tucked away and not highly prominent next to the main road. There was a delicate balance between the policies and the economic benefits.

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

FOR: 7; AGAINST: 1; ABSTENTION: 0.

RESOLVED that the application be **REFUSED** permission for the reasons outlined in the report.

11. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

A member queried whether there was a reporting process for any planning applications which had been subject to judicial review. The Planning Area Manager (West) did not believe there was a current reporting mechanism, possibly due to sensitive legal issues, but would raise the matter with the Head of Planning and Director of Planning.

In answer to a question regarding non-determination, she stated that these appeals arose due to decisions not being made by the required 8-week or 13-week period dependent on the type of application. This could be due to several reasons including officer workloads, awaiting responses from statutory consultees or additional information from an applicant who might appeal when they received an unfavourable decision.

RESOLVED that the information be noted.

12. DATE OF NEXT MEETING

The next Tynedale Local Area Planning Committee meeting would be held on Tuesday 12 December 2023.

It was noted that a separate meeting of the Tynedale Local Area Committee was to be held on Tuesday 21 November 2023 at the Fuse Media Centre, Prudhoe following the Local Area Council review.

CHAIR _____

DATE _____



Northumberland
County Council



Northumberland
County Council

TYNEDALE LOCAL AREA PLANNING COMMITTEE

DATE: 12 MARCH 2024

DETERMINATION OF PLANNING APPLICATIONS

Report of the Director of Housing & Planning (Chief Planning Officer)

Cabinet Member: Councillor C Horncastle

Purpose of report

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

Recommendations

The Tynedale Local Area Planning Committee 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.

Author and Contact Details

Report author: Rob Murfin
Director of Housing & Planning
Rob.Murfin@northumberland.gov.uk

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Tynedale Local Area Planning Committee 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 Strategic Planning Committee 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 the tests that are set down in paragraph 56 of the NPPF and meet the tests set out in Community Infrastructure Levy Regulations 2010. Conditions must be:

- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
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 constitute material planning considerations, and as to what might be appropriate conditions or reasons for refusal.

Important Copyright Notice

- The maps used are reproduced from the Ordnance Survey maps with the permission of the Controller of Her Majesty's Stationery office, Crown Copyright reserved.

BACKGROUND PAPERS

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

Implications

Policy	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for money	None unless stated
Legal	None unless stated
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Planning applications are considered having regard to the Equality Act 2010
Risk Assessment	None
Crime & Disorder	As set out in the individual reports
Customer Consideration	None
Carbon reduction	Each application will have an impact on the local environment, and it has been assessed accordingly
Wards	All

PROCEDURE AT PLANNING COMMITTEE

A. Chairman welcomes members and those members of the public watching on the livestream

Welcome to also include reference:

- (i) Fact that the meeting can be viewed on a live stream through You Tube Northumberland TV and a recording will be available after the meeting.
- (ii) Members are asked to keep microphones on mute unless speaking
- (iii) To switch all mobile phones off.
- (iv) Reminder that if a member leaves the Chamber whilst an application is being considered then they may take no further part in that application.

B. Record attendance 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 Management: -

Application

<u>Chair</u>	Introduces application Site Visit Video (previously circulated)-invite members questions
<u>Planning Officer</u>	Updates – Changes to recommendations – present report
<u>Public Speaking</u>	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)

Planning Officer confirms and reads out wording of resolution

Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all the consideration of the application)

This page is intentionally left blank

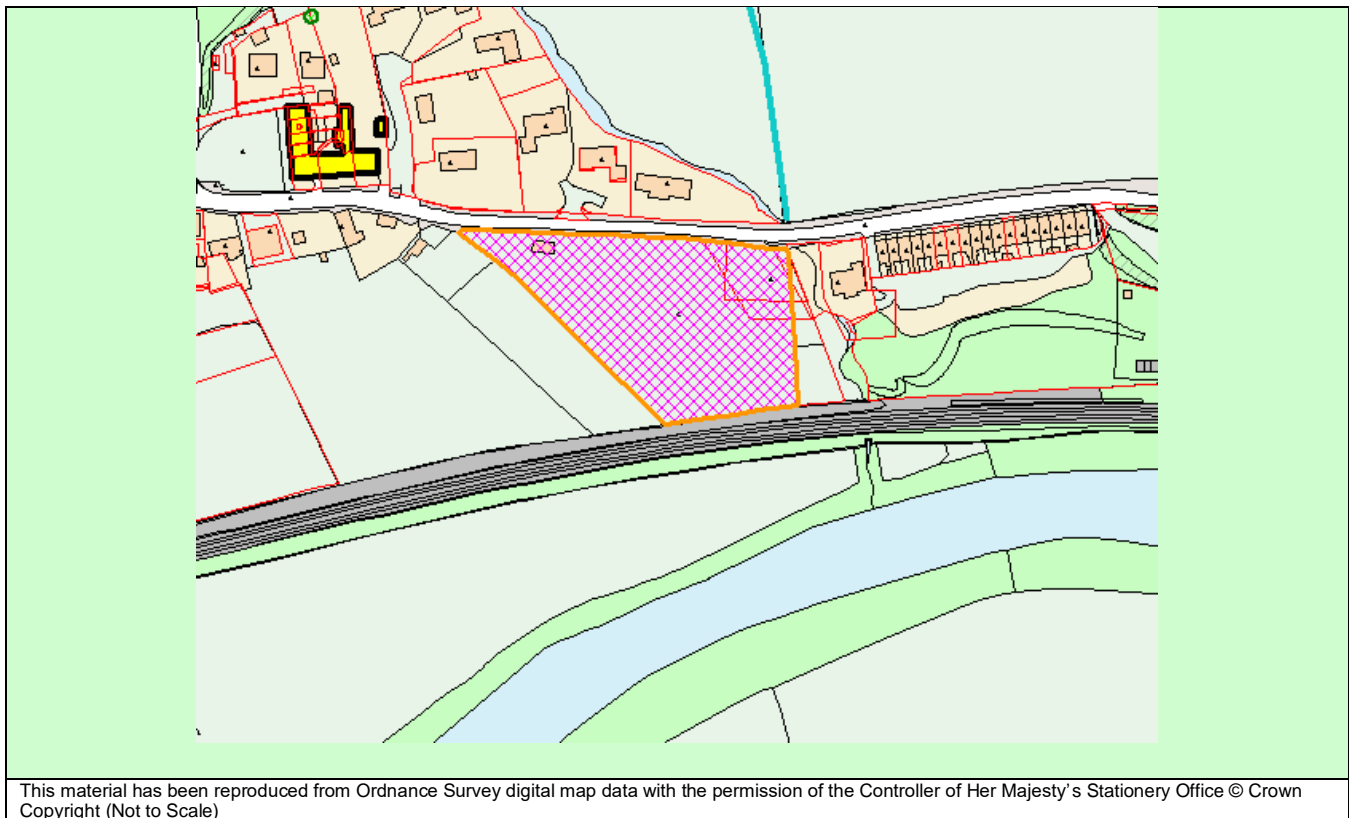


Northumberland County Council

Tynedale Area Planning Committee March 2024

Application No:	23/02793/FUL		
Proposal:	Full planning permission for 8no. residential dwellings (Use Class C3) with associated infrastructure and landscaping		
Site Address	Land South of Ashlea, Melkridge, Northumberland,		
Applicant:	Robbie Kalbraier C/O Agent	Agent:	Michael Hepburn St Nicholas Building, St Nicholas Street, Newcastle upon Tyne, NE1 1RF
Ward	Haydon And Hadrian	Parish	Melkridge
Valid Date:	1 August 2023	Expiry Date:	14 February 2024
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

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



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 The application is to be considered by the Tynedale Local Area Planning Committee having been called in by the local Member within 21 days of the application being validated.

2. Site Description and Proposals

2.1 The proposal is a full application seeking to develop eight two storeys, detached houses on the site in a contemporary design.

2.2 The application site comprises a 0.7-hectare area of grazing/paddock land with timber stables to the northern boundary within the small settlement of Melkridge, which lies to the south of the A69 and around 2.2km east of Haltwhistle and 2.4km west of Bardon Mill. The site is bound to the north by an established hedgerow, beyond which is the main U7070 highway that runs east - west through Melkridge, with detached single-storey properties to the north side of this. To the east is the detached single-storey property of Flatfield with two-storey terraced properties on Moor View beyond. The railway line forms the southern boundary of the site, with stables and paddock land to the west before entering the historic core of the village and a number of listed properties.

2.3 The site already benefits from an extant outline planning permission for 8 bungalows under 17/04501/OUT. This consent is secured the layout of the proposal of eight bungalows in a linear development along the road edge with two access points. A Reserved Matters application is currently under consideration (21/03562/REM) which maintains the approved layout and delivers on the outline. Plots are larger and cover the depth of the site.

2.4 The site is located within Flood Zone 2 and in a high-risk coal authority area.

3. Planning History

Reference Number: 17/04501/OUT

Description: Outline planning permission for construction of eight residential dwellings with associated parking, landscaping, and open space (All matters reserved except access and layout) (amended description)

Status: PER

Reference Number: 21/03562/REM

Description: Reserved matters application for appearance, landscaping, and scale for eight residential dwellings on approved application 17/04501/OUT

Status: PCO

4. Consultee Responses

Building Conservation	Less than substantial harm on nearby listed buildings and historic environment.
Melkridge Parish Council	Objection on grounds that the original proposal intended to deliver two-bedroom bungalows, whilst this application will provide larger and more expensive homes. Concerns over the design solution and general impacts on the wider village setting.
Highways	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions following confirmation that NWL will accept a discharge to their network.

County Ecologist	No objection subject to conditions.
Public Protection	No objection subject to conditions.
Forestry Commission	No response received.
Coal Authority	Objection as further information is required. The agent has since submitted additional information and the CA has been reconsulted, their response is awaited.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	11
Number of Support	0
Number of General Comments	0

Notices

General site notice, 9th August 2023

No Press Notice Required.

