

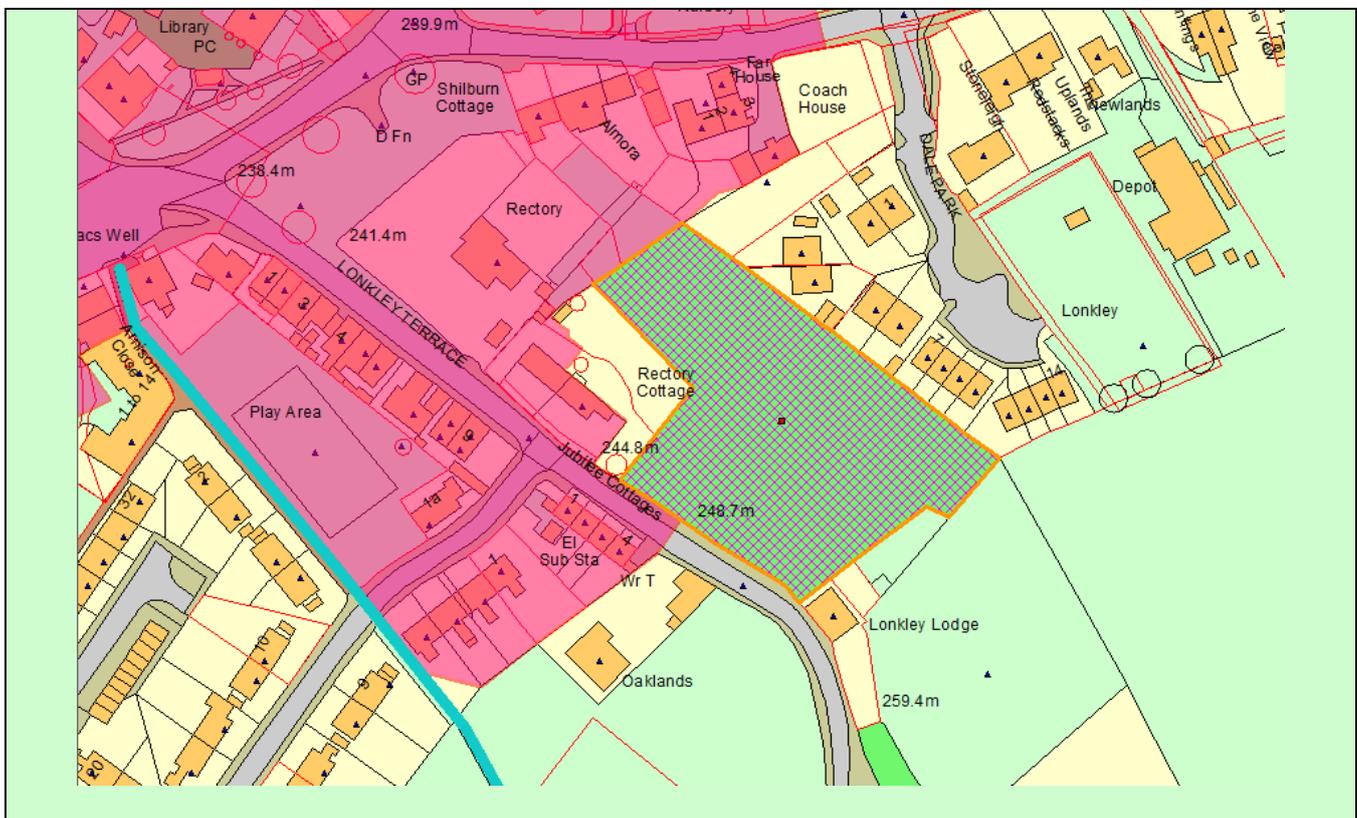


# Northumberland County Council

## Tynedale Local Area Council Planning Committee 10 August 2021

<b>Application No:</b>	20/02417/FUL		
<b>Proposal:</b>	Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure works (amended description).		
<b>Site Address</b>	Land North of Lonkley Lodge, Lonkley Head, Allendale, Northumberland		
<b>Applicant:</b>	Mr Mark Goodson 12 Ridley Close, Hexham, NE46 2HY,	<b>Agent:</b>	Mr Andrew Herdman Forge Cottage, 16 Eglington, Alnwick, NE66 2TZ
<b>Ward</b>	South Tynedale	<b>Parish</b>	Allendale
<b>Valid Date:</b>	17 August 2020	<b>Expiry Date:</b>	30 June 2021
<b>Case Officer Details:</b>	Name: Ms Melanie Francis Job Title: Senior Planning Officer Tel No: 01670 625549 Email: melanie.francis@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## **1. Introduction**

1.1 Under the Virtual delegation scheme, the application was referred to the Director of Planning and Chair and Vice Chair of the Tynedale Local Area Council Planning Committee who agreed that the application raises issues of strategic, wider community or significant County Council interest and therefore should be considered by Members of the Tynedale Local Area Council Planning Committee.

