



# Northumberland

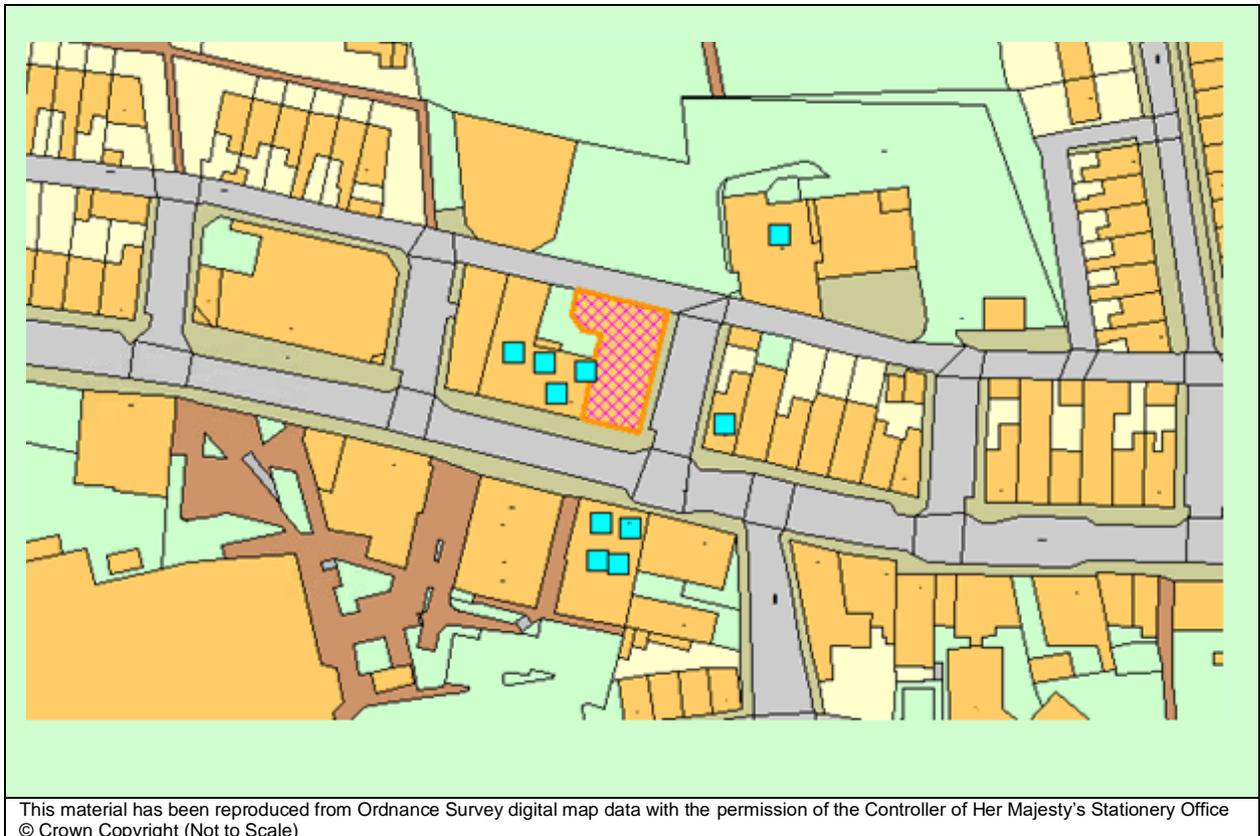
## County Council

### TYNEDALE LOCAL AREA COUNCIL PLANNING COMMITTEE

#### 13<sup>th</sup> October 2020

<b>Application No:</b>	20/02352/COU		
<b>Proposal:</b>	Change of use from retail unit (Use Class E) to a non-residential centre (Use Class F.2) to be used by community groups with an ancillary private cafe (Amended description to refer to Use Class F.2 18/09/2020).		
<b>Site Address</b>	Unit 1, 10 Front Street, Prudhoe NE42 5HJ		
<b>Applicant/ Agent</b>	Mr George Hepburn Prudhoe Community Partnership Spetchells Centre, 58 Front Street, Prudhoe NE42 5AA		
<b>Ward</b>	South Prudhoe	<b>Parish</b>	Prudhoe
<b>Valid Date</b>	24 August 2020	<b>Expiry Date</b>	19 October 2020
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That Members GRANT planning permission for the proposed development, subject to recommended conditions.



