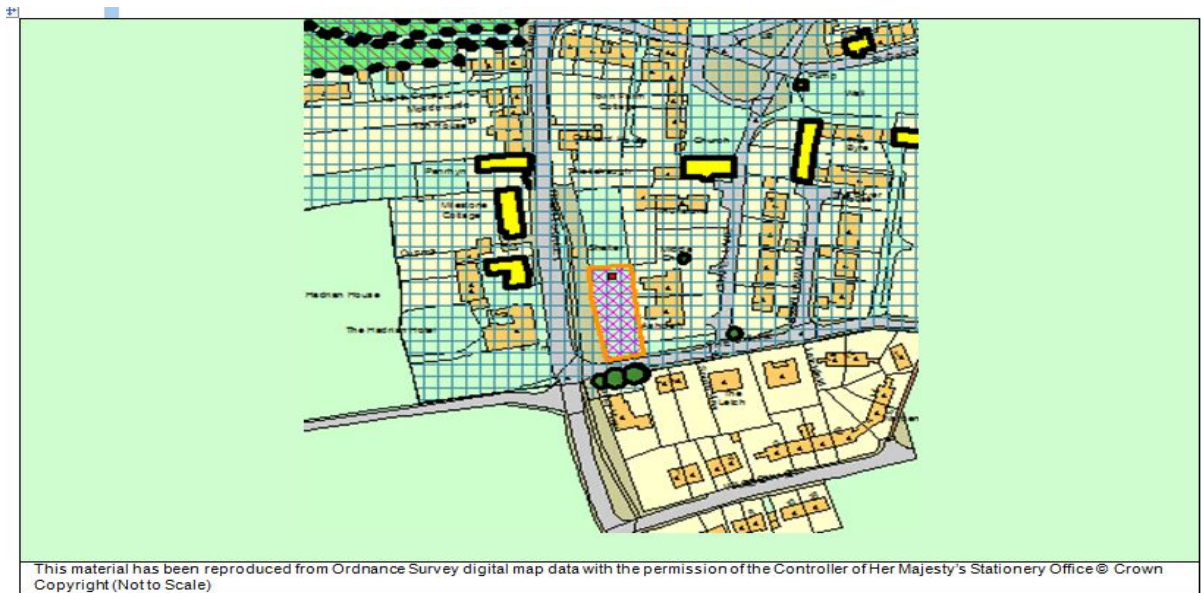


# Northumberland County Council

## Virtual Strategic Planning Committee 18th August 2020

<b>Application No:</b>	20/00776/FUL		
<b>Proposal:</b>	Development to include three modestly sized one bedroomed self contained holiday accommodation units (Amended Plans received 15/05/2020 and 19/05/2020).		
<b>Site Address</b>	Land West Of Chapel Lane , The Chare, Wall, NE46 4DU		
<b>Applicant:</b>	Mr David Meakin Land West Of Chapel Lane,, The Chare, Wall, NE46 4DU	<b>Agent:</b>	Mr Tristan Spicer 16 Hallstile Bank, Hexham, NE46 3PQ, England
<b>Ward</b>	Humshaugh	<b>Parish</b>	Wall
<b>Valid Date:</b>	5 March 2020	<b>Expiry Date:</b>	26 August 2020
<b>Case Officer Details:</b>	Name:	Mr Callum Harvey	
	Job Title:	Planning Officer	
	Tel No:	01670 623625	
	Email:	Callum.Harvey@northumberland.gov.uk	

**Recommendation:** That Members GRANT planning permission for the proposed development, subject to recommended conditions.



## **1. Introduction**

- 1.1 Objections have been received from the Parish Council and a number of local residents, and the local Ward Member has raised significant concerns with the proposed development. Following referral to the Director of Planning and Chair of the Strategic Planning Committee under the Council's current delegation scheme, it was agreed on 02.07.2020 that this application raises sufficient interest within the wider community to be considered by Members of the Virtual Strategic Planning Committee.

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

- 2.1 Planning permission is sought for the construction of three one bedroom holiday accommodation units at land west of Chapel Lane at The Chare, Wall.
- 2.2 The site is currently a grassed over area of land to the north of The Chare and east of Front Street which is the main thoroughfare through the village of Wall. The site is located to the northeast of the junction between The Chare and Front Street, which forms the legible gateway to the built up area of the village when approaching from the south. The site is set on a plateau which is notably higher than the level of Front Street to the west, and is also higher than the level of The Chare to the south. The site features a slight gradient from the north sloping downwards to the south.
- 2.3 To the west of the site is an area of amenity space which features Cherry trees. This area of land is owned by the County Council. Further west of this area of land is Front Street and the Hadrian Hotel beyond. To the south of the site is The Chare and residential properties beyond. To the east are two neighbouring bungalows; the west facing rear elevations of which face toward the site. To the north of the site is a separate plot of grassed over land within the ownership of the applicant which benefits from consent for a new dwelling, planning reference 16/00692/FUL. This consent is deemed to have been lawfully implemented, and in the granting of this consent the principle of a new highway access from The Chare within the current application site was established.
- 2.4 The proposal seeks to construct one narrow rectangular building adjacent to the western boundary of the site, measuring 22.8m in length and 5.7m in width. The building would comprise three separate one bedroom units, which would be accessed from the east elevation. Each of these units would be self contained and feature their own kitchen and W.C facilities. The length of the building would be staggered to reflect the gradient across the site, and would be partially set within the gradient of the land, measuring 3.8m in height at the south facing gable end, 4.2m at the highest point in the centre of the building, and 3.6m in height at the north facing gable end.
- 2.5 The received plans show the two neighbouring properties to the east, known as Ashcroft and Middle Chare. The received plans show that these neighbouring properties are set at a higher ground level than the proposed building.

- 2.6 The received plans show that the eastern elevation of the proposed building would be 12.3m from the rear elevation of Ashcroft at the nearest point, which is the rear elevation of the property's kitchen. The sun lounge at this property as mentioned above would be further away from the proposed building than the rear elevation of the kitchen. The received plans show that the eastern elevation of the proposed building would be 13.7m from the rear elevation of the bedroom at Middle Chare. The received plans also show that the northeastern corner of the proposed building would be 12m from the southwestern corner of the conservatory at Middle Chare. The boundary treatment between the application site and these neighbouring properties comprises a low staggered facing brick wall, with hedgerow above along the north east corner of the site, and wooden fencing along the remaining length of the eastern site boundary.
- 2.7 The proposed building would be constructed of natural stone with timber doors, and timber windows. The building would feature a dual pitched roof with slate roof tiles, and 2no. natural stone chimneys. The east facing roof pitch would feature 3no. conservation style roof windows, with no velux windows on the west facing pitch. The building would feature openings on all four elevations.
- 2.8 The site would use an existing access onto The Chare to the south, as previously approved when granting consent for a dwellinghouse to the north of the site under decision 16/00692/FUL. The site would feature a shared driveway with this neighbouring property, and 3no. car parking bays for the proposed holiday accommodation units. The remaining site would be landscaped with grass and the planting of 5no. new Cherry trees. The site would be bound to the west and north by new hedgerow. The existing stone wall boundary treatment to the south and existing boundary treatments to the east would be retained. The development would be served by a bin storage area adjacent to The Chare in the south east corner of the site. The development would be served by a mains sewer connection for disposal of foul water. Details of surface water drainage have not been submitted as part of this application.
- 2.9 The proposal seeks to fell 1no. tree which sits on the western boundary of the site.
- 2.10 The application site is located within the Wall Conservation Area, and is within the setting of 4no. Grade II Listed Buildings to the west of Front Street. The village of Wall is inset within the Green Belt and an Area of High Landscape Value.

