

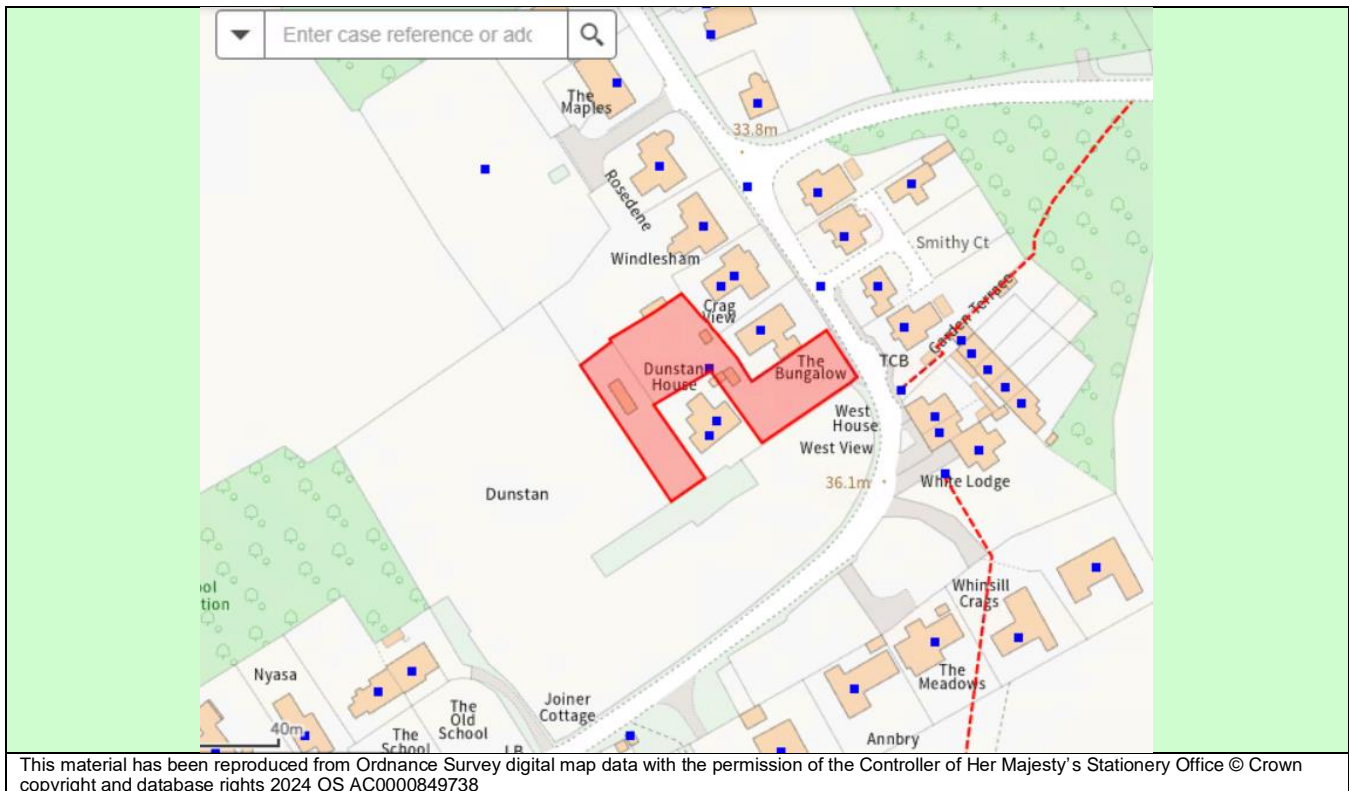


Northumberland County Council

North Northumberland Local Area Committee 20th February 2025

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| Application No: | 24/00121/FUL | | |
| Proposal: | Construction of two holiday lets (Sui Generis) with associated landscaping. | | |
| Site Address | Land North And East Of Dunstan House, Dunstan, Northumberland, | | |
| Applicant: | Janet Stansfield Dunstan House, Dunstan, Alnwick, Northumberland NE66 3SY | Agent: | Mr Stuart Palmer 12 Clayton Street, Newcastle Upon Tyne, NE1 5PU |
| Ward | Longhoughton | Parish | Craster |
| Valid Date: | 4 March 2024 | Expiry Date: | 28 February 2025 |
| Case Officer Details: | Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk | | |

Recommendation: That this application be GRANTED permission, subject to conditions and a S106 agreement securing a financial contribution towards Coastal Mitigation



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Committee due to concerns raised regarding the impact of the proposals upon heritage assets, highway safety, neighbouring and visual amenity.