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## 1. Introduction

- 1.1 Objections have been received from a number of local residents, whilst Prudhoe Town Council support the proposed development.
- 1.2 Following referral to the Director of Planning and Chair of the Tynedale Local Area Council Planning Committee under the Virtual 19 delegation scheme, it was agreed on 24.09.2020 that this application raises sufficient interest within the wider community to be considered by Members of the Virtual Tynedale Local Area Council Planning Committee.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use of a vacant retail unit to a community centre to be used by Prudhoe Community Partnership, including an ancillary private café. The site is located at Unit 1, 10 Front Street, Prudhoe.
- 2.2 The proposal is in respect of the unit on the ground floor of the building, with Prudhoe Snooker Club located on the first floor. To the west is a micropub known as “Wor Local”; to the south is the public highway beyond which is a Greggs bakery and adjacent retail units; to the east is an unnamed side street with a building society beyond; and to the north is a back lane known as Tyne View Terrace and a car servicing premises beyond.
- 2.3 The application site is located on Front Street, within the Primary Shopping Area and Primary Shopping Frontage of Prudhoe.
- 2.4 No changes are proposed to the external elevations of the building. Any proposed display of advertisements to the frontage of the premises would require separate advertisement consent from the Local Planning Authority.

## 3. Planning History

**Reference Number:** 19/03894/COU

**Description:** Change of use from retail (Use Class A1) to cafe (Use Class A3) (Amended Description 01/10/2019).

**Status:** Permitted

**Reference Number:** T/84/E/769

**Description:** Change of use and conversion of first floor offices to private snooker club.

**Status:** Permitted

**Reference Number:** T/950305

**Description:** Proposed alterations to shop front

**Status:** Permitted

#### 4. Consultee Responses

Prudhoe Town Council	Prudhoe Town Council support the application
Highways	No objection subject to recommended informatives.
Public Health Protection	No objection following the change in description to refer to a private café ancillary to the non-residential centre. Informative provided.
Police	<p>As a Design Out Crime Officer for Northumbria Police, I am writing to you with reference to the above planning application. We have reviewed and studied the planning application and we have no objections or concerns around the layout of the proposed application.</p> <p>We have also consulted East Tynedale Neighbourhood Policing Team around the proposed location of Youth Club. Whilst the Team do not think it is located in the best location with access straight onto the main road, from a policing perspective there are no objections. There are very few historical reports of anti-social behaviour originating from children who already attend youth groups in the immediate area; anti-social behavior generally originates for those not attending any youth groups.</p>

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	42
Number of Support	0
Number of General Comments	0

##### Notices

General Site notice: displayed 4th September 2020

No press notice required for this type of application.

##### Summary of Responses:

At the time of writing this report, 40 objections have been received from neighbouring residents and premises, and two further objections have been received from the Prudhoe Traders Committee. The objections have raised the following material planning concerns:

- Loss of a retail unit on Front Street;
- Increase in Anti-Social Behaviour; and

- Proximity of adjacent micro-pub and other premises with licence to sell alcohol.

1 letter of support has also been received from Chair of the Prudhoe Youth Project, who is not the applicant, raising the following material planning considerations:

- The proposal would bring a vacant unit back into use;
- The proposed community centre would benefit local youths; and
- There is a lack of alternative venues for youths to gather and received support during the current lockdown measures.

The above is a summary of the comments received. The comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QDYRDQQS0CH00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy 2007*

Policy GD1 – Locational policy setting out settlement hierarchy  
 Policy GD4 – Principles for transport and accessibility  
 Policy BE1 – Principles for the built environment  
 Policy EDT1 – Principles for economic development  
 Policy RT1 – Principles for town centres and retailing  
 Policy RT2 – Primary Shopping Areas  
 Policy RT3 – Primary Shopping Frontages  
 Policy CS1 – Principles for community services and facilities

*Tynedale District Local Plan 2000 (Saved Policies 2007)*

Policy GD2 – Design Criteria for development, including impacts on amenity of neighbouring land uses  
 Policy GD3 – Accessibility of buildings open to the public  
 Policy GD4 – Highway access and safety criteria  
 Policy GD7 – Car parking provision within the built up area of Prudhoe  
 Policy CS19 – Pollution  
 Policy CS23 – Land Contamination

