

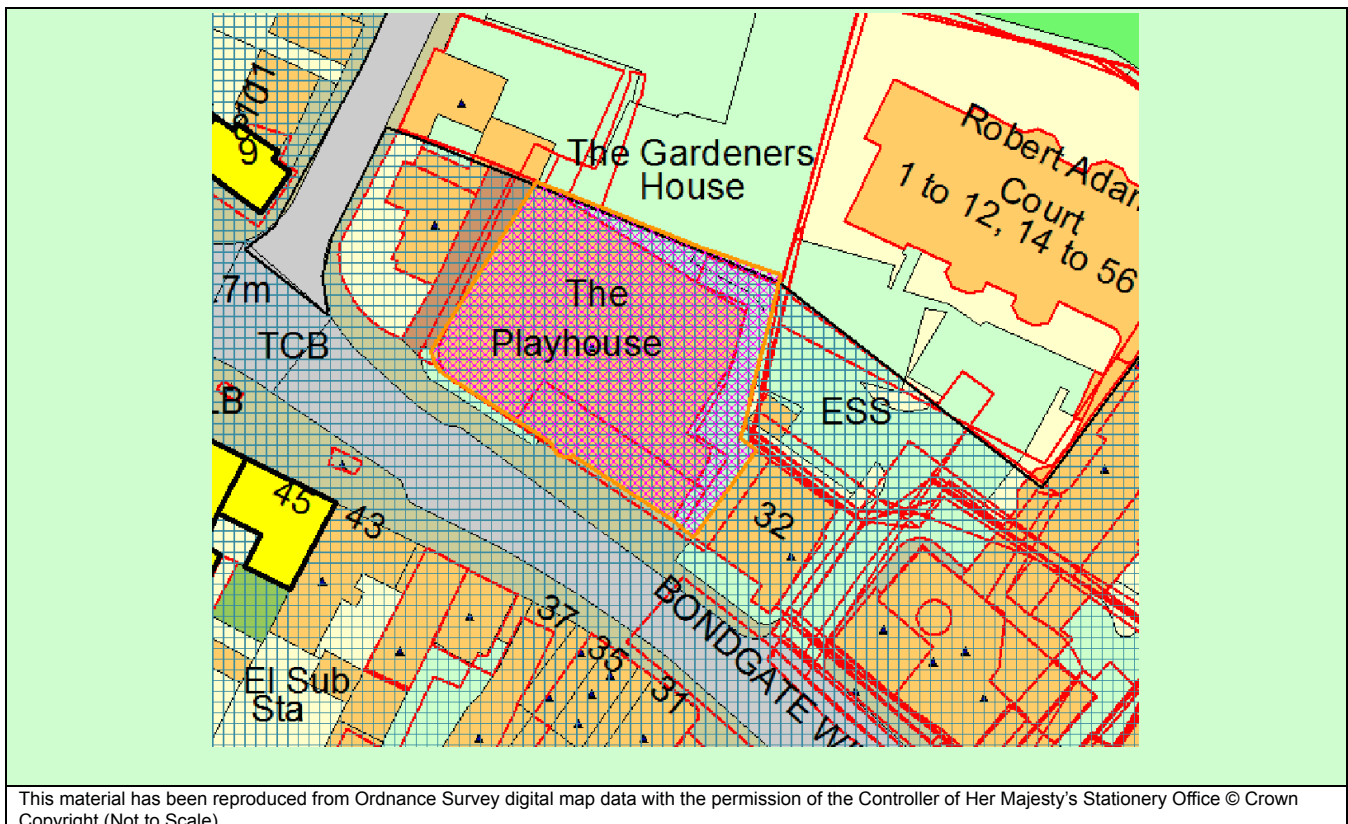


Northumberland County Council

North Northumberland Local Area Council 17th October 2019

Application No:	19/01737/VARYCO		
Proposal:	Variation of condition 2 (approved plans) pursuant to planning permission 18/00682/CCD in order to update the window styles with coated aluminium, swap some windows and doors, omit the sliding door to front elevation, add security fence to front yard, add antennae to flat roof and ventilation/extract/exhaust ducts and re-render existing sections of exterior with render coloured in RAL 3009.		
Site Address	Alnwick Playhouse And Arts Centre, Bondgate Without, Alnwick, Northumberland NE66 1PQ		
Applicant:	Mr Mike Turner County Hall, Morpeth, Northumberland, NE61 2EF	Agent:	Mrs Nicola Hodgson Millmount, Ponteland Road, Newcastle Upon Tyne, Tyne & Wear NE5 3AL
Ward	Alnwick	Parish	Alnwick
Valid Date:	17 July 2019	Expiry Date:	11 September 2019
Case Officer Details:	Name: Mrs Vivienne Cartmell Job Title: Principal Planning Officer Tel No: 01670 622702 Email: vivienne.cartmell@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 to be submitted to the North Northumberland Local Area Committee for determination as the applicant is Northumberland County Council.

2. Description of the Proposals

2.1 The site is located to the east of the town centre of Alwick within the historic area of Bondgate Without. The host building is a large two-storey Ashlar stone built, arts and entertainment centre, with a predominantly glass frontage, off the B6346 road. The Playhouse incorporates a cinema and theatre, and as part of the plans submitted intends to install tourist information and community facilities within the ground floor level.

2.2 The application seeks to make the following variations to the details approved under condition 2 of 18/00682/CCD:

Sliding door top front elevation omitted

Security fence fitted at service yard

New window and door omitted on east elevation

Antennae added to flat roof on south facing elevation

Replacement of all existing timber windows with powder coated aluminium units

Re-render existing sections of exterior with render coloured in RAL 2009

2.3 Please note there is a corresponding ADE (19/01724/ADE) application relating the lettering and banners signs proposed as shown on plans submitted for this application.

2.4 The site lies within the Alwick Conservation Area and as such special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the conservation area in assessing this proposal in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

2.5 It should also be noted that this is now a retrospective application as works that include the variations currently under consideration are being undertaken on site.

3. Relevant Planning History

Reference Number: 18/00682/CCD

