

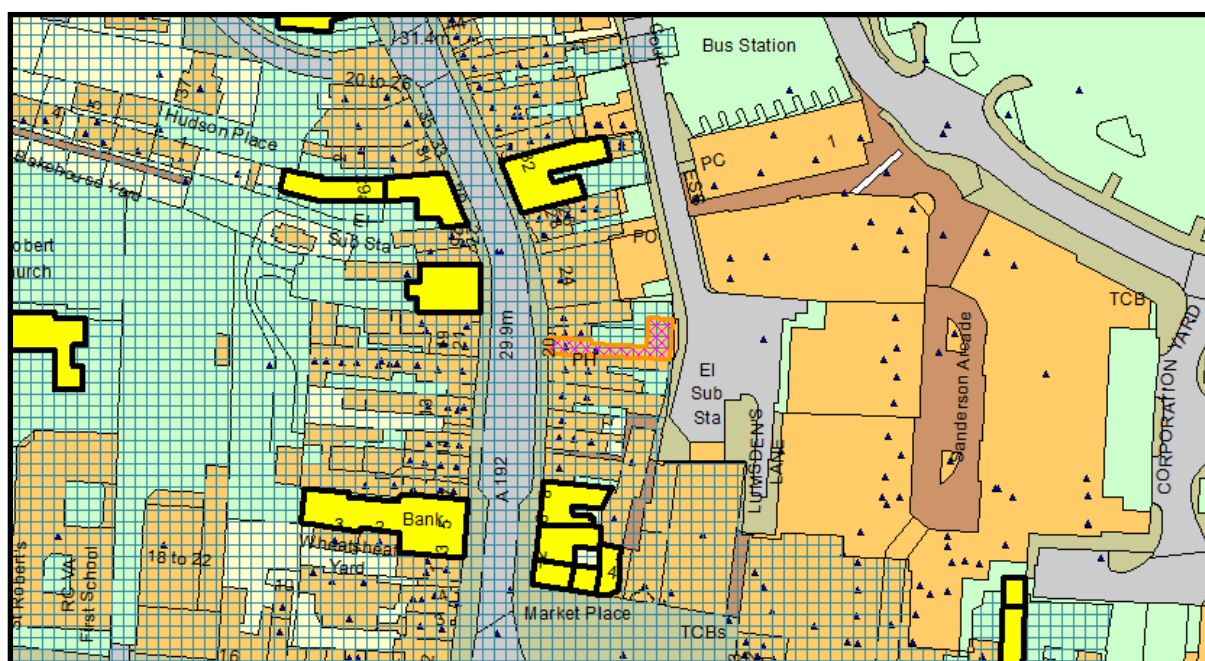


Northumberland County Council

Castle Morpeth Area Council 16th September 2019

Application No:	19/01632/COU		
Proposal:	Retrospective: Change of use from A1 (Shop) to A3 (Cafe) (amended description 29.08.2019)		
Site Address	Harry's Coffee Bar, 20 Newgate Street, Morpeth, NE61 1BA		
Applicant/ Agent	Mr Henry Hall, 15 Micklewood Close, Longhirst, Morpeth, NE61 3LP		
Ward	Morpeth North	Parish	Morpeth
Valid Date	22 July 2019	Expiry Date	16 September 2019
Case Officer Details	Name: Amelia Robson Job Title: Planning Officer Tel No: 01670625551 Email: amelia.robson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, in cases where the agent or applicant is an authority employee or member the application is referred to the Senior Planning Manager and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination.

This matter has been duly considered under these provisions and it has been confirmed that, due to the agent being an elected member, the matter should be referred to planning committee.

2. Description of the Proposals

- 2.1 Planning permission is for the change of use of this unit, as described above and as set out in the plans submitted to the local planning authority.
- 2.2 The change of use is retrospective and from Shop (A1) to Cafe (A3).

