

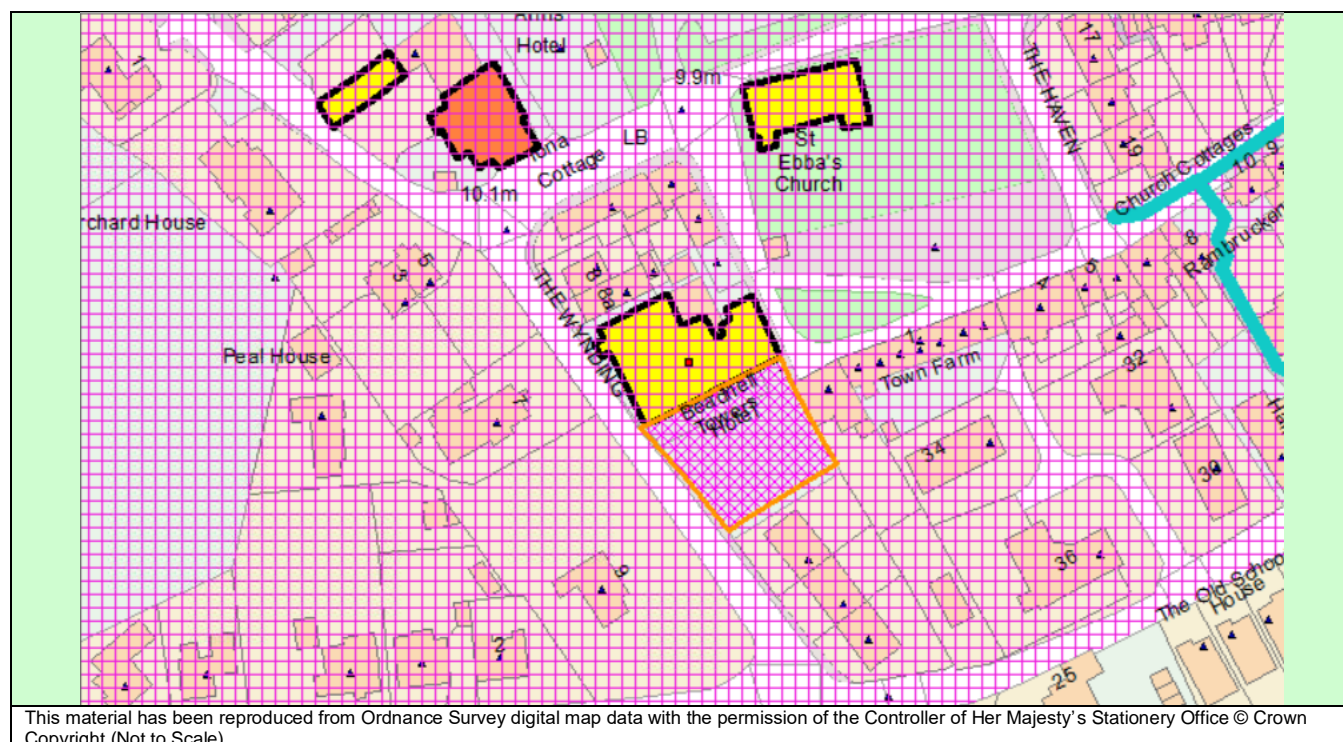


Northumberland County Council

North Northumberland Local Area Council, 23rd June 2022

Application No:	21/01112/FUL		
Proposal:	Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel		
Site Address	Beadnell Towers Hotel, The Wynding, Beadnell, Chathill Northumberland NE67 5AY		
Applicant:	Mr David Wilson Care of Agent, 1 Hood Street, Newcastle-upon- Tyne, NE1 6JQ	Agent:	Mr Daniel Puttick 1 Hood Street, Newcastle- upon-Tyne, NE1 6JQ,
Ward	Bamburgh	Parish	Beadnell
Valid Date:	29 March 2021	Expiry Date:	14 June 2021
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the proposals upon designated heritage assets and the similarity between this and an application at the nearby Craster Arms (21/03792/FUL).

