

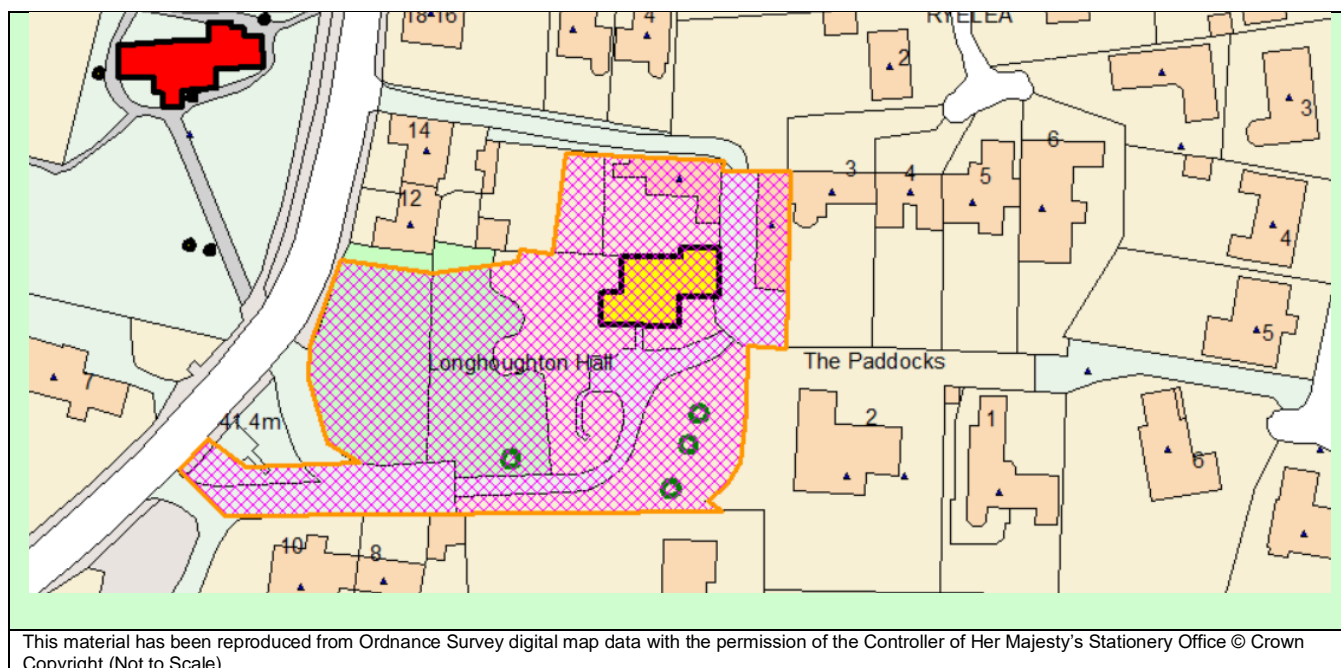


Northumberland County Council

North Northumberland Local Area Council Planning Committee 23rd March 2023

Application No:	22/02968/VARYCO		
Proposal:	Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 19/02209/FUL		
Site Address	Longhoughton Hall, North End, Longhoughton, Alwick Northumberland NE66 3AG		
Applicant:	Mr James Souter Longhoughton Hall, North End, Longhoughton, Alwick Northumberland NE66 3AG	Agent:	Mr David Fleming The Studio, The Coach House, Longhirst, Morpeth Northumberland NE61 3LU
Ward	Longhoughton	Parish	Longhoughton
Valid Date:	13 September 2022	Expiry Date:	8 November 2022
Case Officer Details:	Name: Miss Claire Simm Job Title: Planning Officer Tel No: 07592272955 Email: Claire.Simm@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee after it was called in by the Ward Member.

2. Description of the Proposals

2.1 The application seeks permission for the proposed conversion of 2no outbuildings into 2no holiday cottages on land within the curtilage of and to the rear of Longhoughton Hall, North End, Longhoughton. Planning permission is sought to vary condition 2 of application 19/02209/FUL. The variation to the plans includes the increase in height of the eaves and ridge height of the roof and the installation of a new roof structure using Trada roof trusses. The development also seeks to replace the existing glass slates with conservation style rooflights in the north, east and west elevations.

2.2 The application site is located within the built up area of Longhoughton and is within the Northumberland Coast AONB. Longhoughton Hall is Grade II listed under List ref no 1041774.

3. Planning History

Reference Number: 17/02180/OUT

Description: Outline permission for conversion of former stables and workshop to provide 2 self-contained 2 bedroom holiday cottages.

Status: APPRET

Reference Number: 18/03212/LBC

Description: Listed Building Consent - Proposed alterations/conversion of 2 outbuildings to 2 holiday lets.