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

2.1 Planning permission is sought for the construction of nine dwellings, plus associated infrastructure works on land north of Lonkley Lodge, Allendale. The site, which covers some 0.48 hectares, is an area of grassland with some mature trees fronting Lonkley Terrace (C296). The site slopes steeply from south to north and is the start of the built-up area of Allendale when approached from the south-east. To the rear (east) of the site is the Dale Park residential development, with Lonkley Lodge located at the south-west corner of the site.

2.2 The site would be accessed to the north of the existing field access with the development covering a roughly rectangular area of land, and in the north-eastern portion of the site, a pond for water capture and area of grassland would be sited. The proposal would consist of a mixture of detached three- bedroom houses, detached two and three bedroom bungalows; and three bedroom semi-detached houses. Three two storey properties would face towards Lonkley Terrace: plot 1, a detached house to the west of the access and plots 8 and 9 to the east which would be semi-detached and step down the slope of the land. Plot 2, a detached dwelling would be located behind plot 1 with three bungalows, plots 3, 4 and 5 parallel to the boundary with Dale Park. Plots 6 and 7, which would be semi-detached houses, would be located in the south-eastern corner of the site. All the properties would have garages, apart from plots 8 and 9 which would have two car parking spaces to the rear of each dwelling.

2.3 The dwellings would be built with natural random rubble sandstone to all principal elevations with the use of stone quoins, lintels, mullions and sills; render on some elevations and slate roofs. The proposal would have differing designs: some with single storey extensions and front and rear porches, and gables to the roof in the case of plots 6 and 7. Windows would be white or off-white uPVC in a traditional sliding sash style. Doors would also be of a traditional style. Rainwater gutters would be fixed using traditional methods with no fascia or soffit boards. The bungalows would be between 5.8 and 6.1 metres high in the case of Plot 5 which has a bedroom in the roof space and the houses would be 7.29 metres in height for plots 6 and 7; some 7.4 metres in height for plots 8 and 8.1 metres in height for plot 2 and 8.5 metres in height to the apex of the roof for plot 1. The existing stone boundary walls would be retained, apart from where the entrance would be created, and further dry-stone walling would be used throughout the site, as well as the planting of hedgerows and trees. Private driveways and visitor parking areas would be formed from Beamish cobble blocks.

2.4 The site is currently bounded with a stone wall and a wide grass verge along Lonkley Terrace, with mature trees along the boundary in the south -west corner. The stone walling continues around most of the site with some timber fencing and

hedging adjacent to Rectory Cottage to the north-west. The site is on the edge of the village of Allendale and immediately adjacent to the boundary of the Allendale Conservation Area. The site is located in the North Pennines AONB.

2.5 The application was submitted in 2020 but since that time the application has been amended reducing the numbers, layout and design of the dwellings.

2.6 Submitted with the application were the following documents:

- 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21.
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd September 2020
- Phase I Geoenvironmental Desk Study – DBS Environmental Ltd March 2021 Ref: 1401R001i2
- Design, Access and Heritage Statement Rev A (20 February 2021)
- Arboricultural Implications Assessment Lonkley Terrace V2 2021 (Woodsman Arboricultural Consultancy)
- Flood risk assessment and proposed drainage strategy
- Sustainable Drainage Assessment (GeoSmart Information)

### 3. Planning History

No known planning history

### 4. Consultee Responses

Allendale Parish Council	Objection: regarding underwater tank and drainage problems of residents to the north and the safeguarding of water to Isaac's Well. The Council recommend that the Planning Officer contact the Newcastle Diocese because of the existence of a covenant preventing development of the land.
Highways	No objection subject to conditions.
North Pennines AONB	No objection as ecological issues dealt with.
Forestry Commission	No opinion given.
Building Conservation	No objection: design and layout much improved. Chimneys should be added to all properties. All rooflights should be vertically proportioned, flush fitting conservation roof lights.
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Education - Schools	No impact on educational infrastructure or SEND numbers.
Northumbrian Water Ltd	No objection subject to a condition.
Fire & Rescue Service	No objection in principle
Public Protection	No objection subject to conditions

County Ecologist	No objection subject to conditions
County Archaeologist	No objection subject to a condition

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	34
Number of Objections	40
Number of Support	3
Number of General Comments	0

### Notices

Site notice: expired 6 October 2020

Press notice: expired 17 September 2020

### Summary of Responses:

There have been 40 objections from 20 households and three letters of support.

