



# Northumberland

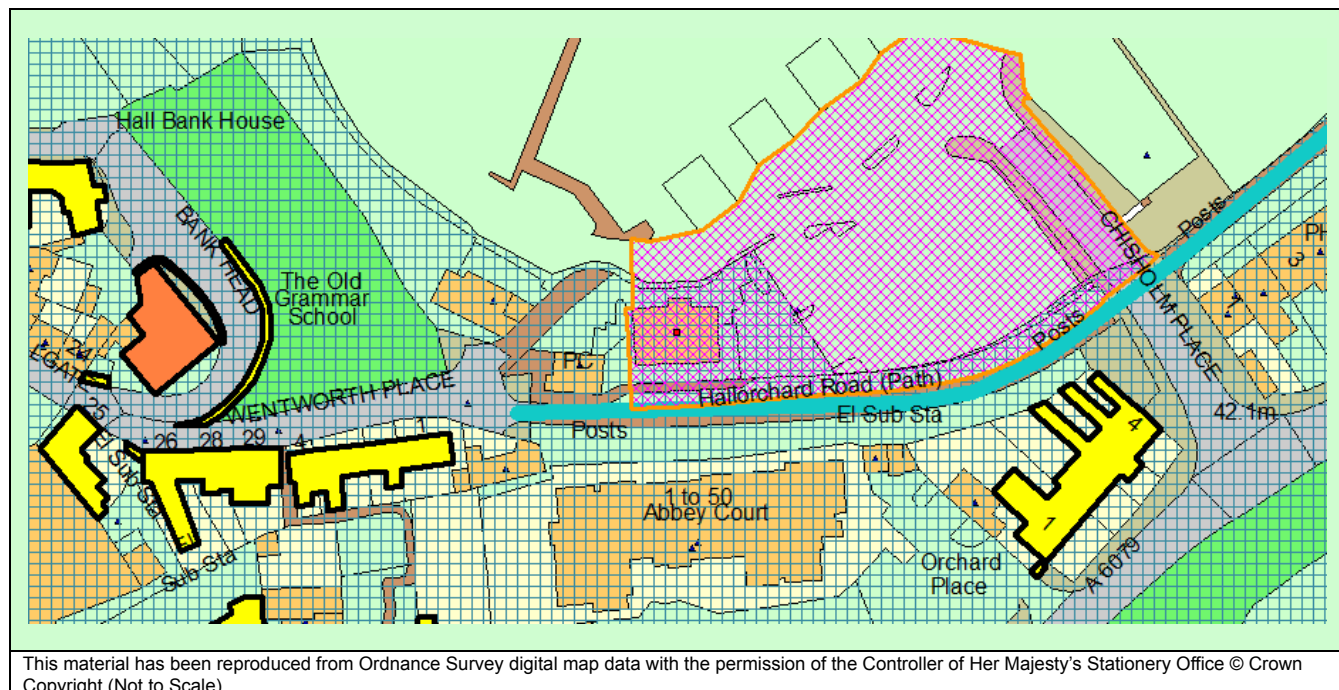
## County Council

### Tynedale Local Area Council Planning Committee

12 November 2019

<b>Application No:</b>	19/03636/FUL		
<b>Proposal:</b>	Change of use - tourist information to legal practice (office use)		
<b>Site Address</b>	Hexham Tourist Information Centre, Wentworth Car Park, Alemouth Road, Hexham, Northumberland, NE46 1QE		
<b>Applicant:</b>	Mr Satpal Pandal Lansdowne Court, Gosforth, Newcastle Upon Tyne, NE3 1HN	<b>Agent:</b>	N/A
<b>Ward</b>	Hexham East	<b>Parish</b>	Hexham
<b>Valid Date:</b>	5 September 2019	<b>Expiry Date:</b>	31 October 2019
<b>Case Officer Details:</b>	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

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



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## 1. Introduction

1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as the building is owned by Northumberland County Council.

## **2. Description of the Proposals**

- 2.1 Planning permission is sought for the change of use of Hexham Tourist Information Centre, Wentworth Car Park, Alemouth Road, Hexham to an A2 (Financial and Professional Services) use. This application seeks to change the unit from a tourist information centre to a legal practice.
- 2.2 The floor space of the proposed legal practice would measure 156.3 square metres and the change of use would not increase the floor space of the building. The change of use would provide employment for two full time members of staff and four part time members of staff. The hours of opening would be from 08:00 – 18:00 Monday to Friday.
- 2.3 The change of use would involve internal alterations to the building, however, would not involve any external alterations to the building. Section 24 of the application form states that the applicant has served notice on the owner of the building, Northumberland County Council. The building is currently vacant and was previously Hexham's Tourist Information Centre.
- 2.4 The application site is within Hexham Conservation Area, is within a low risk coal advice area and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI). There are also a number of listed buildings within the wider locality.