1.2 The application is a resubmission of 21/02775/FUL which sought permission for a similar scheme and was reported to committee in April 2023. Members determined that the proposals should be refused against officer advice on the grounds that "the proposed units would not make a positive contribution to local character and would not integrate with the surrounding built environment contrary to Local Plan Policy QOP 1".

1.3 The applicant has now submitted revised proposals in an attempt to address the issues previously raised.

2. Description of the Proposals

2.1 The application seeks planning permission for the construction of 2no purpose built holiday properties (Sui Generis) with associated landscaping on land at Dunstan House, Dunstan, as set out in the submitted plans and application documents.

2.2 The application site comprises domestic garden land to the north of Dunstan House, a large detached dwelling in generous grounds to the north and west of the main road through the village of Dunstan. The site is bound to the north and east by other residential dwellings, to the south by Dunstan House with an area of pasture and the road beyond and to the west by open countryside.

2.3 Constraints include;

Coastal Mitigation Zone 1

Heritage Coast

Mineral Safeguarded Area – Carboniferous Limestone and Igneous Rock

Northumberland Coast National Landscape

3. Planning History

Reference Number: A/75/A/341

Description: Alterations and extension to dwellinghouse

Status: PER

Reference Number: 20/00243/OUT

Description: Outline application (Some Matters Reserved) for erection of three dwelling houses with private gardens and parking. Shared access is to be provided via an existing access and driveway which is to be moved northward to improve visual lines

Status: WDN

Reference Number: 21/02775/FUL

Description: Erection of 2no holiday lets (Sui Generis) and associated landscaping (as amended)

Status: REF

Reference Number: A/2002/0032

Description: Extension

Status: PER

Reference Number: A/75/A/341

Description: Alterations and extension to dwellinghouse

Status: PER

Reference Number: A/83/A/62

Description: Extension

Status: PER

Reference Number: A/86/A/059

Description: Residential development.

Status: REF

Reference Number: 20/00243/OUT

Description: Outline application (Some Matters Reserved) for erection of three dwelling houses with private gardens and parking. Shared access is to be provided via an existing access and driveway which is to be moved northward to improve visual lines

Status: WDN

Reference Number: 21/02775/FUL

Description: Erection of 2no holiday lets (Sui Generis) and associated landscaping (as amended)

Status: REF

Reference Number: A/2008/0314

Description: Extension to rear of dwelling to create bedroom/living room with conservatory

Status: PER

Reference Number: A/2002/0032

Description: Extension

Status: PER

4. Consultee Responses

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| Building Conservation | <p>Object - less than substantial harm identified. Any harm needs to be outweighed by public benefit.</p> <p>While the built environment of Dunstan owes much to the contribution of successive phases of development, it is difficult to reconcile the proposed designs to locally distinct architectural styles, detailing and materials. The principal concern, however, relates to intensive back land development in a historic village characterised by road fronting properties. Development on the scale proposed would not reflect local distinctiveness.</p> <p>Overall, the proposal would not make a positive contribution to local character and would not integrate with the surrounding built environment. Therefore, the proposal does not accord with the design policies in the Framework or NLP Policy QOP 1 (a, b, d). Consequently, we must object</p> |
| Building Conservation | No response received following reconsultation in respect of amended plans. |

