



# Northumberland

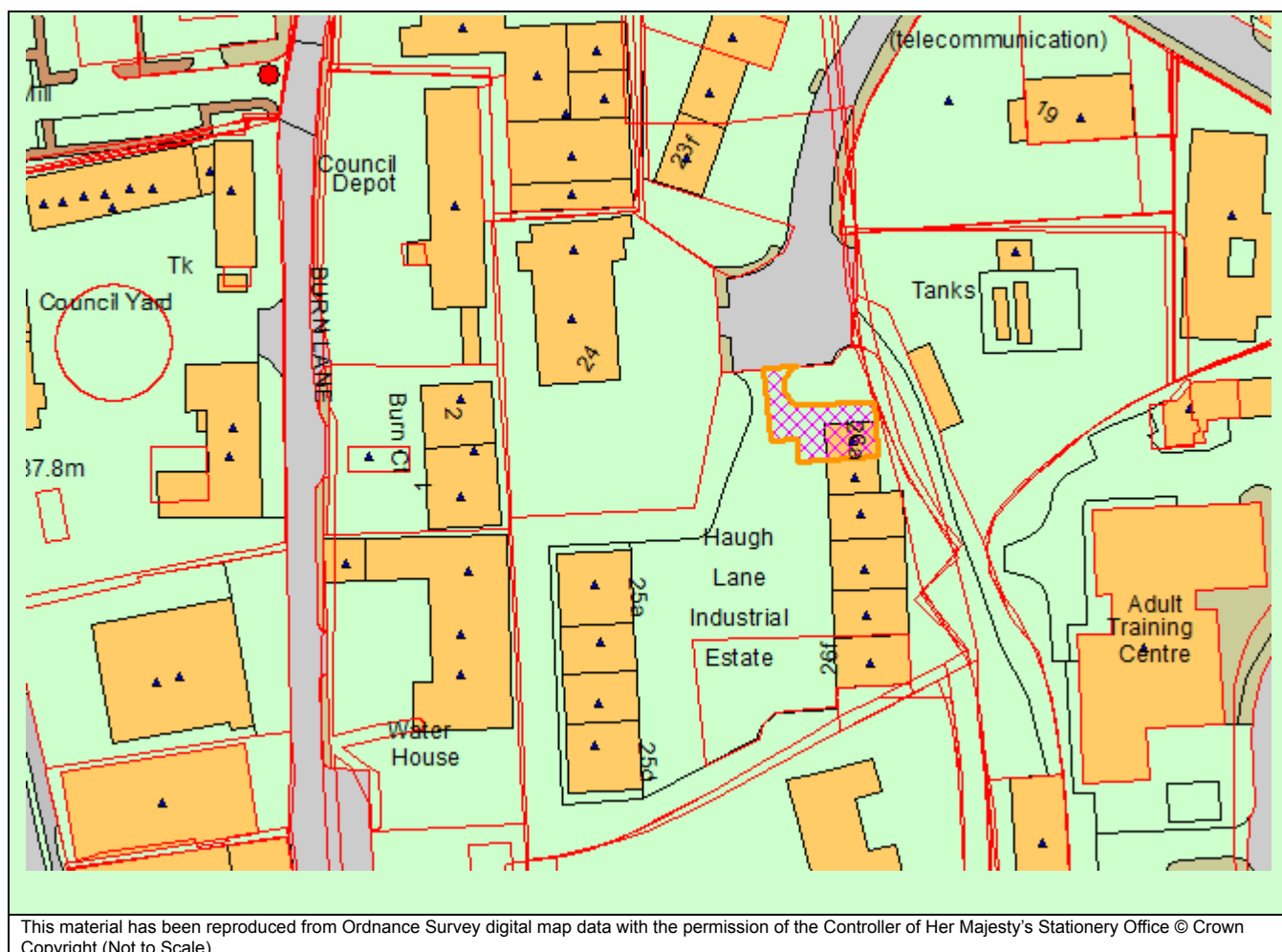
## County Council

### Tynedale Local Area Council Planning Committee

10 December 2019

<b>Application No:</b>	19/02370/FUL		
<b>Proposal:</b>	Change of use of industrial unit from B1 (Business) to D2 (Assembly and Leisure) for use as personal training studio.		
<b>Site Address</b>	Tynedale House Clearances, 26A Haugh Lane Industrial Estate, Hexham, Northumberland NE46 3PU		
<b>Applicant:</b>	Miss Stephanie Wood 36 Robson Drive, Hexham, Northumberland, NE46 2HZ	<b>Agent:</b>	None
<b>Ward</b>	Hexham Central With Acomb	<b>Parish</b>	Hexham
<b>Valid Date:</b>	14 August 2019	<b>Expiry Date:</b>	15 November 2019
<b>Case Officer Details:</b>	<b>Name:</b>	Ms Marie Haworth	
	<b>Job Title:</b>	Planning Officer	
	<b>Tel No:</b>	01670 623787	
	<b>Email:</b>	Marie.Haworth@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 being brought to the Committee as the application is on land within the ownership of Advance Northumberland.