Summary of Responses:

- Loss of amenity resulting from additional traffic
- Highway safety through traffic generation
- Loss of vegetation and habitats
- Drainage proposals are poor
- Additional load to sewerage network
- Lack of demand for larger houses but there is a need for smaller, affordable units
- Design is poor and does not relate to the historic environment
- Concerns over the neighbour notification process

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=RYESNNQSJFJ00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)
 STP 2 - Presumption in favour of sustainable development (Strategic Policy)
 STP 3 - Principles of sustainable development (Strategic Policy)
 STP 4 - Climate change mitigation and adaptation (Strategic Policy)
 HOU 2 - Provision of new residential development (Strategic Policy)
 HOU 9 - Residential development management
 QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity
QOP 5 - Sustainable design and construction
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
TRA 4 - Parking provision in new development
ICT 2 - New developments
ENV 2 - Biodiversity and geodiversity
Policy ENV 7 - Historic environment and heritage assets
ENV 9 - Conservation Areas
WAT 4 - Sustainable Drainage Systems
MIN 4 - Safeguarding mineral resources (Strategic Policy)

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2023)
NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

NDG - National Design Guide (2019)
NMDC - National Model Design Code (2021)
Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2017)

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 the development plan comprises the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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

- Principle of development
- Design including layout
- Historic Environment
- Public Protection
- Ecological implications
- Minerals Safeguarding
- Coal Authority
- Climate Change
- Broadband Provision

Principle of Development

7.3 The proposal lies in the settlement of Melkridge between the main spine road to the north and the railway line to the south. However, the village does not have a designated boundary. In this case, the frontage of the site is in a gap within, and opposite, existing development within the settlement but does extend significantly further south than the existing residential form. It is considered that the development of the site is consistent with the NLP.

7.4 A material consideration is that an extant outline permission already exists on the same site for 8 dwellings along the northern boundary, with a reserved matters application currently pending consideration. Whilst this application seeks to alter the design and layout, the principle of the development of 8 dwellings on the site has been established through the extant consent.

Design including Layout

7.7 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in the NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.8 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of the application. Section 12 of the NPPF is about achieving well-designed places. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.9 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by having a clear definition of private / public spaces, having a clear hierarchy of routes of aspaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening though street trees and other vegetation.

7.10 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users. Paragraph 21 of the NDG describes that:

A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout (or masterplan);
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

These components are defined and commented on below.

7.11 *A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces and buildings. It defines:*

- *the structure or settlement pattern;*
- *the grain - the pattern of development blocks and plots; and*
- *the broad distribution of different uses, and their densities or building heights*

7.12 The site sits juxtapositioned between modern bungalows to the north, the historic centre of the village with listed buildings to the west, the railway line to the south and open fields beyond, whilst to the east is a modern detached dwelling with a row of older terraced buildings beyond. The site itself is open pasture currently used for grazing and houses a small stable building. Topographically it slopes downwards south and east.

7.13 The positioning between various design elements provides for an opportunity of a positive approach to the design. There is no single influence or defined local character providing a degree of flexibility. In this instance the journey through the village is characterised by a consistent ribbon. The application maintains this by proposing four units adjacent to the road. The modern bungalows opposite and the village centre are more than a single row of buildings which the proposal takes account of. The proposal is then served by a single access point, as opposed to a series of separate roads. This is positive and allows for a solid degree of boundary planting on the road edge mimicking the corridor effect seen opposite.

7.14 The layout is made up of two rows of houses taking account of the topography. It allows for consistent buildings heights and generous plot sizes. However, it will be important to maintain the pastoral element of this part of the village, therefore permitted development rights should be removed.

7.15 Form is the three-dimensional shape and modelling of buildings and the spaces they define. Buildings and spaces can take many forms, depending upon their:

- size and shape in plan;
- height;
- bulk - their volume;
- massing - how bulk is shaped into a form;
- building lines - the alignment of building frontages along a street; and
- relationship to the plot boundary - and whether they share party walls or not.

7.16 The site offers a generous opportunity for a positive development. In this regard the proposal caters for two house types which are both two storey detached dwellings. House A is the larger unit which would be situated to the south of the site, whereas the smaller House B units would be located to the north nearer the road. The bulk of the units is consistent with the general larger properties of the area.

7.17 Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions

7.18 The proposed houses take cue from traditional two storey dwellings in the local area. Their scale and massing reflect this. The layout is for two rows of four units making use of the contours and pastoral characteristics of the site. As opposed to two standard rows the site flows toward the south east better reflecting the character. This approach removes the need for hard engineering solutions and makes better use of the existing landform.

7.19 Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. In the case of a space, its landscape also influences its appearance.

7.20 The house types take on a more contemporary, urban character with the addition of box dormers and porches, irregularly placed and proportioned windows, and flat roofed detached garages. Another deviation from the local vernacular is the use of slate at first floor level which gives the appearance of a mansard roof with dormers.

7.21 Landscape is the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site, the area in which it is situated and the natural environment. Landscape includes landform and drainage, hard landscape such as surfacing, boundary treatments, street furniture and play equipment. It also includes soft landscape – trees, shrubs and other planting.

7.22 The applicant is proposing boundary planting along the road edge and an acoustic barrier along the southern boundary to mitigate noise from the railway line. Individual houses will be light weight treatments such as a metal railing and planting, but this is conditioned as the details are not available at this time. However, it will be important to avoid the over urbanisation of the site and maintain the openness as much as possible.

7.23 The material palette is an appropriate response to the local built environment. Local stone is the dominant element with traditional dual pitched slate roofs. However, a condition will require the developer to submit details of the materials prior to works above base course level.

Summary

7.24 Considering the above the proposal provides for a sense of place consistent with that of Melkridge. Although two house types might result in a monoculture solution the use of design features such as traditional materials and modern elements will provide for a character unique in the village but also a form and scale consistent with it. The proposal is considered acceptable under the provisions of the National Design Guide.

Existing Consent

7.25 It is important to consider the current approval and how it relates to this. Should both this application and the REM be approved then both cannot be implemented as they both cover the northern portion of the site. The current layout forms a row of bungalows along the front (north) of the site with open aspects onto the main road. In retrospect the current approved layout will result in something too urban akin to those properties opposite the site and not respecting the lower density of the wider settlement character. The new development allows for larger plots consistent with the wider character retaining the pastoral element of the site.

7.26 The south elevations of House Type B would be particularly prominent in the kinetic views from the railway line. The views from the spine road into the site will see a more traditional elevation without the cladding whilst the remainder will be more contemporary when viewed from within the site and from the railway line. Since the initial submission, the applicant has made amendments to the design including removing the slate from the northernmost elevation. However, this slate cladding gives the impression of a mansard roof which is not appropriate in this setting. To address this concern the cladding has been removed from the northern most elevation offering a more traditional appearance from the public views. A planning condition will ensure that the cladding will be determined prior to works above base course level. However, this should be of a contrasting appearance and coarse from the slate roof. The proposal is considered acceptable under policies QOP 1 and QOP 2 in terms of design.

Historic Environment

7.27 Melkridge is a small rural settlement located to the south of the A69 which is the main routeway from Newcastle to Carlisle.

7.28 Melkridge contains several important Grade II listed buildings including Melkridge Hall and an outbuilding to its rear. These buildings date from 1830 and are constructed from squared stone in narrow courses. The Hall itself has a fine Lakeland slate roof with stone chimneys, whereas the outbuildings have a Welsh slate roof. The separately Grade II listed Coach House and stables have a mix of stone flag, slate, and concrete tiles to the roofs.

7.29 New High Town is a Grade II listed early 19th century building which was a former brewery and is now a handsome terrace of 7 houses. These buildings are of coursed rubble sandstone with stone dressings and patches of render on the west range. They have a mix of stone flagged, concrete-tiled and slate roofs with stone and brick chimneys.

7.30 To the east of this terrace is the former Coach House, now storage, which also dates from the early 19th century and is separately listed Grade II. It is of squared stone with dressings and a graduated stone-tiled roof with a stone chimney with an added brick top. The heritage assets are located to the north west of the application site.

7.31 It is important to consider the potential impact on these listed properties and the character of the historic core of the village. Although this is not a conservation area it is still an important aspect of the village and demonstrates how the village has historically developed around a central green. The council's Built Heritage and Design Officer has provided comments detailing that the loss of the pastoral setting of this portion of the village is important and should be treated carefully to retain the openness of the character. Details of soft and hard landscaping, boundary treatments, green, shared and private spaces within the development should be secured by condition. This will ensure the overall quality and appearance of the scheme and the integration of the development into its rural setting as required by Policy QOP 1 part b.

7.32 The roof detailing of house type B, those which front the road leading through Melkridge, has been amended to reduce the amount of slate on their principal elevations. The ratio of sandstone to slate better reflects the local vernacular. The external chimney flue has also been removed from the plans.

7.33 In tandem with the appropriate scale and massing of the dwellings, House Type A appears as a contemporary take on a traditional rural dwelling. The use of high quality, locally sourced materials is key to ensuring the development makes a positive contribution to local character. External materials are secured by condition to ensure compliance with Policy QOP 1 section b vi, in the form of a materials schedule and samples. Consideration has been had to the historic core and the potential influence the development could have. In this regard appropriate materials, landscaping and boundary treatments will ensure minimal impact and the potential to complement the listed buildings. It is considered that there is sufficient distance and appropriate landform between the historic core and this development to reduce any potential impact on the delicate setting of this area. The proposal is consistent with the provisions of Policy QOP 1 of the Local Plan, Chapter 12 of the NPPF and the National Design Code.

Public Protection

7.34 The PP comments relates to three key issues, namely, contaminated land, ground gas and noise / vibration. These are covered in detail below:

Contaminated Land

7.35 The applicant has submitted a Phase 1 - Desk Top Study, Report Ref: JCCGEO23-007-01-DTS Revision: 01, March 2023 produced by JC Consulting and a Phase 2 - Site Investigation reference: JCCGEO23-007-01-Si, dated June 2023 also produced by JC Consulting. The report concludes that contamination risks are negligible and site remediation is not required. A watching brief condition is recommended.

Ground gas

7.36 The Phase 1 and 2 Contaminated Land Risk Assessment reports indicate the site is located within a 'Coal Mining Reporting Area' and within a 'Development High Risk Area'. Therefore, a Coal Authority CON29M coal mining report (ref: 51003340210001) and a consultant's coal mining report (ref: 51003340222001) were obtained for the site. No ground gas monitoring was undertaken as part of the Phase 2 site investigation however, ground gas conditions were included on the decision notice 17/04501/OUT. PP has recommended that these conditions are carried forward on this application.

Noise / Vibration

7.37 The applicant has submitted a Noise Impact Assessment reference 10836.1, dated 14 June 2023 Revision B, prepared by Apex Acoustics. The assessment recommends the provision of an acoustic barrier on the Northern and Western boundaries between the proposed development site and the railway line to reduce garden noise levels to below the guideline upper limit of 55 dB LAeq16hr.

7.38 The installation of acoustic glazing and acoustic ventilators is required to ensure that internal noise levels are within the recommended target levels specified in BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.

Conclusion

7.39 Considering the above and with conditions the application is consistent with the provisions of policies POL 1 and those relating to residential amenity.

