

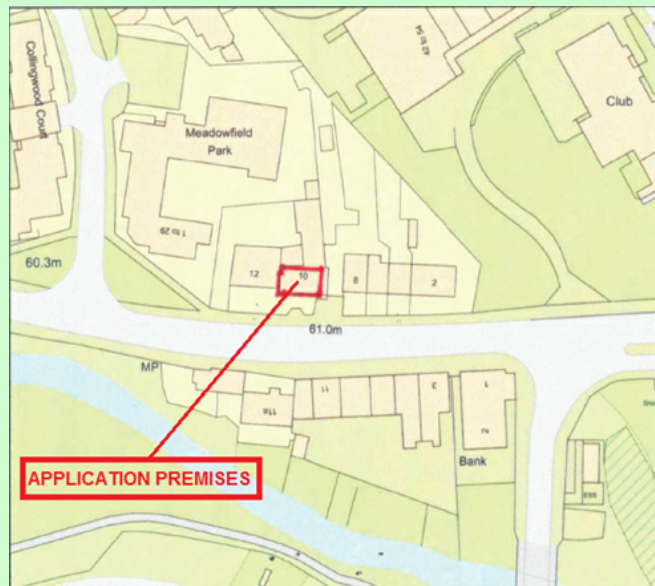


# Northumberland County Council

## CASTLE MORPETH LOCAL AREA COMMITTEE 09 MARCH 2020

<b>Application No:</b>	19/04955/COU		
<b>Proposal:</b>	Change of use from A1 to A4 as supplemented by letter from applicant received 20/02/20		
<b>Site Address</b>	10 West Road, Ponteland, Northumberland, NE20 9SU		
<b>Applicant:</b>	Mr Michael Barnes 38, Chatsworth Drive Heritage Gardens Bedlington NE22 5YS	<b>Agent:</b>	None
<b>Ward</b>	Ponteland North	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	20 December 2019	<b>Expiry Date:</b>	14 February 2020
<b>Case Officer Details:</b>	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Castle Morpeth Local Area Committee as the proposal relates to a site within an area in which a Neighbourhood Plan has been "Made" and the officer recommendation is contrary to that made by the Town Council.

## 2. Description of the Proposals

2.1 The application seeks planning permission for a proposed change of use of these currently vacant former retail premises so as to provide what is described as being a "Micro-pub". A micro-pub (according to the Micro-pub Association), is defined as follows: "*A micro-pub is a small free house which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks*".

2.2 The application relates to premises located on the northern side of the A696 road which is a main transport and pedestrian route through Ponteland and which leads from Newcastle (approx. 10 Km to the south-east) to Otterburn (approx. 35 Km to the north-west).

2.3 No physical works are proposed to the exterior of the building.

2.4 The proposal would create the equivalent of 2 full-time jobs (1 full-time and 2 part-time).

## 3. Planning History

**Reference Number:** 13/02008/FUL

**Description:** Retrospective: Replacement shop front and windows. Doors and frames to be removed and replaced; fascia to be removed and rebuilt.

**Status:** Approved

**Reference Number:** 13/03369/DISCON

**Description:** Discharge of condition 2 of permission 13/02008/FUL (Retrospective - Replacement shop front and windows. Doors and frames to be removed and replaced; fascia to be removed and rebuilt.

**Status:** Approved

**Reference Number:** 19/00121/LIC

**Description:** New premises licence

**Status:** No objection

## 4. Consultee Responses

Ponteland Town Council	Objection - Potential noise and disturbance for nearby residential properties given location beyond main commercial/retail area.
Public Protection	No objection - condition and informative offered.

Highways England	No objections.
Highways	No objections - Standard Informatives offered.
Architectural Liaison Officer - Police	No objections.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	41
Number of Objections	7
Number of Support	16
Number of General Comments	0

### Notices

Site Notice- Affecting Conservation, 30th January 2020

Morpeth Herald 23rd January 2020

### Summary of Responses:

16 indications of support have been received in which reference has been made towards:

- appropriate town centre use;
- creation of employment;
- vitality; and
- need.

Additionally, 7 objections have been received in which concerns are expressed towards the following:

- late night noise/disturbance;
- litter;
- parking/highway safety; and
- deliveries.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=Q2R7UTQSLKB00>

## 6. Planning Policy

### 6.1 Development Plan Policy

Ponteland Neighbourhood Plan Submission Draft (2017)

Policy PNP 1 - Sustainable development principles

Policy PNP 2 - High Quality and Inclusive Design

Policies PNP 19 and 20 - Village Centre and Local Centre

Castle Morpeth District Local Plan 2003 (saved policies 2007)

Policies C1 and PC1 - Settlement boundaries

Policies C26 and C27- Conservation Areas  
Policy PC9 - Existing Conservation Area  
Policy PE1 - Ponteland Office Policy Zone  
Policy PT3 - Traffic Management Proposals  
Policy S9 - Improvements to Existing Facilities  
Policy T6 - Provision for Cyclists  
Policy T10 - Car Parking Standards

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)  
NPPG - National Planning Practice Guidance (2019)