Status: PER

Reference Number: 18/04211/FUL

Description: Proposed alteration of 2 outbuildings to the rear of Longhoughton Hall into 2 self-contained 2 holiday let cottages.

Status: APPRET

Reference Number: 19/02209/FUL

Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages (as amended)

Status: PER

Reference Number: 20/01461/DISCON

Description: Discharge of Condition 3 (Protected Species Mitigation), 4 (Archaeological Report) and 5 (Flues, Vents, Pipes, Ducts) on approved planning application 19/02209/FUL

Status: PER

Reference Number: 21/04481/PRUTPO

Description: Tree Preservation Order Application - (Ref 1) Mature sycamore - proposal to reduce some of the branches by (___) so that the crown remains even and balanced

throughout; (REF 2/3) Three mature Beech tree's -proposed work to crown raise by (___) to the point of being safe for a bus to pass underneath without touching them

Status: APPRET

Reference Number: 22/03383/VARYCO

Description: Proposed alteration/conversion of 2 outbuildings to the rear of Longhoughton Hall into 2 holiday cottages, to vary condition 2 (approved plans) pursuant to planning application 18/03212/LBC.

Status: PDE

Reference Number: A/90/A/550

Description: Create New Window.

Status: PER

Reference Number: A/2002/0112

Description: Tree felling (1 no beech tree)

Status: PER

Reference Number: A/2001/0069

Description: Internal and external works to repair fire damage

Status: WDN

4. Consultee Responses

Longhoughton Parish Council	No objection to the proposal,
Building Conservation	Objection to the scheme, the proposal would result in a less than substantial harm.
County Ecologist	No objection subject to conditions
Northumberland Coast AONB	The AONB partnership is supportive of the conclusions of the Built Heritage and Design officer and raises concerns over the impact of the development on the Grade II listed Longhoughton Hall.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	0
Number of Support	0
Number of General Comments	1

Notices

Affecting Listed Building, 30th September 2022

Northumberland Gazette 22nd September 2022

Summary of Responses:

A document has been submitted on behalf of the adjoining neighbour in regard to the inaccuracies on what was originally approved to what has been built.

The objection to this scheme relates to the insertion of the conservation rooflights, which are overly large giving a feeling of being overlooked and an increase in noise, and the increase in the roof height which has resulted in a loss of light.

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=RGPFYNQS0IS00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

TRA 4 - Parking provision in new development

ICT 2 - New developments

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

WAT 2 - Water supply and sewerage

MIN 4 - Safeguarding mineral resources (Strategic Policy)

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Neighbourhood Planning Policy

None relevant

6.4 Other Documents/Strategies

NDG - National Design Guide (2019)

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) and the National Planning Practice Guidance (NPPG) are also material considerations in determining this application.

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

- Principle of the development
- Design and impact on the AONB
- Residential Amenity,
- Heritage Assets,
- Ecology and Coastal Mitigation Scheme
- Climate Change
- Broadband connections
- Minerals

Principle of the development

7.3 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for the permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue. The original planning consent was established by planning reference 19/02209/FUL. This consent remains extant, therefore the principle of an appropriate variation under s.73 of the Act is accepted.

7.4 Planning application 19/02209/FUL was subject to a s106 agreement where £682.80 was to be paid in regard to coastal mitigation. The ecology contribution of £682.80 was paid in November 2019 and therefore the fulfilment of the obligation has been discharged.

Impact on the heritage assets

7.5 Longhoughton Hall Farmhouse is a grade II listed building. The former stables and workshop are curtilage listed buildings and therefore listed building consent and planning permission is required for their conversion to holiday cottages.

7.6 The Council's Conservation Officer has been consulted on the proposed variation to barn B and has expressed concerns in regard to the development. It is the Conservation Officer's view that the unauthorised rooflights, by virtue of their frequency and dominance, detract from the simplicity of Barn B prior to its conversion. Also, while the loss of the existing roof structure was justified on structural grounds this would not extend to an increase in the roof height.

7.7 The Conservation Officer has assessed the harm on the revised scheme as less than substantial within the terms of the Framework.

7.8 Although there has been concerns raised from the neighbouring occupier in relation to the angle of the roof, the structure was agreed on the 2019 planning permission.

7.9 Information has been provided from both the applicant's agent and the neighbouring occupier regarding the increase in roof height. After reviewing all the details submitted from both parties, it is agreed that the ridge height and eaves height have increased.

7.10 The rooflights have been replaced from glass tiles to conservation style rooflights. The Conservation Officer has expressed concerns that "the rooflights by virtue of their frequency and dominance detract from the simplicity of barn B prior to its construction". The frequency of the rooflights has increased from 10 glass slates to 11 rooflights - six to the west elevation, four to the east elevation and two to the northern roof slope.

