

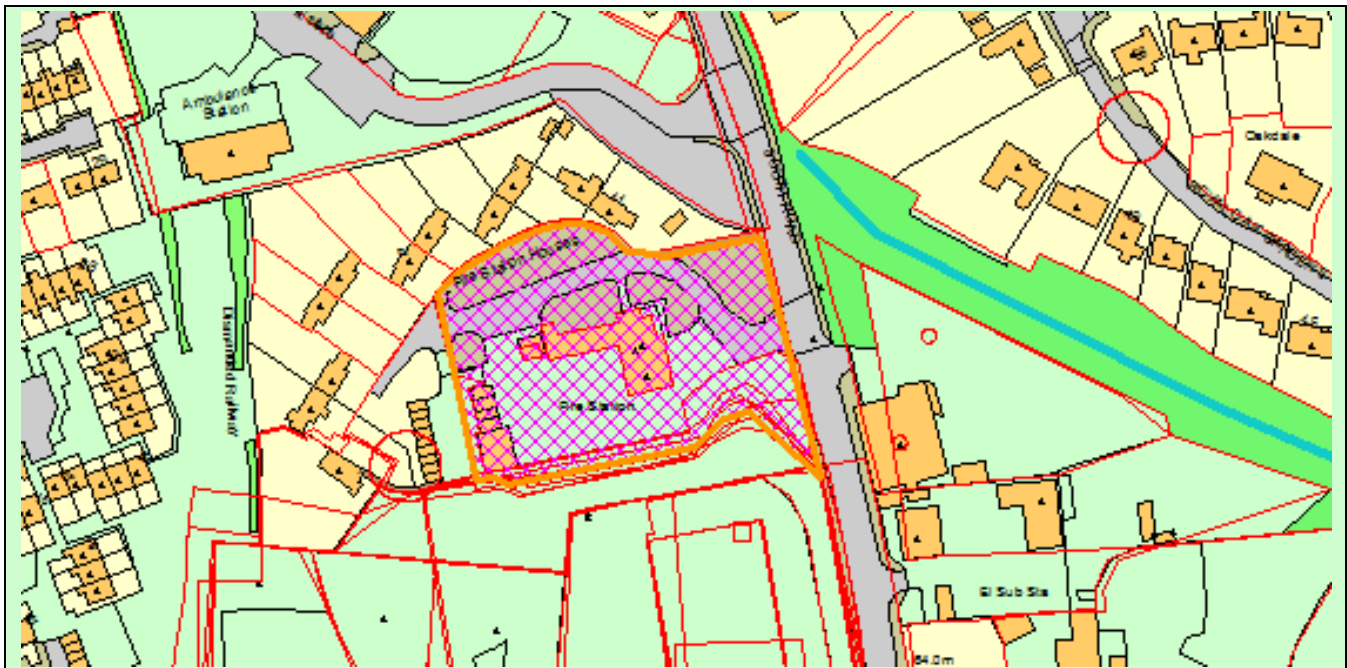


# Northumberland County Council

## North Northumberland Local Area Council 22nd August 2019

<b>Application No:</b>	19/01702/FUL		
<b>Proposal:</b>	Change of use of the existing land and buildings to a mixed B1 (Business) / B8 (Storage or Distribution) & D1 use (Non Residential Institution) with ancillary garage (Retrospective) (amended description 02/08/2019).		
<b>Site Address</b>	Former Alnwick Fire Station , South Road, Alnwick, NE66 2PA		
<b>Applicant:</b>	Former Alnwick Fire Station, South Road, Alnwick, NE66 2PA	<b>Agent:</b>	Mr Andrew Moss Sandgate House, 102 Quayside, Newcastle Upon Tyne, NE1 3DX United Kingdom
<b>Ward</b>	Alnwick	<b>Parish</b>	Alnwick
<b>Valid Date:</b>	29 May 2019	<b>Expiry Date:</b>	23 August 2019
<b>Case Officer Details:</b>	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to conditions



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### 1. Introduction

1.1 This application is deemed appropriate for determination at North Northumberland Local Area Council as the application is on Council owned land.