The the main objections can be summarised as:

- Increased traffic congestion and concerns over road safety
- Noise pollution and CO<sup>2</sup> emissions
- Loss of privacy, light and overshadowing of adjacent properties
- Lack of privacy for plot 8
- Loss of natural habitat for range of fauna seen on the site
- Loss of mature trees
- Development does not reflect local people and local need
- Not fulfil affordable housing need
- Disruption of historic water course which feeds into Isaac's Well
- Increased surface run off leading to risk of future flooding from the site
- No reference to drainage system or solution
- Poor design and layout
- Fails to comply with planning policy
- Loss of historic and archaeological importance

The three letters of support highlighted that the development was:

- Good for the community
- A good use of land
- Good design

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=QE6PX7QSHT400>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Allendale Neighbourhood Development Plan (Made 1 July 2015)

ANDP 1 General Development Principles

ANDP 2 Scale of Housing Development

Tynedale LDF Core Strategy 2007

GD1 Locational policy setting out settlement hierarchy

GD5 Minimising flood risk

BE1 Principles for the built environment

NE1 Principles for the natural environment

H1 Principles for housing

H3 The location of new housing

H4 Housing on green field land

Tynedale Local Plan (April 2000)

GD2 Design Criteria for development, including extensions and alterations

GD4 Range of transport provision for all development

GD6 Car parking standards outside the built-up areas

NE15 Development in the North Pennines AONB

NE27 Protection of Protected Species

NE33 Protection of Trees, Woodlands and Hedgerows

NE34 Tree felling

NE37 Landscaping in developments

BE18 Development affecting the character and setting of a Conservation Area

BE29 Development and preservation

H32 Residential design criteria

CS24 Development adjacent to or in vicinity of contaminated land

CS27 Sewerage

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments

### 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG) (2014 as updated)

### 6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP1 Spatial strategy

HOU 2 Provision of new residential development (Strategic Policy)

HOU 5 Housing types and mix

QOP2 Good design and amenity

QOP4 Landscaping and trees

TRA4 Parking provision in new development  
ENC15 Tourism and visitor development  
ENV2 Biodiversity and geodiversity  
ENV3 Landscape  
ENV4 Tranquillity, dark skies and a sense of rurality  
ENV6 North Pennines Area of Outstanding Natural Beauty  
ENV7 Historic environment and heritage assets  
WAT2 Water supply and sewerage  
WAT3 Flooding  
WAT4 Sustainable drainage systems  
INF6 Planning obligations

#### 6.4 Other documents/strategies

North Pennines AONB Building Design Guide (2011)

### **7. Appraisal**

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

Principle of development  
Housing land supply  
Siting, design and residential amenity  
Impact on the character of Allendale Conservation Area and the North Pennines AONB  
Impact on adjoining residential amenity  
Access, highways and parking  
Ecological impact and trees  
Archaeology  
Flooding, foul and surface water drainage  
Public protection  
Education  
Sports and play provision  
Other issues: underground tank and Isaac's Well

#### Principle of development

7.2 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 comprises policies in the Tynedale Core Strategy and the Tynedale Local Plan as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.5 The application site is a greenfield site on the edge of the village of Allendale. Policy GD1 of the Tynedale Core Strategy sets out the principles for the location of new development with the main focus for development being main towns, local centres and smaller villages with adequate services. The location of the site accords with the 'General Development Principles' in Policy ANDP 1 of the Neighbourhood Plan where development should be at a scale and in locations where the development can be shown to support and maintain the continued sustainability and viability of communities across the Parish by providing new homes.