### **3. Planning History**

The planning history for the application site is as follows:

**Reference Number:** 16/02911/FUL

**Description:** Proposed erection of two dormer bungalows.

**Status:** Withdrawn

**Reference Number:** 17/02723/FUL

**Description:** Erection of one 4bed 1-1.5 storey dwellinghouse.

**Status:** Withdrawn

**Reference Number:** 18/03085/FUL

**Description:** Erection of one 3 bedroomed dwellinghouse

**Status:** Refused

**Reference Number:** T/92/E/63

**Description:** Construction of 6 semi-detached houses on allotment gardens.

**Status:** Refused

**Reference Number:** T/980606

**Description:** Erection of six dwellings (As amended by plans received 21.10.98 & 15.6.99)

**Status:** Refused

**Reference Number:** T/970192

**Description:** Proposed construction of six semi-detached houses on allotment gardens at corner (as amended by Drawing no. 81:020/01 rev A and 81:020/02 rev A received on 4 June 1997)

**Status:** Refused

### **Appeals**

**Reference Number:** 97/00012/REFUSE

**Description:** Proposed construction of six semi-detached houses on allotment gardens at corner (as amended by Drawing no. 81:020/01 rev A and 81:020/02 rev A received on 4 June 1997)

**Status:** Dismissed

**Reference Number:** 99/00010/REFUSE

**Description:** Erection of six dwellings (As amended by plans received 21.10.98 & 15.6.99)

**Status:** Dismissed

**Reference Number:** 19/00023/REFUSE

**Description:** Erection of one 3 bedroomed dwellinghouse

**Status:** Dismissed

The planning history for the land to the north of the application site is as follows:

**Reference Number:** 16/00692/FUL

**Description:** Erection of one two storey five bedroomed detached dwelling, one storey double garage and associated access track

**Status:** Permitted

**Reference Number:** 19/00636/DISCON

**Description:** Discharge of Condition 8 (Finished floor level) on approved Planning application 16/00692/FUL

**Status:** Permitted

#### 4. Consultee Responses

Wall Parish Council	<p><u>Comments dated 15.04.2020:</u></p> <p>Past history regarding submissions by this applicant in relation to this site have proved to be extremely controversial within the local community and therefore we would expect the Parish Council once again to be encouraged to arrange a public meeting following a site meeting with a representative of the NCC Planning Team.</p> <p>Indeed before the present Covid19 lockdown situation Callum Harvey, the Case Officer, had agreed to arrange a site visit which would indicate that he felt this to be necessary.</p> <p>At present no notice has been erected at the site, something which we understood to be a legal requirement, and there is no prospect of holding a public meeting. In addition, no hard copy drawings are immediately available to properly examine the proposals in detail as has been our past practice in order to inform the community at large. Small scale drawings on a computer screen are of very limited benefit when discussing an application, especially when informing members of a largely ageing community. We would therefore urge NCC Planning &amp; Development team to defer this application to a time when the present crisis has been overcome in order that a fair and proper democratic process can be followed.</p> <p>With regard to the application itself we would point out that we believe a site visit is imperative because <u>once again</u> the 'Existing Site Plans' are out of date and inaccurate. It has been pointed out in comments made in relation to all past applications that the outline of 'Ashcroft' was extended some several years ago, there now being a conservatory at the South West corner of the property. Rightly or wrongly this could create the view that a deliberate attempt is being made to give a false impression regarding distancing from any proposed scheme.</p>
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Despite a slight lowering of roof heights in this application, compared to the last one, we believe that this proposal would still have an overbearing effect on the occupants of Middle Chare and Ashcroft due to the close proximity of these properties to the proposed development.

In addition, we assume that the rules regarding outdoor space apply to holiday accommodation in the same way as they apply to permanently occupied accommodation. After all, holidaymakers visit picturesque rural locations for relaxation, essential activities, and perhaps just as importantly, privacy.

The location of, and lack of, outdoor space for these three proposed properties would in no way satisfy these requirements.

Once again the claim has been made that the site is screened by existing trees but this is only valid for around six months of the year and photographs taken in winter and submitted in the past demonstrate this fact.

We also note that it is proposed that one tree would be removed from the site. Not only would this reduce any screening but would be detrimental to the visual amenity of the Conservation Area. It should also be pointed out that the plans show this tree to be situated on the site when it is actually growing from a point outside the site on NCC property. We do have photographs taken several years ago which show this.

A hedge is also proposed along the West boundary which, even if practical from a distancing point of view, would severely restrict both the view from, and the light into the property.

This application again proposes a 'close boarded wooden fence' for the East boundary which we believe is 'urban' in nature and visually invasive in this location. Negative comments relating to other similar structures erected within the village in quite recent years have convinced us that this is an undesirable feature.

In the unfortunate event of this proposal being found acceptable by the planning bodies, Wall Parish Council would ask that the following conditions should be applied:-

1. The construction must strictly be of Rough Random Local stone.
2. The properties cannot in future be extended or altered in any way either externally or internally.
3. At no time, either now or in the future, must a 'shortcut', either formal or informal, be allowed from the site down to the adjacent bus stop.

It may be appropriate to point out at this uncertain time that prior to this plot of land being acquired by the applicant it was used as

village allotments and it has only become a 'derelict piece of land' over a large number of years under the stewardship of the applicant. Would it not better serve the community if it was to be returned to its' former use so that particularly in times of crisis such as exists at present, the inhabitants of Wall village can be more self sufficient?

On the basis of the above comments Wall Parish Council wishes to object to this application but considers that in any case it should be deferred to a more appropriate time when we have been able to properly consult the community at large.

Further comments on amended plans, dated 05.06.2020:

Whilst it is much appreciated that it has been possible to arrange a site visit during the current 'lockdown' we are aware that many residents would have liked a chance to discuss the application at a public meeting, as has been the procedure in the past. Nevertheless, we estimate that around one third of the permanently occupied households in the village submitted objections to the application whilst there were NO comments in support of the application.

Despite this body of opinion i.e. those who would be directly affected if this development was to go ahead, the applicant seems to have gone some way towards complying with the requirements of the 'conservation report' whilst virtually ignoring the concerns of the local community.

We find the addition of a 'tree report' somewhat confusing because,

- a) This is the first instance after many previous applications for this site that this has been thought of.
- b) Removal of one tree would reduce the screening effect claimed by the applicant, even further.
- c) The trees have been situated in this location for many years without any detrimental effect on the cherry trees.
- d) There are acres of woodland throughout the country with trees in much closer proximity to one another without any detrimental effect.
- e) Removing one tree for the reasons stated implies that all the trees which are in similar proximity to the cherry trees should be removed. What about the screening effect? The applicant can't have it both ways.

Concerns have been raised regarding the addition of 'three holiday lets' in this location. Apart from the wholly inappropriate addition of holiday properties on this conservation site we are most concerned regarding two specific issues:-

	<p>a) Children visiting the properties would be totally unfamiliar with the location which is only a few metres from a busy main road. We have serious problems with traffic speeding through the village despite a permanent ‘flashing’ warning sign at the South entrance to the village and a part time similar sign at the North end. These signs were both installed using ‘local’ funding.</p> <p>b) It has come to our notice that it is becoming increasingly popular for adjacent holiday accommodations to be hired by groups holding ‘Stag’ and ‘Hen’ parties. Accommodation of this type less than 30 metres from a public house (The Hadrian Hotel) would seem to us to be a recipe for disaster. In addition to this, the owner of the hotel has spent a great deal of money improving the facilities by upgrading the accommodation, the public areas, and perhaps most importantly, providing a high class restaurant which before the pandemic had rapidly gained an enviable national reputation. The village needs this facility and the possibility of rowdy visitors would do nothing to enhance this reputation.</p> <p>On the basis of the above comments Wall Parish Council can see no reason why we should remove our previous main objections and comments to the application and, in fact, wish to add to those objections.</p>
<p>Building Conservation</p>	<p><u>Comments dated 03.04.2020:</u></p> <p>The principle of development in this location would not be unacceptable. However, in the view of the inappropriate design elements identified and proposed loss of a tree, the proposal would be harmful to the character and appearance of the conservation area and the setting of nearby listed buildings. The harm would be less than substantial and therefore requires clear and convincing justification in the context of public benefits, in accordance with paragraph 196 of the NPPF.</p> <p>I would recommend that the identified harm could be avoided with some amendments to the proposal as outlined above.</p> <p><u>Further comments on amended plans, dated 19.06.2020:</u></p> <p>The amended plans illustrate the reduction in roof lights from 6 to 3, which is acceptable, and the removal of porches to the front doors. Close boarded 2 metre high fencing should not be installed along the eastern boundary of the site, but rather a stone boundary wall, preferably to a height of only 1 metre high and supported by hedge planting, should be installed along this boundary instead.</p>