Ecology

7.40 Policy ENV 2 requires proposals to deliver a biodiversity net gain. In this instance the potential impacts of the development are identified as being:

- Loss of 0.6ha of semi-improved grassland.
- Loss of small areas of scattered tall ruderal at the site boundaries.
- Loss of a section of the northern boundary hedgerow for access.
- Loss of nesting habitat used by breeding birds, including nests within the stable, and foraging habitat use by birds and potentially reptiles.
- Further spread of Wildlife and Countryside Act Schedule 9 invasive species Himalayan Balsam.
- Pollution of the Melkridge Burn adjacent to the site through contamination, run-off, silt, and dust during development construction.
- Loss and damage to retained hedgerows and trees, including those immediately adjacent to site.
- Loss of small areas of bat foraging habitat and commuting routes associated with the northern boundary hedgerow.
- Increased disturbance to bats using the site through increased lighting.
- Increased predation of birds through a potential increase of pet cats.
- Risk of harm to individual amphibians such as common frog and potentially common toad should they be present on-site during works.
- Potential harm to mammal and amphibian species through entrapment within excavations left open overnight.
- Loss of habitat used by, and potential increased disturbance to, national priority species hedgehog and common toad.
- Potential harm/disturbance to badgers that may reside in adjacent habitats and forage across the site.
- Potential harm/disturbance to otters that may use the adjacent burn should works take place near the burn

7.41 The site plans show trees to be retained and hedgerows. There is a significant loss of hedgerow, but this hedgerow as described in the EclA does not meet the threshold of being considered 'important' in the Hedgerow Regulations 1997. However, hedgerows are a Habitat of Principal Importance and as such a compensation plan is required by condition.

7.42 The application is consistent with the provisions of ENV 2 with planning conditions to compensate for the loss of hedgerows.

Minerals Safeguarding

7.43 The application lies in the safeguarding for minerals. However, the site is never likely to come forward to extraction given the location within the village envelope. It is not considered expedient to seek safeguarding of the minerals resource given the location of the proposal.

Planning Contributions

7.44 A residential proposal over 0.5ha would usually attract requirements for planning contributions for affordable housing, education, health care and open space as set out as set out below;

- Affordable Housing – 2 units
- Health care – None
- Education – No response
- Open space - £18,843.80

However, given the site already has permission through an extant outline consent with a reserved matters application pending consideration, it is considered that this represents a fall back position and that it would not be reasonable to request the above contributions in light of this.

Coal Risk

7.45 The site lies within a high-risk coal area. The applicants have submitted a report which has been assessed by the Coal Authority who have objected on the basis that further information is required. Further information has been submitted by the applicant, and the CA have been reconsulted – their comments are awaited.

Climate Change

7.46 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.47 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.48 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation, and lighting amongst other matters.

7.49 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to the permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connectivity

7.50 Policy ICT2 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 states 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.

7.51 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Equality Duty

7.52 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

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

Human Rights Act Implications

7.54 The Human Rights Act requires the County Council to consider 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.

7.55 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.

7.56 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, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The site already benefits from outline planning permission for a linear development of eight bungalows. An associated REM application is currently under

consideration pending the determination of this submission. It is considered by officers that this proposal represents a better design fit in terms of layout and form as compared to that which already has permission. The design of the units represents a contemporary solution and is considered consistent with the relevant design policies of the Local Plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to conditions.

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced

Location Plan AL (0)01 Rev A
Existing Site Plan AL (0)02

Proposed Site Plan AL (0)10 Rev K
Proposed House Type A AL (0)11 Rev D
Proposed House Type B AL (0)12 Rev E
Proposed House Type B - Elevations AL (0)13 Rev D
Proposed House Type A - Elevations AL (0)14 Rev D
Roof Plan AL (0)15 Rev A
Roof Plan AL (0)16 Rev A
Proposed Site Section AL (0)24 Rev D
Annotated Site Plan for Planning AL (0)27 Rev C

Proposed Junction Layout C-G-010 Rev A
Proposed Junction Levels C-GA-011 Rev A
Proposed Junction Visibility Splays C-GA-012 Rev A
Proposed Junction Swept Path Analysis C-GA-013 Rev A
Swept Path Analysis, 1025-001
C-G-A001 Proposed Drainage General Arrangement Rev C dated 23.09.2023 by JCC Consulting

Area of Compressible Deposits G-GA-002
Drainage Strategy, JCC, JCC23-046-C-02, September 2023

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and the Local Plan.

03. Contamination not Previously Discovered - Watching Brief
If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material (prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority.

No building shall be occupied until a remediation strategy 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.

04. Ground Gas Protection

No foundation 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 minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority.

The report shall 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 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 and amenity.

05. Verification of Ground Gas Protection

No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 4. The verification report shall be approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which be potentially be prejudicial to the health and amenity.

06. Glazing/Ventilation Specification

Prior to the commencement of the development, details of the glazing and acoustic ventilation to be installed in all windows in the development, in accordance with Table 9: Glazing and trickle ventilator performance requirements in the Noise Impact Assessment reference 10836.1, dated 14 June 2023 Revision B, prepared by Apex Acoustics, shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved glazing and ventilation scheme shall be implemented in full before the development is brought into use. The approved works shall be retained for the life of the development unless agreed in writing with the local planning authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

07. Provision of Acoustic Barrier

Prior to the development being brought into use, a scheme for a robust, continuous acoustic barrier constructed along the North and Western boundary of the site, as shown in Figure 4 in the Noise Impact Assessment reference 10836.1, dated 14 June

2023 Revision B, prepared by Apex Acoustics, shall be submitted to, and approved in writing by the local planning authority. The acoustic barrier must be a minimum height of 1.8 metres [measured from the ground level] and minimum surface density of 10 Kg/m². All works which form part of the approved scheme shall be completed before first residential occupation. The barrier shall be maintained throughout the life of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

08. Construction Noise

No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of:

- o 0800 to 1800 on Monday to Friday and
- o 0800 to 1300 on Saturday.
- o No development shall take place on Sundays, Public or Bank Holidays

unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

09. Construction Environmental Management Plan (CEMP)

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to the LPA for approval in writing. The CEMP will detail the working methods to avoid any pollution incidents, Buffer zones to the watercourse and protection measures, and measures to protect existing trees and hedges during construction. It will be written by the project ecologist in co-operation with the design and construction team and include the recommendations for precautionary working methods for protected species and habitats detailed in the report Ecological Impact Assessment, Land at Melkridge (July 2023, E3 Ecology).

Reason: to maintain and enhance the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

10. Landscape and Ecological Management Plan (LEMP)

No development will commence until a landscape and ecological management plan (LEMP) is submitted to, and approved in writing by, the local planning authority. It will be written by the project ecologist in co-operation with the design team. The content of the LEMP shall include the recommendations of the report Ecological Impact Assessment, Land at Melkridge (July 2023, E3 Ecology) and include measures to replace trees and hedgerows on the site which will be lost.

It will provide details of:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be fully implemented in accordance with the approved details.

Reason: to maintain and enhance the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

11. Landscape and Boundary Treatment

Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework and the Local Plan.

12. Materials

Prior to the commencement of works above base course level the applicant shall provide details of the proposed external materials. Once agreed in writing by the planning authority the development shall be completed as per these details.

Reason: To ensure a suitable finish to the development and ensure no adverse impact on the Conservation Area as per policies QOP 1 and ENV 7.

13. Restricted Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), there shall be no further building, structure or enclosure placed on the site unless an application for planning permission in that behalf has first been submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area.

14. Boundary Treatment

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.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework and the Local Plan.

15. Hard and Soft Landscaping

Prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, where required, [the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development - delete as applicable]. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season

following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion.

16. Construction Method Statement (including Plan)

Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes, and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development
- vi. details of the size and number of HGV's associated with the construction phase of the development.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan

17. Implementation of car parking area

No dwelling shall 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 the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

18. Completion of highway works before occupation

Development shall not be occupied until details of the proposed highway works i.e. for delivery of the site access including facilitating vehicular access to NCC Type C specification and pedestrian links, including footway construction works to existing bus stops along the northern boundary of the site, road markings, dropped kerbs, tactile paving, and all other associated highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

19. Implementation of cycle parking

No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

20. Surface water drainage (Private Land)

Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved detail before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

21. Implementation of Electric Vehicle Charging

Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented Thereafter; the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

22. SuDS – Adoption and Maintenance

Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

REASON: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

23. SuDS – Construction

No Development, including site set up, shall commence until details of the disposal of surface water from the development through the construction phase has been submitted to and agreed with the Local Planning Authority.

REASON: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

24. SuDS – Verification

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- Construction details (component drawings, materials, vegetation);
- Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components.

- Health and Safety file; and
- Details of ownership organisation/adoption and maintenance details.

REASON: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards.

25. Climate Change

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.

26. Broadband

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 ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

Informative

Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To

arrange a survey, contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Highway works under Section 278 Agreement

The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980:

Vehicular access to NCC Type C specification, pedestrian links, including footway construction works to existing bus stops along the northern boundary of the site, road markings, dropped kerbs, tactile paving, and all other associated highway works.

Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the StreetWorks team on 0345 600 6400 for Skips and Containers licences.

Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk

New Street Naming

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19)