7.6. The proposed housing would be on a greenfield site but the emerging Local Plan allocates the site for housing under Policy HOU 4 (d)(viii) 'land east of Lonkley Terrace, Allendale Town' stating the site to be 0.55ha in area and having capacity of between 8 and 16 dwellings which is based on two SHLAA assessments which assessed the site as 'suitable', available' and 'achievable' within 6-10 years of the SHLAA. Although the Tynedale Core Strategy establishes a sequential approach to the location of new development, the NPPF (chapter 11) requires an effective use of land in providing homes and other uses, therefore limited weight can be given to the Core Strategy in this respect. As the site is in a local centre with adequate services, the provision of housing would accord with Tynedale Core Strategy Policies H1 and H3.

7.7 Allendale Neighbourhood Plan Policy ANDP 2 refers to small scale housing schemes which do not compromise the character and appearance of the area and covers schemes of up to 9 dwellings. The policy states that the housing development would: need to be of a nature and scale that reflects and respects the character and appearance of the area in which it is situated and it can be readily visually accommodated into the surrounding landscape or townscape without adverse impact on the character of its setting; not result in an adverse impact on the amenity of any existing neighbours; and not otherwise adversely impact sensitive land uses. These issues will be explored further below.

7.8 As the development is for less than ten houses, an affordable housing provision is not required, as confirmed by the Affordable Housing Officer.

7.9 The NPPF (paragraphs 125) also discusses appropriate densities for dwellings. At this site the density would be 19 dwellings per hectare which is below the site density of 30 dwellings per hectare as set out in Core Strategy Policy H5. However, in the context of this site, which is on the edge of the settlement, and within a village, the density proposed for this site is not inappropriate.

Housing land supply

7.10 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2020-2030 period, together with the then latest updated 2019 affordability ratio, now gives a minimum Local Housing Need of 651 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the forecast updated 'deliverable' 5-year supply for 2020-2025 would equate to a 10.9 years housing land supply. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

#### Siting, design and residential amenity

7.11 Chapter 12 of the NPPF sets out the principles of creating well-designed places. Good design is a key aspect of sustainable development and the NPPF stresses that planning decisions should ensure that development adds to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history, including the surrounding built environment and landscape setting; and establishes or maintains a strong sense of place. This understanding of a site and its context is discussed in the National Design Guide and the need for the design to contribute to local distinctiveness.

7.12 A Design and Access Statement has been submitted with the application which discusses the design ethos of the proposal. The application has been amended since the original submission, creating an overall design, including the housing, roads and landscaping to be appropriate to the character of the village of Allendale, redolent of the vernacular and in line with the North Pennines AONB Design Guide.

7.13 The development has also been amended to 'work with the site' and have a more traditional form with properties fronting onto Lonkley Terrace stepping down the slope. This stepping of levels would continue through the site and plots 6, 7 and 8 would partially be built into the hillside and any retaining works within the site would use natural materials, either timber or stonework. Stone, slate and some render would be used for the housing with roofs constructed as traditional gables and chimneys added to some of the properties. Windows and doors would be of a traditional style. Different surfacing materials for the roads, parking and pathways would be used and there would be native mixed hedging and tree planting around the site in order to enhance the biodiversity of the site. Stone walling would be used as boundaries, based on the existing stone boundaries around much of the site.

7.14 The North Pennines AONB and the Building Conservation Officer have been involved in discussions on the design and layout of the development. The AONB has no objection to the development. The Building Conservation Officer has commented that the design and layout is much improved, although considers that chimneys should be added to all properties and has recommended a condition in relation to the proposed rooflights.

7.15 In order to design a more traditional form of development, not all of the plots would have a rear garden depth of 10m as outlined in Tynedale Local Plan Policy H32. However, because of the width of the dwellings, the gardens would be of an

appropriate size providing private amenity space. The plots at the front of the site would have, in the case of plots 8 and 9, long front gardens with the existing mature trees and further hedging and tree planting creating privacy. Objections from Lonkley Lodge have raised the issue that they would be looking into the amenity space of plot 8, and although there may be a degree of overlooking into the front garden, it is considered that adequate privacy can be created in the side area to the south. Plot 1 would have no rear garden but would have garden to the front, and to both sides. Again, the site would have landscaping in the form of hedging and trees and the area to the north would provide private amenity space, as would the area to the north of Plot 2. Despite objections relating to overlooking into the amenity space of proposed dwellings, it is considered that overall an adequate level of private amenity space would be provided for the proposed dwellings. It is considered that this and the proposed design of the development would accord with Policy ANDP 1, Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2 and H32 and the NPPF.