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| County Archaeologist | <p>The proposed development site had potential to retain archaeological remains associated with the medieval and post-medieval settlement at Dunstan. Development of the site has potential to damage or destroy any archaeological remains that may be present. Any such loss could be mitigated by a programme of archaeological monitoring during initial groundworks.</p> <p>There are no objections to the proposed development subject to a programme of archaeological monitoring being undertaken during construction. This work could be secured by condition.</p> |
| County Archaeologist | No response received following reconsultation in respect of amended plans. |
| County Ecologist | <p>No objection subject to conditions - the proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation, which is proposed in the ecological report (Preliminary Ecological Appraisal, Dunstan House, Dunstan, A1 Ecology, March 2024). This mitigation should be secured by condition.</p> <p>In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of a Biodiversity Enhancement Plan, secured through a planning condition.</p> <p>As the proposals relate to new residential accommodation within 7km of the coast, a contribution to the Coastal Mitigation Service (CMS) will be required.</p> |
| County Ecologist | No response received following reconsultation in respect of amended plans. |
| Craster Parish Council | The Parish Council considers that the conflict with the development plan, taken as a whole, is so serious that the application should be refused without delay. |
| Craster Parish Council | Objects. This is the third response submitted by the Parish Council and it is not considered necessary to repeat the detailed comments made previously. As a result of the conflict with the development plan and lack of material considerations to justify an exception, the Parish Council respectfully requests that the application is recommended to Committee for refusal. |
| Highways | <p>The following information will be required to inform a response within a statutory reconsultation period;</p> <ul style="list-style-type: none"> o A supporting information to support the reduced visibility splays including the ATC data and accompanying calculations used to derive the splay. o Car parking arrangement for the existing dwelling and proposed holiday lets together with confirmation of bedrooms and its use class for the existing dwelling on site as detailed above. A revised plan should clearly indicate the parking provision for the existing dwelling and proposed holiday lets. |
| Highways | The following information will be required before we can progress further: |

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| | <ul style="list-style-type: none"> o A confirmation on bedroom numbers and its use class for the existing dwelling on site to assess overall parking demand. o Details of the bin storage location and cycle parking provision. o Revised plan showing the gates set back to 6m from the edge of the highway. o Accompanying calculations for the provided visibility splays for audit purposes |
| Highways | No objections subject to conditions and informatives |
| Highways | The applicant has addressed all of the previous outstanding matters such that HDM have no objection to the proposal subject to conditions and informatives. |
| Natural England | Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions. |
| Natural England | The advice provided in our earlier comments apply equally to this amendment. The proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposals. |
| Northumberland Coast AONB | <p>The National Landscape raises concerns over the changes to access to Dunstan House required to facilitate the development. The response of the development to its context is considered poor with the two new houses and landscaping disrupting the spatial quality of the grounds of Dunstan House. The application is not supported in its current form.</p> <p>The design of the houses and landscaping has changed from 21/02775/FUL in that the footprint of the dwellings are larger and in the case of house 1, is much closer to Dunstan House. The increased footprint of the houses, the relocation of the pond and addition of other garden structures make for a cluttered layout that will appear cramped overdevelopment of the grounds of Dunstan House. Whilst the reduction in height of the dwellings is welcomed, the impact of retaining the same of volume of built form but at a lower level, is detrimental to immediate context of Dunstan House.</p> |
| Northumberland Coast AONB | <p>Previous comments noted that both a cramped site layout and the mass of the new buildings impacted negatively on Dunstan House, representing its overdevelopment. Built Heritage and Design also picked this up with their primary concern for objection being "the intensive back land development in a historic village characterised by road fronting properties".</p> <p>The site layout has been rationalised by reducing the footprint of the houses, and creating a layout that responds more positively to Dunstan House in that it is subservient and reminiscent of a layout of ancillary buildings to the main house. The reduction in height of House 1 to single storey also assists in reducing impact on Dunstan House. The latest iteration of the plans is considered an improvement in these respects.</p> |

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| | The National Landscape was also concerned over the treatment of the access road, the intersect with the public realm, in particular the removal of the low whinstone walls at the access road and introduction of a large area of paving. This concern has been allayed somewhat through the revised plans, however the Proposed Site Plan does not list materials, and this clarification is sought on this aspect as well as on the style of gate. Boundary treatment and gate should be rural and local in character i.e., low whinstone walls with a simple non-suburban gate. The introduction of a bell-mouth to the access will still impinge on the character of this rural village road however to a lesser degree that previously proposed. |
| Police - Architectural Liaison Officer | No response received. |
| Police - Architectural Liaison Officer | No response received. |
| Public Protection | The Environmental Protection Team have no objection to this application and would recommend the attached conditions are imposed in order to protect public health and prevent loss of amenity. |
| Public Protection | The Environmental Protection Team have no objection to this application and would recommend the attached conditions are imposed in order to protect public health and prevent loss of amenity. |
| Tourism, Leisure & Culture | No response received. |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 7 |
| Number of Objections | 87 |
| Number of Support | 10 |
| Number of General Comments | 0 |

Notices

Site Notice - Affect LB, 27th January 2025

Press Notice - Northumberland Gazette, 30th January 2025

Summary of Responses:

Representations have been received from 97no contributors including 87no objections and 10no in support. The issues raised are summarised as follows.