## 2. Description of the Site and the Proposal

2.1 The site to which the application relates is the former Alnwick Fire Station, which is situated on the western side of South Road. On the site is a principal building which includes office, storage and training space. The site is operated by North East Equality & Diversity (NEED) Ltd, which is a disability and community transport organisation.

2.2 In addition to the above, the site contains a parking area and a number of outbuildings. The parking area was previously used for parking fire engines, other vehicles and staff cars. The outbuildings were used for storing equipment and also as a garage for servicing and repair of fire engines and other equipment.

2.2 The proposal seeks permission for the development described in the application, namely the change of use of the existing land and buildings from its previous use as a Fire Station (Sui Generis) to a mixed B1/B8 & D1 use with ancillary garage for maintaining NEED's vehicles. No physical alterations are proposed as part of this application.

2.3 Access into the site is via South Road, Alnwick. There are a range of options for accessing the site including on foot, there being footpaths on both sides of South Road and by public transport, there being a bus stop on each side of South Road close to the site.

## **3. Planning History**

**Reference Number:** C/09/00089/CCD

**Description:** Outline planning application for the demolition of the existing fire station and construction of a new fire station

**Status:** PER

**Reference Number:** C/10/00177/CCD

**Description:** Installation of a 0.8m high antenna

**Status:** PER

**Reference Number:** 18/04233/CLEXIS

**Description:** Certificate of Lawful Development - Existing Use of land and buildings as mixed B1 (Business), B8 (Storage & Distribution) and D1 (Non Residential Institution) use.

**Status:** WDN

**Reference Number:** A/ENQ/2009/0171

**Description:** Community Fire Station

**Status:** REPLY

**Reference Number:** A/ENQ/2009/0223

**Description:** Demolition of existing fire station and construction of new

**Status:** REPLY

**Reference Number:** A/GDO/2000/0017

**Description:** Erection of 3m flag pole mast

**Status:** PER

**Reference Number:** A/GDO/2000/0010

**Description:** Erection of 5m flagpole antenna and dish on rooftop of building

**Status:** REF

#### 4. Consultee Responses

Alnwick Town Council	No objections
Highways	No objection, subject to conditions.
Public Protection	Public Protection does not object to the proposal providing that the measures detailed in the application documents are implemented as stated.
Strategic Estates	No response received.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	1
Number of Support	0
Number of General Comments	1

##### Notices

No Site Notice Required.

No Press Notice Required.

##### Summary of Responses:

Alnwick Civic Society object to permission being granted for B8 storage and distribution. The Civic Society consider this use is ancillary to B1 and D1 use, so it is unnecessary, and granting it specifically would allow potentially unwelcome development in the future.

Comments have also been made by a neighbour regarding the row of garages to the immediate west of the site and including all concrete to the front of the garage doors, are privately owned, and relating to on street parking matters.

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=PS7IFYQSGBM00>

#### 6. Planning Policy

##### 4.1 Development Plan Policy

*Alnwick LDF Core Strategy 2007 (ACS)*

S1 Location and scale of new development

S2 The sequential approach to development

S3 Sustainability criteria  
S8 Economic Regeneration  
S11 Locating development to maximise accessibility and minimise impact from travel  
S12 Protecting and enhancing biodiversity and geodiversity  
S16 General design principles

*Alnwick District Wide Local Plan 1997 (Policies Saved by the ACS 2007)*

BE11 Development of new buildings or change of use

TT5 Car Parking

CD32 Amenity of Residential Areas

#### 4.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

#### 4.3 Other Documents/Strategies

*Alnwick and Denwick Neighbourhood Plan 'Made' Version (July 2017) (ADNP)*

H2, E1, E4, E6, TRA1, ENV4, HD4 and HD5

#### 4.4 Emerging Plans

*Northumberland Local Plan Regulation 19 version (Jan 2019) including minor modifications as submitted for examination (May 2019)*

STP1, STP2, STP3, STP4, STP5, STP6, ECN1, ECN11, QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ENV1, ENV2, WAT1, WAT2, WAT3, WAT4, POL1 and POL2.