Background Papers: Planning application file(s) 23/02793/FUL

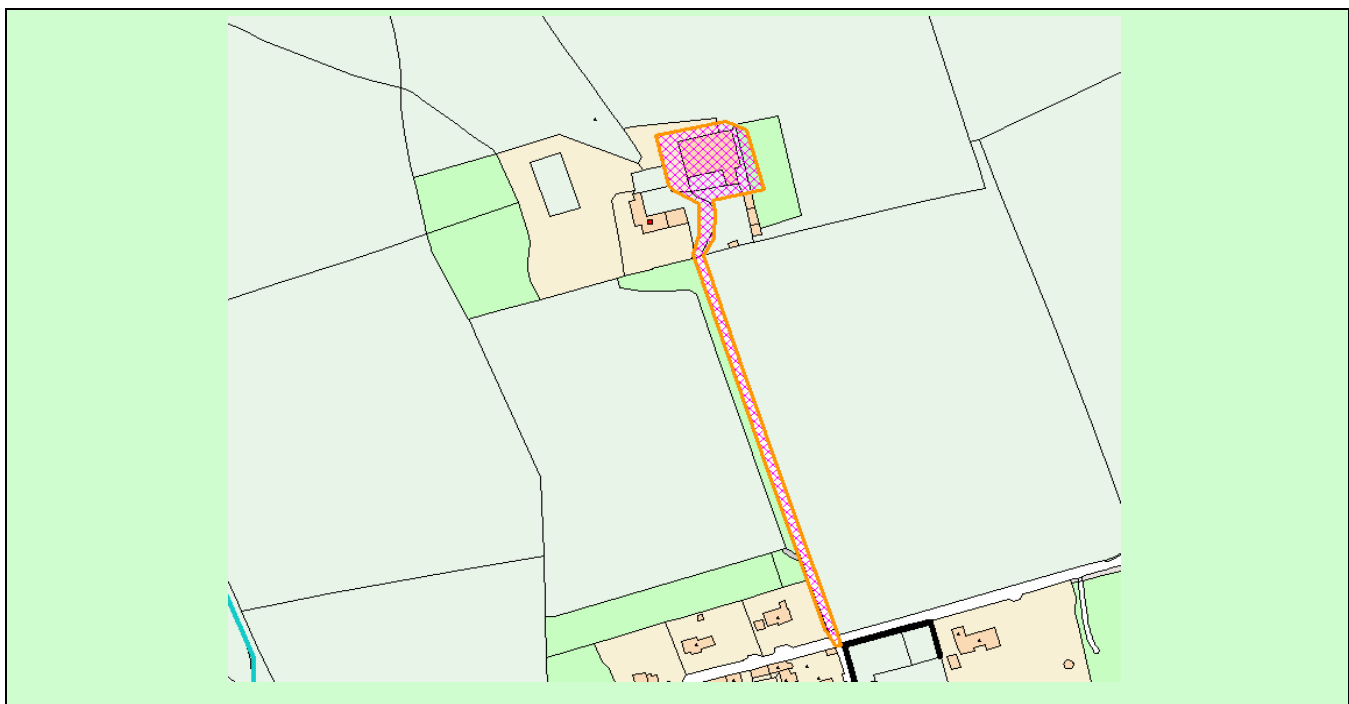


Northumberland
County Council

Tynedale Local Area Council Planning Committee
12 March 2024

Application No:	23/04596/FUL		
Proposal:	Proposed demolition of existing portal framed cattle building and replacement with new build self-catering/bed and breakfast wheelchair accessible holiday accommodation (Resubmission of Application 22/01374/FUL)		
Site Address	Leazes Head, Humshaugh, Northumberland, NE46 4BE		
Applicant:	Patrick and Fiona Lee Millais Leazes Head, Lincoln Hill, Humshaugh, Northumberland, NE46 4BE	Agent:	Mr Robin Wood 1 Meadowfield Court, Meadowfield Ind. Est., Ponteland, Newcastle upon Tyne, NE20 9SD
Ward	Humshaugh	Parish	Humshaugh
Valid Date:	20 December 2023	Expiry Date:	14 February 2024
Case Officer Details:	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 07966332006 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 The application has been called in by a Local Member outside of the first 21 days of the application being registered. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and Housing 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 demolition of an existing agricultural building and for the construction of a permanent building for holiday accommodation purposes at Leazes Head, near Humshaugh.

2.2 The proposed holiday let cottage would be located on land to the northeast of the residential property of Leazes Head and would occupy some of the footprint of the existing agricultural building which is proposed to be demolished. The proposed holiday let cottage would measure 7.8 metres by 21.4 metres and would measure 3.7 metres to the eaves and 7 metres to the ridge of the pitched roof. The property would have accommodation set over two levels, with the first floor being incorporated within the roof space. The proposal would comprise a kitchen/living/dining area, function space, WC, boot room and one en-suite bedroom at ground floor level and two en-suite bedrooms at first floor level. The proposed holiday let cottage would be constructed of vertical timber cladding with a slate tiled roof and aluminium clad timber composite windows and doors. There would also be two zinc standing seam clad box dormer windows to the north elevation of the proposed property.

2.3 The proposal would utilise the existing access and existing private road from the U8144, to the south of the application site, which currently serves Leazes Head. Car parking would be created to the west of the holiday let cottage. A patio area would be created to the north of the proposed holiday let cottage and would provide amenity space for visitors.

2.4 During the course of the application, revised drainage information has been submitted to address the initial concerns of the Council's Ecology team, who have been re-consulted.

2.5 The application site is located within the open countryside, to the west of Humshaugh. The application site is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is within a high-risk coal working referral area. The application site is also within the buffer zone for Hadrian's Wall World Heritage Site.

2.6 In December 2022, planning permission was refused under application reference: 22/01374/FUL for an identical application as that currently under consideration. There was one reason for refusal, which is set out below:

1. *The application site is located within the open countryside, at a distance from the village of Humshaugh. It has not been demonstrated that the application site is a sustainable location and it has not been demonstrated that the provision of new, permanent holiday accommodation in this location would diversify Northumberland's tourist offer, would provide necessary accommodation along an established tourist route and would be located as close as is practicable to existing development, and that it therefore satisfies criterion i. and ii. of Part 2(d) of Policy ECN 15 of the Northumberland Local Plan. The proposed development would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.*

2.7 This current planning application contains additional supporting information within the submitted planning statement and within its appendices and states that the proposals could accord with Part 2(d) of Policy ECN 15 of the Northumberland Local Plan which relates to tourism and visitor development. The supporting information also indicates that the holiday let would be self-catered but with the option for breakfast to be provided (similar to a bed and breakfast arrangement) should visitors prefer this option.

3. Planning History

Reference Number: 21/00939/FUL

Description: Single storey orangery (as amended)

Status: Permitted

Reference Number: 22/00123/AGRGDO

Description: Prior notification for an agricultural castle boarded timber shed for the storage of farm machinery and equipment

Status: Prior Approval Not Required

Reference Number: 22/01374/FUL

Description: Demolition of steel portal framed farm building and construction of a one and a half storey, 3-bedroom dwelling for holiday accommodation purposes (amended description)

Status: Refused

Reference Number: 22/01523/FUL

Description: Proposed timber orangery

Status: Permitted

Reference Number: T/990788

Description: Construction of conservatory and bay window

Status: Permitted

Reference Number: T/960384

Description: Proposed construction of tennis court

Status: Permitted

4. Consultee Responses

Humshaugh Parish Council	No response received.
--------------------------	-----------------------

Highways	No objection subject to conditions and informatives.
The Coal Authority	No objection.
Public Protection	No objection subject to conditions and informatives.
County Archaeologist	No objection from an archaeological perspective and no archaeological work will be required in this instance.
Historic England	No comment to make on this application.
County Ecologist	No objection subject to conditions and informatives.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	0
Number of Support	1
Number of General Comments	1

Notices

General site notice – displayed on 12th January 2024
No press notice required.

Summary of Responses:

One representation of support has been received from The Northumberland and Newcastle Society (N&N) and their comments are set out below:

- The Society notes this resubmission of a previously refused scheme reflects the applicant's work with the planning authority and other representatives to address their concerns over local policy non-compliance. These centred around the sustainability of the location, and the lack of demonstrable need for accommodation of this type in this area, therefore contravening policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan.
- It is evident the required additional information is now included, particularly in relation to the tourist market it is aimed at and the provision of existing facilities in the area, thus appearing to meet exceptions. We therefore fully support what we believe is an exceptionally high quality renovation, to deliver laudably low energy PassivHaus scheme, that will site sympathetically in the landscape to the benefit of both tourists and the local community.

One general/neutral representation has been received from Cllr Morphet highlighting that Policy 9 of the draft Humshaugh Neighbourhood Plan will need to be considered when determining this application and indicating that the Humshaugh Neighbourhood Plan is currently at pre-submission draft stage.

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=S5I70GQSMPW00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (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 STP 4 – Climate change mitigation and adaptation (Strategic Policy)
Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)
Policy ECN 12 – A Strategy for Rural Economic Growth (Strategic Policy)
Policy ECN 15 – Tourism and Visitor Development
Policy QOP 1 – Design Principles (Strategic Policy)
Policy QOP 2 – Good Design and Amenity
Policy QOP 4 – Landscaping and Trees
Policy QOP 5 – Sustainable Design and Construction
Policy QOP 6 – Delivering Well-Designed Places
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 3 – Landscape
Policy ENV 7 – Historic Environment and Heritage Assets
Policy ENV 8 – Frontiers of the Roman Empire – Hadrian’s Wall World Heritage Site
Policy WAT 2 – Water Supply and Sewerage
Policy POL 1 – Unstable and Contaminated Land

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2023)
National Planning Practice Guidance (NPPG) (2021)
National Design Guide (2021)

6.3 Neighbourhood Planning Policy

Humshaugh Neighbourhood Plan (Pre-Submission Draft) (2023)

Policy 5 – Local Distinctiveness
Policy 6 – Design Codes
Policy 9 – Tourism

Humshaugh Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and has been consulted on in accordance with statutory requirements. The draft Neighbourhood Plan is therefore a material consideration in the determination of this planning application, although it may be afforded little weight at this stage.

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, the development plan comprises policies in the Northumberland Local Plan. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material considerations in the determination of planning applications.

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

- Principle of the development.
- Design and landscape impact.
- Impact upon residential amenity.
- Archaeological impact.
- Highway safety.
- Ecological impacts.
- Contamination and ground gas.
- Drainage and sewerage.
- Other matters.

Principle of the Development

7.3 The application site is located within the open countryside, to the west of Humshaugh. As a starting point, Part 1 (g) of Policy STP 1 of the Northumberland Local Plan is supportive of development in the open countryside if it can be demonstrated that it meets one of several criteria. Criterion (iii.) Of Part 1 (g) of Policy STP 1 supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15. Part 1 (i) of Policy STP 1 follows on to state that *“development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network, and use previously developed land where opportunities exist”*.

7.4 Policy ECN 1 of the Northumberland Local Plan sets out the spatial strategy for economic development and regeneration and is generally supportive of development proposals that support both existing and new businesses and that support and promote tourism and the visitor economy.

7.5 Policy ECN 12 of the Northumberland Local Plan sets out a strategy for rural economic growth and is generally supportive of rural main towns and service centres as the most accessible and suitable hubs for rural economic growth and is generally supportive of the formation, growth and up-scaling of businesses in rural locations, within constraints.

7.6 Policy ECN 15 of the Northumberland Local Plan relates specifically to tourism and visitor development. Part 2 (d) of Policy ECN 15 is applicable to this application and states that *“in the open countryside, visitor accommodation should, wherever possible, be limited to the reuse of buildings that are structurally sound, or to chalets and caravans in accordance with part (f) below. New permanent buildings for visitor accommodation will only be supported where they would:*

- i. *Demonstrably improve and diversify the County's tourist offer and/or clearly provide necessary accommodation along an established tourist route; and*
- ii. *Be located as close as is practicable to existing development".*

Therefore, for new permanent buildings for visitor accommodation to be considered acceptable, they would need to meet both exceptions of Part 2 (d) i. and ii.