- Overlooking and loss of privacy
- Use of proposed properties as holiday rentals and not primary occupancy
- Restrictive covenant prohibiting future development of site
- Highway safety
- Design

- Impact on character of settlement
- Potential damage to tree roots
- Lack of housing need
- Lack of public benefit
- Impact on ecology
- Impact on AONB and Dark Skies

Supporting comments are summarised as follows;

- Proposed improvements to biodiversity of the site,
- Proposed properties will be largely shielded from views into the site,
- High quality construction with eco-friendly materials
- Benefit to local economy

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=S7B96UQSFMK00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

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)

STP 5 - Health and wellbeing (Strategic Policy)

ECN 1 - Planning strategy for the economy (Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 3 - Public realm design principles

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

QOP 6 - Delivering well-designed places

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

ENV 2 - Biodiversity and geodiversity

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

WAT 2 - Water supply and sewerage

WAT 3 - Flooding

WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land

POL 2 - Pollution and air, soil and water quality

INF 1 - Delivering development related infrastructure (Strategic Policy)

INF 6 - Planning obligations

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2024)

PPG - Planning Practice Guidance (2024, as updated)

6.3 Neighbourhood Planning Policy

Craster Neighbourhood Plan (2022)

Policy 1: Principal residence housing

6.4 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act 1990

NDG - National Design Guide (2019)

NMDC - National Model Design Code (2021)

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

Northumberland Coast AONB Management Plan (2020-2024)

Northumberland Coast AONB Design Guide for the Built Environment

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 (NLP) (2022) and the Craster Neighbourhood Plan (2022). The National Planning Policy Framework (NPPF) (2024) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,
Design,
Amenity,
Highways,
Heritage,
Ecology,
Coastal Mitigation,
AONB,
Climate Change,
Broadband Connections, and
Other Matters.

Principle

7.3 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies Dunstan as a "Small Village" which will support a proportionate level of development.

7.4 Policy STP 2 sets out the presumption in favour of sustainable development in Northumberland whilst STP 3 establishes the principles by which this will be achieved, including contributing to building a strong, responsive and competitive economy and supporting more and better jobs, protecting and enhancing the vitality and viability of Northumberland's town centres and other important economic sectors and minimising their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

Strategic approach on the economy and tourism

7.5 NLP Policy ECN 1 sets out a planning strategy for the economy with a view to delivering economic growth, while safeguarding the environment and community well-being. Part 2 of ECN 1 sets out the main ways in which it is envisaged that economic growth for Northumberland will be achieved through planning. The policy provides support for both existing and new businesses and rural enterprise and recognises the role of the County's natural and historic environment as drivers of economic development. The strategy also recognises the importance of tourism and the visitor economy to the County.

7.6 Policy ECN 15 gives general support to development that contributes to the County as a tourist destination. It states that in rural locations outside the settlement boundaries and/or built-up areas of main towns, service centres or service villages, the development of new build, permanent buildings for holiday accommodation of any sort should be small scale and form part of a recognised village or hamlet. As noted above, Dunstan is recognised in the Local Plan as being such a place. The preamble to the policy states that in some circumstances appropriately scaled and designed new buildings will be supported in accessible locations, where the development would improve and/or diversify Northumberland's offer of tourism accommodation. Clearly, such accommodation would need to meet all other landscape and other environmental protection policies and have the ability to blend in with the settlement pattern and local landscape character.

7.7 The NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.8 Policy 1 of the Craster Neighbourhood Plan states that new housing, excluding replacement dwellings, will only be supported where occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a principal residence. New second homes will not be supported. This raises the question of what is proposed to be built versus what the subsequent development is actually to be used for.

Case law

7.9 A number of contributors (including the Parish Council) have raised the issue of what constitutes a dwellinghouse and in doing so have made reference to the High Court judgement handed down by McCullough J in *Gravesham vs SoS* (1984). McCullough stated that the issue is one of fact. A distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence. He noted that the use to which a building is put may be relevant but is not conclusive.