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:-

- The Principle of Development;
- Highways and Transport Matters;
- Landscape Character and Townscape Impact;
- Design, and,
- Impact on amenity and neighbouring occupiers; and,

7.2 Planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The adopted development plan in relation to this application is formed by the Alnwick & Denwick Neighbourhood Plan (Made 2017), Alnwick District Local Plan 2000 (Saved Policies 2007) and Alnwick Core Strategy Adopted 2008. The NPPF is also a material consideration in the determination of planning applications. The development plan has therefore been used as the starting point for the assessment of the proposals submitted for consideration.

#### Principle of Development.

7.3 In terms of strategic policies the context is set by the Alnwick Core Strategy, Policy S1 states that the location and scale of new development should accord with a settlement hierarchy, this identifies Alnwick (where this proposal is located) at the top

of this hierarchy, labelling the town as a 'Main Rural Service Centre'. These centres are considered to be the focus for new development in the district. To add to this, Policy S2 identifies a sequential approach for considering new development locations in the district, this identifies Previously Developed Land and buildings within the urban areas of Alnwick, Amble, Rothbury and sustainable village centres (such as this proposal), as the first tier in this approach.

7.4 Policy S3 provides further relevant context, by setting out the sustainability criteria for granting planning permission. This proposal is deemed to be in compliance with this policy due to a number of factors: as the proposal is within the settlement boundary to Alnwick, within reasonable walking distance of jobs, shops, services, is accessible to the local transport network; in close proximity to local and regional bus services via the bus stop approximately 10m from the site and the bus station in Alnwick Town Centre; it is considered there is infrastructure capacity as there are no outstanding objections from consultees e.g. Highways, Education, Waste Management, Sewerage and Water Infrastructure Consultees or Network Rail, which cannot be overcome by condition; There are not considered to be any constraints on the land which cannot be mitigated for, there are no flood risk issues which cannot be addressed via condition (see suggested SUDs condition), there are not considered to be any adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets as no concerns have been raised by the relevant officers of the council, and the proposal is considered to be at least 290m from the nearest conservation area and is unlikely to impact on the conservation area, nor is the proposal near to any relevant environmental designations, nor will the proposal significantly impact adversely on any community assets; the proposal would help to sustain community services and facilities by helping to maintain/increase the quantum of population to support current local services and facilities in Alnwick.

7.5 Policy S8 is also relevant to this application, this states "*Proposals for high quality development and services or infrastructure, which would support economic regeneration through the provision of a range and choice of local job opportunities, improved education, strengthened utility networks or connectivity will be supported.*" The proposal to use the site for the purposes of NEED, providing community infrastructure and training would be considered to be compliant with this policy. This is similar to policy E1 of the Neighbourhood Plan which states "*Development proposals which support provision of job opportunities and the sustainable development and economic growth of Alnwick as a major service centre will be supported where they can be achieved without significant impact on the environment.*" The proposal is also deemed to be compliant with this policy. Policy S9 relates to the sites within the plan area which provide for employment land, it is considered that this site would contribute to the land within Alnwick used for employment generating uses.

7.6 The proposal is also supported by policy E4 which states "*Development which provides new employment opportunities, commercial and business development (including under policy TC3) along South Road will be supported provided that proposals do not significantly impact upon the retail and commercial role of the town centre and do not have significant detrimental impact on established housing areas in South Road.*" As the proposal is located along South Road, this proposal is deemed to be compliant with this policy.

7.7 In terms of housing policy, the proposal is located within the allocation covered by Policy H2. The site is referred to in Table HSG2 Housing Allocations in the ADNP as “H2-6 Fire Station” for 15 units. The table explains that *the design needs to account for existing housing and its access and relationship to supermarket planned on adjoining site including delivery bay and service yard etc.* Due to this it is deemed that the proposal is contrary to this allocation in the plan, which at the point of making, it is understood that the council was seeking to dispose of the site for housing, however, it is now understood that this is no longer the case, with the council preferring to allow NEED to operate from the site. It is considered that the potential loss of this small site from the housing allocations in the ADNP would not impact negatively on the ability of the plan to deliver the housing ambitions of the plan. This is further reinforced by the current 5 year housing land supply situation where there is a 12.1 year of a five year housing land supply county wide, however it should be noted that the issuing of a permission on this site would not preclude the site from coming forward for housing later on in the gestation period of the Neighbourhood Plan.