7.7 The proposed development is for the demolition of an existing agricultural building and for the construction of a new, permanent building for holiday accommodation. As aforementioned, the application site is located within the open countryside to the west of the village of Humshaugh and is to the north of the B6318 (Military Road), which runs parallel to Hadrian's Wall. It is acknowledged that the proposed holiday let cottage would occupy some of the footprint of the existing agricultural building proposed to be demolished.

7.8 It is considered that the emphasis in Part 2 (d) of Policy ECN 15 is on the re-use of existing buildings, rather than the construction of new buildings, for visitor accommodation in open countryside locations, such as this one. However, it is acknowledged that Part 2 (d) of Policy ECN 15 follows on to state that new permanent buildings for visitor accommodation will only be supported where they would meet the two tests set out above.

7.9 With regard to the first test i., an application would need to demonstrate that a proposal for permanent holiday accommodation would either improve and diversify Northumberland's tourist offer or would provide necessary accommodation along an established tourist route (such as long-distance walking or cycling routes). With regard to the first part of the first test, in order to be considered to improve and diversify Northumberland's tourist offer, proposals would need to be a type of accommodation that was demonstrably in short supply or different to what is currently on offer, such as bunkhouse accommodation close to a key attraction where there is nothing like it in the vicinity.

7.10 This current application contains additional information above that which was provided as part of the previously refused application. The additional information indicates that the proposed holiday accommodation includes a wheelchair accessible bedroom at ground floor level and that the self-catered holiday accommodation would include the option for breakfast to be provided (similar to a bed and breakfast arrangement) should visitors prefer this option. The additional information also indicates that the applicant has gathered opinions on local accommodation needs from three separate holiday agents who operate within the area, all of which indicate a shortfall, with a preference for additional bed and breakfast accommodation in the Humshaugh area.

7.11 Following discussions with the Council's Planning Policy team, it is considered that the construction of a permanent cottage for holiday let purposes in an open countryside location, such as that proposed within this current application, would not diversify the offer, given the multitude of such cottages and houses for holiday rental in towns and villages and as conversions in more rural areas. Whether the provision of what largely appears to be a proposed self-contained, self-catered holiday let cottage (with the option of bed and breakfast provisions)

could be considered to demonstrably improve and diversify the County's tourist offer or clearly provide necessary accommodation is debatable. Also, whilst it is noted that it is the applicant's intention to promote the accommodation to walkers and cyclists of the Hadrian Wall routes, there is nothing specific about this accommodation that would deter non-walker or non-cyclist visitors from using the accommodation (and on a self-catered basis) thereby some visitors would be reliant on the use of a private car to travel to access local services and facilities within nearby towns and villages and to access other local tourism attractions etc. which are not within walking distance of the application site and are within the wider area.

7.12 With regard to the second part of the first test, the holiday accommodation would need to be located on an established long-distance walking or cycling route and would need to be considered to provide necessary accommodation. Following discussions with the Council's Planning Policy team, whilst it is recognised that the application site is within relatively close proximity to Hadrian's Wall Path National Trail (an established tourist route), which attracts walking related tourism, it is not considered that the application site is located along this established tourist route due to being set further north (by approximately 0.7 kilometres as the crow flies) of this established walking route. The application site is also located at a distance of approximately 2.2 kilometres from Hadrian's Cycleway (an established cycling route) which runs further south of the Hadrian's Wall Path National Trail. However, it is acknowledged that the application site is within close proximity to The National Byway, a cycling network, which passes by the entrance to the application site at a distance of approximately 290 metres from the proposed holiday accommodation. The Council's Planning Policy team advise that proposed accommodation should be located alongside the tourist route or within a short walking/cycling distance of it to be considered acceptable in this regard, albeit consideration would also need to be given to other potential effects of development on the heritage asset.

7.13 Also, the proposal would need to be considered as necessary accommodation along such a route and it is expected that the accommodation would need to be fully suited to the overnight type of accommodation that is typically required along long-distance routes. It is considered that the construction of permanent holiday let cottages, which typically lend themselves to longer-term holiday letting, would not meet this type of need. Overall, it is concluded that whilst the application site is not situated along Hadrian's Wall Path National Trail or Hadrian's Cycleway; it is within close proximity to The National Byway; however, it has not been robustly demonstrated as part of this application that the proposal would provide necessary accommodation along such an established tourist route. Therefore, the proposed development fails to meet the first test of Part 2(d) for the reasons set out above and it is not considered that the additional information is sufficient enough to conclude that the accommodation is in the right location considering what is being proposed.

7.14 With regard to the second test of Part 2 (d), whilst it is recognised that the proposed development would be located within close proximity to, and well related to, the existing buildings at Leazes Head, the farm steading is some 250 metres from a small group of dwellings, known as Lincoln Hill, and is within the open countryside, with the closest settlement being the village of Humshaugh located approximately 1 mile away (as the crow flies) to the west. The proposed development is not well-related, or within close proximity, to an existing

settlement, and is not well-related, or in close proximity, to public transport connections. It is acknowledged that there are services and facilities within the wider local area, such as The Crown Inn, Humshaugh and The Riverside Kitchen, Chollerford. However, these are at some distance from the appeal site, being over 20 minutes walking distance with no pedestrian footpaths for some of the route. The application site is not considered to be an accessible or sustainable location for the proposed development. Overall, it is considered that the proposal would be in an unsustainable location as guests visiting the proposed accommodation would be heavily reliant on the use of a private car. The proposal would therefore fail to meet the second test of Part 2 (d). As aforementioned, for new permanent buildings for visitor accommodation to be considered acceptable, they would need to meet both of the exceptions of Part 2 (d) i. and ii. of Policy ECN 15 and it is concluded that neither are met by the proposed development.

7.15 It is also worth noting that Part 1 (g) (iii) of Policy STP 1, as set out above, is supportive of “sustainable” rural tourism and leisure developments in open countryside locations in accordance with Policy ECN 15. There is an emphasis within Policy STP 1 on the need for rural tourism and leisure developments to be sustainable in open countryside locations, and in this particular case the proposed rural tourism development is not considered to be in a sustainable location for the reasons discussed above.

7.16 With regard to neighbourhood planning policy, Humshaugh Neighbourhood Plan is currently at the pre-submission draft stage and whilst it is a material consideration in the determination of this planning application, it can only be afforded little weight at this stage. Policy 9 of the draft Humshaugh Neighbourhood Plan relates to tourism and sets out very similar tests for development to meet as Part 2 (d) i. and ii. of Policy ECN 15 of the Northumberland Local Plan which is discussed in the above sections of this report. Policy 9 states *“in the open countryside, tourism facilities and accommodation development should, wherever possible, be limited to the re-use of buildings that are structurally sound. New permanent buildings for tourism facilities and visitor accommodation will be supported where it can be demonstrated that they would:*

- a) improve and diversify the tourist offer and/or clearly provide necessary accommodation along an established tourist route, including for walkers using Hadrian’s Wall Path National Trail and cyclists using Hadrian’s Cycleway; and*
- b) be located as close as practicable to existing development”.*

Therefore, given the tests set out within Policy 9 are very similar to the tests set out in Part 2 (d) i. and ii. of Policy ECN 15, the above assessment is considered to be applicable when considering the proposals against this neighbourhood plan policy and the same conclusion is drawn that the proposals do not meet the two tests set out in Policy 9 of the draft Humshaugh Neighbourhood Plan.

7.17 The proposed development is therefore considered to be unacceptable as a matter of principle for the reasons set out above and would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan, Policy 9 of the draft Humshaugh Neighbourhood Plan and the principles of the NPPF.

7.18 The additional information contained within the submitted planning statement and within its appendices relating to the tests under Part 2 (d) of Policy ECN 15 of the Northumberland Local Plan have been fully reviewed and have been taken into consideration when assessing the principle of the development in the policy context of the Local Plan and the NPPF.

Design and Landscape Impact

7.19 The application site is located within the open countryside. The proposed holiday let cottage would occupy some of the footprint of the existing agricultural building at Leazes Head which is proposed to be demolished. A patio area would be created to the north of the building and would provide amenity space for visitors. The proposal would be constructed of vertical timber cladding with a natural slate roof and two zinc standing seam box dormer windows would be installed to the north elevation. Although the materials of the development would not completely match the materials of the other buildings and residential dwelling at Leazes Head, which predominantly comprises of stone with slate tiled roofs, the proposed materials, such as timber, are considered to be acceptable in this instance and would have a natural appearance, helping the proposal to blend in with the surrounding landscape. It is also recognised that timber cladding features on the existing agricultural building which is proposed to be demolished. The proposed development would be viewed from long- and short-range views in the context of the immediate built form at Leazes Head. It is considered that the contemporary design and materials of the proposed development would respect the site and the surrounding open countryside. The proposed development would accord with Policies ENV 3, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan and the principles of the NPPF in this respect.

Impact upon Residential Amenity

7.20 The proposed holiday let cottage would occupy some of the footprint of the existing agricultural building which is proposed to be demolished and would be located to the northeast of the existing residential dwelling at Leazes Head, which is the only residential dwelling within the nearby vicinity of the proposed development. Leazes Head is within the ownership of the applicant. The separation distance between the proposal and Leazes Head is approximately 23 metres. Due to the positioning of the proposed holiday let cottage, it would not directly face towards the neighbouring property of Leazes Head. The majority of the openings to the proposed holiday let cottage would be to the north and south elevations, which do not overlook the neighbouring property.

7.21 A patio area is proposed to the north of the building, which would provide private amenity space for visitors. The proposed outdoor amenity space, due to its location, would be screened from Leazes Head by the proposed building and therefore would protect the privacy of visitors and the existing residents of Leazes Head.

7.22 Overall, the proposed development would not adversely affect the neighbouring property of Leazes Head with regard to loss of privacy, outlook or from an overbearing appearance. The application is considered to be acceptable in respect of the impact of the development upon residential amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the principles of the NPPF.

Archaeological Impacts

7.23 The application site is located over 1 kilometre north of the scheduled line of Hadrian's Wall World Heritage Site and is within the northern extent of the Hadrian's Wall Military buffer zone. The application site is also located at some distance from known archaeological remains that would be likely to extend into the application site. The Council's Archaeologist has been consulted on this application and has concluded that the proposed development would not impact the setting of the scheduled monument of Hadrian's Wall and the universal value of the World Heritage Site and has concluded that the proposed development is unlikely to impact on significant archaeological remains. The Council's Archaeologist therefore raises no objection and indicates that no archaeological work is required in this instance. The application is acceptable in this respect in accordance with Policies ENV 1, ENV 7 and ENV 8 of the Northumberland Local Plan and the principles of the NPPF.