7.10 In *Moore v SSE and New Forest District Council* (1999) the court held that self-contained units (in the curtilage of a larger house) did not cease to be used as single dwelling houses because they were managed as a whole for the commercial purpose of holiday or other temporary lettings. They are still dwellings.

7.11 More recently in *LB Brent v SSLUHC & Anor* (2022) it was determined that Use Class C3 is not exhaustive of what may be considered a dwellinghouse. However being a dwellinghouse and being used as a dwellinghouse are two different things. Some parts of the legislation apply to properties which are dwellinghouses (eg the GPDO), other parts to properties which are used as a dwellinghouse (eg immunity for use as a single dwellinghouse); it is always necessary to look at the context.

7.12 There is no definition of a dwellinghouse, however (though Gravesham applies) and there is no requirement in the GPDO that the dwellinghouse is used as a dwellinghouse; it is enough that it is a dwellinghouse. Use class C3 concerns the use of "dwellinghouses" so there is nothing in the Use Classes Order (UCO) that helps with the question of what is a dwellinghouse for the purposes of the GPDO and it is wrong to import distinctions from the UCO into the GPDO requirements. Whilst the Gravesham criteria are clearly relevant to a property being a dwellinghouse, they are not sufficient where use is the test.

Summary

7.13 The application at hand seeks approval for the development of purpose built holiday accommodation (not market housing). Whilst the proposed accommodation would clearly have the appearance of dwellinghouses and would also have the ability to be used as dwellinghouses, any such use would require further planning permission to change the use of the properties from short term holiday use to residential, at which point the primary occupancy policy would be engaged.

7.14 The design of the proposed buildings is considered further below, however the proposal to erect 2no houses for short term serviced holiday accommodation within a recognised settlement and close to the main holiday route along the coast is acceptable in this context.

Design

7.15 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.16 Policy HOU 9 of the NLP seeks to support residential developments where they contribute to a sense of place, provide functional space and facilities for refuse and recycling storage as appropriate for the development and are constructed to a high quality of design.

7.17 The NPPF attaches great importance to the design of the built environment and 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.

7.18 The National Design Guide and National Model Design Code also provide guidance on design for those involved in the planning and built environment disciplines and illustrates how well-designed places that are beautiful, enduring and successful can be achieved. This forms part of the Planning Practice Guidance and should be read alongside other guidance on the design process and tools.

7.19 High quality design supports the creation of good places and has a positive impact on health, wellbeing, and happiness. The highest standards of design can be achieved to create new vibrant places which are distinctive, safe, and pleasant, easy to move around, welcoming, adaptable, and sustainable. Good design should:

- demonstrate an understanding of the unique characteristics of a place and the context within which it is located.
- demonstrate an understanding of the historical development of the site.
- reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape.
- provide appropriate densities depending on their existing characteristics; and,
- incorporate and use features worthy of retention, including natural features, buildings, and views.

7.20 The proposed properties have been designed to appear subservient to the existing property. Rather than the very modern materials proposed in the previous iteration of the design, traditional materials have now been introduced in order to achieve greater synergy with the prevailing character of the area, which is a mix of natural stone and render under tiled roofs. The properties would be set perpendicular to each other in an attempt to avoid a typical suburban layout, with a communal garden, natural swimming pool and parking to the front aspect of each. The properties are designed using Passivhaus design principles in order to maximise energy efficiency.

7.21 Earlier concerns raised regarding the contemporary nature of the design within the setting of a traditional rural village have been addressed through the revised designs and materials and they are now more in keeping with the immediate character and appearance of other development around the site. The proposal would still be marked out as a modern addition to the village against the backdrop of a range of ages and styles of dwellings that vary in their appearance. The site layout has however been rationalised by reducing the footprint of the houses and creating a layout that responds more positively to Dunstan House in that it is subservient and reminiscent of a layout of ancillary buildings to the main house. The reduction in height of House 1 to single storey also assists in reducing the impact on Dunstan House. The latest iteration of the plans is considered an improvement in these respects.

7.22 Highways matters are discussed further below, however, it is noted that the works required to make the proposals acceptable from a highways perspective would have an impact upon the character of the immediate street scene. It is undeniable that the need to widen the existing access and remove elements of the front boundary treatment to facilitate visibility splays would alter the visual aesthetic of this part of the village by introducing a more suburban character to it. However, tweaks to the proposals since the previous iteration have reduced this to an acceptable level.

