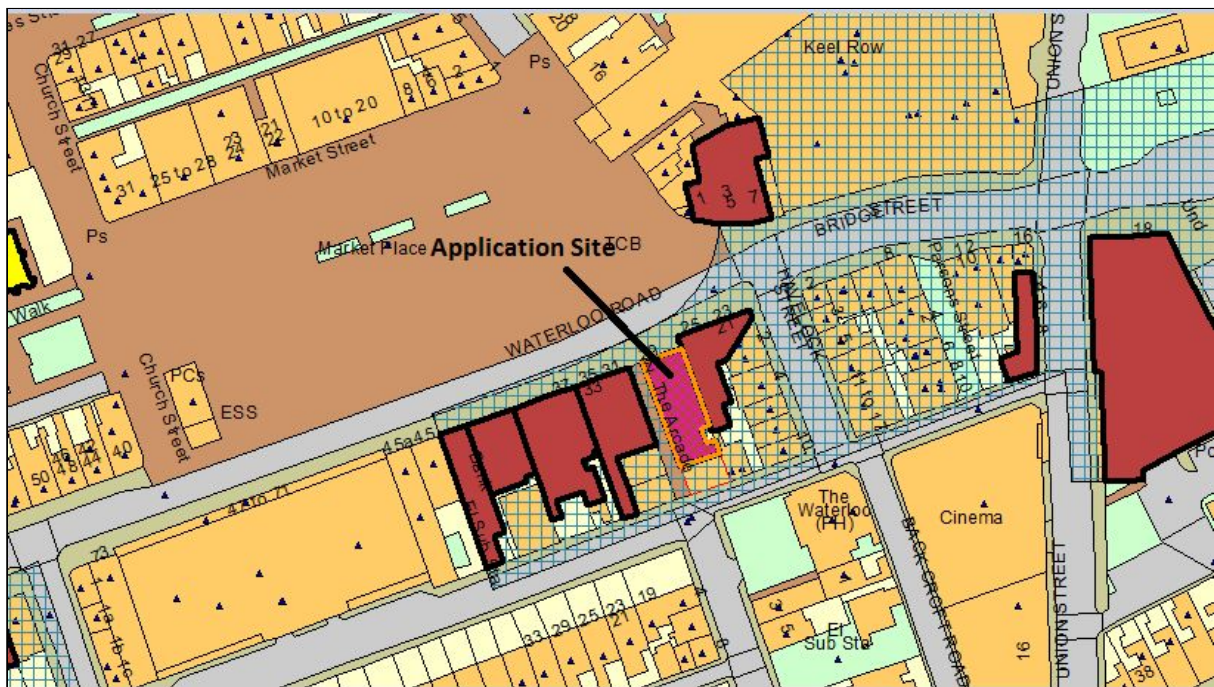




Northumberland County Council

ASHINGTON & BLYTH LOCAL AREA COMMITTEE 11 SEPTEMBER 2019

Application No:	19/00882/COU		
Proposal:	Change of Use from A1 retail to the rear area of the ground floor and upper floors to Sui Generis to accommodate a House in Multiple Occupation (HMO) comprising 19 residential units and ancillary communal areas, with the front section of the ground floor to be retained in A1 retail use (as amended)		
Site Address	27-29 , Waterloo Road, Blyth, Northumberland NE24 1BW		
Applicant/ Agent	Mr Alan Holmes 43 Lovaine Avenue, Whitley Bay, NE25 8RW		
Ward	Croft	Parish	Blyth
Valid Date	22 March 2019	Expiry Date	17 May 2019
Case Officer Details	Name: Mrs Judith Murphy Job Title: Principal Planning Officer Tel No: 01670 622640 Email: Judith.murphy@northumberland.gov.uk		



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Recommendation: That this application be GRANTED permission

1. Introduction

1.1 In accordance with the Council's current Scheme of Delegation, when a number of objections are received to an application, the application is placed on the Vetting List for consideration by the Senior Planning Manager. It was subsequently considered that the application merits determination by Committee rather than under Delegated Powers.

2. Description of the Proposals

2.1 The application seeks permission for the change of use and conversion of an existing retail unit (A1) at 27-29 Waterloo Road, Blyth to form a smaller retail unit at ground floor level and a House of Multiple Occupation (HMO) to the upper floors. The applicant has confirmed that the HMO will target workers on low incomes as future residents.

2.2 The proposal seeks to reduce the size of the existing ground floor retail unit to create a smaller unit of approximately 70sqm to the front of the building. To the rear at ground floor, communal areas would be created including a gym, a kitchen, a laundry room and office accommodation to accompany the shop to the front of the building. On the upper floors the HMO would consist of 19no bedsits, with access being taken from the rear of the building where there would be a lobby area and a lift to the upper floors. External changes would be limited to the insertion of 2no windows and a fire exit to the side elevation.