Highway Safety

7.24 The Council's Highway Development Management (HDM) team has been consulted on this application and raises no objection subject to conditions and informatives. The recommended conditions relate to the implementation of the car parking area, the implementation of electric vehicle charging points, cycle parking details and refuse storage. Subject to accordance with the recommended conditions, the proposed development is considered to be acceptable in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the principles of the NPPF in relation to highway safety and parking provision.

Ecological Impacts

7.25 A Bat Survey has been submitted to accompany this application. The Council's Ecologist has been consulted on this application and raises no objection subject to one condition, to ensure the recommendations set out within the submitted bat survey are adhered to throughout the development, and informatives. Subject to accordance with the recommended condition, the proposed development is considered to be acceptable in accordance with Policies ENV 1 and ENV 2 of the Northumberland Local Plan and the principles of the NPPF in relation to ecological impacts.

Contamination and Ground Gas

7.26 A Phase 1 Report has been submitted to accompany this application which identified several potential contamination risks at the site and recommends that further intrusive investigations be carried out so that an appropriate risk assessment can be made. The Council's Environmental Protection (EP) team has been consulted on this application and raises no objection on this matter subject to conditions relating to contamination.

7.27 The application site lies within the Coal Authority's Coal Mining Reporting Area. The Council's EP team have been consulted and note that the Phase 1 Report indicates that the risks from ground gas are negligible; therefore, no conditions are recommended regarding this matter. The Coal Authority have also been

consulted on this application and raise no objection. The application is therefore acceptable in respect of contamination, ground gas and coal mining risks and is in accordance with Policy POL 1 of the Northumberland Local Plan and the principles of the NPPF.

Drainage and Sewerage

7.28 During the course of the application, revised drainage information has been submitted to address the initial concerns of the Council's Ecology team. Foul sewerage would be disposed of by package treatment plant and surface water would be disposed of by a soakaway. The applicant is proposing to install a new package treatment plant which will replace the existing septic tank. Both the proposed development and the existing residential property at Leazes Head would be served by the proposed package treatment plant. The Council's Ecologist raises no objection to the revised method of disposal of foul sewerage and recommends a condition to ensure the specified package treatment plant is installed and maintained throughout the lifetime of the development according to the manufacturer's instructions. The revised drainage information is considered to be acceptable; therefore, the proposal is acceptable in this respect in accordance with Policy WAT 2 of the Northumberland Local Plan and the principles of the NPPF.

Other Matters

Equality Duty

7.29 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

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

Human Rights Act Implications

7.31 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.

7.32 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.

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

8. Conclusion

8.1 National and local planning policies have been taken into consideration when assessing this application. The principle of the development is considered to be unacceptable because the proposed tourism development would be located within an unsustainable location and thus would be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the NPPF.

8.2 Whilst the application would be acceptable in all other respects, including technical matters, it would be unacceptable as a matter of principle, and it is therefore recommended that the application be refused.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

1. The application site is located within the open countryside, at a distance from the village of Humshaugh. It has not been demonstrated that the application site is a sustainable location and it has not been demonstrated that the provision of new, permanent holiday accommodation in this location would improve and diversify Northumberland's tourist offer, would provide necessary accommodation along an established tourist route and would be located as close as is practicable to existing development, and that it therefore satisfies criterion i. and ii. of Part 2(d) of Policy ECN 15 of the Northumberland Local Plan. The proposed development would therefore be contrary to Policies STP 1, ECN 12 and ECN 15 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

Date of Report: 23.02.2024

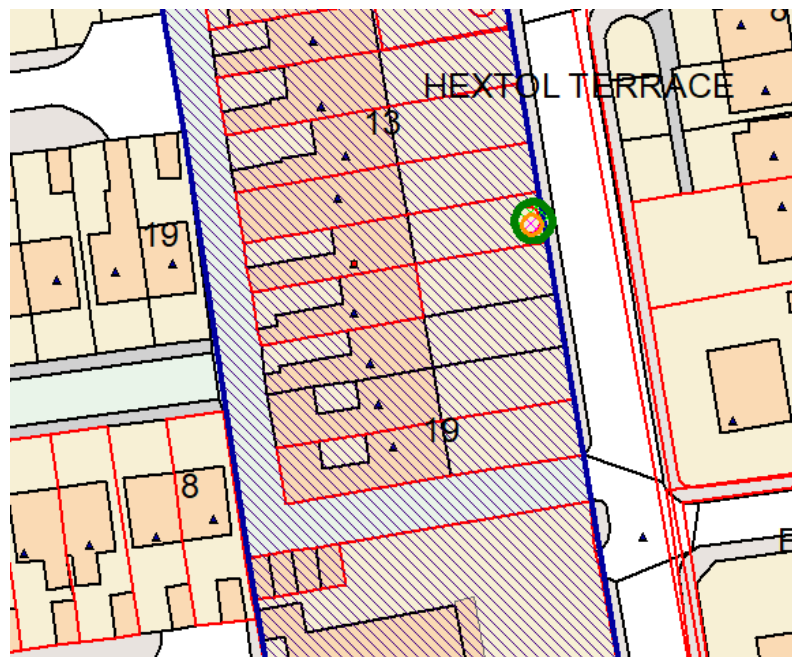
Background Papers: Planning application file(s) 23/04596/FUL



Northumberland
County Council

TYNEDALE LOCAL AREA COUNCIL PLANNING COMMITTEE
12 MARCH 2024

THE NORTHUMBERLAND COUNTY COUNCIL (Land at 15 Hextol Terrace, Hexham) Tree Preservation Order 2023 (No. 05 of 2023)



1. Introduction

1.1. The purpose of this report is to seek a decision from the Local Area Council Planning Committee as to whether or not they wish the County Council to confirm the provisional Northumberland County Council (Land at 15 Hextol Terrace, Hexham) Tree Preservation Order (TPO) 2023 (no. 05 of 2023).

2. Appraisal

2.1. The provisional TPO was made by the County Council under Section 198 of the Town & Country Planning Act 1990 on 7th December under delegated powers following the consideration of application 23/04118/TREECA, which provided the applicant's notification of proposed works to fell one mature Copper Beech

Tree to ground level.

- 2.2. The land in which the order applies lies within the Hexham Conservation Area, specifically the residential curtilage of 15 Hextol Terrace, Hexham.
- 2.3. The order confirms protection of the Copper Beech Tree, with the tree now referred to as T1 under PKT 0701.

Background

- 2.4. An initial application notifying of proposed works to remove the tree was submitted under application reference 23/03384/TREECA. This was withdrawn by the applicant on the 19th October 2023 as officers did not consider that there was sufficient justification submitted to support the works and the tree was considered to have a significant contribution to the wider amenity of the area. The applicant withdrew that application as officers would have needed to progress with pursuing a TPO on the tree. They subsequently took the opportunity to resubmit another application with further supporting information and justification for the works. A new application was submitted under 23/04118/TREECA.
- 2.5. Members should note that 4 representations were made on the application, two were received in support and two in objection. These are summarised below:
 - Support:
 - o The tree has outgrown the current plot it is in.
 - o The blockage of light into the property and both neighbouring properties.
 - o The tree is limiting the growth of grass and other plant types in the neighbouring gardens.
 - o The tree roots could have extended under their garden and are concerned that the roots could be causing structural issues to the foundations of the house.
 - o More suitable trees should be planted in its place would improve the biodiversity of the area.
 - o Difficulties parking due to the large spread of the lower limbs.
 - o Leaf casings drop and when they then fall they cause drainage issues and a potential slip hazard for pedestrians.
 - Objection:
 - o The proposal does not conform to relevant policies of the development plan.
 - o The image chosen to illustrate the green space of Hextol Terrace in the Hexham Conservation Area Character Appraisal (2009) includes the Copper Beech Tree.
 - o The tree is a very prominent feature of the street.
 - o The tree is highly visible from the public realm.
 - o Environmental benefits that the trees in the surrounding area provide for the wider amenity.
 - o A management regime could help in the trees longevity.

- The unlikelihood of Beech Tree roots extending as far as the houses.
 - No evidence had been provided to justify the health and safety concerns as well as the concerns regarding property integrity.
 - It was also noted that although other trees had been felled on the street in recent years, but none of them had such an important contribution to the street scene.
- 2.6. The trees were first assessed through a site visit by the case officer on 16th November 2023 and following this advice was sought from the area NCC Trees and Woodlands Officer on the 20th November 2023. The Trees and Woodlands Officer carried out a site visit on the 31st November 2023. The Trees and Woodlands Officer highlighted the good health of the tree and the amenity it adds to the surrounding area. Following these visits, officers determined that there was not sufficient justification to remove the tree and it was considered appropriate to create a new provisional TPO to protect the tree.
- 2.7. The Case Officer prepared a Tree Evaluation Method for Preservation Orders (TEMPO) Report following the relevant assessment tool for TPO suitability, as is normal practice. This was then sent to the Trees and Woodlands Officer for their review and subsequent approval on the 5th December 2023. It was clear from the scoring within the TEMPO assessment that the tree would definitely merit a TPO.
- 2.8. The owners of the land on which the tree is situated, along with directly adjacent neighbours, Northumberland County Council's Highways Department and the Town Council, were informed of the making of the provisional TPO on 7th December 2023. Following the receipt of 2no. written objections, the confirmation of the TPO must now be determined by the Local Area Council Planning Committee.
- 2.9. Members will note that the objectors raise a significant number of points which are summarised below:
- The sale-ability of the property.
 - The tree was not at risk and had been previously managed.
 - The tree is too large and not an appropriate species for the plot.
 - Concerns regarding the procedure followed by NCC.
 - Not enough objectors to the initial application for the tree to be considered a significant contribution to the surrounding area.
 - NCC has not taken into account the rights of the public under the European Convention on Human Rights, more specifically the Human Rights Act Article 1, protocol 1.
 - Previous applications to fell trees on the street have been approved.
- 2.10. The Council must confirm the provisional TPO, with or without modifications, within the 6 month provisional period, i.e. by the 6th June 2024 otherwise it will cease to have effect.