2. Description of the Proposals

2.1 The application seeks permission for the replacement of an existing store and smoking shelter within the car park of the Beadnell Towers Hotel, The Wynding, Beadnell with a shipping container to provide a servery for outdoor food and drink service ancillary to the wider use of the hotel.

2.2 The shipping container is of a standard size (10ftx8ftx8ft6) and has been clad in vertical timber boarding which has been stained dark brown. The container is located to the eastern side of the car park which was temporarily given over to outdoor seating as part of the pandemic response. The car park is now back in use for car parking however the applicant seeks the retention of the container unit for use as a servery.

2.3 The application site is within the village of Beadnell and is surrounded by a mixture of commercial and residential land uses. The site is within the Beadnell Conservation Area and the hotel is Grade II listed under list reference 1233312 Beadnell Tower Hotel.

3. Planning History

Reference Number: 17/04217/FUL

Description: Removal of lean to extensions to the rear and replace with single storey extension and proposed roof terrace

Status: Permitted

Reference Number: 17/04218/LBC

Description: LISTED BUILDING CONSENT: Removal of lean to extensions to the rear and replace with single storey extension, proposed roof terrace, removal of existing metal fire escapes, interior layout re-arrangements and total refurbishment

Status: Permitted

Reference Number: 18/02076/DISCON

Description: Discharge of Condition 5 (Construction Method Statement) on approved planning application 17/04217 FUL (PART)

Status: Permitted

Reference Number: 18/02430/LBC

Description: Listed Building Consent to change the external paint colour

Status: Permitted

Reference Number: 18/02560/VARYCO

Description: Variation of condition 2 (Approved Plans) pursuant to planning permission 17/04217/FUL in order to replace flat roof with a pitched roof.

Status: Permitted

Reference Number: 19/00599/ADE

Description: Advertisement consent for replacement painted signage around entrance canopy and on elevations; Illuminated hanging sign replacing non-illuminated hanging sign on west (The Wynding) elevation; Car park direction signboard at first floor on north gable end of Rose Cottage

Status: Permitted

Reference Number: 19/00907/DISCON

Description: Discharge of condition 4 (Site plan); condition 6 (waste bin proposals) on approved planning application 17/04217/FUL

Status: Permitted

Reference Number: 19/00081/LIC

Description: Minor Variation - change of layout

Status: No Objection

Reference Number: 21/00021/LIC

Description: Variation of premises licence - Last date for reps is 17/4/21. SRU: 147090.

Status: No Objection

Reference Number: N/91/B/0417/P

Description: New hoarding sign onto existing posts.

Status: Permitted

Reference Number: N/01/B/0102

Description: Refurbishment works including external painting of black window and door surrounds with blue paint and internal alterations.

Status: Permitted

Reference Number: N/02/B/0159

Description: Retention of 6 no. spotlights attached to hotel building.

Status: Permitted

4. Consultee Responses

Beadnell Parish Council	No objection subject to condition in respect of opening times and assurances sought over the use of the car park as an outdoor seating area
North Sunderland And Seahouses PC	No response received.
Northumberland Coast AONB	Concerns raised that the shipping container detracts from its setting and appears incongruous in the setting of the listed hotel and conservation area. It is noted that the structure is proposed "to be provided only as long as is necessary to ensure the business can operate viably" and as such it is requested that if planning permission is granted, this is for a limited time period and that, once restrictions are lifted for serviced accommodation, the external space of the hotel reverts to a car park.
Building Conservation	Objects. The development within the setting of the Grade II listed building has resulted in harm to its aesthetic significance. No clear and convincing argument has been put forward to

	justify this. The container also has an impact on the special character and appearance of the Conservation Area. To accord with the NPPF (paragraph 196), unless a genuine public - not private benefit - is put forward to outweigh this harm, the application should be refused.
Highways	No objection. Given the ancillary use to the adjacent hotel and the potential to cater for local trips that should be undertaken through walking or cycling, it is considered that the development would not generate sufficient additional trips or parking demand that would warrant a justifiable reason for refusal of the application under the NPPF.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	5
Number of Support	0
Number of General Comments	1