7.8 Overall, although the proposal would be contrary to the allocation covered by H2, it is considered that the location of the Former Fire Station would be an appropriate location for the proposed use, as this would be well suited with other employment and retail uses along South Road, despite its location with the former fire station housing to the rear of the site. It is therefore considered that the proposal in general would, on balance, be in general conformity with both the aims of the neighbourhood plan and the wider development plan in general.

7.9 Further to the above, the proposal is deemed to be acceptable in principle and in compliance with the relevant elements of the ACS, ADWLP and the ADNP; as well as the relevant elements of the NPPF.

#### Highways and Transport Matters

7.10 Policy S11 of the ACS requires that opportunities to maximise accessibility and minimise impacts from traffic from new developments are sought, these can be demonstrated through the documents which have been submitted through this application. As mentioned earlier the site is located approximately 240m from the nearest bus stop, with suitable pedestrian and cycle infrastructure and access available from the site.

7.11 In relation to highways infrastructure, policy TT5 of the ADWLP is also relevant, it is considered that the proposal is able to comply with the relevant aspects of this application.

7.12 Policy TRA1 of the ADNP is relevant to this application, with provision made to ensure compliance with this policy in the proposed development.

7.13 Further to the above, colleagues in Highways Development Management have commented in respect of this application, and have requested that a number of conditions are attached to this application in the interests of highway safety.

7.14 It can therefore be confirmed that this application is considered to be in compliance with the relevant policies from the ACS (S11), ADWLP (TT5), ADNP

(TRA1), and the relevant chapter of the NPPF (Chapter 9) in relation to Highways, Transport and Accessibility.

### Design, Landscape Character and Townscape Impact

7.15 Given the urban location of the proposal and that there are no physical changes as part of the application, it is not considered that the proposal has the potential to impact on landscape/townscape impact, or design issues and it is therefore considered that the proposal will respect the grain of development in this area of Alnwick.

7.16 The proposal is therefore deemed to be in compliance with Policies HD1, HD4 and HD5 from the ADNP, and S13 and S16 of the ACS in respect of Landscape Character and Townscape Impact.

### Impact on amenity and the operation of neighbouring occupiers

7.20 The relevant policies in relation to the impact on amenity and the operation of neighbouring occupiers are covered by ACS policy S3, ADP policy BE16 and CD32 of the Local Plan and, paragraphs 178-183 of the NPPF, as well as NPPF chapter 12 in relation to design aspects.

7.22 Comments have been received from the Public Protection team with regards to hours of operation, with the recommendation that the LPA should consider imposing a condition relating to hours of operation for the site. It is not considered this is appropriate in this instance given the proposal site has operated as a Fire Station for many years requiring 24 hour use, and has also operated in its current use for a number of years. Further to this, no comments from neighbouring occupiers have been received relating to any issues with regards to the hours of operation of the business.

7.21 In light of the above considerations it is considered, it would be unreasonable in this instance to insist on specified hours of operation and it is not considered that the proposal would not have any significant or unacceptable impacts on the amenity, adjacent residents or nearby occupiers, such as noise and traffic disturbance, that would reasonably justify refusal or the imposition of a restricted hours of operation condition. The proposal would therefore be in accordance with ADP policy BE16 and CD32 of the Local Plan and ACS Policies S3, S11, S13 and S16.

### Equality Duty

7.22 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

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

## Human Rights Act Implications

7.24 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.

7.25 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.

7.26 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 location of development is considered a suitable location for the proposal. It is not considered there would be an environmental impact resulting from the proposal as a previously developed site, involving no building work. Further to this the social and economic benefits, as well as other environmental benefits are considered to add to the case for the proposal.

8.2 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy in the Development Plan. The application has also been considered against the relevant material considerations, including 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.

8.3 The application has addressed the main considerations and would accord with relevant policy when the development plan is considered as a whole, the proposal is therefore supported.

## **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 hereby approved relates to and shall be carried out in accordance with the following approved plan:

Site Location Plan 21/11/18 (Old Fire Station, South Road, Alnwick, Northumberland, NE66 2PA)

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

**Background Papers:** Planning application file(s) 19/01702/FUL