Description: Refurbishment and reorganisation of the internal elements, refurbishment of external elements of the building and part change of use to incorporate library (D1) and tourist information facilities (B1) (amended 5th April 2018).

Status: PER

Reference Number: 19/01723/CCD

Description: Replacement of main signage above main entrance (same size, different font). Additional sign on main frontage (same as main entrance but slightly smaller). Additional 2no. banners to the existing 4no. banners on main south and west elevation.

Status: APPRET

Reference Number: 19/01724/ADE

Description: Advertisement consent for replacement of main signage above main entrance (same size, different font). Additional sign on main frontage (same as main entrance but slightly smaller). Additional 2no. banners to the existing 4no. banners (to be replaced) on main south and west elevation.

Status: PCO

4. Consultee Responses

Building Conservation	We consider the window changes proposed would give rise to less than substantial harm within the terms of paragraph 196 of the NPPF (Conservation Area) and a significant loss of significance to the non designated heritage asset (The Playhouse). Given there is no clear and convincing justification for the harm we therefore object to this aspect of the proposal. In addition, we suggest the applicant reconciles the render colour with the ADNP colour guidance.
Alnwick Town Council	No objections

5. Public Responses

Neighbour Notification

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

Notices

Site Notice- Affecting Conservation, 25th July 2019

Northumberland Gazette 25th July 2019

Summary of Responses:

At the time of preparing this report no neighbour or third party comments have been received.

6. Planning Policy

6.1 Development Plan Policy

S11 Locating development to maximise accessibility and minimise impact from travel
- Alnwick LDF Core Strategy

S15 Protecting the built and historic environment - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

6.3 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

7. Appraisal

7.1 In terms of assessing the proposal account will be given to the National Planning Policy Framework (NPPF) and those policies which are considered consistent with the NPPF from the Alnwick District Wide Local Plan (ADLP) and the current Alnwick District Core Strategy (ADCS). The NPPF does not change the statutory status of the development plan as the starting point for decision making. Therefore proposed development that accords with an up to date Local Plan should be approved unless other material considerations indicate otherwise.

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 Publication Draft Plan (Regulation 19) (January 2019) was published for consultation on 30/01/19. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications.

