

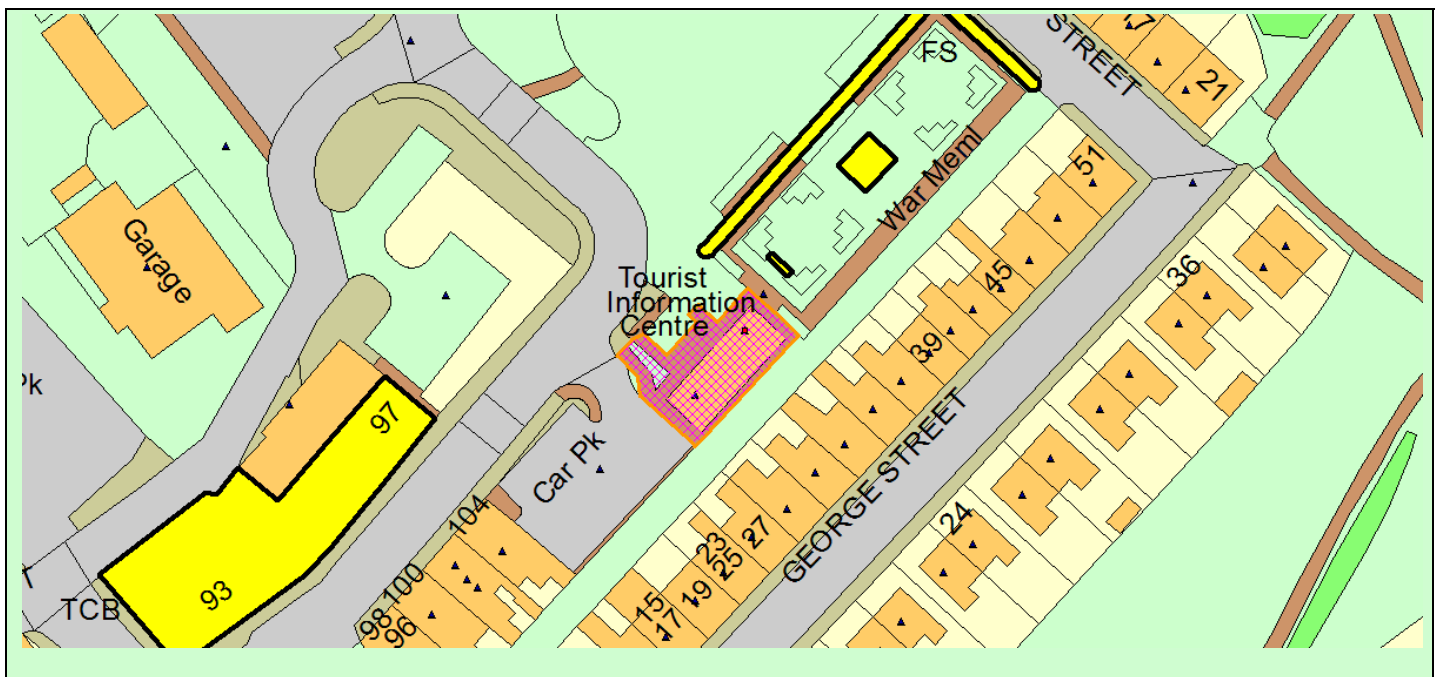


# Northumberland County Council

## North Northumberland Local Area Council 24th January 2019

<b>Application No:</b>	18/03729/FUL		
<b>Proposal:</b>	Change of use to A4		
<b>Site Address</b>	Amble Tourist Information Centre , Queen Street, Amble, NE65 0DQ		
<b>Applicant:</b>	Mr Jacob Castleman 2 Duncan's Yard, Morpeth, Northumberland, NE61 1EF	<b>Agent:</b>	None
<b>Ward</b>	Amble	<b>Parish</b>	Amble By The Sea
<b>Valid Date:</b>	24 October 2018	<b>Expiry Date:</b>	31 January 2019
<b>Case Officer Details:</b>	Name: Mr Chris McDonagh Job Title: Planning Officer Tel No: 01670 622646 Email: Chris.McDonagh@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, due to the building involved in this application being owned by the Council, the application has been referred to the Head of Service and the Planning Chair of the North Northumberland Local Area Council for consideration to be given as to whether the application should be referred to Planning Committee for determination. The decision taken was for the application to be decided before the North Northumberland Local Area Committee, with a recommendation of approval.

## 2. Description of site and the proposals

2.1 The site to which the application relates is the Amble Tourist Information Centre (TIC). The TIC is located between Amble Town Centre (Queen Street) and the Harbour. The TIC currently also includes public toilet provision. The TIC has been closed for some time and a change of use was approved under reference 18/01604/CCD to retail (A1) use in October 2018.

2.2 The proposal is a change of use of the building to A4 class, incorporating a micro-pub. It is understood from conversations with the applicant that the public toilets are to remain in place and operational. Any external alterations, such as changes to the public toilet provision would be subject to a further planning application and it is understood there are no external changes proposed as part of this application.