Appraisal

- 2.11. It was considered by planning officers and the Councils Tree and Woodlands Officer that the tree on the site in question merited protection by a TPO. Local Planning Authorities can make a TPO if it appears to them to be expedient in the interests of amenity to make the provision for the preservation of trees or woodlands in their area.
- 2.12. The view of the case officer and the Tree and Woodlands Officer from is that the Copper Beech Tree in question contributes significantly to the visual amenity of the locality and is worthy of TPO status. The tree sits prominently along the road and can be viewed from both the bottom and the top of the street. Whilst the street has many trees lining it, very few on this side of the road match the Copper Beech tree's size, prominence or impact on the street scene. The tree is considered to make a significant contribution to the visual amenity of the site, the wider surrounding area and the Hexham Conservation Area. The risk of its removal would have a significant and harmful impact on the visual amenity of the local environment and the wider enjoyment of the public travelling along the through road to access Hextol Crescent.
- 2.13. Whilst it is acknowledged that the applicant wishes to improve the amount of light into their dwelling and has concerns over the structural integrity of the property, as there was no evidence submitted to support this statement it cannot be considered fully when justifying the works to fell. It is accepted that the justification to allow more light into the property and surrounding properties is a material consideration and may have justified minor works to the tree, however, in this case it is not considered enough to fell the tree as it contributes significantly to the visual amenity of the wider area, is in a good condition and has a potential future lifespan of 100+ years. The loss of this tree would have an adverse effect on the character, amenity and landscape value of the wider surrounding area. The condition of the tree is considered to be healthy and worthy of pursuing a Tree Preservation Order in accordance with the advice set out in Policy QOP 4 of the Northumberland Local Plan.
- 2.14. The owner of the property outlines that a substitute tree of a smaller more manageable size for the plot would be planted in its place. However, the Council does not have the power to condition this whilst the tree is only protected through the need to notify of any proposed works to trees within the Conservation Area. Additionally, if the TPO was granted the objector would still have the option to apply for any proposed works but would be required to provide a professional report justifying the works, which would be given appropriate weight in the decision making process. It is also acknowledged that any substitute would take a significant amount of time to mature and be capable of contributing to the wider area to the same degree as the existing tree.
- 2.15. The objector also directly highlights that a Copper Beech Tree is not an appropriate size or species for the plot. This point merely highlights the tree's scale within the street, further emphasising the positive contribution and impact that the tree has on the locality and its clear impression that it makes within the public realm. The decision to preserve the tree was based mainly upon its condition, lifetime remaining, public visibility and contribution to the character of the area, and finally the level of threat posed which is explained below.

- 2.16. Concerns were raised over the lack of risk or threat the tree was under at the time that the TPO was made. However, as the Council's only options for an application notifying of works within the Conservation Area is to offer no objections if satisfied with the work that is proposed or make a TPO within the specified time period otherwise the applicant can undertake the works, the perceived threat to the tree was imminent. The tree was clearly at risk and under threat as the owner had notified of their intention to fell the tree. Regardless of this, the tree would still score high enough on a TEMPO to still definitely warrant a TPO.
- 2.17. The view of the planning department and the Trees and Woodlands Officer is that the tree contributes significantly to the visual amenity of the locality and is worthy of TPO status.
- 2.18. 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 Hextol Terrace itself: "*Deep front gardens along Hextol Terrace set back front elevations to soften built impact and create a more generous relaxed space*" which it is considered that the tree significantly contributes to.
- 2.19. The Hexham Neighbourhood Plan Policy HNP 17 sets out "*The loss of healthy trees and hedgerows in the Neighbourhood Area will not be supported*". Considering the above, it is officer opinion that the tree is healthy and at present does not pose a risk to the public, as no supporting evidence has been submitted.
- 2.20. The view of the Council's Tree and Woodlands Officer and Planning Officers is that it is expedient for the reasons above that the tree in question merits protection with a TPO following an assessment of the tree itself and the surrounding visual amenity. The tree is in good health, of significant visual amenity and makes a positive contribution to the surrounding street scene and the Conservation Area. The imposition of the TPO would not preclude works from taking place, but it would allow the Council to assess any proposed works through a formal application and secure replanting if necessary following the necessary applications. The provisional TPO at the site will cease to have any effect after 6th June 2024 and the tree will no longer be subject to protection. It is considered that the Order should be confirmed given the significant visual amenity value of the tree.

Other Issues

- 2.21. 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.

- 2.22. These proposals have no implications in relation to crime and disorder.
- 2.23. 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.
- 2.24. 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.
- 2.25. 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 15 Hextol Terrace, Hexham) Tree Preservation Order 2023 (no. 05 of 2023) **be confirmed subject to no modifications.**



Northumberland County Council

Appeal Update Report

Date: March 2024

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?
21/04346/FUL	<p>Replace existing building (3no flats/14 no bed sit spaces) with 3no detached houses with 18 bed spaces to be used as holiday accommodation (as amended 20th April 2023) - On the Beach, Harbour Road, Beadnell</p> <p>Main issues: the proposed units would not enhance and reinforce the local distinctiveness of the conservation area and would not integrate with the surrounding built environment; and identified harm is less than substantial but it has not been demonstrated the public benefit outweighs the harm.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
22/04546/CLEXIS	<p>Certificate of existing lawful development for the siting of a twin unit caravan for ancillary residential use as an annexe within the existing residential curtilage – Old Field, Catton, Hexham</p> <p>Main issues: the caravan is not within the residential curtilage so would require planning permission and would have a significant degree of permanency constituting development – the caravan would not be lawful.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
23/01093/FUL	<p>Proposed single storey rear extension, extend above roof above and rear dormer addition – Pethfoot Lodge, Cragside</p> <p>Main issues: incongruous and inappropriate form of development that would be out of character with the existing property and have a harmful impact upon the character and appearance of the site and surrounding area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
23/02030/FUL	<p>Proposed erection of holiday dwelling with associated access and residential garden – land south east of The Courtyard, Matfen</p> <p>Main issues: development in the open countryside; and insufficient information to fully consider the</p>	No – claim refused

	ecological impacts of the proposal. Appeal against non-determination	
22/03755/FUL	Siting of timber bin store (retrospective) - Black Swan Inn, 2 Union Street, Seahouses Main issues: scale and appearance lead to less than substantial harm to the Seahouses Conservation Area. Delegated Decision - Officer Recommendation: Refuse	No
23/02134/FUL	Front 2 storey extension and side extension above garage – 6 Dunsdale Road, Holywell Main issues: design, height and visual appearance is out of character in the street scene with detrimental visual impact; and unacceptable impact on residential amenity. Delegated Decision - Officer Recommendation: Refuse	No

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
22/04676/LBC	Listed Building Consent for alterations comprising inserting one window with shutter in South facing gable wall, and the replacement of existing window with fully glazed panel and shutter on West elevation (Amended Description) - The Cottage, Riding Home Farm, Acomb, Hexham Main issues: less than substantial harm to the character and significance of the listed building that has not been justified. (The appeal is dismissed in respect of the proposed window within the south facing gable wall and is allowed only with regard to the west elevation glazing panel.)	No

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
23/01478/FUL	<p>Construction of second story rear extension, single storey rear extension with glass roof, proposed dormer extension to rear and dormer window to front – 10 Front Street, Newbiggin-by-the-Sea</p> <p>Main issues: scale, design and positioning would result in an incongruous addition and detract from the character of the Conservation Area; and adverse impact on residential amenity due to loss of sunlight and visual outlook.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/04617/FUL	<p>The erection of 3no. cyclist accommodation units, associated extension to West House Farm Cottage, installation of solar panels, and associated landscaping and infrastructure – West House Farm Cottage, Shilvington</p> <p>Main issues: poorly accessible and unsustainable location in the open countryside; and inappropriate development in the Green Belt with no very special circumstances to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity</p>	No

	<p>net loss.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/03790/FUL	<p>External render removal from North wall. New double door with juliet balcony at street level. Refurbishment of basement level & external area to make secure & improve appearance. No change of use – Jacksons Hairdresser, 1 Wansbeck Street, Morpeth</p> <p>Main issues: harm to the setting of a listed building, the character of the property and its setting within the Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/02704/CLEXIS	<p>Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley</p> <p>Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/01742/FUL	<p>Proposed development of 1no. dwelling with associated access and amenity space – land west of 20 Park Road, Swarland</p> <p>Main issues: development in the open countryside in an unsustainable location; size, scale, layout and subdivision of the plot would be out of character with the surrounding area and unacceptable impact on the street scene; and unacceptable impact on the landscape and character of the immediate and wider area.</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
23/00673/FUL	Retrospective: construction of single storey garden room and steps to rear – Newton Post Office, Newton, Stocksfield Main issues: harm to the character and appearance of the dwelling, site and the Newton Conservation Area. Delegated Decision - Officer Recommendation: Refuse	No
23/02038/FUL	Replacement of fence to south of driveway - Oakwood Hall, Wylam Main issues: less than substantial harm to the setting of the Grade II listed building; insufficient information to assess the ecological impacts of the development; and inappropriate development in the Green Belt. Delegated Decision - Officer Recommendation: Refuse	No
23/01801/FUL	Proposed two storey front extension and roof alterations – Close House, Whalton Main issues: scale, massing and design would result in disproportionate and unsympathetic additions that would adversely affect the existing dwelling, the character of the Conservation Area and the setting of listed buildings; and insufficient information to assess the ecological impact of the proposals. Appeal against non-determination	No

Planning Appeals Withdrawn

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

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
22/01012/FUL	<p>Conversion of agricultural buildings to create one dwelling including a link extension and detached garage – development site at Barley Hill House Barn, Kiln Pit Hill, Consett</p> <p>Main issues: design fails to reflect the character or appearance of the listed farm building and results in harm to the character and appearance of the listed building.</p>	<p>17 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03027/FUL	<p>Retrospective Application for the Erection of Storage Sheds – Mickley Bank Farm, Stocksfield</p> <p>Main issues: inappropriate development in the open countryside and the Green Belt and no very special circumstances to outweigh the harm.</p>	<p>26 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02794/FUL	<p>Erection of 1 no. dwelling (C3 Use) - Westfield, Cramlington</p> <p>Main issues: fails to positively contribute to and respect the character of the area and the Cramlington Village Conservation Area; and no planning obligation has been completed to secure contributions to the coastal mitigation service or any other satisfactory alternative mitigation.</p>	<p>31 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/03037/FUL	<p>Proposed 2no. new dwellings along with new access and parking to serve proposed dwellings along with existing adjacent cottages – land west of 10 West Burton Cottages, West Burton Cottages, Bamburgh</p> <p>Main issues: development in the open countryside in an unsustainable location; harm to the landscape and character of the</p>	<p>24 November 2023</p> <p>Appeal against non-determination</p>

	area; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and lack of information to assess proposed outbuildings.	
23/02500/FUL	Extension to home office – 1 Low Middle Moor House, Stannington, Morpeth Main issues: would extend beyond the residential curtilage and encroach into open countryside; and inappropriate development in the Green Belt.	5 December 2023 Delegated Decision - Officer Recommendation: Refuse
23/03700/FUL	Change of use from 11 bedroom supported living, care and short-term accommodation (use class C2) to 11 bedroom house in multiple occupation – 86 Regent Street, Blyth Main issues: inadequate size of bedrooms resulting in substandard living conditions and detrimental impact upon the amenity of future occupiers; and alterations would result in a high chance of a disproportionate increase in anti-social behaviour undermining quality of life and community cohesion.	12 December 2023 Delegated Decision - Officer Recommendation: Refuse
21/03426/FUL	Change of use of existing hotel to 12no. residential units with associated internal alterations – Northumberland Hospitality, Coquet Vale Hotel, Station Road, Rothbury Main issues: insufficient information in relation to highway safety, ecological impacts; and lack of financial contribution to education provision and open space provision.	13 December 2023 Delegated Decision - Officer Recommendation: Refuse
23/01175/FUL	Demolition of 2no semi detached bungalows and construction of three storey dwelling with garage and associated landscaping – 8-10 Runnymede Road, Darras Hall, Ponteland Main issues: design, siting and scale would create an incongruous, dominant and overbearing building out of character with its surroundings; detrimental impact on the residential amenity of neighbouring occupants; and loss of protected trees.	19 December 2023 Delegated Decision - Officer Recommendation: Refuse
21/03496/FUL	Proposed new detached dwelling – Westlea Bed and Breakfast, 29 Riverside Road,	3 January 2024 Committee