2.3 The application site is located within Blyth Town Centre and is within the Blyth Town Centre Conservation Area and the town's Primary Shopping Area. The building is Locally Listed and fronts onto Waterloo Road (B1228) to the north, with the Market Place opposite. It is bound to the east by commercial premises, to the west by an alley with further commercial units beyond and to the rear by Bondicar Terrace with a public house and residential development beyond.

3. Planning History

Reference Number: B/07/00459/FUL

Description: Alterations to shop front, use of 1st floor as storage. Installation of lift.

Status: Application Returned

Reference Number: B/77/C/437

Description: Provision of new shop front and internal alterations 27-29 Waterloo Road

Status: Permitted

Reference Number: B/77/C/438

Description: Provision of illuminated shop sign

Status: Permitted

Reference Number: B/81/C/1

Description: Erection of illuminated sign at 27-29 Waterloo Road, Blyth

Status: Permitted

Reference Number: B/83/C/333

Description: Illuminated sign at 27/29 Waterloo Road, Blyth

Status: Permitted

Reference Number: C/76/C/GD7

Description: Self Service Job Centre

Status: Permitted

Reference Number: B/87/C/352

Description: Fascia sign (29)

Status: Permitted

Reference Number: B/88/C/417

Description: Change of use to furniture shop 1st & 2nd floor

Status: Permitted

Reference Number: B/99/C/0181/P

Description: Alterations to elevations

Status: Withdrawn

Reference Number: B/99/C/0257/P

Description: Alterations to elevations (resubmission)

Status: Permitted

4. Consultee Responses

Blyth Town Council	No response received.
Building Conservation	No objection to the development proposals and support the application - subject to arcade elevational treatment (openings).
County Ecologist	No objection subject to contribution to CMS being secured.
Fire & Rescue Service	No objections
Highways	No objections subject to conditions and informatives
Northumbrian Water Ltd	No comment
Public Protection	No objections subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	17
Number of Support	0
Number of General Comments	0

Notices

Site notice - Conservation & affect LB, posted 3rd April 2019

Press notice - News Post Leader, published 4th April 2019

Summary of Responses:

- Development will bring more vulnerable people into Blyth
- Will increase drug use
- More retail use required
- Enough bedsits in Blyth
- Same use would not be considered appropriate in Morpeth, Ponteland or Hexham
- No parking provision included
- Anti-social and criminal behaviour
- Blyth has enough problems without inheriting more

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=PFEMSUQSJ7E00>

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley Core Strategy (2007)

SS1 Regeneration and Spatial Strategy

Blyth Valley Development Control Policies DPD (2007)

DC1 General Development

DC2 Planning Obligations

DC5 Housing Windfall Sites

DC11 Sustainable Travel

DC23 Conservations Areas

DC25 The Local List

DC27 Design of New Developments

Blyth Valley Local Plan (1999)

B1 Retail Frontage Control Policy
B4 Living Over The Shop

6.2 National Planning Policy

National Planning Policy Framework (2019)

Planning Practice Guidance (2019, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Submitted May 2019)

STP 1 Spatial strategy (Strategic Policy)

TCS 1 Hierarchy of centres (Strategic Policy)

TCS 2 Defining centres in Main Towns (Strategic Policy)

TCS 3 Maintaining and enhancing the role of centres (Strategic Policy)

TCS 5 Keeping high streets vibrant

QOP 1 Design principles (Strategic Policy)

QOP 2 Good design and amenity

TRA 1 Promoting sustainable connections (Strategic Policy)

TRA 2 The effects of development on the transport network

TRA 4 Parking provision in new development

ENV 9 Conservation areas

INF 6 Planning obligations

6.4 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act 1990

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of Development,
Emerging Policy,
Scale, Design & Visual Impact,
Amenity,
Highways,
Heritage Assets, and
Coastal Mitigation.

Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new

development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the policies of the Blyth Valley District LDF Core Strategy (2007) (BVCS), Blyth Valley District LDF Development Control Policies DPD (2007) (BVDCP) and the saved policies of the Blyth Valley District Local Plan (1999) (BVLP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policy DC1 of the BVDPD states that development proposals will be expected to be situated within settlement boundaries as shown on the Local Plan proposals map. Furthermore, Policy DC5 of the same document states that the re-use of existing buildings for housing purposes will be permitted if the site is within a defined settlement and is not allocated or protected for any other purpose.

7.5 Policy SS1 of the BVCS more generally states that the majority of new housing, employment, retail and other significant development will be directed towards the main towns of Blyth and Cramlington... within defined settlement limits.