2.3 The application site is located within the Amble Conservation Area.

## 3. Planning History

**Reference Number:** C/95/A/389

**Description:** Tourist Information Centre adjacent to War Memorial

**Status:** No objection

**Reference Number:** 18/01604/CCD

**Description:** Change of use of former Tourist Information Centre to retail use (amended description 18.10.18)

**Status:** Permitted

**Reference Number:** A/ENQ/2007/0219

**Description:** Information panels

**Status:** Reply sent

**Reference Number:** A/ENQ/2007/0496

**Description:** Erection of notice board/interpretation panel

**Status:** Reply sent

## 4. Consultee Responses

Amble Town Council	No objection
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	ATC seek assurances that the public toilets will remain open for the public. This has been confirmed with the applicant that they will.
Highways	<b>No objection</b> Subject to conditions
Northumbrian Water Ltd	<b>No comment</b>
Public Protection	<b>No comment</b>
Building Conservation	<b>No objection</b>

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	1
Number of Support	1
Number of General Comments	0

### Notices

Site Notice - Affecting Conservation Area, posted 8th November 2018

Press notice - Northumberland Gazette 1st November 2018

### Summary of Responses:

1 no objection on basis of;

- Noise
- Opening hours lack of clarity

1 no supporting comment with no further information.

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=PGUEQSQSJRM00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Alnwick Core Strategy (ACS) - 2007*

- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria

S11 Locating development to maximise accessibility and minimise impact from travel  
S15 Protecting the built and historic environment  
S16 General Design principles  
S17 Town centres

*Alnwick District Wide Local Plan (ALP) - 1997*

BE11 Design principles for development in town centres  
TT5 Controlling car parking provision (and Appendix E)

#### 4.2 National Planning Policy

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

#### 4.3 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)

### **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

7.2 In accordance with paragraph 48 of the NPPF weight may 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 Northumberland Local Plan was published in draft for consultation on 04/07/18. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry minimal weight in the appraisal of planning applications.

7.3 The main issues for consideration in this application are as follows;

- Principle of Development
- Design and Impact upon Conservation Area
- Amenity
- Highway Safety

#### Principle of Development

7.4 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Amble is recognised in the ACS as a Main Rural Service Centre and is therefore considered to be the main focus for new development in the district.

7.5 Policy S17 of the ACS seeks to ensure that development within town centres is appropriate in scale and reinforces each town centre's role in meeting community needs and acting as a focus for a range of activities.

7.6 The site is located outside of the primary shopping frontage towards the periphery of the main shopping street. The reuse of an existing building in use as a public service, it is therefore not deemed appropriate that the proposal is subject to a sequential test for Main Town Centre Uses, particularly as this is on the main thoroughfare between Amble and the tourist area around the Harbour.

7.7 The NPPF seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element.

7.8 Paragraph 7 of the NPPF then establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

7.9 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations, offering a more diverse offering of public house type in the area, while also bringing back into use an existing building in the centre of Amble. In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area given there are no physical changes externally to the building proposed.

7.10 The application is therefore considered acceptable in principle, in accordance with the ACS and NPPF.

#### Design and Impact upon Conservation Area

7.11 Policy S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment, having regard to their layout, scale and appearance. 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.

7.12 The legislative framework has regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

7.13 Policy S15 of the ACS states that all development involving built and historic assets or their settings will be required to preserve, and where appropriate, enhance the asset for the future.

7.14 It is considered that the proposal would not have a detrimental effect upon the character or appearance of the property or the surrounding area. The change of use of the building would have no material impact upon the visual amenity of the area and is therefore considered acceptable. The Building Conservation Team have been consulted on the proposal, offering no objections based on the submitted plans.

7.15 Should external works be proposed in the future, these would be subject to a further planning application. The application is therefore considered in accordance with the ACS and NPPF in this regard.

### Amenity

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

7.17 Consideration has been given to the impacts of noise and odour upon residential amenity arising from the scheme. The Council's Public Protection Team responded with no comments offered over the proposed change of use.

Two public comments and those of the Town Council expressed concern over the noise implications of the development. To address these, it is considered reasonable and justified to control the opening hours of the pub as per the condition attached to this permission.

7.18 One public objection expressed concern regarding noise and the opening hours of the bar being inconsistent between the application form and the planning statement. These have since been clarified with the applicant and a condition regarding these is therefore recommended to safeguard local amenity. Additionally, in line with the concerns of ATC, it is confirmed that the public toilets at the site are to remain open and for use by the public. The concern regarding the issuing of a live music licence is outwith the control of planning and is a separate procedure. On this basis the proposal is considered to be acceptable in amenity terms and therefore is in accordance with the NPPF in this respect.

### Highway Safety

7.19 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.

7.20 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.

7.21 The Highways Development Management (HDM) team has responded to consultation stating that there are no issues arising from the proposal, they have however recommended appropriate conditions. On this basis it is considered that the proposal is in accordance with Policy S11 of the ACS and the NPPF in this respect.

## 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 stating accordance with relevant Development Plan Policy. 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 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions

#### 01. Time

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 otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- Location plan; uploaded 24th October

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.

#### 03. Opening Hours

The premises shall not operate outside the hours of;

- Monday - Friday  
17:00 - 23:00
- Saturday  
12:00 - 23:00
- Sundays and Bank Holidays  
12:00 - 22:30

Reason: To protect the amenity of local residents in accordance with the National Planning Policy Framework.

#### 04. Details of refuse storage facilities and strategy

The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into



use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework.

#### 05. Service Management Plan

The development shall not be brought into use until a Service Management Plan for the development site has been submitted to and approved in writing by the Local Planning Authority. The document shall include:

- i. details of the type and size of vehicles to be used;
- ii. delivery times;
- iii. general swept path arrangements for service vehicles.

Thereafter, any requirements of the plan shall be strictly adhered to, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to achieve the requirements of the Service Management Plan, and in accordance with the National Planning Policy Framework.

**Date of Report: 10.01.2019**

**Background Papers:** Planning application file(s) 18/03729/FUL