

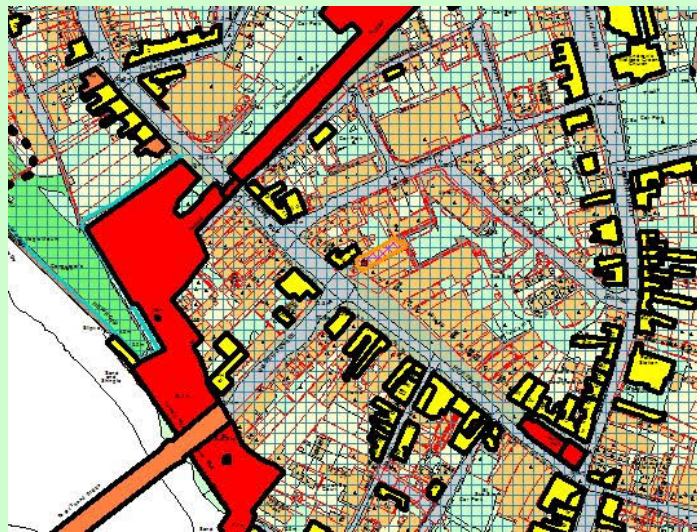


Northumberland County Council

North Northumberland Local Area Council 20 June 2019

Application No:	19/01023/ADE		
Proposal:	Advertisement Consent: Installation of 1 non-illuminated fascia sign		
Site Address	90-92, Marygate, Berwick-Upon-Tweed, TD15 1BA		
Applicant:	Mr Jonathan Cawthorn 24 Saltmeadows Road, Gateshead, NE83AH,	Agent:	Mr Jonathan Cawthorn Cawthorn House, 24 Saltmeadows Rd, Gateshead, NE8 3AH
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	3 April 2019	Expiry Date:	29 May 2019
Case Officer Details:	Name: Mr Richard Whittaker Job Title: Planning Technician Tel No: 01670 624157 Email: Richard.Whittaker@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 this application has been called in to the North Northumberland LAC by the Local

Councillor on the grounds that the proposal will have an impact on the surrounding area.

2. Description of the Proposals

2.1 The applicant structure is the old Berwick Advertiser building which is located within the centre of Berwick-upon-Tweed on the northern side of Marygate. The building itself is a 3 storey stone built late Victorian structure which is a prominent feature within the Berwick-upon-Tweed Conservation Area. The building is recognised as a non-designated heritage asset. The prominence of the structure is compounded by the existing front fascia.

2.2 Advert consent is sought to remove the lower section of fascia lettering at the front of the building and replace it with new lettering which would advertise a new business within the premises. The proposed alteration would be to advertise a dental practise with the proposed new lettering maintaining the style of the existing lettering.

2.3 The lettering would total a height of 326mm with a depth of 12mm which would be raised from the elevation by 15mm (totalling 27mm protrusion from the elevation). The fascia would total a width of 6380mm.

2.4 The lettering would be formed using white painted Medite Tricoya extreme timber. The proposed fascia would read 'TWEEDMOUTH DENTAL CLINIC' rather than the existing 'BERWICKSHIRE NEWS'.

2.5 The application site is located within or adjacent to the following environmental areas of constraint;

- Archaeological site centre point;
- Berwick-upon-Tweed Conservation Area;
- Article 4 directions;
- Northumberland Shore Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ);
- Lower Tweed and Whiteadder Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ);

3. Planning History

Reference Number: 15/00100/FUL

Description: Conversion of existing print works/media office into new dental clinic and private accommodation (residential)

Status: Permitted

Reference Number: N/80/B/0011/P

Description: Additional sign to newspaper offices on Marygate elevation.

Status: Permitted

Reference Number: N/80/B/0031/P

Description: Alterations and extensions.

Status: Permitted

Reference Number: N/80/B/0109/P

Description: Provision of extension to ground floor.

Status: Permitted

Reference Number: N/84/B/0033/P

Description: Proposed non-illuminated sign.

Status: Permitted

Reference Number: N/95/B/0562/P

Description: Redevelopment of bus station & adjoining/adjacent land revised plans rec. 12.06.96.

Status: Permitted

4. Consultee Responses

Highways	<p><u>RECOMMENDATION:</u></p> <p>No observations: No issues arise from the proposal</p>
Building Conservation	<p>Significance:</p> <p>The building shown in the Heritage Statement and on the photomontage is the old Berwick Advertiser Building which is prominently sited on Marygate, the main shopping street of Berwick and at the heart of the Berwick upon Tweed Conservation Area. This impressive three storey stone fronted building is late Victorian and makes a positive contribution to the character or appearance of the conservation area. While it is not a listed building it satisfies the criteria to be considered a non-designated heritage asset within the terms of paragraph 197 of the National Planning Policy Framework (NPPF).</p> <p>Policy</p> <p>The local planning authority must have 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.</p> <p>The NPPF is a material planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that 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 introduces the need to balance any harm against the benefits of the development.</p> <p>Paragraph 197 states;</p>