#### Impact on the character of Allendale Conservation Area and the North Pennines AONB

7.16 The site abuts the boundary of the Allendale Conservation Area and the site and village lie within the North Pennines AONB. The site has been developed to follow the design principles of the AONB Building Design Guide and in line with Policy ANDP 1 to not significantly and adversely affect the 'character and appearance of the settlement ...in which it is located'. Policy ANDP 1 goes on to say that development that significantly and adversely affects the landscape character, and appearance of the AONB will not be permitted which is also mirrored in Policy NE15 of the Tynedale Local Plan. It is considered that the design of the development as assessed above using a traditional design, form and materials would not harm the character of the adjoining Allendale Conservation Area and the character and appearance of the AONB in line with Policy ANDP 1, Tynedale Local Plan Policies NE15 and BE18 and chapters 15 and 16 of the NPPF.

#### Impact on adjoining residential amenity

7.17 The application has been designed to take account of the position of existing properties and is sited with the residential development at Dale Park to the rear. Consequently, bungalows have been proposed along the eastern side of the site so that they would not be overbearing on the existing properties and would not result in overlooking into the rear gardens of 4-6 Dale Park. Providing garages at the rear of the plots and planting additional hedging and trees would also increase levels of privacy. By constructing plots 5 and 6 in the south-east corner, facing down the site to the north, there would be no overlooking into plots 7-10 Dale Park. Although there have been a number of objections from residents of Dale Park, and it is acknowledged that their outlook would change as a result of this development, it is considered that the proposal would not be overbearing or have an adverse effect on their amenity.

7.18 At the front of the site, plots 1, 2 and 9 are considered to not impact on the amenity of adjoining neighbours. Lonkley Lodge, which is the closest property to the site, has objected to the position of plot 8 and so this plot has been positioned a further 2.7 metres away, 5.7 metres in total, from their boundary wall but would be set back from their side elevation, which with windows on the side and a conservatory, looks northwards and into the site. Although the outlook of Lonkley

Lodge would change, they are in an elevated position above the site and with existing trees on the boundary and the location of plot 8, they would not be overlooked. The property also has a long garden area to the east of their house and so they would maintain private amenity space.

7.19 Despite objections, it is considered that the development would not have a detrimental impact on the amenity of adjoining residential properties and that planning permission should not be refused for this reason. It is considered that the application would accord with Policy ANDP 1 and Tynedale Local Plan Policies GD2 and H32.

#### Access, highways and parking

7.20 The site is located off the C296, Lonkley Terrace, and the development would access the site to the north of an existing field access. As there are no pavements along the front of the site, the Highway Authority has recommended a footway from the site to the existing footway at the junction with the U8226, Allenfields. The access provided would be a Northumberland County Council's Type C, which would require an agreement with the Council, with the access to the site being offered for adoption by Northumberland County Council and the internal road to remain under private ownership. Visibility splays would be acceptable. Details of the surface water drainage in relation to the highway which would discharge surface water into the existing combined NWL drain, plus details of surface water drainage at the site access have been provided and considered acceptable. Drawings of vehicle swept paths have been submitted and these show that turning and manoeuvring throughout the site is achievable by both car and refuse vehicle. A Construction Method Statement would need to be submitted and approved prior to any works commencing on site.

7.21 Parking would consist of a mixture of garages and parking areas, including visitor parking. Cycle storage would use Sheffield-style cycle racks, wall mounted cycle hooks or external timber storage sheds. The parking and proposed cycle and refuse storage is considered acceptable by the Highway Authority. Following revisions to the scheme, and despite objections in relation to the development and its impact on the highway, the Highway Authority considers that the development would not have a significant impact on highway safety and there is no objection in principle to the proposals. Conditions and informatives in relation to car parking, cycle storage, highway works, refuse servicing, street lighting and impacts during the construction phase would address any concerns with the development. The application would accord with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

#### Ecological impact and trees

7.22 The report 'Ecological Impact Assessment Land at Lonkley Terrace, Allendale' March 2021, EcoNorth Ltd., Version V02 Final, 12/03/21 was submitted with the application; an update to the original one submitted. The application includes the planting of 20 native trees and a mixed native hedgerow, the provision of rain gardens and a pond, plus the planting of meadow mix grassed areas.