Amenity

7.23 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.24 The NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.25 Due to the site location and proposed layout of the development, there would not be any substantive impacts on residential amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. Separation distances of approximately 17 metres (side elevation of Unit 1 to rear of Crag View) and approximately 20 metres at an oblique angle (rear of Unit 1 to rear of Windlesham) and up to 30 metres (front of Unit 2 to rear of The Bungalow) are considered to be acceptable and sufficient amenity space is provided within the development for the use of future occupiers. As such the proposal is considered to be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Highways

7.26 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any

adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

7.27 Paragraph 116 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.28 Paragraph 117 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.29 The Local Highway Authority responded to initial consultation requesting additional information. Following several rounds of reconsultation the HDM officer has accepted that there would be no significant impacts upon highway safety and as such no objections are raised subject to conditions and informatives. Therefore, the proposals are acceptable in highways policy terms.

Heritage Matters

Built Heritage

7.30 The application site lies within the setting of the following listed heritage assets

- Dunstan Hall (II*)
- Attached garden wall to east of Dunstan Hall (II)
- Outbuildings by wall to north east of Dunstan Hall (II)
- Outbuilding to north of Dunstan Hall (II)

7.31 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special attention to the desirability of preserving the listed buildings, their settings and features of special architectural or historic interest.

7.32 Policy ENV 1 of the NLP pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.

7.33 The NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to 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.

7.34 This is echoed by Policy ENV 7 of the NLP which states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings and ensure that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance.

7.35 The NPPF sets out the degrees of harm that can be caused by development affecting the setting and significance of heritage assets. These are 'total loss', 'substantial harm', or 'less than substantial harm' and the need to balance any harm against the benefits of the development is stated.

7.36 The Council's Built Heritage and Design Officer responded to consultation on the original proposals noting that a key heritage consideration is whether the proposals will preserve the setting of the identified designated heritage assets as required by statute. Dunstan Hall and the associated grade II listed buildings are set within a wooded enclosure. While the screening impact of the trees will reduce during the winter months, views from the Hall's main elevation to the development site would be at an angle such that the key line of sight from the building would be largely unaffected. Therefore, the setting of the important listed building, as well as key views into and from the Hall would be preserved.

7.37 Although the setting of the listed buildings would be preserved, the officer concluded that the proposals would not be sympathetic to local character and appearance due to the choice of materials proposed. Following the submission of amended drawings showing more traditional materials, it is considered that the proposals would now be sympathetic to local character and appearance.

Archaeology

7.38 As noted above the application site is located within close proximity to the former medieval village and therefore the proposals retain potential to impact upon buried archaeological remains. The County Archaeologist has responded to consultation recommending a condition to secure a written scheme of investigation and watching brief to ensure that any archaeological remains are appropriately recorded.

Ecology

7.39 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

7.40 Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.41 The County Ecologist has responded to consultation raising no objections, subject to conditions securing mitigation and ecological enhancement measure. On this basis the proposals are acceptable in accordance with Policy ENV 2 or the NPPF in this respect.

Coastal Mitigation

7.42 When developers apply for planning permission for new residential development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects.

7.43 Due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service (paid on occupation of the first unit) which will be used to fund coastal wardens who will provide the necessary mitigation.

7.44 The contribution per unit in this location would be £615. However, this is reduced for holiday lets to reflect their average occupancy rate which is currently 56.2%, and so the contribution in this case will be £345 per unit. This can be secured by way of Unilateral Undertaking or by S106 agreement in cases where other planning obligations are also required.

AONB

7.45 The application site lies within the Northumberland Coast AONB and due consideration must be given to the impacts of the proposed development upon this designated area.

7.46 Policy ENV 5 of the emerging NLP seeks to ensure that the special qualities of the AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.47 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.48 The National Landscape Partnership responded to initial consultation raising concerns about the poor response of the proposed development to its context, with the two new houses and landscaping disrupting the spatial quality of the grounds of Dunstan House. As such they did not support the application as it was then presented. The subsequent design changes have improved the impact on character and appearance, as noted above, however there can be no denying that it would still change the spatial quality of the grounds. As noted above in the Design section, however, the changes made have given the proposals more of a subservient appearance and one which is reminiscent of a layout of ancillary buildings to the main house. Furthermore, the grounds are well screened and there would be very little external impact upon the wider setting of the designated landscape and the proposals are therefore acceptable in this respect.