Notices

Site Notice - Affecting Conservation, posted 20th April 2021

Press Notice - Berwick Advertiser, published 22nd April 2021

Summary of Responses:

6no representations received including 5no objections and 1no neutral observation. Comments include;

Impact of loss of parking arising from use of car park for outdoor seating
Use of car park for outdoor seating should only be temporary and should have time restrictions applied
Impact on neighbouring amenity
Incorrect plans
Visual impact of shipping container

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=QQ5QEYQSMSL00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)
STP 3 - Principles of sustainable development (Strategic Policy)
ECN 12 - A strategy for rural economic growth (Strategic Policy)
ECN 15 - Tourism and visitor development
QOP 1 - Design principles (Strategic Policy)
QOP 2 - Good design and amenity
QOP 5 - Sustainable design and construction
TRA 2 - The effects of development on the transport network
TRA 4 - Parking provision in new development
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty
ENV 7 - Historic environment and heritage assets
ENV 9 - Conservation Areas

North Northumberland Coast Neighbourhood Plan (2018)

Policy 1 - Sustainable Development
Policy 5 - Design in New Development
Policy 8 - Sustainable Development Within the Settlements
Policy 12 - Historic Core Of Beadnell
Policy 23 - Business And Employment

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

National Design Guide (2021)

Beadnell Conservation Area Character Appraisal (2020)

Northumberland Coast AONB Management Plan (2020)

Northumberland Coast AONB Design Guide

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed) (2017)

Planning (Listed Buildings and Conservation Areas) Act (1990)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NNCNP) (2018). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,
Scale, Design & Visual Impact,
Amenity,
Highways,
Heritage Matters, and
Impact on AONB.

Principle of the development

7.4 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies Beadnell as a "small village" which will support a proportionate level of development.

7.5 Policy ECN 12 seeks to support rural business by safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.6 Policy 1 of the NNCNP seeks to promote sustainable development and supports development within the plan area which provides for new and expanded business premises. Policy 23 of the same document supports proposals for the extension and expansion of existing businesses within settlements.

7.7 Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.8 Small scale development of the type proposed within the curtilage of an established business is acceptable in this context.

7.9 As part of the government's response to the Covid 19 pandemic temporary permitted development rights (Part 4 Class BB of The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021) were introduced in early 2021 permitting the siting of moveable structures on land within the curtilage of cafes, restaurants and drinking establishments such as pubs, including where these are listed buildings. The permitted development right specifies each use or use class that benefits from it - i.e. use Class E(b) (sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) or the sui generis uses of public house, wine bar, drinking establishment or a drinking establishment with

expanded food provision. These provisions were eventually made permanent, however the siting of such structures is subject to the Prior Approval of the Local Planning Authority and may only be retained for 120 days in any one year.

7.10 Buildings that do not fall within use class E(b) or the sui generis uses described above (hotels or other venues with an ancillary restaurant, for example) do not benefit from the new permitted development right. In the case at hand therefore, planning permission is required for the siting of a temporary structure within the curtilage of the hotel.

7.11 As the site is located within the settlement of Beadnell and the proposal would serve to sustain and enhance an established business, the principle of the proposal is accepted. Notwithstanding this, concerns are raised by local residents and consultees regarding the impacts of the proposal upon neighbouring amenity, highways and the character of the listed building and conservation area and these are discussed further below.

Scale, Design & Visual Impact

7.12 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.13 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design. The policy also sets out criteria by which development proposals should be assessed.

7.14 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.15 The container, which has been in situ since April 2021, does not have a harmonious impact upon its immediate surroundings. The shape, mass and colour of the container inevitably gives it the character and appearance of a temporary storage structure or garden shed. Whilst this type of converted container has worked well in other locations, in this case it is an incongruous feature within the curtilage of the grade II listed hotel. However, the proposed temporary nature of the container mitigates the highlighted concerns sufficiently that they would not warrant a refusal in this respect. On that basis the proposal is acceptable in accordance with Policy QOP 1 of the NLP, Policy 5 of the NNCNP and the NPPF.