	<p>Conditions to be attached to any consent granted include the following:</p> <ol style="list-style-type: none"> <li>1. External materials</li> <li>2. A sample panel of the proposed stonework and mortar mix, which should be a lime mortar (the specification for which should be also be submitted) should be erected for inspection and approved by LPA before any development commences.</li> <li>3. Details of all boundary treatments should be submitted and approved by the LPA before any development commences.</li> <li>4. Windows and doors should be timber with a painted finish and should not include trickle vents.</li> <li>5. Windows should be double hung sliding sash windows and should be recessed within their openings by approximately 100mm.</li> <li>6. Details of all rainwater goods, which should be black aluminium or similar and should be affixed using traditional methods, should be submitted and approved by the LPA before any works commence.</li> <li>7. There should be no fascia boarding attached to the eaves of the property.</li> <li>8. Details of any ventilation and extraction to the external elevations should be submitted and approved before any such works commence.</li> <li>9. The rooflights should be Conservation style and should be flush fitting.</li> <li>10. Details of the proposed layout and surfacing of the car park should be submitted and approved before any such works commence.</li> </ol>
Historic England	<p>On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.</p>
Northumbrian Water Ltd	<p>We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site.</p>
Tree Officer	<p>Having read the submitted tree report and viewed the received photos I would have no objection to the removal of the Cherry tree or the Sycamore tree. They do not appear to be the best of specimens and, their loss would be compensated for by the replacement tree planting and hedgerow within the site.</p> <p>Regarding the development itself, as the trees to the west are on a gradient and are not likely to be impacted negatively by the</p>

	proposed holiday lets, I would have no objection to the proposed development from an arboricultural perspective.
Highways	No objection subject to recommended conditions and informatives.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	22
Number of Objections	45
Number of Support	0
Number of General Comments	0

### Notices

Site notice: Conservation Area & affecting setting of Listed Buildings, put in place 20th May 2020

Hexham Courant: Advertised 26th March 2020 and 11th June 2020

### Summary of Responses:

At the time of writing this report, 45 objections have been received from 25 properties during two rounds of public consultation, raising the following material planning concerns:

- Impact on the Conservation Area due to the prominence of the site and the trees along the western site boundary being deciduous;
- Loss of tree on the western boundary of the site;
- Impact on the amenity of neighbouring residents in respect of overbearing, loss of light and outlook;
- Noise and other nuisance from potential occupiers/users of the development;
- Accessibility of the development for people with impaired mobility;
- Increase in traffic;
- Insufficient car parking provision;
- Potential overcrowding of the one bedroom units;
- Proposed bin storage insufficient and unsightly;
- Lack of services and facilities in Wall to support new development;
- Impact on viability of adjacent Hadrian Hotel;
- References to previous refusal decisions and Appeal decisions;
- Submitted plans do not correctly show the development relative to neighbouring properties; and
- Landowner could later seek to change the use of the buildings to residential use.

The above is a summary of the comments received. The comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q6OFAEQSMTW00>

## **6. Planning Policy**

### **6.1 Development Plan Policy**

#### *Tynedale Core Strategy 2007*

Policy GD1 – Locational policy setting out settlement hierarchy  
Policy GD3 – Settlements with boundaries within the Green Belt  
Policy GD4 – Principles for transport and accessibility  
Policy GD5 – Flood risk  
Policy NE1 – Principles for the natural environment  
Policy BE1 – Principles for the built environment  
Policy EDT1 – Principles for economic development and tourism  
Policy CS1 – Community Facilities  
Policy EN1 – Principles for energy

#### *Tynedale District Local Plan 2000 (Saved Policies 2007)*

Policy GD2 – Design Criteria for development  
Policy GD3 – Accessibility of buildings open to the public  
Policy GD4 – Highway safety criteria  
Policy GD6 – Car parking provision outside of the main towns of Tynedale  
Policy NE7 – New buildings in the Green Belt  
Policy NE26 – Development affecting habitat  
Policy NE27 – Protected species  
Policy NE33 – Trees and hedgerows  
Policy NE34 – Tree felling  
Policy NE35 – Protection of trees  
Policy NE37 - Landscaping  
Policy BE2 – Design of pedestrian environments for those with impaired mobility  
Policy BE22 – Setting of Listed Buildings  
Policy H32 – Residential redevelopment, including conversions of existing buildings  
Policy TM7 – Visitor accommodation in towns and villages  
Policy TM15 – Self-catering tourist accommodation restriction  
Policy TM16 – Removal of a self-catering tourist accommodation restriction  
Policy CS19 – Pollution control, including noise  
Policy CS27 – Foul drainage

### **6.2 National Planning Policy**

National Planning Policy Framework (2019)  
National Planning Practice Guidance (2018, as updated)

### 6.3 Emerging Planning Policy

Policy STP 1 – Settlement Boundaries

Policy STP 3 - Principles of sustainable development (Strategic Policy)

Policy STP 4 - Climate change mitigation and adaption (Strategic Policy)

Policy STP 7 - Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 - Development in the Green Belt (Strategic Policy)

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 5 - Sustainable design and construction

Policy QOP 6 - Delivering well-designed places

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

Policy ECN 12 - Strategy for rural economic growth (Strategic Policy)

Policy ECN 15 - Tourism and visitor development

Policy TRA 1 – Promoting sustainable connections (Strategic Policy)

Policy TRA 2 – The effects of development on the transport network

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

Policy ENV 3 – Landscape

Policy POL 2 – Pollution and air, soil and water quality

Policy WAT 2 – Water supply and sewerage

Policy WAT 3 - Flooding

### 6.4 Other documents and Legislation

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

Historic England's 'Conservation Area Appraisal, Designation and Management' (Second Edition) (2019)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## **7. Appraisal**

7.1 In assessing the acceptability any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains Policies of the Tynedale Core Strategy and Saved Policies of the Tynedale District Local Plan.

7.2 Paragraph 48 of the NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging

Northumberland Local Plan was submitted to the Planning Inspectorate for examination in May 2019, along with a schedule of Minor Modifications (May 2019) following public consultation. The Authority are therefore affording appropriate weight to policies contained within the emerging Northumberland Local Plan (NLP) which forms a material consideration in determining planning applications alongside Development Plan Policies.

7.3 The main issues for consideration in the determination of this application are:

Principle of the development  
Design and visual impact  
Impact on residential amenity  
Highway safety  
Trees, Landscaping and Ecology  
Foul drainage and surface water flooding  
Energy efficiency

Principle of the development

*Location/sustainability*

7.4 The application site is within the built up area of Wall, which is identified as a Smaller Village in the Tynedale Core Strategy. Wall has a modest range of services, however it is considered a suitable location which could support small scale development, recognised in the granting of planning permission on the remainder of the site to the north under application 16/00692/FUL. It is therefore considered that Wall is a sustainable location for development on this scale, in accordance with Policies STP1 and STP3 of the emerging Northumberland Local Plan, and Chapter 2 of the NPPF.

7.5 Policy GD1 of the Tynedale Core Strategy supports small-scale development in the smaller villages. The proposed development of three holiday accommodation units would accord with Policy GD1 of the Tynedale Core Strategy.

*Green Belt*

7.6 The village of Wall has an identified settlement boundary the Tynedale District Local Plan but is washed over by Green Belt. The village is proposed to be released from the Green Belt within the emerging Northumberland Local Plan.

7.7 Policy GD3 and Paragraph 4.5 of the Tynedale Core Strategy state that Limited Infill development within the settlement boundary of Wall can take place.