## **3. Planning History**

**Reference Number:** 18/03195/FUL

**Description:** Change of use to charity shop

**Status:** Withdrawn

**Reference Number:** 18/03196/ADE

**Description:** Advertisement Consent for non-illuminated fascia sign to front elevation

**Status:** Withdrawn

**Reference Number:** T/980567

**Description:** Construction of tourist information centre and public toilets

**Status:** Permitted

**Reference Number:** T/980302

**Description:** Construction of tourist information centre (As amended by drawing no. TICWENT/11.DWG received 11.5.98)

**Status:** Refused

## **4. Consultee Responses**

Hexham Town Council	No objection.
Building Conservation	No objection.
Highways	No objection subject to conditions and informatives.
Public Protection	No comment.
Strategic Estates	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice affecting the Conservation Area – Displayed on 11<sup>th</sup> September 2019

Press notice in Hexham Courant - Published on 12<sup>th</sup> September 2019

### Summary of Responses:

None received.

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=PWOWGCQS0LP00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

Policy BE1 – Principles for the Built Environment

Policy EDT1 – Principles for Economic Development and Tourism

Policy GD1 – The General Location of Development

Policy GD4 – Principles for Transport and Accessibility

*Tynedale District Local Plan (2000)*

Policy BE22 – The Setting of Listed Buildings  
Policy ED11 – Small Scale Opportunities from New Sites, Redevelopment or Conversion  
Policy GD2 – Design Criteria for all Development  
Policy GD4 – Range of Transport Provision for all Development  
Policy GD7 – Car Parking Standards within the built-up areas

## 6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as updated)*

## 6.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and Proposed Minor Modifications, as submitted 29 May 2019*

Policy ECN 1 – Planning Strategy for the Economy (Strategic Policy)  
Policy ENV 7 – Historic Environment and Heritage Assets  
Policy ENV 9 – Conservation Areas  
Policy QOP 1 – Design Principles (Strategic Policy)  
Policy QOP 2 – Good Design and Amenity  
Policy STP 1 – Spatial Strategy (Strategic Policy)  
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 – Principles of Sustainable Development (Strategic Policy)  
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)  
Policy TRA 2 – The Effects of Development on the Transport Network  
Policy TRA 4 – Parking Provision in New Development

*Hexham Neighbourhood Plan 2019-2036 Submission Plan (January 2019)*

Policy HNP1 – Sustainable Development in the Neighbourhood Area  
Policy HNP2 – High-Quality Sustainable Design in the Neighbourhood Area  
Policy HNP3 – Design in the Hexham Conservation Area

## **7. Appraisal**

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development;
- Impact upon visual amenity and heritage assets;
- Impact upon residential amenity; and
- Highway safety.

### *Principle of the Development*

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. In this case, the relevant development plans for this application are the Tynedale LDF Core Strategy

(2007) and the Tynedale District Local Plan (2000) and the proposed works shall be considered in the light of the saved policies of these documents.

- 7.3 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29th May 2019. In accordance with Paragraph 48 of the NPPF; the policies contained within this document at this stage carry some weight in the assessment of planning applications.
- 7.4 As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the location of development. The policy states the main towns of Hexham, Prudhoe and Haltwhistle should be the main focus for development. The policy follows on to state that *“in all cases the scale and nature of the development should respect the character of the town or village concerned”*.
- 7.5 Policy STP 1 of the Northumberland Local Plan (Publication Draft Plan) identifies Hexham as a main town and the main towns within Northumberland should be the main focus for employment, housing, retail and services.
- 7.6 Paragraph 80 of the NPPF states *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 7.7 Policy EDT1 of the Tynedale LDF Core Strategy sets out the principles for economic development and tourism including supporting a buoyant and diverse local economy.
- 7.8 Policy ECN 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the planning strategy for the economy. This policy supports town centres as locations for employment and business.
- 7.9 Policy ED11 of the Tynedale District Local Plan refers to small scale employment opportunities. This policy states new sites, by redevelopment or conversions will be permitted within or adjacent to existing settlements as long as the criteria can be met. These will be considered further below.
- 7.10 The building of the proposed change of use is located within the market town of Hexham and would involve the re-use of an existing building. The proposal would not increase the footprint of the unit. The proposal would reuse an existing vacant building and would not alter the external appearance of the building. Therefore the proposal would not harm the character of the town of Hexham or the wider area. The proposed change of use would be acceptable as a matter of principle in accordance with Policies GD1 and EDT1 of the Tynedale LDF Core Strategy, Policy ED11 of the Tynedale District Local Plan, Policies ECN 1 and STP 1 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

*Impact upon Visual Amenity and Heritage Assets*

7.11 The proposed change of use to Class A2 would not adversely impact upon the adjoining land and buildings. The proposal would change the use of the building from a tourist information centre into a legal practice. The Council's Building Conservation team has been consulted on this application to assess the impact of the proposed change of use upon the setting of the nearby Listed Buildings and the character of Hexham Conservation Area. The Council's Building Conservation Officer has no objection to the proposal. The change of use would not alter the external appearance of the building and therefore would not adversely affect the Hexham Conservation Area, the setting of the nearby Listed Buildings or the wider street scene. The proposal would accord with Policy BE1 of the Tynedale LDF Core Strategy, Policies BE22, GD2 and ED11 of the Tynedale District Local Plan, Policies ENV 7, ENV 9, QOP 1, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and Policies HNP1, HNP2 and HNP3 of the Hexham Neighbourhood Plan.