## 6.3 Other documents/strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19)  
Policy ECN 1 - Planning Strategy for the Economy (Strategic Policy)  
Policy STP 1 - Spatial strategy (Strategic Policy)  
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  
Policy TRA 2 - Effects of Development on the Transport Network  
Policy TRA 4 - Parking provision in new development  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 9 - Conservation Areas  
Policy INF 1 - Community Services and Facilities

## **7. Appraisal**

7.1 In assessing the acceptability of 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 from the “Made” Ponteland Neighbourhood Plan - 2018 and the Castle Morpeth District Local Plan (2003, saved policies 2007). The main considerations in the assessment of this application are:

- Principle of Development;
- Scale and design;
- Impact on conservation area;
- Residential amenity;
- Public protection; and
- Parking/Highways safety.

### Principle of 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 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. Paragraph 11 states that proposals that accord with an up-to-date development plan should be approved without delay. The adopted Development Plan for the area in which the application premises are located comprises the policies of the Ponteland Neighbourhood Plan - 2018 (PNP). 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 Paragraph 92 of the NPPF requires that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities...public houses, etc... Indeed at paragraph 92 (a) it reads:

*“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services ...”.*

7.5 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 in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of consultation earlier this year. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan policies.

7.6 Paragraph 3.3 of the Ponteland Neighbourhood Plan sets out 7 “Objectives” that have been developed in order to deliver the vision for Ponteland. Objective 3 relates specifically to the local economy and reads:

*“Support the sustainable creation of employment opportunities in the Neighbourhood Plan area, and the vitality and viability of its Village and Local Centres”.*

Policy PNP 1 of the PNP requires that a presumption in favour of sustainable development be exercised in the determination of all development proposals. In order to ensure development is sustainable, it must accord with a number of provisions detailed within this policy. These relate to minimising amenity impacts, making efficient use of land, having regard to heritage assets, supporting the well-being of current and future communities and ensuring that necessary infrastructure is in place.

7.7 Policy C1 of the CMDLP identifies settlements within the former district with development expected to be situated within these areas, albeit with some exceptions. The proposals map that forms part of the Local Plan shows the

application site as being located within the settlement boundary for Ponteland and as such, the principle of development is considered as being acceptable.

7.8 Policy STP 1 of the NLPPD recognises Ponteland as a 'main town' within Northumberland and it is therefore considered to be the main focus for housing, retail and services. Such development would allow sustainable development within the County to be achieved which enhances the vitality of communities across Northumberland whilst supporting economic growth.

7.9 The application property is a two-storey property understood to have last been in connection with interior design. It lies within the designated "centre" as appears in both CMBC Local Plan and in the more recently adopted Ponteland Neighbourhood Plan. They are also within the Ponteland Conservation Area. Neighbouring businesses are located in proximity to the site with a range of uses such as restaurants, supermarkets, shops and everyday amenities located within the immediate vicinity of the application site.

7.10 Considering the above, with the proposal primarily re-using an existing empty building, the principle of development upon the site is considered acceptable in accordance with relevant policies within the PNP, CMDLP, NPPF and NLPPD.

#### Scale and design

7.11 Policy PNP 2 of the Ponteland Neighbourhood Plan offers that development will be supported where it demonstrates high quality and inclusive design. All new development should make a positive contribution to its surroundings by protecting the areas quality, distinctiveness and character whilst respecting its surroundings in terms of proportion, form, massing, density, height, size, scale, materials and detailed design features.

7.12 This policy closely aligns with the provisions of the NPPF which at paragraph 124 recognises good design as a key aspect of sustainable development. Paragraph 127 goes on to note that developments should function well and add to the overall quality of the area whilst being visually attractive as a result of good architecture.

7.13 Policy QOP 1 of the NLPPD can also be given weight within this assessment, which states proposals should contribute to a strong sense of place, incorporating high quality aesthetics, materials and detailing. This policy goes on to note that buildings and spaces should be functional and adaptable for future uses.

7.14 As mentioned at the outset of this report, the proposal does not include any physical alterations to the exterior of this attractive building. Indeed the proposal would secure its occupation and subsequent maintenance.

7.15 Taking the above into consideration, it is therefore officer opinion that the proposed works would accord with policy PNP 2 of the PNP, the NPPF and policy QOP 1 of the NLPPD in terms of design.

#### Impact on Conservation Area

7.16 The application site is located upon the western boundary of Ponteland conservation area and as such, consultation was carried out with the local authority's

building conservation team in regards to the proposals. While the subject building is not included in the National Heritage List for England (NHLE) it merits consideration in any planning applications as it is identified as '*... a building, monument, site, place, area or landscape as identified as having a degree of significance because of its heritage interest*' (NPPF, Annex 2: Glossary Definition of Heritage Asset).

7.17 In terms of impact on the Conservation Area, policy ENV 9 of the emerging NLP requires that, "*within a conservation area, or where its setting may be affected...opportunities will be sought to, and development will be encouraged that will, help preserve or enhance the character or appearance and/or reinforce its local distinctiveness and/or better reveal its significance*".