7.8 Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 of the NPPF states that the Green Belt serves the following five purposes:

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

- 7.9 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.10 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages, which aligns with Policy GD3 of the Tynedale Core Strategy. The other exceptions listed under Paragraph 145 and the exceptions listed under Paragraph 146 are not considered relevant in the assessment of this proposal.
- 7.11 The application site is a grassed over corner plot with The Chare to the south, Front Street to the west, and residential properties to the north and east. To the south of The Chare and west of Front Street are further buildings and their curtilage, therefore the application site is well contained within the settlement boundary of the village. Whilst the definition of limited infill in the emerging core strategy is a gap in an otherwise continuously built up frontage, it is considered that the development of the site could constitute limited infill as there is already an approved dwelling to the north of the site and this would infill the land off that access. Existing development plan policies would allow development of this type within the village boundary and it is proposed to be inset from the Green Belt under the emerging Core Strategy. It would not be considered to have an adverse impact on the openness of the Green Belt in either a spatial or a visual aspect. Therefore the proposed development is not considered to be inappropriate development in the Green Belt, and accords with Policy GD3 of the Tynedale Core Strategy, Policy NE7 of the Tynedale District Local Plan and Chapter 13 of the NPPF.

#### *Tourist accommodation*

- 7.12 The proposal would create three one-bedroom holiday accommodation units in a smaller village within a rural part of Northumberland. Wall is located near Hadrian's Wall to the north, which is a UNESCO World Heritage Site and a large draw for visitors to the County. The village is also close to Chesters Roman Fort and Museum at the nearby village of Chollerford, and the B6320 which leads up to Kielder Reservoir and Forest Park. The site is therefore an

ideal and sustainable location for holidaymakers to use as base when travelling to nearby tourist attractions.

- 7.13 The importance of supporting the sector in the former Tynedale District and across the wider County is a key theme running through the adopted Development Plan and the emerging Northumberland Local Plan respectively. Policy EDT1 of the Tynedale Core Strategy supports a buoyant and diverse economy in the rural Tynedale District, and supports new tourist development where appropriate to increase the range, quality and type of facilities available to tourists. Policy TM7 of the Tynedale District Local Plan states that within the built-up areas of existing towns and villages, new visitor accommodation will be permitted on land not already allocated for housing.
- 7.14 Paragraph 83 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. This is reflected in the emerging Northumberland Local Plan, where Policy ECN1 seeks to support and promote tourism and the visitor economy. Policy ECN15 of the emerging Plan states that Northumberland will be promoted and developed as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities. The Policy goes on to state that as far as possible, planning decisions will facilitate the potential for Northumberland to be a destination for:
- a. heritage and cultural visits;
  - b. cycling and walking holidays;
  - c. landscape and nature based tourism;
  - d. themed events, activity holidays;
  - e. dark sky visits;
  - f. weddings;
  - g. out of season offer; and
  - h. food and drink.
- and that this will be achieved through the development of new visitor attractions and facilities, accommodation and the expansion of existing tourism businesses. Criteria 2c) of the Policy goes on to state that the development of new build, permanent buildings for holiday accommodation of any sort in rural locations should be small scale and form part of a recognised village or hamlet.
- 7.15 With the above Policies in mind, it is considered that the construction of new, small-scale tourist accommodation within the built up area of a village which is in close proximity to a number of the County's most attractive tourist destinations would benefit the local rural economy, and expand upon the County's ability to accommodate overnight stays and longer tourist trips. The provision of accommodation in this location would not only benefit the local tourist attractions but would also lead to an increase in footfall for local businesses, which would lead to further economic and social benefits for local communities in this rural part of the County.
- 7.16 In light of the above considerations, the proposed holiday accommodation development would accord with Policy EDT1 of the Tynedale Core Strategy, Policy TM7 of the Tynedale District Local Plan, Policies ECN1, ECN12 and ECN15 of the emerging Northumberland Local Plan, and Paragraph 83 of the

NPPF. Members are recommended to give the identified social and economic benefits of the development appropriate weight when considering the current proposal.

- 7.17 During public consultation on this application, concerns had been raised by members of the public in respect of providing holiday accommodation in this location, due to the subsequent impact on the viability of the adjacent Hadrian Hotel to the west of the site. It is noted that the proposal seeks to construct one-bedroom self contained holiday accommodation units, which would provide a different offer to the accommodation provision at the adjacent Hadrian Hotel which can accommodate families and includes room service and a bar and restaurant as part of their guest accommodation. It is therefore considered that the proposed development would not detract from the viability of the Hadrian Hotel, and would not lead to a conflict with Policy CS1 of the Tynedale Core Strategy which seeks to protect existing community services and facilities.

*Planning balance - principle*

- 7.18 The site is located within the village of Wall, which is considered a sustainable location for development of this scale. It is considered that the village of Wall is an ideal location for the provision of holiday accommodation on this scale due to the proximity of tourist destinations, whilst increasing capacity for tourist accommodation in the local area would provide social and economic benefits to the local community, local businesses and the local tourist attractions. Members are recommended to give these benefits appropriate weight when considering the current proposal.

Design and Visual Impact

- 7.19 The application site is located within the Wall Conservation Area. The Draft Wall Conservation Area Character Appraisal (2008) states that the Wall conservation area was designated in April 1991 in response to the clear historic and architectural significance of the village with buildings that can be traced back to at least the sixteenth century. The form of the village has evolved organically, with dwellings presenting both traditional frontages and gabled elevations to the routeways throughout the Conservation Area. The historic core of the village comprises stone buildings with timber framed openings and pitched slate roofs, focused around Front Street to the west of this site and The Green further to the northeast. This contrasts with the more contemporary residential dwellings along the southern edge of the village, which comprise facing brick and render properties, whilst the Hadrian Hotel to the west of the site is a large and prominent render building with. Notwithstanding the variety in more modern development along the southern edge of the village, the character of the Conservation Area is defined by modest stone and slate buildings within modest plots. The site is also within the setting of 4no. Grade II Listed Buildings to the west of Front Street which are constructed of stone and slate with timber sash windows.
- 7.20 As described earlier in this report, the site is located on a prominent plateau above the level of Front Street to the west. Front Street forms the main



thoroughfare through the village, and is a popular route for people travelling from Hexham and the A69 to the south toward Humshaugh, Wark, Bellingham and Kielder to the north. When passing through the village from the south, the site would be visible on the right hand side when approaching and passing the Hadrian Hotel. The western boundary of the site is screened by deciduous trees along the earth embankment between the site and Front Street.

- 7.21 Policy BE1 of the Tynedale Core Strategy requires the proposal to conserve and where appropriate enhance the quality and integrity of the built environment, whilst also ensuring that the development is of a high quality design that will maintain and enhance the distinctive local character of the village. Policy GD2 of the Tynedale District Local Plan also highlights the importance of the use of materials which respect the positive characteristics of the building and the surrounding area. Policy BE22 of the Tynedale District Local Plan requires the proposal, which is within the setting of a number of Grade II Listed Buildings, to use traditional or sympathetic materials which are in keeping with those found on the stone and slate Grade II Listed Buildings to the west of Front Street.
- 7.22 Paragraph 190 of the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The authority should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.23 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.24 When considering proposals within a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.25 When considering proposals within the setting of a Listed Building, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the building

or its setting or any features of special architectural or historic interest which it possesses.