	<p>“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</p> <p>Impact</p> <p>To the previous application for a similar sign (18/04453/ADE) Building Conservation wrote on 1 February 2019:</p> <p>“We raise no objection to the applied letters which are less intrusive than a full fascia sign allowing the underlying stonework to be appreciated. Once no longer required the signage can be removed. The signage is not illuminated. The letters are in a timber like substance and will be painted.”</p> <p>It has now been brought to our attention that the signage for the Berwickshire News and Berwick Advertiser on the building has historical and cultural significance and given this we acknowledge there will be loss or harm to the character of the conservation area.</p> <p>Position</p> <p>We recognise the loss of the existing signage would give rise to a loss of cultural and historic significance which we categorise as less than substantial harm within the terms of the paragraph 196 of the NPPF. We draw the attention of the decision maker to the need to weigh harm to the non-designated heritage within the terms of paragraph 197 of the NPPF.</p>
Berwick-upon-Tweed Town Council	No objections.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	17
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

Site notice Conservation & affect LB, 25th April 2019

Berwick Advertiser 11th April 2019

Summary of Responses:

2no responses have been received from the Berwick-upon-Tweed Civic Society and the Conservation Area Advisory Group respectively. These objections have highlighted the following issues.

- Loss of sense of place and cultural heritage
- Illogicality and irrationality of proposal
- Potential cause of confusion

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=POZ003QSMVK00>

6. Planning Policy

6.1 Development Plan Policy

Berwick Local Plan (1999) - BLP

C9 Advertisement Displays

6.2 National Planning Policy

NPPF - National Planning Policy Framework (NPPF) 2019

NPPG - National Planning Practice Guidance (PPG) as updated

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (regulation 19) and proposed minor modifications, submitted on 29 May 2019

- QOP 2 Good design and amenity
- QOP 3 Public realm design principles
- QOP 6 Delivering well-designed places
- TRA 2 The effects of development on the transport network
- ENV 2 Biodiversity and geodiversity
- ENV 9 Conservation Areas

7. Appraisal

7.1 The two matters for consideration in determining this application are the interests of amenity and public safety.

Amenity

7.2 Given the nature of the proposed alterations the impact upon the visual amenity of the immediate surroundings would be extremely limited in terms of aesthetics. However, 2no responses have been received from the Berwick-upon-Tweed Civic

7.3 Society and the Conservation Area Advisory Group respectively. These objections have highlighted the following issues.

- Loss of sense of place and cultural heritage
- Illogicality and irrationality of proposal
- Potential cause of confusion

7.4 Whilst the proposed works change the existing signage to the advertisement of a new business, the proposal retains much of the sense of place in the locality by detailing proposed signage that maintains the style of the existing lettering whilst also preserving the upper tier 'BERWICK ADVERTISER' and 'EST 1869' signage. It is officer opinion that the cultural heritage and sense of place will be maintained by these aspects of the proposal whilst also contributing to local amenity and sense of place by bringing an existing empty business unit into use.

7.5 A potential cause of confusion could also be caused if the original 'BERWICKSHIRE NEWS' signage was kept above a dental clinic. There is sufficient signage within the locality to inform the public that they are in Berwick.

7.6 The proposed works are considered to be acceptable in amenity terms and accord with Local Plan Policy C9.

7.7 Consideration is also had to Policies QOP 2, QOP 3 and QOP 6 of the emerging Northumberland Local Plan (NLP). Due to the stage of preparation, limited weight is afforded to these policies but it is considered the application would be in accordance with the relevant policies contained within.

Impact on Conservation Area

7.8 The local planning authority must have 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.

7.9 Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that 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 introduces the need to balance any harm against the benefits of the development.

7.10 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.11 The host property is a non-designated heritage asset located within Berwick-upon-Tweed Conservation Area and as such Building Conservation have been consulted. Building Conservation have responded stating that the loss of the existing signage would give rise to a loss of cultural and historic significance which is categorised as less than substantial harm within the terms of the paragraph 196 of the NPPF. Building Conservation go on to state that the decision maker must weigh the level of harm against the public benefit the proposed development would deliver.

7.12 The Building Conservation conclusion of less than substantial harm is recognised and is judged against the public benefits of the proposal. This proposal would install new signage which would service a business looking to take up residence in a currently disused unit within Berwick town centre. The style of the lettering would be retained whilst other sections of the lettering on the front elevation would be left intact. It is officer opinion that on balance the proposed works are acceptable in terms of impact upon the associated conservation area.

7.13 Consideration is also had to Policies QOP 2, QOP, QOP 6 and ENV 9 of the emerging Northumberland Local Plan (NLP). Due to the stage of preparation, limited weight is afforded to these policies but it is considered the application would be in accordance with the relevant policies contained within.

Highway Safety

7.14 The Highways Team were consulted and returned comment that no issues of highways safety would arise from the proposed sign. The sign is not positioned such that it impedes visibility splays at the junction and is not located on highways land and there is no illumination.

Equality Duty

7.15 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

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

Human Rights Act Implications

7.17 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.

7.18 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.

7.19 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 proposal is deemed acceptable as it does not have an undue negative impact on the visual amenity of the area and does not have an overly dominant appearance within its setting. Nor does it give rise to any matters of highway safety. Therefore the proposal is in accordance with paragraph 132 of the NPPF and saved policy C9 of the Berwick Local Plan.

9. Recommendation

That this application be GRANTED consent subject to the following:

01. STANDARD CONDITIONS.

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to –

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign,

railway signal or aid to navigation by water or air; or

- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4. Any structure or hoarding erected or used for the display of advertisements shall be maintained in a condition that does not endanger the public.
- 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

New Signage, Tweedmouth Dental Clinic, 55236

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

Date of Report: 07.06.2019

Background Papers: Planning application file(s) 19/01023/ADE