3. Planning History

Reference: CM/20100422

Description: Change of Use from A1 retail to A3 coffee shop

Status: Refused

4. Consultee Responses

Morpeth Town Council	No response received.
Highways	No objection.
Building Conservation	No objection.
Public Protection	No comment.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Conservation, 2nd August 2019

Morpeth Herald, 1st August 2019

5. Planning Policy

5.1 Development Plan Policy

Morpeth Neighbourhood Plan Made Version (2017)

Policy Sus 1 - Sustainable development principles

Policy Des 1 - Design Principles

Policy Set 1 – Settlement Boundaries

Policy Emp 1 - Morpeth Town Centre Strategy

Policy Emp 2 - Development within Morpeth Town Centre

Castle Morpeth District Local Plan (2003, saved policies 2007)

C1- Settlement boundaries

MC1 - Morpeth Settlement boundary

5.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

NPPG - National Planning Practice Guidance (2018)

5.3 Other documents/strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

None received.

6. Appraisal

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

- Principle of the development
- Design and visual impact
- Impact on residential amenity

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan Publication Draft Plan (regulation 19) can therefore be given some weight in the assessment of this application.

Principle of the development

6.2 The submitted details indicate details for change of use application within an established Town Centre and within the Morpeth Primary Shopping Frontage. Policy Emp2 aims to retain a vital and viable core to the town centre. The application site is located within this area. The policy states that proposals for changes of use of ground floor premises within the Primary Shopping Frontage to non Class A1 uses appropriate to a shopping area will be permitted if: - A. it can be demonstrated that the use will add to the vitality and viability of the Town Centre; and B. the use would result in not more than 30% of the total number of units in the Primary Shopping Frontage being in non-A1 uses. The proposal is considered to contribute to the vitality of the Town Centre as the shop front is retained. In terms of criterion (B), the proportion of the total frontage in A1 use before the change of the application site was 71.05%. The change of the application unit to A3 takes A1 uses down to 70.65%. This means that the policy would not be breached in percentage terms as the non-A1 uses percentage would still be below 30%. It should be noted that vacant units formerly occupied by an A1 use are counted as A1 if there has not been a change of use application in the meantime.

6.3 Whilst other policies within the Castle Morpeth District Local Plan and the Emerging Northumberland Local Plan are relevant, the Neighbourhood Plan should be given the greatest weight given its status of the most up-to-date and most recently adopted plan. It is considered that the proposed change of use from A1 to A3 would contribute to the vitality and viability of the Town Centre and is therefore considered acceptable in terms of the principle of development. The principle of development is considered to accord with Policy Emp2 and the NPPF.

Design and visual impact

- 6.4 Policy Des 1 of the MNP details that development will be supported where it demonstrates a positive contribution to its surroundings. These provisions are mirrored within policy H14 of the CMDLP which seeks to ensure there is no adverse impact upon the appearance of the property or street scene. The NPPF also outlines its approach for good design within paragraph 124, recognising it as a key aspect of sustainable development.
- 6.5 Policy QOP 1 of the NLPPD can also be given consideration in the assessment of this proposal. This policy stipulates proposals must contribute or enhance positive aspects of local character whilst incorporating high quality aesthetics, materials and detailing.
- 6.6 The proposal does not include any external alterations. The Building Conservation Officer has been consulted and does not object. An informative has been attached as a reminder to ensure to obtain advertisement consent should it be required. As such, the proposal is considered to accord with the provisions of relevant neighbourhood plan policies, local plan policies, the NPPF and the NLPPD.

Impact on residential amenity

- 6.7 A site visit was carried out by the officer to assess the proposal and any potential impact upon the amenity of neighbouring residents. There are no residential properties directly adjacent to the site. Public Protection have been consulted and have not commented. Taking this into consideration, there would not be an adverse impact on residential amenity caused by the proposal and it therefore accords with provisions of relevant neighbourhood plan policies, local plan policies, the NPPF and the NLPPD in terms of residential amenity.

Equality Duty

- 6.8 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

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

Human Rights Act Implications

6.10 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.

6.11 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.

6.12 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.

7. Conclusion

7.1 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

1. 1 Current and Proposed Floor Plan, received 28th May 2019.
2. 2 Current and Proposed Floor Plan, received 28th May 2019.
3. Front Elevation and signage, received 6th June 2019.
4. Heritage Statement for 20 Newgate Street, received 19th July 2019.

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

Informatives

This permission does not give consent to any advertisement(s) intended to be displayed on the site for which separate Express Consent may be necessary under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as Amended/Revoked)

Date of Report: 30th August 2019

Background Papers: Planning application file(s) 19/01632/COU