7.3 The key planning issues raised by the proposed variation of condition 2 of permission 18/00682/CCD include:-

- Principle of the variation of condition
- Impact on Alnwick conservation area and non-designated heritage asset (The Playhouse)

Principle of the variation of condition

7.4 The principle of the development has already been established through the extant permission. The main issue to consider therefore is the effects of the variation on the host building and surrounding area.

7.5 The reason that condition 2 was attached to the previous permission was : To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

7.6 Therefore the process of varying this condition to accommodate the proposed alterations to the previously approved details is necessary and deemed acceptable in order to achieve a revised scheme.

Impact on Alnwick Conservation Area and non-designated heritage asset

7.7 It is considered that the removal of the original timber windows and replacement with powder coated aluminium would result in a detrimental impact on both the adjacent Conservation Area and the Playhouse itself, which is identified as a non-designated heritage asset. Therefore the proposal would result in less than substantial harm to the Alnwick Conservation Area, as described in paragraph 196 of the NPPF and a significant loss of significance to the non designated heritage asset.

7.9 The NPPF states that a balanced view must be taken by decision makers in such situations taking account of any public benefits arising from the development such that the harm could be considered to be mitigated or ameliorated through their creation or continuance.

7.10 In this instance it is considered that while some harm to both the conservation area and non designated heritage asset would be caused by the loss of timber windows the public benefits that will arise through the redeveloping of this site into a community hub would give rise to significant public benefits.

7.11 As established under the 18/00682/CCD application the site will continue to house a cinema, gallery, theatre and cafe bar with enhanced facilities and will also include a library and information centre.

7.12 While the Building Conservation Officers states that no convincing justification for the substitution of timber for aluminium is given Planning Officers are minded that the use of this material offers a more low maintenance option long term which is an important consideration for such a community building which is to be maintained at public expense.

7.13 Within the submitted Heritage Statement the agent outlines that the windows would be of a similar external appearance to those they would replace but in a material that offers higher performance to fit with the ethos of the development to provide an improved and superior community facility.

7.14 The Building Conservation Team also raised concerns regarding the installation of a single antennae on the front (south facing) elevation and requested further information before a view could be taken.

7.15 Planning Officers are minded that while it is prudent to agree further detail on this aspect, it can be controlled through the use of a suitably worded condition as the principle of an antennae on a building such as this is acceptable.

7.16 With regards the repainting of the render, concerns were raised by both Planning and Building Conservation Officers that the proposed purple colour did not reconcile with existing guidance within the planning policies contained in the ADNP (H7). This has been addressed by the applicant as the colour is now stated as being RAL3009 which is an oxide red that is not dissimilar to the existing render colour.

7.17 As such the potential of the colour change to have a negative impact on the significance of the non designated heritage asset or the conservation area is reduced to a degree that the proposal is deemed to be acceptable.

7.18 The other variations are not identified as causing harm and no conservation or planning objections are raised to these alterations.

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

It is considered that on balance, the variations to the development are acceptable as they either have a neutral impact on the non designated heritage asset and conservation area, or, where the variations have been identified as causing a level of less than substantial harm Planning Officers are satisfied that the public benefits of the variation successfully mitigate this harm.

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. 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:-

Application Form

Proposed elevations Revision D

Proposed screen layouts ground floor as submitted 18.09.19

Proposed screen layouts first floor as submitted 18.09.19

Mechanical services installation ground floor layout proposed ventilation services drawing no 887 (57) 01 Rev 02

Screen and Forster Kitchen Vent Schedule 887 Alnwick Playhouse Refurbishment as submitted 17.07.19

Screen and Forster Kitchen Ventilation system - Risk Assessment for Odour report as submitted 17.07.19

Heritage Statement dated July 2019

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of S16 of the Alnwick LDF Core Strategy.

04. Notwithstanding details shown on the plans hereby approved no antennae shall be installed on the site until such time as further detail on the appearance and method of installation have been submitted and agreed in writing by the LPA and thereafter the antennae shall be installed and retained in accordance with the agreed details.

Reason: In the interest of achieving a satisfactory appearance of the development and maintaining visual amenity levels

Background Papers: Planning application file(s) 19/01737/VARYCO