7.6 Policy C14 of the BVLP seeks to ensure that the town centres of Blyth and Cramlington will be retained and enhanced. The policy states that proposals for non-retail uses at ground floor level within Blyth Town Centre will be controlled by the Blyth Town Centre Frontage Policy (Policy B1). Policy B4 of the same document seeks to encourage the reuse of underused upper floors of commercial premises throughout the town centre.

7.7 The proposed development seeks to retain the whole of the frontage onto Waterloo Road (albeit with a reduced floorspace) whilst maintaining a commercial use at ground floor level. In this regard, the proposal complies with policies C14 and B4 of the BVLP in that it would bring the upper floors of a building which has been vacant for some time back into use. There are a number of large retail units vacant within Blyth town centre and it is considered that the reduction in size of the existing unit may be more likely to attract retailers to it.

7.8 Development in Blyth town centre has good access to a range of services and to public transport links and can be considered a sustainable location for development. In this context it is therefore considered that the principle of the proposal is acceptable in line with the NPPF.

Emerging Policy

7.9 Paragraph 48 of the NPPF states that some weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) (NLP) was submitted to Government on 29th May 2019 for examination. As such, the policies contained within this document carry some weight in the determination of planning applications at this stage.

7.10 Policy STP1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. The Policy sets out a hierarchy of settlements within which development will be supported. Policy STP1 identifies Blyth as a Main Town which will be the main focus for development within the county. Little weight can be attributed to the emerging Local Plan at this stage, however, the Plan does propose a direction of travel for the forthcoming Plan period in shaping how the County can be developed. In that respect, the proposal is considered to be in general accordance with this policy.

Scale, Design & Visual Impact

7.11 Policy DC1 of the BVDCP states that development should have no adverse impact on the character and views of important landscape or on historic and geological features of the area. Policy DC27 of the same document recognises the importance of good design in regards to new development within the former district.

7.12 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.13 It is considered that the proposed changes would not give rise to any significant concerns in respect of design or visual impact. No material changes are proposed to the exterior of the building and as such there would be no visual impact arising. It is considered therefore that the proposal is appropriate in this respect and is in accordance with Policies DC1 and DC27 of the BVDCP and the NPPF.

7.14 Policy QOP1 of the emerging Northumberland Local Plan (NLP) echoes this and seeks to support development which respects its surroundings. Policy ENV1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. Notwithstanding the limited weight to be attached to the policies of the NLP, the proposal is considered to be in general accordance with these policies.

Material Planning Considerations

7.15 A number of objections have been received in respect of the proposal, all of which are listed earlier in the report. It is important at this point and as an aide memoire to set out what case officers can consider in their assessment of a planning application.

7.16 'Material Planning Considerations' must be genuine planning considerations, ie they must be related to the purpose of planning legislation and must also fairly and reasonably relate to the issue in question. Examples of material planning considerations are set out here:

Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

7.17 Issues such as loss of view, or negative effect on the value of properties are not material considerations in the same way that perceived behavioural matters, vulnerable tenants, anti-social behaviour, substance abuse or number of similar uses within the area are not material considerations.

7.18 The strength of feeling from the residents of Blyth in respect of this proposal is fully understood. Notwithstanding this, and as explained, the majority of the concerns raised do not fall within the legislation surrounding planning to allow the Local Planning Authority to accept these as material planning considerations. Issues such as car parking is a planning consideration and has been addressed within this report. The other 'non-planning' matters can and will be controlled by other bodies, such as the police and other bodies of the Council, such as the anti-social behaviour team and the housing and homelessness teams.

7.19 With that in mind, Members are reminded that the applicant has stressed that the intended tenants are workers on low-incomes. As shown in the applicant details, the applicant is the Director of a company who has other developments in similar use and has expressed concern at the rumours of the perceived tenants the HMO might accommodate. The Director has reiterated that it is the intention to house low income workers in order to manage staffing levels and maintain control over behaviours. To do otherwise would give rise to increased management and cost issues, which the Director is keen to avoid.

Amenity

7.20 Policy DC1 of the BVDCP seeks to ensure that development proposals will have no adverse impact on the amenities of residents of nearby residential properties.

7.21 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.22 The amendments to the internal layout of the building and the insertion of windows and a fire escape to the western elevation are not considered to present any significant issues in terms of residential amenity. It should be noted that Policy DC1 referred to in para 7.15 in discussing the impact on the amenities of residents and nearby residential properties refers to matters such as loss of privacy, overlooking, overbearing and loss of light that might result as a consequence of the development. In other words, how the structural reconfiguration of a building or a new build may have the potential to compromise those amenities of existing/neighbouring residents. It does not relate to the impacts of the potential behaviours of the residents, which is a very separate matter and one that has been discussed under 'Material Planning Considerations' above.