7.23 The site is considered to be largely species poor semi-improved grassland, with trees near the site boundaries. The County Ecologist has assessed the application and has no objections but recommended a condition to secure ecological avoidance,

mitigation and enhancement. The Ecologist has also commented that the revised proposal has provided space to create and enhance grassland to the north-west of the site with the hard and soft landscaping plan showing a range of native species to be used in boundary hedgerows as standard trees and meadow grassland. It is considered that the inclusion of areas of enhanced meadow is positive, particularly around the SuDS pond. The Ecologist has commented that the species proposed is appropriate apart from the use of Field Maple and has therefore recommended that there is a condition in terms of further details on landscaping. A condition to protect the existing trees during construction has also been recommended.

7.24 In terms of the wider ecological impacts of the development, the site lies some 900 metres north of the North Pennines Dales Meadows Special Area of Conservation (SAC) and Peckriding Meadows Site of Special Scientific Interest (SSSI) with further SAC and SSSI lying some 1.2km to the south-east. The site has been considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) by Northumberland County Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it was concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. The proposal does not meet any of the criteria in Natural England's Impact Risk Zone (IRZ) for this location. In terms of the ecology of the site, including the trees, the application would accord with Tynedale Local Plan Policy NE27, Policy ANDP 1 and the NPPF.

#### Archaeology

7.25 The County Archaeologist has evaluated the proposal and has said that the site is outside the historic settlement focus of Allendale with the slope of the site making it less likely to have been used for historic settlement. The site does, however, contain quite well-preserved ridge and furrow earthworks showing that the site was used for agriculture probably from the medieval period onwards. The County Archaeologist considers that although the earthworks are of interest, this is of local importance and 'not of sufficient significance to warrant refusal of the application to enable them to be preserved in situ' but as evidence of historic land-use within the medieval and later settlement of Allendale, they do warrant preservation by record. The County Archaeologist has therefore recommended an archaeological recording condition to be attached to any grant of planning permission. Subject to this condition the application would accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

#### Flooding, foul and surface water drainage

7.26 The site is in flood zone 1. A Flood risk assessment and proposed drainage strategy, a Sustainable Drainage Assessment (GeoSmart Information) and plans showing the surface water management on the site (Drawing no:0300CIV220) and one showing proposed foul drainage (Drawing no:0300CIV210) have been submitted and assessed. There would be a pond in the north-eastern corner of the site, rainwater harvesting butts, permeable paving and attenuation tanks/geo-cellular storage crates for surface water runoff. Existing drainage and flooding issues have been of concern to many objectors but the LLFA have been consulted on the application and following the submission of additional information have no objection

subject to conditions. Subject to these conditions the application would accord with Tynedale Core Strategy Policy GD5.

7.27 Northumbrian Water had previously commented at the pre-application stage that their initial analysis was that there was insufficient capacity in the network for the anticipated surface water flows arising from the development and advised that alternative sustainable solutions for surface water should be found. They have recommended a condition in this respect.

#### Public Protection

7.28 The Environmental Protection team have been consulted on the application and are satisfied that the risk to human health from the proposal is negligible in terms of ground contamination and ground gases including radon. They have, however, because of the proximity of adjoining residential properties recommended conditions in relation to noise and dust during the construction phase. Subject to these conditions the application would accord with Tynedale Local Plan Policies GD2 and CS23.

#### Education

7.29 Tynedale Core Strategy Policy CS1 which discusses the principles for community services and facilities seeks to address deficiencies in services and facilities and facilitate improvements in their level of provision. The NPPF (paragraph 95) states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In this respect the Education Department has been consulted and have commented that the development has been assessed for its impact on local education infrastructure and there would be no impact on educational infrastructure or SEND numbers. The application would accord with Tynedale Core Strategy Policy CS1 and the NPPF.

#### Sports and play provision

7.30 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its policies on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing development in line with Tynedale Local Plan Policies LR11 and LR15. The provision of sports and play provision arising from residential development is a fundamental aspect of such developments, and as such, failure to make adequate provision on this basis can provide a justification for the refusal of an application. The developer has agreed to a contribution which with seven 3-bedroom dwellings and two 2-bedroom dwellings would include a contribution of £17,350 to play/informal open space and £9850 to outdoor sport, totalling £27,200. This would need to be provided and secured by way of a Section 106 agreement for any development to progress on the site and subject to this the application would accord with Tynedale Local Plan Policies LR11 and LR15 in this respect.