7.11 The proposed rooflights subject to this variation are in a similar position to the original glass slates, located in the middle third of the roof slope, evenly placed and set at a similar level, reflecting the original layout. The rooflights are slightly larger than the original glass slates and do protrude slightly from the roof slope, however, on balance it is considered that the conservation style rooflights result in less than substantial harm. The windows do not dominate the roof slope as most of the roof mass will remain slate.

7.12 Within the NPPF it states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable uses consistent with their conservation
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.13 This is reflected in policy ENV7 which states "Where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.

7.14 It is considered the conversion of the building has brought a disused stable back into a viable use which makes a positive contribution to the local character and distinctiveness of the area. The use of the development as a holiday let will have economic benefits for the service village of Longhoughton as it will support the provision and retention of local retail and other services in the village. Furthermore,

the renovation of a disused storage building, converting it for tourist accommodation will generate income securing an economically viable future for the building.

7.15 It is considered that the conversion of the building as shown on this variation has delivered a more efficient use for the existing building, ensuring it does not fall into disrepair. It should be accepted that some heritage benefit would be delivered, and this would outweigh any harm to the setting of the listed building, Longhoughton Hall. The proposal therefore complies with policy ENV7 of the Northumberland Local Plan and the NPPF.

Design and Visual Amenity

7.16 Policy QOP1 of the Northumberland Local Plan states development proposals should make a positive contribution to local character and distinctiveness and create or contribute to a strong sense of place and integrate the built form of the development with the site overall, it goes on to state the development should be visually attractive and incorporate high quality materials and detailing. In June 2021 new provisions were added to the NPPF in relation to design.

7.17 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 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 development which reflects government guidance on design; and/or outstanding or innovative designs which promote high 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.

7.18 Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would bring the buildings back into a viable use and as a result will make a positive contribution to character and appearance of the listed building and surrounding area. The development is therefore in accordance with Policy QOP 1, Policy QOP2 and ENV1 of the NLP and the NPPF.

Impact on the Northumberland Coast Area of Outstanding Natural Beauty

7.19 The AONB partnership have been consulted on the proposal and state "The AONB Partnership is supportive of the conclusions of the Built Heritage and Design Officer and raises concerns over the impact of the development on the Grade II listed Longhoughton Hall".

7.20 Policy ENV5 seeks to ensure that development needs to sustain and, where appropriate enhance i)the significance of heritage assets, including any contribution made by their setting. The policy goes on to state, as far as possible, it will be recognised that the AONB is a living working area by allowing small scale development where it does not impact on the AONB's special qualities. In particular,

in assessing development proposals, consideration will be given to the extent to which the development c) supports the tourism aims set out in policy ECN15. It has been assessed within the heritage section that the proposal will result in less than substantial harm to the heritage asset.

7.21 As the development will sustain the significance of the heritage asset and seeks to convert the buildings to holiday lets which supports the tourism aims set out in policy ECN15, it is considered that the proposal complies with policy ENV5 of the NLP and the NPPF.

Residential Amenity

7.22 Policy QOP1 of the Northumberland Local Plan requires developments to ensure they do not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings. Policy QOP 2 requires developments to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in the local area.

7.23 Concerns have been raised by the adjoining neighbour of barn B that the new rooflights have resulted in an increase in visual intrusion and loss of privacy. Given the height of the rooflights, which are located in excess of 2m above the finished floor level in the barn, it is considered that there will be no opportunity for the occupiers of the barn to be able to look out of these windows directly into the adjoining neighbours dwelling or garden. The rooflights within the eastern roof slope serve the access corridor to the main living spaces and therefore are provided for light only.

7.24 To prevent any opportunity for future overlooking, however, it is considered necessary to impose a condition that no mezzanine or first floors be erected within the barn without planning consent. Although the heritage statement states the rooflights are obscurely glazed and fixed, this is not correct. In order to protect the neighbouring occupiers from any increase in noise and disturbance from the conversion/use of a holiday let, it is considered necessary to impose a condition that the rooflights on the eastern elevation be fixed shut.

7.25 The adjoining neighbour has expressed significant concerns that the increase in roof height has resulted in a significant loss of light and overshadowing to their rear garden. The varied scheme has increased the eaves and roof height of the building and it is accepted that the increase will have resulted in some additional loss of light in the afternoon through to the early evening, however, it is not considered that the increase in height will result in such a harmful loss of amenity in terms of loss of light and overshadowing to warrant refusal.