Climate Change

7.49 The NPPF 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.

7.50 Policy QOP 1 of the NLP sets out a number of design principles stating that proposals will be supported where, amongst other criteria buildings are functional for future uses, incorporates green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.51 Policy QOP 5 relates to sustainable design and construction and states that 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.

7.52 The 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 any granting of permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

Broadband connections

7.53 Policy ICT 2 of the NLP 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.

7.54 The NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.55 The current application does not state whether full-fibre broadband connections are proposed so it is appropriate to secure this information by condition.

Other Matters

7.56 The concerns of the Parish Council and neighbours regarding design, amenity, sustainability, access, highway safety and impact upon landscape and heritage assets are noted and have been addressed in the preceding paragraphs.

7.57 The presence of a covenant on the land is noted, however, this is not a material planning consideration.

Equality Duty

7.58 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

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

Human Rights Act Implications

7.60 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.

7.61 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.

7.62 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 application has been assessed against local development plan policies, the relevant sections of the NPPF and other material considerations. The proposal includes the efficient use of land in order to provide high quality rental accommodation for the tourist industry. Tourism in Northumberland has developed into a year round activity and the proposals would tap into this growing market by establishing new serviced holiday accommodation of a type which is not commonly available in the area.

8.2 Whilst acknowledging that the proposals are broadly similar to those recommended for approval under application reference 21/02775/FUL, the concerns

raised by members in overturning that recommendation have been noted and amendments made to reflect this. The design of the proposed buildings now includes materials which are more characteristic of the area and the scale is more appropriate. Whilst acknowledging that the proposed access would require the removal of the whinstone boundary wall, these materials are proposed to be reused where possible and the appearance of the drive would be less suburban in character and have less of an impact upon the street scene than the previous proposals. On this basis the proposed development is found to be acceptable in accordance with Policies STP 1, ECN 15, QOP 1, HOU 9, TRA 2, ENV 1, ENV 5 and ENV 7 of the Northumberland Local Plan and the NPPF.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and:

A S106 agreement securing a financial contribution of £690 towards coastal mitigation

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

Location Plan - 2097_SL_01 REV 1
Proposed Site Plan - 2097_H1_H2_SP_01 REV 1
Proposed Plans House 1 - 2097_H1_GA_01A
Proposed Plans House 2 - 2097_H2_GA_01A
Proposed Elevations House 1 - 2097_H1_ELE_01A
Proposed Elevations House 1 - 2097_H1_ELE_02A
Proposed Elevations House 2 - 2097_H2_ELE_01A
Proposed Elevations House 2 - 2097_H2_ELE_02A

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

03. Materials

Notwithstanding the approved plans, prior to construction above DPC level details of materials to be used in the external faces of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of the visual appearance of the development in accordance with Local Plan Policy QOP 2 and the NPPF.

04. Biodiversity Enhancement Plan (Pre-commencement)

No development shall take place until a Biodiversity Enhancement Plan has been submitted to the Local Planning Authority for approval in writing. This will include integrated bat and bird boxes at a ratio of 1 per dwelling and hedgehog gaps between garden boundary fences and site boundary fences. The plan will also include details of the proposed landscaping to consist of a mixture of locally native trees, shrubs and wildflowers, reflecting the recommendations detailed within Section 7 of 'Preliminary Ecological Appraisal, Dunstan House, Dunstan, A1 Ecology, March 2024' The details will thereafter be fully implemented as approved.

Reason: To maintain the biodiversity value of the site to protected species and habitats in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

05. Boundary treatment

The development shall not be occupied until details of proposed boundary treatments, including vehicular access gate, 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 Policies QOP 2, ENV 5 and TRA 1 of the Northumberland Local Plan.