- 7.26 The proposed development would comprise of a narrow rectangular single storey building, staggered along the slight north-south gradient across the site. The building would be constructed of stone with timber openings and a dual pitched slate tile roof, which would be in keeping with the stone and slate buildings which form the character of the village. The proposal seeks to plant a hedgerow along the western boundary and 5no. cherry trees within the site to provide additional screening from views from public vantage points to the south and west. The existing stone wall along the southern boundary would be retained.
- 7.27 Concerns over the visual impact of the development on the streetscene and subsequent impact on the Conservation Area have been highlighted throughout the representations received in objection to this application. These concerns relate to both the principle of constructing a new building in this location, and the design and appearance of the current proposal.
- 7.28 When considering the current proposal, Members are advised to consider a previous appeal decision on this site<sup>1</sup>, in relation to application 18/03085/FUL for a two storey L-shaped dwelling which was refused under delegated powers in October 2018. This scheme was for a much larger building in respect of scale and massing than the current proposal, and was considered by Officers to have an unacceptable impact on the character and significance of the Conservation Area. The matter of the impact on the Conservation Area was considered by the Inspector, who set out the following in their decision:
- “10. The Wall Conservation Area (CA) in the area surrounding the appeal site is characterised primarily by residential properties of varying styles and sizes. The appeal site is located next to a wide highway verge which contains a number of trees.*
- 11. The proposal is located in a prominent position, however its proposed design, fenestration and materials would not be out of keeping with the variant built form in the area. The proposed development would result in the loss of an open space area. However, with the adjacent area of highway verge and open fields close to the appeal site, it is not considered that the proposal would significantly affect the openness of the surrounding area.*
- 12. Therefore, I find that the proposal would preserve the character and appearance of the CA. The proposal would not be contrary to the objectives of Policy BE1 of the Tynedale Local Development Framework Core Strategy, Policies GD2 and H32 of the LP and the Framework which seek to ensure that development reflects local character, is of a high quality design and maintains and enhances the distinctiveness local character of villages.”*

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<sup>1</sup> Appeal Ref: APP/P2935/W/19/3223533 (June 2019)

- 7.29 The Building Conservation team have been consulted on the application. During their comments in April on the originally submitted plans, as set out earlier in this response, it was considered that the principle of developing this site would not in itself lead to harm to the character or significance of the Conservation Area, though an objection was raised due to the design of the building and boundary treatments. Following this objection, amended plans were submitted and the Building Conservation team was re-consulted. During the second response in June, the changes in response to the initial objection were welcomed, whilst a list of conditions were recommended in the event of consent being granted, in the interest of preserving the character and significance of the Conservation Area and the setting of the 4no. Grade II Listed Buildings to the west of Front Street.
- 7.30 Noting both the previous appeal decision and the comments from the Building Conservation Officer, the recommending officer considers that the current proposal is a notable improvement over the previously refused scheme. The reduction in scale and massing, the method of building into the slope of the site's gradient, and the design changes in response to the Building Conservation Officer's comments would lead to a form of development which would not appear incongruous within the site's surroundings. The recommending officer acknowledges that the proposal would represent a change in the appearance of the site, though this is a common result of most forms of development, and Members are advised that change in itself would not form a reasonable reason to refuse this application unless an unacceptable degree of harm is identified. This is acknowledged in Historic England's 'Conservation Principles, Policies and Guidance' (2008), which states that change to a significant place, such as a Conservation Area, is only harmful if (and to the extent that) significance is eroded. Members are advised that the relevant tests when considering this application are whether:
- a) the proposed development would have an unacceptable adverse impact on the appearance of the streetscene; and
  - b) the proposed development would harm the character and significance of the Conservation Area and the setting of nearby Grade Listed Buildings.
- 7.31 When making the above observations, if Members consider that the proposal would conflict with either of the above tests, the degree of harm must be weighed against the public benefits of the development in line with Paragraph 196 of the NPPF; namely the economic and social benefits of providing small scale self contained holiday accommodation in this location. The recommending officer highlights that this is a materially different consideration to the previously refused scheme, as the public benefits of the currently proposed three holiday accommodation units are greater than the public benefits of the previously proposed one dwelling.
- 7.32 Further to the above observations in respect of the proposed development, it is noted that the felling of a tree located on the western boundary of the site is also proposed as part of the works. The reasoning behind the proposed tree felling is due to the positioning of the proposed building, the northwest corner of which would be within the root protection area of the tree, and because of the condition of the tree. The proposal seeks to position the building in this location

due to the narrow width of the site, and the requirement to keep the building setback from the eastern boundary for amenity reasons. It is considered that whilst the tree is visible from public vantage points along Front Street, the tree is viewed within the context of neighbouring trees adjacent to the site, and that the loss of this one tree would not lead to harm to the character or significance of the Conservation Area, or harm the setting of the Grade II Listed Buildings on the west side of Front Street. Notwithstanding this, the proposed hedgerow planting and planting of 5no. new cherry trees within the site would offset any visual impact of the development, whilst also helping screen existing development to the east of the site from views to the west.

- 7.33 Taking all of the above observations in account, along with the previous judgement of the Planning Inspector, it is considered that the whilst there would be a notable change to the streetscape, the proposed development would not lead to harm to the character or significance of the Conservation Area of Wall, or the setting of nearby Grade II Listed Buildings. The current proposal is a notable improvement over the previous scheme for a two storey dwelling on this site, which the Planning Inspector considered acceptable, whilst the changes to the design of the development and boundary treatments following comments from the Building Conservation Officer are considered acceptable. Notwithstanding this, if demonstrable harm were identified to the character or significance of the Conservation Area of Wall, or the setting of nearby Grade II Listed Buildings, the public benefits of the proposed holiday accommodation provision would weigh in favour of the proposals, in line with Paragraph 196 of the NPPF.
- 7.34 Subject to the conditions recommended by the Building Conservation Officer which are listed at the bottom of this report, the development would accord with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, Policies QOP1, QOP2, QOP6 and ENV1 of the emerging Northumberland Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.
- 7.35 Further to the above considerations, it is noted that Schedule 2, Part 2, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) establishes Permitted Development rights in respect of fences, gates, walls and other boundary treatments. In the interest of the appearance of the site within the Conservation Area, it is considered necessary to recommend the use of a condition which removes these Permitted Development rights, therefore requiring any future boundary treatments to need planning consent from the local planning authority.
- 7.36 The proposed development would also feature entranceways and pedestrian surfaces suitable for those with impaired mobility, in accordance with Policy GD3 of the Tynedale District Local Plan. The Building Conservation Officer has recommended a condition requiring further details of the materials to be used.

#### Residential Amenity

- 7.37 The proposal seeks to construct a single storey building adjacent to the western boundary of the site. The dimensions of the building and separation distances to the neighbouring dwellings to the east are set out earlier in this report.
- 7.38 Policy GD2 of the Tynedale District Local Plan requires development to not have an adverse impact on the amenity of neighbouring land uses in respect of loss of light, noise or other disturbance, overbearing appearance, or loss of privacy.
- 7.39 When considering the current proposal, Members are again advised to consider the previous appeal decision on this site<sup>2</sup>, in relation to application 18/03085/FUL for a two storey L-shaped dwelling which was refused under delegated powers in October 2018. This scheme was for a much larger building in respect of scale and massing than the current proposal, and was considered by Officers to have an unacceptable impact on the amenity of both the future occupiers of the dwelling, and the occupiers of the neighbouring properties to the east known as Ashcroft and Middle Chare. The matter of the impact on residential amenity was considered by the Inspector, who set out the following in their decision:
- “3. *The proposed property would be a large building consisting of single and two storey elements that would create a dominating expanse of built development. The proposal would be in close proximity to neighbouring properties Ashcroft and Middle Chare, which have windows which overlook the appeal site. Given the large and dominant nature of the proposal and the close distance between the proposal and these neighbouring properties, it would result in overbearing effects on the neighbours’ windows which would have a significant detrimental effect in terms of outlook for the occupiers of Ashcroft and Middle Chare.*
4. *Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities. The proposal would provide a small outdoor amenity area which would not be sufficient for occupants of the large three bedroom property. The lack of adequate outdoor space would give the property an oppressive feel that would have a detrimental effect on the living conditions of the occupants of the proposed property.*
5. *I note that the proposed development has been revised from a previous scheme which includes staggering of levels and orientating of the two storey element. However, I still find that the proposal would have adverse effects on the living conditions of the occupiers of the proposed development, Ashcroft and Middle Chare in respect of outlook and amenity space.*
6. *There are concerns that the privacy of the occupiers of Ashcroft and Middle Chare, as well as future occupiers of the proposed property, would be compromised. However, there are no windows into habitable rooms proposed in the property which would directly overlook Ashcroft and Middle Chare. I*