	<p>Alnmouth</p> <p>Main issues: design, scale, massing and loss of burgage plot would not preserve or enhance the character and appearance of the Alnmouth Conservation Area; and detrimental impact on residential amenity.</p>	<p>Decision - Officer Recommendation: Approve</p>
21/03781/FUL	<p>Change of use and re-development of Shadfen Park Farm agricultural barn, buildings and land to form new multi-purpose development – land west of Shadfen Park, Shadfen</p> <p>Main issues: unacceptable development in the open countryside; and inappropriate development in the Green Belt.</p>	<p>8 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02008/FUL	<p>Change of use from staff and holiday accommodation to residential dwellinghouse – outbuilding west of Cragside Stables, Park Lane, Bardon Mill</p> <p>Main issues: creation of new dwelling within the open countryside with insufficient justification; and insufficient information has been provided in respect of car parking provision and vehicle movement to demonstrate adequate parking and safe access.</p>	<p>9 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02898/CLEXIS	<p>Certificate of Lawful Development - Existing development: Commencement of planning permission 14/03746/FUL for the creation of 2no. dwellings – land at 23-25 Western Way, Darras Hall, Ponteland</p> <p>Main issues: insufficient evidence to demonstrate that development had commenced before the expiry of the planning permission.</p>	<p>11 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02636/FUL	<p>2 story rear extension with alterations to access and parking to the front – 3 Normandy Terrace, Longhorsley</p> <p>Main issues: design would be an incompatible addition and incongruous with the existing dwelling and terrace; and lack of bat risk assessment to assess potential impacts on protected species.</p>	<p>16 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

23/03240/FUL	<p>Change of use of stable building to 1no. residential dwelling, with associated access and parking – land east of Horsley Banks Farm, Horsley</p> <p>Main issues: inappropriate development in the Green Belt and open countryside; design is not in keeping with the traditional character of the area and results in a harmful impact on the Horsely Conservation Area and the rural landscape; and lack of useable outdoor amenity space.</p>	<p>16 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/04122/FUL	<p>Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn</p> <p>Main issues: development in the open countryside in a location that is not sustainable or accessible.</p>	<p>17 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02200/FUL	<p>Loft conversion of main house with first floor extension to rear and dormer windows to front and side elevations, construction of flat over existing detached garage that will be ancillary to the main residential dwelling and used for this purpose. Garage roof to be converted from flat to pitched. - 238 Western Way, Darras Hall, Ponteland</p> <p>Main issues: front dormer extension would be unduly prominent and poor design; loss of residential amenity; and lack of ecological impact assessment to assess potential risk to protected species.</p>	<p>22 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/02140/MAST	<p>Notification of Prior Approval for the installation of 5m extension to existing lattice mast to accommodate 3 no replacement antenna, ancillary radio equipment at new support poles, the installation of 1 no GPS Module and x 2no new cabinets at ground level in compound along with ancillary development thereto – T-Mobile Communications Mast, Hebron Hill</p> <p>Main issues: harm to the visual amenity of the open countryside landscape, and negative impacts on protected trees and dwellings in the locality.</p>	<p>22 January 2024</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/03360/FUL	<p>Change of use "Waste Land" to garden (C3) - land to rear of 90 Heather Lea, Bebside</p> <p>Main issues: negative visual impact and incongruous intrusion to green space; and adverse impact on the amenity of</p>	<p>23 January 2024</p> <p>Delegated Decision - Officer Recommendation:</p>

	neighbouring properties.	Refuse
23/02839/FUL	Proposed rural workers dwelling, consisting of retention and extension to dwelling located on site – land at east of La Luna Farm, Mill Lane, Heugh Main issues: inappropriate development in the Green Belt.	30 January 2024 Committee Decision - Officer Recommendation: Approve
23/03485/FUL	Retrospective: Erection of holiday chalet within curtilage of East Salmon Wells Farm for holiday let use – land north east of East Salmons Well, Salmons Well, Acomb Main issues: poorly accessible and unsustainable location in the open countryside; inappropriate development in the Green Belt; and harmful visual impact on the rural character and appearance of the site, landscape and openness of the Green Belt.	5 February 2024 Delegated Decision - Officer Recommendation: Refuse
22/02619/FUL	Retrospective Change of Use of White Cottage to Serviced Accommodation in Association with the Joiners Arms – White Cottage, The Inn Road, Newton-by-the-Sea Main issues: overdevelopment of the village with consequent impacts upon the tranquillity of the village and the Northumberland Coast National Landscape.	5 February 2024 Committee Decision - Officer Recommendation: Approve
23/03944/FUL	Demolition of existing bungalow and construction of a new bungalow – Saugh House Farm, Belsay Main issues: appeal against imposition of conditions 3 (construction method statement), 8 (materials), 9 (windows and door details), 10 (removal of permitted development rights) and 11 (sustainable design / construction measures).	6 February 2024 Delegated Decision - Officer Recommendation: Approve
23/02284/FUL	Extensions, alteration and subdivision of existing single dwellinghouse to create two dwellinghouses – Houghton Moor, Heddon-on-the-Wall Main issues: additional dwelling in an isolated location in the open countryside; inappropriate development in the Green Belt; inappropriate design that fails to make a positive contribution to local character and distinctiveness; insufficient information to demonstrate the proposals will minimise their impact on great crested newts; fails to demonstrate how proposals will sustain, protect and enhance the setting of the	6 February 2024 Delegated Decision - Officer Recommendation: Refuse

	Hadrian's Wall World Heritage Site; and insufficient information to demonstrate the proposals will not result in adverse impacts on highway safety.	
23/03917/FUL	Timber shed on front garden of the property (retrospective) - 7 Beech Court, Widdrington Station Main issues: obtrusive design and detrimental impact on the visual appearance of the area; and detrimental impact on the amenity of neighbouring residents.	7 February 2024 Delegated Decision - Officer Recommendation: Refuse
23/03362/FUL	Retention and change of use from agricultural workers chalet to holiday chalet – Hillfield, Allendale Road, Hexham Main issues: inappropriate development in the Green Belt; and harmful visual impact on rural character and appearance of the site and surrounding landscape.	12 February 2024 Committee Decision - Officer Recommendation: Refuse
23/02041/FUL	(Retrospective) First floor extension over kitchen to create bathroom – 228 Plessey Road, Blyth Main issues: detrimental impact upon the character and visual appearance of the existing dwelling and visual amenity of the wider local area; and detrimental impact upon the amenity of adjoining residents.	12 February 2024 Delegated Decision - Officer Recommendation: Refuse
23/01863/FUL	Construction of a two bedroom bungalow with associated parking and access – land south of The Shieling, Waynriggs Close, Humshaugh Main issues: overdevelopment of the site and would be out of character with the pattern of development within the immediate surrounding local area; reduction in the amount of outdoor amenity space for the dwelling approved to the south to an unacceptable level; adverse impact on residential amenity; and fails to demonstrate that sufficient car parking can be provided, that a safe and suitable access can be achieved and that it would not adversely impact upon highway safety.	12 February 2024 Delegated Decision - Officer Recommendation: Refuse
23/00583/FUL	Change of use of existing public house (Sui Generis) to provide 3no. residential apartments (Use Class C3) and erection of 4no. dwellings (Use Class C3) to rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping – The Salmon Inn, East Ord,	14 February 2024 Committee Decision - Officer Recommendation: Approve

	<p>Berwick-upon-Tweed</p> <p>Main issues: overdevelopment of the site and a density that would appear out of character with the surrounding area and would cause an unacceptable impact on the street scene; unacceptable loss of public amenity space; and insufficient information in respect to pedestrian crossing to demonstrate there would be no significant impact on the safety of the highway.</p>	
--	--	--

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
21/00080/ENDEVT	Installation of hardcore - land to north of Kiln Cottage, Newton-on-the-Moor	13 June 2023
23/00315/ENFCOU	Material change of use of the land from agricultural use to a storage, distribution (B8) and manufacturing (B2) yard – land north of All Saints Church, Ryal	11 December 2023
20/00504/ENDEVT	Installation of hardstanding for access and 6no. pitches, installation of electricity and water points, installation of a septic tank and erection of building – land north-east of Fieldholme, Embleton	18 December 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/01362/REM	<p>Reserved matters application for appearance, landscaping, layout and scale for proposed 150 residential dwellings (use class C3) including 30% affordable housing, countryside park including car park, pursuant to approved outline planning application 16/00078/OUT (revised description 8th August 2022) - land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: by virtue of the layout, scale and appearance, the design fails to preserve or make a positive contribution to local character and distinctiveness and the site's surroundings and does not demonstrate high quality sustainable design; and there is no effective and safe access and egress to the existing transport network.</p>	<p>Hearing – 30 August 2023</p> <p>Committee Decision - Officer Recommendation: Approve</p>
22/00566/OUT	Outline planning application with all matters reserved except for access, for construction	Hearing – 5 March 2024

	<p>of up to 30no. bungalows for over 55s (Use Class C3) - land west of Furrow Grove, Station Road, Stannington</p> <p>Main issues: residential development in the open countryside; fails to respect the rural, dispersed and open character of the site and surrounding area; inappropriate development in the Green Belt; lack of housing needs assessment or evidence to justify 100% specialist housing scheme for older persons in this location; unsustainable location with no services or facilities and access would be reliant on the private car; insufficient information to fully assess hydrology and flood risk; insufficient information to fully assess archaeological impact and mitigation; and lack of completed planning obligations securing specialist housing, affordable housing, open space contribution, healthcare contribution and Coastal Mitigation Service contribution.</p>	<p>Delegated 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

Elizabeth Sinnamon
 Development Service Manager
 Elizabeth.Sinnamon@northumberland.gov.uk