7.26 It is considered that the proposed variations to the original planning application are acceptable with regard to the impact on residential amenity. As such the application is considered to be in accordance with Policies QOP1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Ecology and Coastal Mitigation Scheme

7.27 The Council's Ecologist has been consulted on the scheme and has no objection to the variation of the scheme subject to conditions.

7.28 The work carried out under the previous consent had led to the destruction of a bat roost, an alternative roost has been created under ecological advice. The mitigation agreed and the alternative roost is detailed in the report Longhoughton Hall, Longhoughton, Development, Addendum To Ecology and Bat Report- Summer 2019 (Ruth Hadden, November 2022). The mitigation roost (with some modification) is acceptable and is an improved situation to that previously on the site. Therefore, on balance, there is no objection to the proposed variation. This mitigation is to be secured by condition.

7.29 A maternity roost has also been identified elsewhere on the site. Bat licences may not be granted retrospectively, but for completeness the three tests enshrined in Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), have been considered below.

7.30 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS).

7.31 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

7.32 This application is to restore a disused storage building, converting it for tourist accommodation which will generate income therefore securing an economically viable future for the building, therefore test 1 is met. In terms of test 2, as the development has already occurred it is difficult to assess this test.

7.33 With regards to test 3, the building supported a small number of roosting brown long eared bats (maximum of 1-2 in a day roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The replacement roost recommended by the ecologist is acceptable and will maintain the roost potential of the site. Therefore, the third test for maintenance of favourable conservation status is met.

7.34 Subject to conditions, the application is considered to comply with policy ENV2 of the Northumberland Local Plan and the NPPF.

Climate change

7.35 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.

7.36 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.

7.37 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.

7.38 Given the development has been constructed using salvaged materials it is considered that the proposal is accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connections

7.39 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.

7.40 The applicant has provided details to show that full-fibre broadband connections are proposed and a timescale for their installation, the proposal therefore complies with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Minerals

7.41 The site is located within a minerals safeguarding area as identified on the Polices Map, relating specifically to carboniferous limestone. Although Policy MIN4 states that applications for a non-mineral related development in a Mineral Safeguarding Area are required to include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development, it is considered, as the proposal is within an existing settlement boundary the proposal is unlikely to sterilise any resource by virtue of its location.

Equality Duty

7.42 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

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

Human Rights Act Implications

7.44 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.

7.45 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.

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

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

1. Drawing No 2743L(9-)01A - Site Location Plan Existing;
2. Drawing No 2743L(9-)02A - Site Location Plan Proposed;
3. Drawing No 2743L(2-)20B1 - Proposed Ground Floor Plans;
4. Drawing No 2743L(2-)22 - Proposed Ground Floor Plan Outbuilding "A";
6. Drawing No 2743L(2-)24 - Elevations Proposed;
7. Drawing No 2743L(2-)25B1 - Elevations Proposed + Cross Sections;
8. Drawing No 2743L(2-)28B1 - Proposed Log Shed.
- 9 Elevations proposed as built 2022 2743L(2-) 33E
10. Elevations as built, barn B 2743L(2-) 38E
11. Elevations as built west facing 2743L(2-)37 E

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

02. No development will take place unless in accordance with the recommendations of the report Longhoughton Hall, Longhoughton, Development. Addendum To Ecology and Bat Report-Summer 2019 (Ruth Hadden, November 2022). The LPA will be provided with photographic evidence that the access to the new bat loft has been amended to reduce the size of the opening to restrict access by larger birds.

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

03. Flues, vents, pipes, ducts etc

Notwithstanding details contained within the approved plans, no installation of any flue, vent, pipe or ducts penetrating the external walls or roof of the proposed buildings shall be installed until the following documents have been submitted to and approved in writing by the Local Planning Authority;

- Details of the proposed equipment;
- Method of fixing;
- Drawings to include sections of the proposed equipment and their interaction with historic fabric.

Thereafter all works shall be carried out in accordance with the approved details.

Reason: To ensure that the character, appearance and integrity of the listed building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Sections 16 and 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at Chapter 16 of the NPPF.

04. No additional floor shall be created within barn B without the details being submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the future amenity of the neighbouring property.

05. Notwithstanding the approved plans, the rooflights on the eastern roof slope should be fixed shut and should be retained thereafter for the life of the development.

Reason: To protect the amenity of the neighbouring property.

Informatives

1. As bat roosts are present on the site, in most cases a Natural England Licence will be required before the development can proceed.

Pre-commencement works may also require a licence and it must be noted that any noisy or disturbing works during May to August should not take place without first taking advice from the project ecologist. Bats in maternity roosts are extremely sensitive to disturbance and may abort or abandon their young if disturbed.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

If protected species such as bats or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

Further information about protected species and the law can be found on the government website; <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

Background Papers: Planning application file(s) 22/02968/VARYCO