#### Other issues: Underground tank and Isaac's Well

7.31 A number of objections have been received, including from the Parish Council regarding the impact that the development would have on Isaac's Well. The applicant has since undertaken investigations on the site which has shown that the

discharge pipe ultimately flows into the existing 150mm diameter combined sewer belonging to Northumbrian Water – and not Isaac’s Well. The applicant has confirmed that the works on the site would not affect the below-ground tank or the discharge pipe. It has been found that Isaac’s Well is fed by a drain that collects water from the Allenfields playing fields. An updated topographical survey showing the location of the underground water tank was provided. The application would therefore accord with Tynedale Core Strategy Policy BE1 and GD5.

### *Equality Duty*

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

### *Crime and Disorder Act Implications*

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

### *Human Rights Act Implications*

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

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

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

## **8. Conclusion**

8.1 The proposal has been assessed against the NPPF and the development plan, which includes the Allendale Neighbourhood Plan, and the principle of housing on this site is considered acceptable. Despite the objections from neighbours, consultees have assessed the application and have no objection subject to relevant conditions. The objection from the Parish Council with regard to Isaac's Well and the underground tank has been investigated on site and would not be affected by the development. The design and layout of the development using traditional materials and native landscaping following the principles of the AONB Design Guide would ensure that the proposal would not harm the character of the adjoining Allendale Conservation Area and the landscape and appearance of the North Pennines. Despite the outlook of adjoining residents changing as a result of this development, it is considered that the development would not result in an overbearing appearance or loss of privacy whereby planning permission should be refused. Subject to all relevant conditions and the signing of a Section 106 agreement in respect of financial contributions for Sports and Play, including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport, the application is considered to be in accordance with the development plan.

## **9. Recommendation**

That this application be GRANTED permission subject to the signing of a Section 106 agreement in respect of financial contributions for Sports and Play including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport.

### Conditions/Reason

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

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

2 The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans. The approved plans for this development are:

Drawing no: 102 Rev E Proposed site plan  
Drawing no: 1110 Plot 1 elevations  
Drawing no: 1111 Plot 1 floor and roof plans and section  
Drawing no: 1112 Plot 2 elevations  
Drawing no: 1113 Plot 2 floor and roof plans and section  
Drawing no: 1114 Rev A Plot 3 elevations  
Drawing no: 1115 Plot 3 floor and roof plans and section  
Drawing no: 1116 Rev A Plot 4 elevations  
Drawing no: 1117 Plot 4 floor and roof plans and section  
Drawing no: 1118 Rev A Plot 5 elevations  
Drawing no: 1119 Rev A Plot 5 floor and roof plans and section  
Drawing no: 1120 Rev A Plots 6 and 7 elevations  
Drawing no: 1121 Rev A Plots 6 and 7 floor plans  
Drawing no: 1122 Rev A Plots 6 and 7 roof plan and sections  
Drawing no: 1123 Rev A Plots 8 and 9 elevations  
Drawing no: 1124 Rev A Plots 8 and 9 floor plans  
Drawing no: 1125 Rev A Plots 8 and 9 roof plan and sections  
Drawing no: 110 Proposed hard and soft landscaping

Drawing no:0300/CIV/200 Site access: existing and proposed  
Drawing no:0300/CIV/202 Site access: sections and details

Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed reference 0300/CIV/220  
Sustainable Drainage Assessment reference 74540R1 Surface Water Drainage - Details as Proposed Sheet 1 of 2 reference 0300/CIV/221  
Surface Water Drainage - Details as Proposed Sheet 2 of 2 reference 0300/CIV/222

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

3 Before development commences above damp-proof course level, details and samples of all materials, including slate, stone, lintels, sills, drainage goods, windows and doors and any other materials to be used in the construction of the dwellings and garaging and for use in the landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area and the amenity of neighbouring properties. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

4 The natural stone to be used in the exterior of the building shall be laid in rough courses with mortar of a colour to match the natural colour of the stone and with flush or very slightly recessed joints.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

5 A sample panel of at least one metre square shall be built and made available to the Local Planning Authority with details of the mortar, which shall be lime based, provided and approved in writing by the Local Planning Authority prior to the construction of the stonework. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

6 The proposed houses shall have no fascia boards and guttering shall be fixed with traditional brackets.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Windows shall be set within their openings by approximately 100mm and have no trickle vents.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

7 Roofs shall be constructed of natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the

development shall not be constructed other than in accordance with the approved details.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

8 All roof lights shall be black and vertically proportioned in a flush fitting conservation style.

Reason: In the interest of the appearance of the area. In accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

9 Notwithstanding what is shown on the submitted plans, full details of the existing and proposed finished site levels, as well as the finished floor levels of all the dwellings, shall be submitted and approved in writing by the Local Planning Authority prior to any construction above damp- proof level. Thereafter the development shall not be constructed other than in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the site and the area in accordance with Tynedale Local Plan Policies Gd2 and H32 and the NPPF.