7.23 As there would be no issues arising in terms of loss of privacy, overlooking, overbearing or loss of light, the proposal accords with Policy DC1 of the BVDCP and the NPPF in this respect.

7.23 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

Highways

7.24 Policy DC11 of the BVDCP seeks to encourage the use of public transport by ensuring that new development is accessible to public transport, to minimise the impact of development upon the highway network and to provide an appropriate level of car and cycle parking provision within new developments.

7.25 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.26 The Local Highway Authority responded to consultation. Although no car parking has been submitted as part of this application the proposed development benefits from ample town centre car parking and good public transport links and the applicant proposes to provide cycle storage facilities as part of this application. The traffic expected to be generated from the proposed development is not considered to have a harmful impact on the highway network. There are no highway safety concerns arising from the proposed development. It is therefore considered that the proposal is in accordance with highways policy and the NPPF in this respect.

7.27 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

Heritage Assets

7.28 The application site is located within the Blyth Town Centre Conservation Area and as such due consideration must be given to this heritage asset. Furthermore the building is included on a list of locally important buildings (the local list), having been

identified by the Council as a building of local heritage significance meriting consideration in any development proposals which may affect its character.

7.29 The legislative framework has regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.30 Policy DC23 of the BVDCP states that development within or adjacent to a Conservation Area that preserves or enhances the area's character and appearance will be permitted. Meanwhile Policy DC25 states that in determining applications that affect entries on the list of locally important buildings, particular regard will be had to a range of criteria including the historic importance and character of the building.

7.31 The Council's Building Conservation Officer has responded to consultation welcoming the proposed retention of the Clock (and access to it) and the existing roof structure with its original timber roof trusses. In respect of the proposed external alterations no objections are raised to the formation of a door and windows within the arcade elevation, however it is recommended that further details of the openings are submitted or conditioned in any grant of permission to ensure the size, form and material palette appropriately respond to the character of the Conservation Area. On this basis the proposals are considered to be acceptable and in accordance with Policies DC23 and DC25 of the BVDCP, the NPPF and PLBCAA.

7.32 Policy ENV7 of the emerging Northumberland Local Plan (NLP) states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Policy ENV9 of the emerging NLP seeks to ensure that development within conservation areas helps to preserve or enhance the character or appearance of that area. This policy forms a material consideration in the assessment of this application and it is considered that the proposals are in general accordance with it.

Coastal Mitigation

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

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

7.35 The contribution per unit in this location would be £600. This contribution can be secured by Unilateral Undertaking by virtue of S106 of the Town & Country Planning Act 1990.

7.36 In this instance, a sum of £4,740 has been requested and the applicant has confirmed that they would be willing to agree to pay this. As such it is considered that the proposal is acceptable in this respect.

Equality Duty

7.37 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

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

Human Rights Act Implications

7.39 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.

7.40 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.

7.41 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 concerns of the objectors have been fully taken into account in the assessment of this proposal. In view of the material planning considerations the Local Planning Authority can assess, it is considered that the proposal is of an appropriate design and represents an appropriate form of development that would not have a significant adverse impact on the street scene, the conservation area or the amenity of nearby residents. The application has been assessed and found to be acceptable in relation to its impact upon highways, parking, landscaping and ecology. It is therefore considered that the proposal is in accordance with national and local planning policies and on that basis, is recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the conditions set out below and a Section 106 Unilateral Undertaking to secure the following:

A financial contribution towards the council's Coastal Mitigation Service of £4,740:

Conditions/Reason

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

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

02. Approved Plans

The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

1. Location Plan;
2. Drawing No. 04 - Proposal - Ground Floor;
3. Drawing No. 05 - Proposal - First Floor;
4. Drawing No. 06 - Proposal - Second Floor;
5. Drawing No. 09 - Proposed Front and Rear Elevations;
6. Drawing No. 10 - Proposed Side Elevation.

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

03. Implementation of cycle parking

The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety ,residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

04. Construction Delivery / Collection hours

Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

05. Noisy Working Hours

During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

06. Details of new openings to be submitted

Prior to works commencing on any new window and door openings, full details of the proposed new elements, at a scale of not less than 1:5, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all windows and doors shall be installed in accordance with the approved plans.

Reason: To retain control over the external appearance of the development and to ensure that the character and appearance of the conservation area is not prejudiced, in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance as set out at Chapter 16 of the NPPF.

Informatives

1. 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.

2. 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

3. Statutory Nuisance

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

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Date of Report: 29.05.2019

Authorised by:

Date:

Background Papers: Planning application file(s) 19/00882/COU