## 2. Description of the Proposals

2.1 Planning permission is sought for the change of use from a used class of B1 (Business) to D2 (Assembly and Leisure) at Tynedale House Clearances, 26A Haugh Lane Industrial Estate, Hexham.

2.2 The application site is located within an existing business area within Haugh Lane Industrial Estate located on the outskirts of Hexham; it is accessed via a private courtyard area at the terminus of the adopted highway at the U8288 Haugh Lane.

2.3 The application property is an industrial unit of brick construction: the unit measures approximately 46.5 square metres; access to the premises is via a roller shutter with a door opening contained within it.

2.4 The proposal for the unit is to run independent personal training studio which would operate between the hours of 06:00-21:00 Monday to Friday and 07:00-11:00 on a Saturday. No internal or external changes are proposed and there is on site parking provision for 6 cars.

### 3. Planning History

**Reference Number:** T/20051343

**Description:** Widening of access road and removal of (part of) grassed verge

**Status:** PERMITTED

**Reference Number:** T/78/E/746

**Description:** Extension of Haugh Lane Industrial Estate.

**Status:** PERMITTED

### 4. Consultee Responses

Strategic Estates	No response received.
Hexham Town Council	No objection.
Public Protection	No comment, proposal is below risk appetite.
Highways	No objection subject to recommended conditions and informatives.
Planning Strategy	No objection.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	0
Number of Support	0
Number of General Comments	0

#### Notices

General site notice, 6th September 2019

No Press Notice Required.

#### Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale LDF Core Strategy 2007

GD1 Principle of development  
BE1 Principles for the built environment

Tynedale District Local Plan 2000 (Policies Saved 2007)

GD2 Design Criteria for development, including extensions and alterations  
GD7 Car parking standards inside the built up areas  
ED11 Small scale opportunities from new sites, redevelopment or conversions  
LR24 Development of sites for “noisy” sport activities

### 6.2 National Planning Policy

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

### 6.3 National Planning Policy

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

STP3 Principles of sustainable development  
STP5 Health and wellbeing  
QOP1 Design principles  
QOP2 Good design and amenity  
TRA4 Parking provision in new development

Hexham Neighbourhood Plan 2019 – 2036

HPN1 Sustainable development in the Neighbourhood Area

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal regard must be given to the policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. Further consultation is currently taking place up until 13 March 2019 on the emerging Northumberland Local Plan. From the Publication Date of 30 January 2019, greater weight (some weight) can be attributed to emerging Local Plan policies.

7.3 The main issues in the determination of this application are:

The Principle of the Development  
The Design and Impact  
Impact upon Neighbouring Amenity  
Highways safety and parking

### **The Principle of the Development**

7.4 The NPPF makes it clear local planning authorities should approve development proposals that accord with the development plan without delay unless material considerations indicate otherwise. This approach is the basis for a presumption in favour of sustainable development which is at the heart of the NPPF. The NPPF also provides specific policy guidance on development proposals which is, in itself, a material consideration in the determination of such schemes. The emerging Northumberland Local Plan Policy STP3 recognises the need for sustainable development and seeks to protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors.

7.5 The NPPF states that the Local Planning Authority should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development, and should support the sustainable growth and expansion of all types of business and enterprise, both through conversion of existing buildings and well-designed new buildings.

7.6 The application site is located within central Hexham, identified within Core Strategy Policy GD1 as a main town, which is to act as a primary focus for development.

7.7 The proposed personal training studio would have a gross internal floor space of approximately 46.5 square metres and would provide employment for one member of staff. The proposed hours of opening would be from 06:00-21:00 Monday to Friday and 07:00-11:00 on a Saturday.