06. Ecological Mitigation

No works shall be undertaken other than in complete accordance with the following precautionary working measures:

- Works will be undertaken in accordance with BS5837-2012 'Trees in relation to construction' and retained hedgerows and trees will be protected, including protection of roots
- Works in the vicinities of invasive species (including variegated yellow archangel and Rhododendron) will be carried out to an invasive method statement.
- Light levels around newly installed roost locations and foraging/commuting areas will be low level, below 2m in height, and low lux (below 1 lux 5m from the light source). Warm-light LEDs with very low UV will be used, with cowls designed to accurately target which areas are lit.
- A pre-commencement check for nesting birds will be undertaken by a suitably experienced ornithologist if vegetation clearance is undertaken between March and August inclusive.
- Works will be undertaken to a precautionary hedgehog method statement including a hand search of suitable refugia prior to removal
- Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 30°.

Reason: To protect local biodiversity in accordance with Local Plan policy ENV2 and the NPPF

07. Construction Method Statement - Pre-Commencement

Development shall not commence until a Construction Method Statement 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 and 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

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.

08. Means of vehicular access to be constructed

The development shall not be occupied until full details of the vehicular access including construction details and finalised layout have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

09. Surface water drainage

Prior to occupation, details of surface water drainage to manage run off from the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details 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.

10. Implementation of car parking area

The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

11. Implementation of cycle parking

The development shall not 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.

12. Details of refuse storage facilities and strategy

The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision and collection of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter, the refuse storage facilities and refuse storage plan 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 the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

13. Sustainable Construction

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.

14. Broadband Connections

Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection to each property 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.

15. Site/Finished Floor Levels

Notwithstanding the approved plans the new build elements of the development shall not commence until details of existing and proposed site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

16. Holiday Restriction

The accommodation subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework

17. Removal of 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), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or 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 or curtilage buildings may be properly assessed in the interests of amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

18. Archaeological Watching Brief

A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site Specific Requirements document (dated 29/03/23). 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.

Informatives

1. Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

2. Statutory Nuisance

The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

3. Construction - Hours of Delivery

During the periods of [advanced] / [enabling] / [main construction] works, there shall be no deliveries to the site or collections from the site by road unless agreed in writing with the Local Planning Authority outside the hours of:

Monday to Friday - 0800 to 1800
Saturday 0800 to 1300

There shall be no deliveries or collections on a Sunday or Bank Holiday.

4. Noisy Working Hours

During the construction period, there should be no noisy activity, i.e. noise from the construction activities which is audible at or beyond the site boundary, on Saturdays, Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800

5. Alterations to vehicle crossing point (widening driveway) (S184)

Please note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: northernareahighways@northumberland.gov.uk

6. 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.

7. 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.

8. Protected Species

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 or dependent young when on or near the nest, or to kill or take them.

Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 good chance of encountering protected species during works.

Care should be taken when removing any roof coverings, window frames or other external features which may support bats or nesting birds.

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

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

Applicants and contractors can obtain advice on bats by telephoning the National Bat Helpline on 0345 1300 228 <https://www.bats.org.uk/advice/bat-found-during-buildingworks>

The Chartered Institute of Ecology and Environmental Management (CIEEM) has an online professional directory should assistance be required. <https://cieem.net/i-need/finding-a-consultant/>

Bat and Bird Provision

Ready-made integrated bird and bat boxes built into new buildings provide long lasting roosting/nesting features. Most boxes consist of a self-contained concrete roost chamber; however, options are available which will allow bats access into the roof space or wall cavity of the building. Examples of boxes can be readily seen online (e.g., <https://www.nhbs.com/equipment>). Swift brick/boxes are a good option, being able to accommodate a range of smaller cavity nesting birds (house sparrows, blue tits, great tits). Bat boxes are best located on south or east elevations and bird boxes on north and east elevations of buildings.

Native Landscaping

Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes. A list of plant species native to Northumberland can be found online [A list of suitable trees is available online from Northumberland Wildlife Trust](#). Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

Invasive Non-Native Species

The applicant is reminded that Rhododendron and Variegated Yellow Archangel, which were noted to be present within the development site, are listed on Schedule 9 of The Wildlife and Countryside Act (1981 as amended) making it an offence to “introduce plant or cause to grow wild” these species. Steps should be taken to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

Contractors should be aware of the potential to spread invasive non-native plant species either from or onto the site and take appropriate biosecurity measures to avoid this, guidance on what to do can be found here <https://www.nonnativespecies.org/what-can-ido/training/site-workers/>.