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<sup>2</sup> Appeal Ref: APP/P2935/W/19/3223533 (June 2019)

*therefore do not consider that the privacy of neighbouring and future occupiers would be adversely affected. This matter however would not outweigh the harm I have raised above.*

7. *I have had regard to the appellants statement of case which details that there are examples in the area where separation distances between properties are reduced and garden sizes are small. A planning application ref: 16/04574/FUL has being noted by the appellant along with developments at Mithras Court and West Farm Court. However, I do not have full details of these and so cannot be sure that they represent a direct parallel to the proposal of this appeal, including in respect relationship with adjoining buildings. In any case, I have determined the appeal on its own merits.*
8. *Accordingly, I find that the proposal would have a harmful effect on the living conditions of the occupiers of the new dwelling, Ashcroft and Middle Chare in respect of outlook and amenity space. The proposed development would not be in accordance with policies GD2 and H32 of the Tynedale District Local Plan (LP) and the National Planning Policy Framework (the Framework) which seek development to have no adverse effect on adjacent land or buildings, ensure adequate outlook is maintained and provide acceptable private and usable open space.”*

7.39 The recommending officer highlights that the Inspector in making this decision reached a different conclusion in respect of residential amenity than he did in respect of the impact on the Conservation Area. Whilst considering that the previous scheme for a two storey dwelling would not have an unacceptable impact on the Conservation Area, he did consider it would have an unacceptable impact on residential amenity, and therefore dismissed the appeal for this reason.

7.40 In response to this decision, the current proposal has been reduced in scale and massing from the previous scheme. The maximum height of the previous dwelling at 5.2m has been reduced to 3.8m for the current proposal. The separation distance between the eastern elevation of the previous dwelling from the property at Ashcroft was 9.3m, which has been increased to 12.3m for the current proposal. The received ‘Proposed Southern Elevation showing previous scheme’ plan, drawing number HP06, and ‘Proposed Western Elevation showing previous scheme’ plan, drawing number HP07, demonstrate the difference in scale and massing of the current development, and separation distances from the neighbouring property at Ashcroft, compared to the previous scheme.

7.41 Concerns have been raised by neighbouring properties to the east in respect of the impact of the development in terms of loss of light, overlooking, overbearing and loss of outlook. As highlighted in Section 2 of this report, the received plans do not show a previous addition to the neighbouring property known as Ashcroft, however this addition is set further away from the proposed development than the western elevation of the property’s kitchen. Therefore its omission does not materially affect the assessment of the proposal, which has

been assessed in respect of the western elevation of the property. The received plans also do not show the rear decking at Ashcroft but this is not a habitable room for the purposes of assessing amenity.

- 7.42 Turning first to natural lighting, the recommending officer notes the proposed height of the development, and difference in levels between the site and the neighbouring properties to the east. The recommending officer also notes the positioning of the proposed development to the west of the neighbouring properties, relative to the path of the sun. It is considered that the proposed development would not lead to a loss of light to the windows of habitable rooms at either of the neighbouring properties, with any potential loss of light in the later hours of the day just before sunset already caused by existing boundary treatments along the eastern boundary of the site.
- 7.43 Turning to overlooking, it is considered that the single storey development would not lead to overlooking onto the neighbouring properties, as views from the windows on the eastern elevations would be screened by existing boundary treatments. 3no. velux windows are proposed within the east facing pitched roof of the proposed development, however their angle within the roof pitch would not lead to overlooking.
- 7.44 Turning to overbearing impact and loss of outlook, it is acknowledged that the previous scheme had an unacceptable impact on the neighbouring properties in this respect. However, due to the reduction in scale and massing as described earlier in this report, it is considered that the current proposal would not have an unacceptable impact in either respect. The ridge of the proposed roof would be visible from views from the neighbouring properties, however due to it's height and separation from the neighbouring properties it is considered that this would not have an unacceptable impact on outlook.
- 7.45 Neighbouring residents have referred to Policy H32 of the Tynedale District Local Plan, which sets out criteria for residential development. Some of these criteria are of relevance when assessing the current proposal. Criteria f) of the Policy requires adequate privacy, outlook and daylighting is maintained by the spacing of dwellings. The following minimum guidelines will apply unless specific measures to avoid overlooking and give a reasonable outlook are incorporated into the design (recommending officer's emphasis added):
- i) a 25m distance between the rears of new two storey dwellings and existing dwellings;
  - ii) A 21m distance between the rears of new two storey dwellings; and
  - iii) A 15m distance between rear elevations and opposing gables and walls.
- 7.46 The eastern elevation of the proposed development would be the principle elevation, therefore criteria i) applies whilst criteria iii) does not. The recommending officer highlights that the proposed development would be a single storey development with a dual pitched roof, and not a two storey dwelling. There are existing boundary treatments between the existing and proposed buildings which would help to mitigate any impact. Therefore it is considered that, unlike the previous scheme considered by the Planning Inspector, the currently proposed development instance that due to the height

of the current proposal relative to the separation distances with neighbouring properties to the east, the proposal would not conflict with criteria f) of Policy H32 of the Tynedale District Local Plan or Paragraph 127 of the NPPF in this respect.

7.47 Another aspect of residential amenity, as noted by the Planning Inspector when making his decision, is the private amenity space of the development. In considering the previous scheme for a dwelling, the Inspector considered there was insufficient private amenity space for a dwelling, which would be detrimental to the living conditions of the future occupiers of the proposed dwelling. However, when considering previous proposals for holiday accommodation across the former Tynedale District, officers have taken a less restrictive approach on private amenity space than the approach taken for dwellings. The reasoning for this is that the users of holiday accommodation have different needs of occupiers of dwellings; it is not expected that tourists occupying the proposed development would require sustained periods of time in a private amenity space. The proposal is of a small scale, whilst the site is close to the village's facilities so that guests would not be wholly reliant on the outdoor space within the site for eating, socialising and recreation. The use of the outdoor space within the site is likely to be of a low key nature and could also be reasonably managed by the landowner. Therefore, whilst the proposed private amenity space would not likely be considered sufficient for a dwelling, it is considered sufficient for three holiday accommodation units. The proposal would therefore not conflict with Policy H32 of the Tynedale District Local Plan or Paragraph 127 of the NPPF in this respect.

#### *Restricted holiday accommodation use*

7.48 Further to the above considerations, it is noted that concerns have been raised during the public consultation period regarding the history of proposed residential schemes on this site, and the potential for the conversion of the subject building to a dwelling if consent were granted for the current scheme. Officers acknowledge this as a material planning consideration when assessing the current proposal.

7.49 Policy TM15 of the Tynedale District Local Plan requires the restriction of proposed holiday let units, including conversions, to ensure that they are not used as a full-time residential property. Policy TM16 of the Tynedale District Local Plan states that such restrictions under Policy TM15 would only be removed where permanent residence is considered appropriate. It is considered that the proposed private amenity space for the subject holiday let unit is insufficient for a permanent residential dwelling, therefore it is considered necessary to impose a restriction on the use of this building for holiday accommodation in accordance with Policy TM15, in the interest of the amenity of future occupiers of the development.

7.50 If the landowner later sought to remove this restriction and convert the building into a dwelling, a formal planning application would need to be submitted to the local planning authority which sought to remove this condition. Such a proposal would only be supported if it were clearly demonstrated that sufficient private



amenity space at this site could be achieved for the dwelling. Whilst officers cannot pre-determine a potential future application, Members are able to take the above observation into consideration when assessing this proposal and the recommended condition in respect of restricting the occupation of the development.

- 7.51 Further to the above, the use of a restrictive condition on the use of the development as holiday accommodation would also ensure the social and economic benefits to the local community, local businesses and the local tourist attractions from the development as set out earlier in this report would be realised.

#### *Permitted Development Rights – Extensions and enlargements*

- 7.52 When making the above observations in respect of the scale of the development in relation to neighbouring properties, the recommending officer wishes to highlight that the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only applies to residential dwellings and not holiday accommodation units. Therefore if the landowner sought to extend the currently proposed holiday accommodation units in the future, this would require consent from the local planning authority. This restriction of Permitted Development rights in respect of extensions would be secured through the use of the aforementioned condition which would restrict the use of the buildings as holiday accommodation, and not as a residential dwelling.