10 Notwithstanding what is shown on the submitted plans, included drawing no: 0300/ARCH /110: proposed hard and soft landscaping, details and samples where appropriate of all boundary treatments including dry stone walls and hedging, and the soft landscaping shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches or additional window openings, boundary treatment or other structures or buildings shall be constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions may be properly assessed in the interests of amenity and in accordance with Core Strategy Policy BE1 and Local Plan Policies GD2 and H32.

12 No dwelling shall be occupied until the car parking areas indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking areas 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 Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

13 Notwithstanding the details submitted, no dwelling shall be occupied until details of the proposed highway works (the construction of the site access/egress onto the C296, Lonkley Terrace, together with associated pedestrian connectivity works and dropped kerb crossing/tactile paving on Lonkley Terrace and Allenfields, drainage and streetlighting) have been submitted to and approved in writing by the Local Planning Authority. The dwellings 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 Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

14 Notwithstanding the details provided, the development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Tynedale Local Plan Policies GD4 and GD6 and the NPPF.

15 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 and plan shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development
- v. Routing Strategy

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Tynedale Local Plan Policies GD2, GD4 and GD6 and the NPPF.

16 No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and No dwelling shall be occupied until details of refuse servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the servicing of refuse storage containers within the site, and if NCC Refuse Team are to collect from the site confirmation that there will be liability for any damage or wearing caused to the internal road layout as a result of normal servicing of the site. The approved refuse servicing strategy shall be confirmed and implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse servicing strategy shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Local Plan Policy GD2 and the NPPF.

17 No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with with Local Plan Policy GD2 and the NPPF.

18 The development hereby permitted shall undertake in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- Prior to first occupation or use of the development, a minimum of one integrated bird box and/or bat box must have been constructed within the fabric of each of the new building following best practice guidance.
- All species used in the planting proposals shall be locally native species of local provenance.
- All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the NPPF. In accordance with Tynedale Core Strategy Policy NE1 and the NPPF.

19 No development shall be carried out other than in accordance with the tree protection plan included in 'Pre-Development BS5837 Arboricultural Implications Assessment - Lonkley Terrace 2020', Woodsman Arboricultural Consultancy, Rev A 12th March 2021.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Tynedale Core Strategy Policy NE1, Tynedale Local Plan Policy NE33 and the NPPF.

20 A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 15/10/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

- a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.
- b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
- c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest. In accordance with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE29 and the NPPF.

21 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Tynedale Core Strategy Policy GD5 and the NPPF.

22 During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

23 Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00 With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Tynedale Local Plan Policy GD2.

24 No development shall commence, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against obtrusive windblown dust and debris. In accordance with Tynedale Local Plan Policy GD2

25 If during redevelopment contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with Tynedale Local Plan Policy CS23.

26 No external lighting may be installed at or above the first floor level of any of the approved dwellings.

Reason: To protect residential amenity and provide a commensurate level of protection against light. In accordance with Tynedale Local Plan Policy GD2.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into habitable accommodation, including utility room, study or similar uses, without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate off-road parking space within the site and in accordance with Policy GD6 of the Local Plan.

Reason: The Local Planning Authority considers that any further development may prejudice a satisfactory layout and could have a harmful effect upon the amenity of the area and in accordance with the Nation Planning Policy Framework.

28 Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict discharge from the development to 2 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from '*Surface Water Management Scheme Incorporating SuDS Features / Elements - As Proposed*' reference '0300/CIV/220' and '*Sustainable Drainage Assessment*' reference '74540R1'
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.
- vi. Provide technical details and cross-section of the proposed permeable paving. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development in accordance with Tynedale Core Strategy Policy GD5.

29 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 in accordance with Tynedale Core Strategy Policy GD5.

30 Details of the disposal of surface water from the development through the construction phase shall be 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. in accordance with Tynedale Core Strategy Policy GD5.

31 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);
- \* Health and Safety file; and
- \* Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards. in accordance with Tynedale Core Strategy Policy GD5.

**Background Papers:** Planning application file(s) 20/02417/FUL