#### *Impact upon Residential Amenity*

7.12 Hexham Tourist Information Centre is a detached building located to the south of Wentworth Car Park. The building is located within a central location within the market town of Hexham. The building is located within a built-up area with a mixture of commercial and residential buildings. There are two buildings within close proximity to Hexham Tourist Information Centre; one of which is a block of public toilets and the other is the Wentworth Café. The proposal is to change the use of the building from a tourist information centre to a legal practice. The proposal would not involve altering the external appearance of the building. The Council's Public Health Protection team has been consulted on this application and has no comment to make. The opening hours, which are typical of this type of use, are considered to be acceptable. It is considered that the residential amenity of neighbouring properties would be protected and the proposed change of use would accord with Policies ED11 and GD2 of the Tynedale District Local Plan, Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan).

#### *Highway Safety*

7.13 Policy GD4 of the Tynedale LDF Core Strategy sets out the principles for transport and accessibility. Policy GD4 of the Tynedale District Local Plan sets out the criteria relating to transport for all types of development. Policy GD7 of the Tynedale District Local Plan relates to the car parking standards within the built-up areas of Hexham, Haltwhistle, Prudhoe and Corbridge.

7.14 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) relates to promoting sustainable connections. Policy TRA 2 of the Northumberland Local Plan (Publication Draft Plan) sets out criteria relating to all types of development affecting the transport network. Policy TRA 4 of the Northumberland Local Plan (Publication Draft Plan) relates to parking provision in new development.

7.15 The Council's Highway Development Management team has been consulted on this application and has no objection to the proposed change of use subject to conditions and informatives. The conditions relate to the submission of the details of cycle parking and the submission of the details of refuse storage. It is considered that no issues arise from the proposal. There are existing pedestrian and public links in place connecting the site to the local amenities in Hexham.

The proposed change of use to a legal practice would not create any road safety issues at this location. Due to the location of the development, within the town centre, designated car parking would not be required. The proposed change of use can utilise the existing car parking available within the town centre. The proposed change of use is considered to be in accordance with Policy GD4 of the Tynedale LDF Core Strategy, Policies GD4 and GD7 of the Tynedale District Local Plan, Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

### *Equality Duty*

7.16 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*

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

### *Human Rights Act Implications*

7.18 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.

7.19 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.

7.20 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 National and local planning policies have been taken into consideration when assessing this application. It is considered that the proposed change of use represents an appropriate form of development and would accord with Policies BE1, EDT 1, GD1 and GD4 of the Tynedale LDF Core Strategy, Policy BE22, ED11, GD2, GD4 and GD7 of the Tynedale District Local Plan, Policies ECN 1, ENV 7, ENV 9, QOP 1, QOP 2, STP 1, STP 2, STP 3, TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan (Publication Draft Plan), Policies HNP1, HNP2 and HNP3 of the Hexham Neighbourhood Plan and the principles of the National Planning Policy Framework.

## **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 shall be carried out in complete accordance with the details shown on the following plans:

1. Floor Plan as Existing & Proposed, Drawing No: 190001-01 Revision A (Date: 03-05-19) (Received on: 23/08/2019)
2. Location Plan 1:1250 Hexham TIC (Date: 04/09/2019) (Received on: 05/09/2019)
3. Hexham TIC 1:430 (Date: 09/04/2019) (Received on: 23/08/2019)

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

03. The opening hours shall not exceed:

Daily – 08:00 to 18:00

Reason: For the avoidance of doubt and in the interests of amenity in accordance with Policy GD2 of the Tynedale District Local Plan.

04. The development shall not be occupied until details of cycle parking have been submitted to, and approved in writing by, the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.



Reason: In the interests of highway safety and sustainable development, in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policies GD2 and GD4 of the Tynedale District Local Plan.

05. 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 arrangements 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 the approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of waste in accordance with Policy GD4 of the Tynedale LDF Core Strategy and Policy GD4 of the Tynedale District Local Plan.

### **Informatives**

1. This permission does not give consent to any advertisement(s) intended to be displayed on the site for which separate Advertisement Consent may be necessary under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
2. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
3. For new individual properties the following will be required to be provided:
  - 240 litre wheeled bin for residual refuse;
  - 240 litre wheeled bin for recycling.

Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme.

**Background Papers:** Planning application file(s) 19/03636/FUL