### 6.2 National Planning Policy

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

### 6.3 Emerging Planning Policy

Policy STP 1 – Settlement Boundaries  
Policy HOU 1 - Making the best use of existing buildings (Strategic Policy)  
Policy ECN 1 - Planning strategy for the economy (Strategic Policy)  
Policy TCS 1 - Hierarchy of centres (Strategic Policy)  
Policy TCS 2 - Defining centres in Main Towns (Strategic Policy)  
Policy TCS 3 - Maintaining and enhancing the role of centres (Strategic Policy)  
Policy TCS 5 - Keeping high streets vibrant  
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  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy POL 1 – Unstable and Contaminated Land  
Policy POL 2 – Pollution and air, soil and water quality  
Policy INF 2 – Community Services and Facilities

## **7. Appraisal**

- 7.1 In assessing the acceptability any proposal regard must be given to 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 of the Tynedale Core Strategy and Saved Policies of the Tynedale District Local Plan.
- 7.2 Paragraph 48 of the NPPF states that from the day of its publication, 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. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate for examination in May 2019, along with a schedule of Minor Modifications (May 2019) following public consultation. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.
- 7.3 The main issues for consideration in the determination of this application are:

Principle of the development  
Amenity of neighbouring land uses  
Highway safety  
Coal Mining Legacy

Principle of the development

*Location/Sustainability*

- 7.4 Policy GD1 of the Tynedale Core Strategy directs the main focus of development within the former Tynedale toward the main towns. The application site is located within Prudhoe Town Centre; therefore the location of the proposal accords with this Policy.

*Loss of a retail unit*

- 7.5 Policy EDT1 of the Tynedale Core Strategy supports a buoyant and diverse local economy which recognises the importance of tourism in Tynedale. Policy EDT1 also supports development where appropriate which increases the range, quality and type of facilities available to tourists.
- 7.6 The application site is located within the Prudhoe Primary Shopping Area. Policy RT1 of the Tynedale Core Strategy seeks to maintain and enhance the vitality and viability of Primary Shopping Areas. Policy RT2 of the Core Strategy supports the development of retail and other town centre uses within Primary Shopping Areas.
- 7.7 The application site also forms part of Prudhoe's Primary Shopping Frontage. Policy RT3 of the Tynedale Core Strategy seeks to maximise the proportion of A1 Use Class retail premises within these frontages. Policy RT3 states that the change of use of a ground floor frontage from A1 retail will not be permitted if it would result in less than 80% of the overall proportion of uses in the Prudhoe Primary Shopping Frontage falling under Use Class A1. It is noted by officers that this Policy is of age, and pre-dates the current online retail trend following a change in shopping habits. It is also noted by officers that the 80% threshold for Prudhoe was requested by Prudhoe Town Council when the Core Strategy was drafted, and that the Town Council have provided comments in support of the current application.
- 7.8 Paragraph 85 of the NPPF requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 85 goes on to state that planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Policy TCS3 of the emerging Northumberland Local Plan has been drafted with the NPPF in mind, which states that Northumberland's town and village centres will be supported and promoted, through planning decisions, in their role as community and service hubs; vital and viable centres for shopping, business, culture and leisure; and places to live, work and visit. Policy TSC5 of the emerging Northumberland Local Plan states that within Key Shopping Frontages, the Council will seek to maximise the active frontage through supporting and encouraging Use Class A1 retail uses and to a lesser extent Use Class A3 restaurants and cafes.
- 7.9 The unit subject to this application benefits from a previous consent, planning reference 19/03894/COU, dated November 2019, for a change of use from a retail unit to a café. Therefore the loss of a retail unit in this location has already been established. The loss of a retail unit in this location would lead to a conflict

with Policy RT3 of the adopted Tynedale Core Strategy; however, as considered under the previous application at this site for a change of use to a café, officers consider this is an outdated and overly rigid Policy in light of the more up-to-date NPPF. The provisions of the NPPF and the Policies of the emerging Northumberland Local Plan are material considerations in the assessment of the current application, and it is considered that Policy RT3 of the Tynedale Core Strategy is out of kilter with the NPPF and can therefore only be afforded limited weight when determining planning applications.

