

1. Introduction

1.1 This application is being reported to the Local Area Committee as the proposal has been submitted by Arch, the Council's regeneration company.

2. Description of the Proposals

2.1 Full retrospective planning permission is sought for the change of use of the land at 1A Sussex Street Blyth to provide a hard standing area for a temporary over-spill car park.

2.2 The formal building on the site was single storey and consisted of a corrugated roof and white render walls. The last use of the building was as a fish & chip shop. The building has now been demolished and removed and the site is now flat and a road surface has been laid. Google Street View images held on file show the form and setting of the former building.

2.3 The site is primarily accessed from Blyth Town Centre by adjacent vehicular and pedestrian routes. Vehicular access would principally be via the car park, as accessed from the existing entrance along Wapping. The closest residential properties are located adjacent to the application boundary at Sussex Street.

2.4 The site is not located in an ecologically sensitive area and is not subject to any ecological designations. Designated ecological sites in the wider area include the Northumbria Coast SPA and Ramsar site (150m east of the site) and the Northumberland Shore SSSI (1.8km northeast).

2.5 The site is not subject to any heritage designations. The site is however within proximity to the Blyth Harbour Area Conservation Area, and Listed Buildings in proximity to the site include Bath Terrace (Grade II), High Light Lighthouse (Grade II), Church of St Cuthbert (Grade II*), Police Station (Grade II) and the Kings Head Hotel (Grade II).

2.6 The change of use does not have a significant impact on the parking provision. The site is within close proximity to the town centre and a range of facilities which can be accessed on foot.

3. Planning History

No Planning History

4. Consultee Responses

Blyth Town Council	No response received.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	16
Number of Objections	0

Number of Support	0
Number of General Comments	0

Notices

Site Notice - General site notice – Posted 25th September 2017
No Press Notice Required.

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley Core Strategy (2007)

REG5 Business Clusters

Blyth Valley Development Control policies DPD (2007)

DC1 General Development
DC11 Sustainable Travel
DC20 Utilities and Infrastructure
DC23 Conservations Areas
DC24 Listed Buildings
DC27 Design of New Developments

Blyth Valley Local Plan (1999)

BQ2 Sussex St Ridley St Bridge St Area
BQ03 Intermediate Area
W4 Port of Blyth: Port Development Area

6.2 National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014, as updated)

7. Appraisal

7.1 The main issues for consideration in relation to the proposed development include the principle of development, design, residential amenity, and impact on the adjacent conservation area.

Principle of Development

7.2 National and local planning policies and planning guidance support the principle of sustainable development and sustainable economic growth. The Core Principles of the National Planning Policy Framework (NPPF) encourage the effective use of land by reusing brownfield land and promotes sustainable development in terms of

accessibility, design and location. The NPPF seeks for Local Planning Authorities to approve sustainable development proposals that accord with the Development Plan without delay.

7.3 Policy REG6 of the Blyth Core Strategy and Policy DC1 of the Blyth Valley Development Control Policies and Policies BQ2, BQ3 and W4 of the Blyth Local Plan provide key guidance to the development of the site. Policies BQ2, BQ3 and W4 supports the development at this location (subject to criteria) whilst Policy REG6 seeks for business clusters to support existing tourism, culture and visitor developments. Policies DC1 supports the principle of economic development within and adjacent to Blyth Town Centre.

7.4 The application site constitutes a brownfield site and is located in proximity to Blyth Town Centre. The site is accessible by multiple forms of sustainable transport including bus, pedestrian and cycle users. The application has been appraised and it is considered that the development would achieve an acceptable standard of urban design at a location providing a gateway into the town, delivering a new car park development of a scale proportionate to the town of Blyth.

7.5 The principle of development in terms of the site, location, scale and form of development therefore accords with the aims of the emerging Core Strategy, the NPPF and Policy REG6 of the Blyth Core Strategy, Policy DC1 of the Blyth Valley Development Control Policies and Policy W4 of the Blyth Local Plan.

Design

7.6 Paragraph 56 of the NPPF states that great importance should be attached to the design of the built environment and that good design is a key aspect of sustainable development. Regard is given to Paragraph 60 of the NPPF that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

7.7 Paragraph 58 states that decisions should aim to ensure that developments function well and add to the overall quality of the area and optimise the potential of the site accommodating an appropriate mix of uses and support local transport networks. Paragraph 58 requires developments to create safe and accessible environments that are visually attractive as a result of good architecture and appropriate landscaping. Policy DC27 of the Blyth Valley Development Control Policies provides guidance in terms of requiring a high standard of design within the Blyth Valley area.

7.8 The car park has been designed to provide a facility for daytime and evening use, and to provide an improvement to the quayside area both in terms of creating a more populated environment along Sussex Street and Quay Road. The car park consists of a Teram covering with 300mm sub dig, 250mm sub base type 1 and a 50mm course binder tarmac.