7.8 The proposed site is detailed in Tynedale Local Plan Policies ED1 and ED5 which identifies employment sites within the District for the development of, or change of use to offices, light industry (Use Class B1), general industry (Use Class B2) and storage and distribution (Use Class B8).

7.9 Tynedale Local Plan Policy ED7 states *“that on all sites allocated for employment use in Policies ED1 and ED4 and in all existing employment areas identified under Policy ED5, proposals for developments which fall into Use Classes other than B1 (office, light industry), B2 (general industry) and B8 (storage and distribution) will not be permitted. Other employment generating uses not specified in the Use Classes*

*Order but with similar characteristics to B1, B2 or B8 uses may be appropriate on these sites”.*

7.10 The application site is identified in the above policies and as such the proposals would not accord with Tynedale Policies Tynedale Local Plan Policies ED1, ED5 and ED7. However, the site has been vacant for over nine months; the landlord has stated that the unit had been empty for a considerable period of time despite being marketed and information being made to potential tenants; they confirmed their agreement to the proposed change of use to Use Class D2, in order to bring the vacant unit back into use. It is considered by officers that a suitable effort has been made to secure an employment use for the building to no avail. Whilst the proposal would not accord with Local Plan Policy, the redevelopment of the site would bring back into use a vacant unit albeit for a different use class outside of those permitted by policy and employment for one member of staff. There are no proposed internal or external alterations and as such the use class could easily be reversed back in the future.

7.11 Taking the above into deliberation, it is considered that the proposed change of use would accord to Tynedale Core Strategy Policy GD1, emerging Northumberland Local Plan Policy STP3 and the NPPF and would warrant a departure from Tynedale Policies Tynedale Local Plan Policies ED1, ED5 and ED7 .

### **Design and impact**

7.12 With regard to impact upon adjoining land and buildings, the building would remain industrial/commercial in appearance without any internal or external changes. It is considered that the proposal would not have a significant adverse impact on the visual amenity of the building or street scene. Therefore, the proposal is considered acceptable in accordance with of the Tynedale LDF Core Strategy Policy BE1, Tynedale District Local Plan Policies GD2 and GD4, Policies QOP1 the emerging Northumberland Local Plan and the NPPF.

### **Impact upon Amenity**

7.13 The application has been assessed against local and national planning policies and it is considered that there would be no material impact on the amenity of neighbouring properties, mainly due to the sites location within existing industrial estate. The Public Protection Team has raised no objection. The proposal has been assessed and it is considered that the proposed change of use would not adversely impact upon the amenity of neighbouring occupants. The proposal is therefore considered acceptable in this respect, in accordance with Tynedale LDF Core Strategy Policy BE1, Tynedale District Local Plan Policies GD2 and LR24, the emerging Northumberland Local Plan Policy QOP2 and the NPPF.

### **Highways safety**

7.14 Tynedale Local Plan Policy GD4 sets out the criteria for highways and pedestrian safety which includes the provision of adequate links, access to and provision for public transport systems, safe access to the site and consideration of safe routes for pedestrians and cyclists. Tynedale Local Plan Policy GD7 sets out the criteria for parking provision outside of the built up areas of Hexham, Haltwhistle, Prudhoe and Corbridge and requires that car parking provision would be required to

be made in accordance with Northumberland County Council car parking standards for development. There is car parking provision for 6 cars allocated to the business unit. The Highways Development management Team has been consulted and subject to the imposition of recommended planning conditions and informatives has raised no objection. It is considered that the proposal is acceptable in terms of parking provision and impact on highway safety, in accordance with the NPPF, Tynedale Local Plan policies GD4 and GD7, together with Policy TRA 4 of the Northumberland Local Plan.

## **Other considerations**

### **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 application has been considered above against the relevant national and local planning policies and other material considerations and it is considered, subject to standard conditions, that the proposed development represents an appropriate form of development and therefore to withhold planning permission would be unreasonable.

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

Site Location Plan

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

03. There shall be no amplified speech or music within the premises.

Reason: To safeguard the amenities of the occupiers of adjoining properties and in accordance with Tynedale Local Plan Policy GD2.

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 Tynedale Core Strategy Policy GD4 and the National Planning Policy Framework.

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 approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Tynedale Core Strategy Policy BE1 and the National Planning Policy Framework.

06. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall be used for the purposes of a fitness studio and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible with surrounding land uses in the area and in accordance with Tynedale Core Strategy Policies ED1, ED5 and ED7.

**Background Papers:** Planning application file(s) 19/02370/FUL