- 7.10 It is also noted that the unit is currently vacant, therefore by bringing a vacant unit into use the proposal would lead to a net increase in footfall along Front Street, which would support other businesses along Front Street. The proposal would therefore bring economic benefits to the Primary Shopping Area of Prudhoe.

#### *Provision of a community facility*

- 7.11 Policy CS1 of the Tynedale Core Strategy seeks to facilitate services and facilities which support local communities across Tynedale. The proposal would lead to the replacement of a retail unit with a community group centre with an ancillary private café. The application submits that a new centre is required for this community use, and that there are no comparable and available units elsewhere in Prudhoe for the applicant to pursue. The application submits that the proposed use would provide a venue for a Junior and a Senior Youth Groups, counselling, craft groups, and a food bank as part of the proposed community centre. The application submits that there are similar facilities in Hexham, Corbridge and most other towns in Northumberland, and that such a facility needs to be in a well-connected town centre location so that users can easily access the services provided. The recommending officer considers that the proposed community centre would provide a needed venue for social interaction and support for vulnerable members of the local community, therefore providing social benefits to those members of the community and according with Policy CS1 of the Tynedale Core Strategy and Policy INF2 of the emerging Northumberland Local Plan.
- 7.12 Concerns have been raised by members of the public and the owners of adjacent premises in respect of anti-social behavior from the users of the proposed community centre. The matter of perception of crime and impact on the amenity of neighbouring land uses will be discussed in greater detail later in this report, however it is considered by the recommending officer that the principle of a community facility within a town centre location is acceptable.

#### *Summary of the Principle of Development*

- 7.13 The application site is in a sustainable location in the centre of the main town of Prudhoe. The loss of a retail unit in this location has previously been established in the granting of a change of use consent in November 2019; whilst the proposed use of a vacant unit would lead to an increase in footfall along Front Street, benefitting nearby premises and bringing economic benefits to the Primary Shopping Area. The principle of locating a community centre in this town centre location would also lead to social benefits for the more

vulnerable members of the community who would use the facility. Members are advised to afford these economic and social benefits appropriate weight when determining this application.

- 7.14 The principle of the proposed community centre use is considered acceptable, in accordance with Policies GD1, EDT1, RT1, RT2 and CS1 of the Tynedale Core Strategy, Policies TCS3, TCS5 and INF2 of the emerging Northumberland Local Plan, and the NPPF.

#### Amenity and adjacent land uses

- 7.15 Concerns have been raised by members of the public and the owners of adjacent premises in respect of anti-social behavior which would be caused by the users of the proposed community centre. The community centre would accommodate youth groups.
- 7.16 Paragraph 91 of the NPPF requires planning decisions to aim to achieve healthy, inclusive and safe places which are safe and accessible. Paragraph 127 of the NPPF requires decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy GD2 of the Tynedale District Local Plan requires proposals to, where appropriate, and not to have a significant impact on the amenity of neighbouring land uses.
- 7.17 When considering this application, as with any application where anti-social behavior has been raised by concerned residents, Members are advised to consider whether the proposed development as presented in the application could actually lead to anti-social behavior occurring, and to then consider the likelihood of such anti-social behavior occurring. Whilst the concerns raised are to be given appropriate weight when determining this application, the recommending officer wishes to highlight that refusing a planning application on the grounds of anti-social behavior would only be reasonable if there is a demonstrated likelihood of that impact occurring as a result of the proposed development.
- 7.18 In response to the concerns raised by the members of the public, the application has been supported by additional statements from the applicant setting out further details of the youth groups which would be accommodated within the proposed community centre. The groups would use the facility three weekday evenings a week during term time only between the hours of 18:30 and 20:30, whilst additional daytime sessions would be arranged during school holidays. The application submits that 'ground rules' will be in place and that all sessions will be supervised at all times by a minimum of two members of staff. It is submitted that the proposed community centre facility would enable counselling and other support for youths who use the centre.
- 7.19 Northumbria Police have been consulted on this application. The local neighbourhood Police team have advised that there are no objections from a policing perspective. They advise that there are very few historical reports of

anti-social behaviour originating from children who already attend youth groups in the immediate area; and that anti-social behavior generally originates for those not attending any youth groups.