#### *Noise and other disturbance*

- 7.53 Representations have been received raising concerns regarding the potential use of the development for larger parties, and subsequent impact on the amenity of neighbouring residents in respect of noise. The presence of the bar at the adjacent Hadrian Hotel has been highlighted. Officers note that the development comprises three one bedroom units, in a small village in a rural part of the County, which would be unlikely to be capable of hosting such parties. Notwithstanding this, Members are advised that they are only able to consider the proposal put before them, and that to refuse an application based on speculation of the occupancy of the development would not be a reasonable decision. Officers are mindful of similar tourist accommodation elsewhere in the County which does not give rise to complaints in respect of noise, whilst there are no details in the application which would lead to the conclusion that the development would likely be used to accommodate large numbers of people, or otherwise give rise to noise issues from this development.

#### *Summary of Residential Amenity*

- 7.54 Subject to the use of recommended conditions as set out above, it is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of the development, or the amenity of the occupiers of neighbouring properties, in accordance with Policies GD2,

H32, TM15 and CS19 of the Tynedale District Local Plan and Paragraph 127 of the NPPF.

### Highway Safety

- 7.55 The proposal seeks to create three one-bedroom units. The received plans show the provision of three car parking bays within the site. The site would be accessed from the public highway to the south using an existing access point, which was previously granted approval to be used as an access for the dwelling to the north of the current site, reference: 16/00692/FUL. Therefore access to the dwelling to the north approved under 16/00692/FUL would be sought through the current application site. The proposal also seeks to locate its bin storage adjacent to the access point in the south east corner of the site.
- 7.56 The Highways Development Management team have been consulted on the proposal and have no objection, subject to the use of recommended conditions. The Highways Officer has also advised that the applicant would need to enter into a Section 184 agreement under the Highways Act to upgrade the access point onto the public highway. Subject to the use of these recommended conditions it is considered that the proposed works would not have an adverse impact on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, and Chapter 9 of the NPPF.

### Trees, Landscaping and Ecology

#### *Loss of tree on western boundary*

- 7.57 The application seeks to fell a tree on the western boundary of the site. Whilst the tree is not covered by a Tree Preservation Order, it is within the Wall Conservation Area and consent to fell the tree would be required from the local planning authority regardless of whether the current proposal was being considered. When assessing the felling of a tree within a Conservation Area, its condition and its visual prominence and contribution to the streetscene are considered. When considering such a proposal, in order to refuse an application to fell a tree in a Conservation Area, the tree would need to be deemed worthy of being 'elevated' to protection under a Tree Preservation Order. These considerations are reflected under Policies NE33, NE34 and NE35 of the Tynedale District Local Plan.
- 7.58 Concerns have been raised during the public consultation period in respect of the tree's contribution to the appearance of the streetscene, and that its felling would increase the visual prominence of the proposed development.
- 7.59 A Tree Report by an Arboriculturist has been submitted, which identifies a 'young mature' wild Cherry tree with a multi stemmed Sycamore growing from its base. The Arboriculturist recommends that that these Cherry and Sycamore trees are removed as these trees are close to the proposed development; have the potential to grow large; and will ultimately suppress the adjacent ornamental Cherries on the road side. The received plans also show the

planting of 5no. Cherry Trees within the site and planting of hedgerow along the western boundary, to offset the loss of the indicated tree.

- 7.60 The Council's Tree Officer has been consulted on the proposal and has no objection to the proposed felling of the Cherry tree and the felling of the Sycamore growing from its base, noting that the trees are not in good condition and noting the replacement trees within the site. The Tree Officer also considers that the proposed development would not have an adverse impact on the other trees to the west of the site which are to be retained.
- 7.61 It is considered that the subject tree does provide a limited contribution to the appearance of the streetscene within the Conservation Area. The tree is located behind adjacent trees; therefore its loss would not have an unacceptable adverse impact on the streetscene. The proposed hedgerow and planting of 5no. new Cherry trees within the site would also offset any visual impact.
- 7.62 It is considered that the subject Cherry tree and the Sycamore tree growing from its base are not of sufficient condition or visual merit to be worthy of being 'elevated' to protection under a Tree Preservation Order, whilst the proposed planting would offset the limited visual impact. The proposed felling therefore accords with Policies NE33, NE34 and NE35 of the Tynedale District Local Plan.
- 7.63 Concerns have been raised about the ownership of the tree, due to its location on the site boundary, and whether the applicant has legal consent to fell it. The recommending officer is mindful that the land to the west of the site is owned by the County Council, therefore due to its location and potential shared ownership of the tree, the applicant may require separate consent from the Council as shared owner to fell the tree. This would be a civil matter between the applicant and the County Council as landowner, and does not form a material consideration when assessing this planning application.

#### *Landscaping*

- 7.64 The proposal seeks to plant 5no. cherry trees, indigenous mixed species hedgerow, low level shrubs and bushes and grass. It is considered that the proposed soft landscaping is appropriate for a site of the size within a built up area, in accordance with Policy NE37 of the Tynedale District Local Plan.

#### *Ecology*

- 7.65 The application site is located within a built up area and is not within or near to ecological designations. It is considered that the proposed soft landscaping would provide a net gain in biodiversity. It is considered necessary to recommend the use of a standard condition requiring the applicant to use a suitably qualified ecologist to check the tree which is sought to be removed for any breeding birds prior to its felling. It is considered that the proposed works would accord with Policy NE1 of the Tynedale Core Strategy, Policies NE26 and NE27 of the Tynedale District Local Plan, and Chapter 15 of the NPPF.

### Foul drainage and surface water flooding

- 7.66 The proposal seeks to connect the to mains sewer system. This form of foul drainage solution would accord with Policy CS27 of the Tynedale District Local Plan and Paragraph 170 of the NPPF.
- 7.67 Northumbrian Water have been consulted and they have no objection to the proposed drainage solution, though have highlighted that their assets do cross the site, and have recommended the use of an informative advising the applicant to work with them to secure the necessary diversion, relocation or protection measures required for their assets. This is considered a civil matter between the applicant and Northumbrian Water, and not a material planning consideration when assessing this application.
- 7.68 The application has not indicated the proposed surface water drainage solution. The Council's Highways Officer has recommended the use of a condition requiring details of surface water management from the site. Whilst noting the amount of soft landscaping proposed across the site and the use of rainwater goods to drain run-off from the roof of the building, it is considered that the use of this condition would ensure the development would not lead to surface water flooding within the site or on adjacent land, in accordance with Policy GD5 of the Tynedale Core Strategy and Chapter 14 of the NPPF.

### Energy efficiency

- 7.69 Policy EN1 of the Tynedale Core Strategy sets out the principles for energy when assessing applications, which look to minimise the amount of energy used through the location, layout and design of development, and look to promote the development of micro renewable energy generation.
- 7.70 In line with the provisions of the NPPF, Policy STP3 of the emerging Northumberland Local Plan looks to maximise energy efficiency and the use of renewable and low carbon energy sources, whilst emerging Policy QOP5 requires proposals to incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting. Policy QOP5 also requires proposals to demonstrate that opportunities to incorporate locally sourced, recycled and energy efficient building materials have been considered; and requires proposals to demonstrate that opportunities to include small-scale renewable and low carbon energy generation have been considered.
- 7.71 It is considered that the application site is in a sustainable location for development on this scale, with adequate services and amenities being located in Wall and public transport links to the Main Town of Hexham and village of Acomb. Therefore the occupiers of the proposed development would not be dependent on the use of private vehicles for their day-to-day needs.
- 7.71 In respect of the design of the proposed development, it is noted that the application has not established how the works would look to use building

materials and methods of construction which would boost energy efficiency. It is therefore considered necessary to require these details to be submitted for approval prior to the construction of the development.