7.9 The scale and materials incorporated into the car park are considered proportionate and would complement the existing residential/commercial/office buildings adjacent to the site. The scale and design of the car park would remain

proportionate to the wider area and would not result in an adverse impact on the residential and community buildings in proximity to the site. The development is considered to accord with the principles of the NPPF and Policy DC27 of the Blyth Valley Development Control Policies DPD.

Impact on Residential Amenity

7.10 The nearest residential properties are located approximately 10m south of the site and adjacent to the application boundary at Wapping and Sussex Street. Potential impacts on residential properties may have resulted from the construction phase of the development (including associated vehicle movements, noise, and dust), impacts on visual amenity, and the use of the site.

7.11 The car park may have had the potential to cause adverse impacts on residential amenity during the construction period of the development and through the use of the car park. The construction period of the development has now passed.

7.12 The scale and massing of the proposals would be consistent with the adjacent uses and buildings. Whilst in a different use, the car park is considered to be a more favourable use than the previous use as a fish and chip shop use and therefore the proposals are not considered to adversely impact the residential properties given the location and distance from these properties. The proposals therefore accord with the saved policies of the Blyth Valley Development Control Policies DPD.

Impact on adjacent Conservation Area/Heritage Assets

7.13 The legislative framework has regard to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the desirability of preserving any listed building and its setting as well as the need to 'preserve or enhance' the character, appearance and setting of conservation areas (s.71 and s72) of the 1990 Act. The National Planning Policy Framework (NPPF) is obviously a significant material consideration. Section 12 'Conserving and Enhancing the Historic Environment' (paragraphs 132-137) discusses the concept and degree of 'harm' that can be caused by development that potentially affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm' or 'less than substantial harm' and advises LPA's to balance the level of harm against the benefits of the development proposed.

7.14 The impacts of the development have been assessed against a full understanding of the heritage interest of the site and heritage assets in the surrounding area. With regard to paragraph 133 of the NPPF, the development will not result in the 'total loss or substantial harm' to the identified heritage interest of any designated heritage asset (or currently undesignated assets of a similar importance). There will be no identified physical harm to any designated heritage asset. The change of use of the site actually makes a positive contribution to the appearance and setting of the adjacent Conservation Area.

7.15 Whilst the proposal is not within any of the Blyth Conservation Areas, views into/out of the Heritage Conservation Area would be affected. It is noted that there is a visual relationship between the site and most of the surrounding heritage assets, both designated and non-designated.

7.16 St Cuthbert's Church is the nearest Listed building to the site, where its setting is not affected by the proposed development, neither is the lighthouse (Grade II Listed), which is clearly visible above all surrounding buildings (and should remain visible towards the sea in order for its significance to be respected). However, these two listed buildings are also affected by recent developments in much closer proximity.

7.17 Officers are aware that this is a brownfield site and its improvement is important following the demolition of Port of Blyth related buildings in previous decades. The development itself is acceptable, bearing in mind the recent developments on Quay Road, Quayside and High Quay. In terms of the impact on the adjacent Heritage Conservation Area and listed buildings there are no issues in this respect. The scale/massing of the car park would not harm the character and appearance of the Conservation Area or the setting of the listed buildings.

Equality Duty

7.18 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

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

Human Rights Act Implications

7.20 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.

7.21 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.

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

8. Conclusion

8.1 National and local planning policies provide a positive framework for encouraging sustainable economic development, and delivering key infrastructure that supports sustainable communities. As set out in the appraisal, the development provides an additional car parking facility accessible by multiple modes of sustainable transport and the reuse of a brownfield site adjacent to Blyth Town Centre.

8.2 The car park development is consistent with national and local planning policy and planning guidance. The development would deliver key benefits in terms of car parking facilities, complementing the existing facilities in proximity to the site and the Town Centre and the application accords with Policy REG5 of the Blyth Valley Core Strategy, Policies DC1, DC11, DC20, DC23, DC24 and DC27 of the Blyth Valley Development Management Control Policies DPD, and Policies BQ2, BQ3 and W4 of the Blyth Valley Local Plan and the guidance set out in the National Planning Policy Framework.

8.3 The principle of the development is acceptable and as such the car park represents a satisfactory form of development in the area and will not cause detriment to the surrounding area. The proposed development will not have an adverse impact on any of the neighbouring properties due to the nature of the site and the relationship/distance of the dwellings and their neighbouring properties.

9. Recommendation

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

Conditions/Reason

01. The development hereby permitted must be commenced within three years from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans reference:

TITLE PLAN VIEW - ND150047

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

Background Papers: Planning application file(s) 17/03231/FUL