- 7.20 Concerns have been raised by members of the public in respect of users of the facility entering neighbouring premises which have license to sell alcohol, including the immediately adjacent micropub. The recommending officer is mindful that these premises would be responsible for preventing the sale of alcohol to under 18's, therefore the proximity of these premises to the application site would not in itself be a reasonable reason to refuse this application.
- 7.21 It is considered that the proposed community centre facility would be a controlled environment in a town centre location, which would not likely lead to anti-social behavior occurring within the street. Further to this, it is also considered that by providing counselling and other support to youths, the proposed facility could contribute to a reduction in the number of anti-social incidents in the local area and community. It is therefore considered that the proposed use would not lead to an increase in anti-social behavior, or otherwise adversely affect the amenity of neighbouring land uses, in accordance with Policy GD2 of the Tynedale District Local Plan and Paragraphs 91 and 127 of the NPPF.
- 7.22 The proposal as initially submitted had indicated that the proposal sought to establish a café for public use. The description of the proposal has since been amended to state that the café element would be in private use ancillary to the proposed community centre use. The Public Health Protection team have been consulted on the application and have no objection to the development as currently proposed, though have recommended the use of an informative advising the applicant that a future change to a public café would require planning consent from the County Council as the Local Planning Authority. The proposed private café use ancillary to the proposed community centre use would not have an unacceptable impact on the amenity of neighbouring premises or residential dwellings, in accordance with Policy GD2 and CS19 of the Tynedale District Local Plan and Paragraph 170 of the NPPF.

#### Highway safety

- 7.23 The application site is located within the centre of the main town of Prudhoe, with bus stops and public car parks located within walking distance of the existing premises. The premises do not benefit from off street car parking provision, similar to adjacent premises along Front Street and at other premises in other town centres across the County.
- 7.24 The Highways Development Management team have been consulted and they have no observations to make in respect of highway safety. The proposed change of use of an existing premises in this location would not have an adverse impact on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD7 of the Tynedale District Local Plan and the NPPF.

## Coal Mining Legacy

7.25 The site is located within the Low Risk Coal Area as identified by the Coal Authority; though the proposal seeks to change the use of an existing building which would not require any extensive ground intrusions. The application therefore does not need to be supported by any ground gas or stabilisation surveys or mitigation measures, and the proposal is in accordance with Policy CS19 of the Tynedale District Local Plan.

## Other considerations

### *Equality Duty*

7.26 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*

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

### *Human Rights Act Implications*

7.28 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.

7.29 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.

7.30 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 principle of locating a community centre use in a sustainable town centre location is considered acceptable. The principle of a loss of a retail unit at the application site has already been established in the granting of a previous consent, reference 19/03984/COU, with the NPPF (dated 2019) supporting a more flexible approach to town centre uses than the Policies of the Tynedale District Local Plan (dated 2000, Saved 2007). Bring a vacant unit back into use would also lead to an increase in footfall along Front Street, bringing economic benefits to the Prudhoe Primary Shopping Area. The provision of a community facility in a town centre location would provide social benefits to the local community. The principle of the proposal is therefore considered acceptable in this location.
- 8.2 The provision of a community centre with an ancillary private café in this location, which would accommodate youth groups among other groups, would not likely lead to an increase in anti-social behavior occurring on the street, or otherwise adversely affect the amenity of neighbouring land uses.
- 8.3 The proposed change of use of an existing building in this location would not have an adverse impact in respect of highway safety, land contamination or ground stability.
- 8.4 The concerns raised during the public consultation period have been carefully considered by the recommending officer when assessing this proposal. For the reasons set out earlier in this report, the proposal would accord with the relevant Policies in the Development Plan and the NPPF, and Members are therefore recommended to approve this application for planning permission.

## **9. Recommendation**

That this application be GRANTED planning permission subject to the following:

### Conditions

- 1) 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)

- 2) 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:-

Site Location Plan – received 24.08.2020  
Proposed Floor Layout Plan – received 24.08.2020

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

### **Informatives**

1. Reminder to not store building material or equipment on the highway  
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.
2. Reminder to not deposit mud/ debris/rubbish on the highway  
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
3. Public Café – Environment Health  
Please note that following the granting of this consent (if it were granted) the landowner would need a new planning application to switch to a public café (Use Class E). Such an application may be required to be supported by noise and odour details.

**Date of Report: 28.09.2020**

**Background Papers:** Planning application file(s) 20/02352/COU; 19/03894/CIU.