- 7.72 Subject to the use of a condition as set out above, it is considered that the proposal would lead to a form of development which would minimise energy use. The proposal is therefore in accordance with Policy EN1 of the Tynedale Core Strategy, Policies STP3 and QOP5 of the emerging Northumberland Local Plan and the NPPF in this respect.

#### Other considerations

##### *Equality Duty*

- 7.73 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*

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

##### *Human Rights Act Implications*

- 7.75 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.
- 7.76 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.

7.77 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 principle of the proposed holiday accommodation in this sustainable location is considered acceptable. It is considered that the village of Wall is a good location for the provision of holiday accommodation on this scale due to the proximity of popular tourist destinations, whilst increasing capacity for tourist accommodation in the local area would provide social and economic benefits to the local community, local businesses and the local tourist attractions. Members are recommended to give these benefits appropriate weight when considering the current proposal.
- 8.2 It is considered that the proposed development would not lead to harm to the character or significance of the Conservation Area of Wall, or the setting of nearby Grade II Listed Buildings or openness of the Green Belt. The current proposal is a notable improvement over the previous scheme for a two storey dwelling on this site, which the Planning Inspector had considered acceptable under a previous appeal decision, whilst the changes to the design of the development and boundary treatments following comments from the Building Conservation Officer are considered acceptable. Notwithstanding this, if demonstrable harm were identified to the character or significance of the Conservation Area of Wall, or the setting of nearby Grade II Listed Buildings, the public benefits of the proposed holiday accommodation provision would weigh in favour of the proposals.
- 8.3 It is considered that the current proposal would not lead to an unacceptable impact on the amenity of neighbouring residents, whilst there would be sufficient private amenity space within the site for users of the proposed holiday accommodation. The current proposal overcomes these issues under the previous proposal for a two storey dwelling, which was refused and subsequently dismissed at appeal on the grounds of impact on the amenity of neighbouring properties and insufficient private amenity space for occupiers of the proposed dwelling.
- 8.4 It is considered that the proposed felling of a Cherry tree on the western boundary, and the Sycamore tree growing from its base, would not have an unacceptable adverse impact on the appearance of amenity of the streetscene within the Conservation Area and setting of nearby Grade II Listed Buildings. The proposed planting of hedgerow and 5no. Cherry Trees within the site would offset any visual impact of the felling.

- 8.5 The proposal would not have an unacceptable adverse impact on highway safety, and would not lead to surface water flooding within the site or elsewhere.
- 8.6 Subject to the use of recommended conditions listed at the bottom of this report, the proposal would accord with the relevant Policies in the Development Plan and the NPPF.

## 9. Recommendation

That this application be GRANTED planning permission subject to the following:

### Conditions

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

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

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

E10 Rev E	Existing Site Plan and Site Location Plan – Received 15.05.2020
HP01 Rev E	Proposed Site Plan and Site Location Plan – Received 26.06.2020
HP02 Rev E	Proposed Plan and Landscaping Plan – Received 26.06.2020
HP03 Rev D	Proposed East and West Elevations – Received 19.05.2020
HP04 Rev C	Proposed North and South Elevations – Received 19.05.2020
HP05 Rev D	Proposed Site Sections – Received 19.05.2020
HP06 Rev A	Proposed Southern Elevation showing previous scheme – Received 19.05.2020
HP07 Rev A	Proposed Western Elevations showing previous scheme – Received 19.05.2020

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

- 3) The occupation of the holiday units identified in this application shall be undertaken in accordance with the following points:
- (i) The units shall only be occupied for holiday purposes only
  - (ii) The units shall not be occupied as a person's sole or main place of residence
  - (iii) The owners/operators of the unit shall maintain an up-to-date register of the name of all occupiers of the unit, and of their main home addresses, and shall make this information available upon request at all reasonable times to the

local planning authority. The register shall be collected by the unit owner or his/her nominated person.

Reason: To encourage tourism by ensuring that the development is used for holiday accommodation only, and to prevent its use as full-time permanent residential use which would have insufficient private amenity space, in accordance with Policies GD2, H32 and TM15 of the Tynedale District Local Plan and Paragraph 127 of the National Planning Policy Framework.

- 4) Notwithstanding the details on the hereby approved plans, no development shall be commenced above damp proof course level until the following are submitted to and approved by the Local Planning Authority:

- i) Details, including photographs, of all external materials;
- ii) Details of all boundary treatments;
- iii) Details of all rainwater goods, which would be of black aluminum or similar and should be affixed using traditional methods.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 5) No development shall be commenced above damp proof course level until a sample panel of the proposed stonework and mortar mix, which should be a lime mortar (the specification for which shall also be submitted), is erected for inspection and approved by Local Planning Authority.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 6) Details of any ventilation and extraction to the external elevations shall be submitted to and approved by the Local Planning Authority before any such works commence.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 7) Details of the proposed layout and surfacing of the car park shall be submitted to and approved by the Local Planning Authority before any such works commence.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.



- 8) Notwithstanding the details on the hereby approved plans, windows and doors shall be timber with a painted finish and shall not include trickle vents.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 9) Notwithstanding the details on the hereby approved plans, windows shall be double hung sliding sash windows and shall be recessed within their openings by approximately 100mm.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 10) Notwithstanding the details on the hereby approved plans, there shall be no fascia boarding attached to the eaves of the development.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 11) Notwithstanding the details on the hereby approved plans, the rooflights shall be Conservation style and shall be flush fitting.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

- 12) No development shall be commenced above damp proof course level until the following are submitted to and approved by the Local Planning Authority:

- (i) Details showing the use of locally sourced, recycled and energy efficient building materials where appropriate; and
- (ii) Details showing the incorporation of methods to maximize energy efficiency.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure an energy efficient form of development, in accordance with Policy EN1 of the Tynedale Core Strategy and Chapter 14 of the NPPF.

- 13) Development shall not commence until a Construction Method Statement and accompanying Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement and

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

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. measures to control the emission of dust and dirt;

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale District Local Plan, and Chapter 9 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale District Local Plan, and Chapter 9 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety and sustainable development, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale District Local Plan, and Chapter 9 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale District Local Plan, and Chapter 9 of the National Planning Policy Framework.

- 17) Prior to occupation of the development, details of surface water drainage to manage run off from private land shall be submitted to and approved 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 onto adjacent land, in the interest of the amenity of the neighbouring land uses, in the interest of highway safety, and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policies GD4 and GD5 of the Tynedale District Core Strategy, Policies GD2 and GD4 of the Tynedale District Local Plan, and Chapters 9 and 14 of the National Planning Policy Framework.

- 18) No external refuse or refuse container shall be stored outside of the approved refuse storage area shown on the approved plans, except on the day of refuse collection.

Reason: In the interest of the amenity of the surrounding area and in the interest of highway safety, in accordance with Policies BE1 and GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale District Local Plan, and Chapter 9 of the National Planning Policy Framework.

- 19) No tree felling shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with Policy NE1 of the Tynedale Core Strategy, Policy NE27 of the Tynedale District Local Plan and the NPPF.

- 20) Notwithstanding the details shown on the hereby approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, new building, window, door, wall, fence, gate or other means of enclosure shall be constructed on the building or within the site unless an application for planning permission on that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the development within the Wall Conservation Area and setting of Grade II Listed Buildings, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale District Local Plan, and Paragraph 127 and Chapter 16 of the NPPF.

## **Informatives**

1. Northumbrian Water Assets

Northumbrian Water have highlighted that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus. Northumbrian Water are willing to work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. Further information is available at <https://www.nwl.co.uk/services/developers/>

2. New vehicle crossing point – Type Access B (S184)

You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Area Highways Office at [westernareahighways@northumberland.gov.uk](mailto:westernareahighways@northumberland.gov.uk)

3. 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 .

4. 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.

5. Containers Required for the Storage of Waste

For new individual properties the following will be required to be provided:

240 litre wheeled bin for residual refuse;

240 litre wheeled bin for recycling;

Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme.

**Background Papers:** Planning application file(s) 20/00776/FUL; 18/03085/FUL; 16/00692/FUL.