7.18 Although located within the Ponteland Conservation Area, the Building Conservation has not been consulted on the basis that the proposal does not include any physical works to the exterior requiring planning permission. Whilst recognising that a level of internal alterations may be required for the building to appropriately function to the relevant use class(es), as the structure is not listed, consent is not required for these internal works.

7.19 Given the above, and on the basis that use would secure the upkeep of this building within the conservation area, it is officer opinion that the proposed works would accord with policy PNP 2 of the PNP, the NPPF and policy QOP 1 of the NLPPD as set out above.

#### Residential amenity

7.20 Although primarily focussing upon design, policy PNP 2 of the PNP notes at part (e) that any development '*...will not have an unacceptable adverse impact on the amenities of occupiers of nearby properties*'. Paragraph 127 (part f) of the NPPF closely mirrors these provisions where it details that development should '*... promote health and well-being, with a high standard of amenity for existing and future users*'. Policy QOP 2 of the NLPPD can also be given weight in the assessment of this proposal which recognises that '*Development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area*'.

7.21 Empty units have a detrimental impact on the high street, the vitality of the local area and sense of place. The application premises are understood to have become vacant in the summer of 2019. The nearby former Barclays Bank and NatWest Bank premises have also been vacant for some time, although planning permission has recently been granted for a conversion and change of use of the former NatWest premises so as to provide class A3/ A5 at ground floor with addition of new extension to the rear of the property together with residential apartment to the first floor/second floor levels.

7.22 Due to the siting of the building within a town centre location, it is considered that the proposed use would not result in any detrimental impact upon residential amenity. The proposal is for a micro-pub rather than a micro-brewery. As such, there will be no brewing or other operations taking place within the premises, only the retail sale of drinks. Whilst recognising that neighbouring businesses and residential properties are situated to the north and west of the application site, the existing

separation distances between these and the application site are such that there would be no adverse impacts caused to these properties.

7.23 In response to consultation, the Council's Public Protection Unit raises no objections but comments that in order to ensure the applicant/operator appreciates an awareness and a commitment to preventing unacceptable noise impacts locally a condition is recommended to the Local Planning Authority requiring the submission of a noise management plan. This is a "*living document*" which should be used as a management tool for the operation of the pub and should evolve and be reviewed at a stipulated period of time. The Public Protection Unit also recommends that the Local Planning Authority specifically condition the days and times of opening as proposed by the applicant in the planning application form.

7.24 Policy QOP2 of the emerging Northumberland Local Plan (NLP) echoes the above and seeks to support development which respects its surroundings. 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. It is therefore officer opinion that the proposed change of use in this location raises no concerns in regards to residential amenity and as such, accords with policy PNP 2 of the PNP, the NPPF and policy QOP 2 of the NLPPD.

#### Parking/Highway Safety

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 Highways Officer has been formally consulted on the proposal and in response offers that the proposal has been appropriately assessed in terms of the impact of the proposal on the highway network, both during construction, and once the development is completed. To ensure adequate manoeuvring/parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway, and so it does not have an adverse impact on the safety of all users of the highway.

7.27 When considering a change of use application, the comparison must be made between the current use, namely an A1 retail shop, and the proposed use, A4 Drinking Establishment and the two land uses, in highway terms, have similar characteristics. Although no details of car parking have been submitted as part of this application, the site is town centre located and benefits from town centre parking and good public transport links. In this respect, there a large "free" car park to the rear of the application premises, albeit limited to the display of an appropriate badge in accordance with the Council Council's parking scheme.

7.28 The Highways Officer offers that there would be no requirement for car parking for this development as the site is in a Town Centre location. Additionally, there are existing parking restrictions around the site that prevent unsafe car parking and ensure safe movement of traffic on the A696. In comparing the existing A1 use to that of A4, there would be a similar level of car parking demand, albeit with the peak demand being in a different time period. As such, there is unlikely to be an impact upon the safety or operation of the highway associated with the change in use from A1 to A4 and therefore no car parking is required.



7.29 Whilst no details of cycle parking have been submitted as part of this application, it is considered that this can be appropriately achieved within the site. An appropriate condition is proposed.

7.30 The proposed development has been checked against the context outlined above and is considered to be generally in accordance with the National Planning Policy Framework in highways terms, and the principle of the development is acceptable.

## **Other matters**

### Equality Duty

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

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

### Human Rights Act Implications

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.

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.

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 main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate Neighbourhood Plan and 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.

8.2 Weight has also been given to relevant policies within the Northumberland Local Plan Publication Draft (NLPPD) and there is not considered to be any conflict between these policies and the proposal. The application is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### 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. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details submitted as part of this application.

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

03. Prior to the use being brought into operation, precise details of proposed cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first use and retained in place thereafter.

Reason: In the interests of highway safety in line with the NPPF.

04. The premises shall not be open for any business other than between the hours of 12 noon and 23:00 hours.

Reason: In the interests of residential amenity.

**Date of Report:** 25<sup>th</sup> February 2020

**Background Papers:** Planning application file(s) 19/04955/COU