7.16 Notwithstanding this and although the temporary nature of the proposal would mitigate the concerns highlighted in respect of its impact on the surrounding area, concerns remain regarding its impact on the designated heritage assets and the AONB. These are discussed in more detail below.

Amenity

7.17 Policy 5 of the NNCNP also states that development proposals must demonstrate that they will not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.18 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.19 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.20 The siting of the container does not give rise to any concerns in respect of neighbouring amenity and there are no privacy, overbearing or loss of light issues. Concerns raised by neighbours have focused on the potential for antisocial behaviour and/or increased noise and disturbance arising from the use of the outdoor space at antisocial times, which may be facilitated by the siting of the servery. However, these issues could just as well be caused if the servery was located indoors and as such it is considered that the siting of the container servery within the car park would not give rise to any disturbance above and beyond that which might otherwise be forthcoming from an established hotel bar and restaurant. On this basis the siting of the container is acceptable in accordance with Policy 5 of the NNCNP, Policy QOP 2 of the NLP and the NPPF.

Highways

7.21 Policy TRA 2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network.

7.22 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.23 Concerns have been raised by members of the public regarding the use of the hotel car park as an outdoor seating area and the attendant impact that has had on parking in the surrounding streets. The application at hand however only relates to the shipping container servery, which has been located on the former site of a smoking shelter and has not therefore diminished the amount of parking space available within the car park.

7.24 The other concern that has been raised is that the plans submitted with the application show parking spaces available to the east of the building which are no longer available due to the construction of a private terrace for the adjacent bedroom. These matters aside and as noted above, the application at hand only relates to the siting of the container and not the closure of the wider car park, which was carried out under the relaxation of licensing laws as part of the government's Covid 19 recovery plans. The car park has subsequently been reopened and therefore the wider impact of the closure of the car park cannot be considered in the context of this application. Any proposals for the permanent closure of the car park would need to be submitted to the LPA via a separate planning application and would be assessed accordingly.

7.25 The Local Highway Authority has raised no objections to the proposal and it is therefore acceptable and in accordance with Policy TRA 2 of the NLP and the NPPF in this respect.

Heritage Matters

7.26 The application site is located within the curtilage of the Grade II listed Beadnell Towers Hotel and is also within the Beadnell Conservation Area. As such due consideration must be given to these designated heritage assets.

7.27 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Planning Authorities, as decision makers, in considering whether to grant planning permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.28 Section 72(1) of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.29 Paragraph 199 of the NPPF states that In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.30 Policy ENV 7 of the NLP states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Policy ENV 9 seeks to ensure that development within conservation areas should help to preserve or enhance the character or appearance of that area.

7.31 Policy 12 of the NNCNP relates to the historic core of Beadnell and states that “development proposals within or affecting the setting of the historic core of Beadnell [...] must demonstrate they do not harm this area or its setting through inappropriate scale, height, design, and materials”.

7.32 The Council's Built Heritage & Design Officer has responded to consultation noting that the listed building has aesthetic, communal and historic value, however, in this instance the impact on aesthetic value - including the open nature of its immediate setting - is the key consideration. The container is in situ and is highly visible in the context of the listed building, due to the open nature of the setting. It is also very prominent from within the site. It is noted that the Heritage Statement submitted with the application concludes that the siting of the container is harmful to the setting of the listed building and that this would be 'less than substantial' in the context of the NPPF. The Built Heritage Officer agrees with this assessment but does not agree that this is minimal.

7.33 The officer concludes that the setting has been interrupted by an incongruous structure, not in any way associated with the significance of the heritage asset. This causes harm to aesthetic value and historical value and is out of place in the immediate setting of the listed building in this small attractive village.

7.34 With regard to the impact of the servery on the Beadnell Conservation Area, views into and across the site and of the surrounding listed buildings are interrupted, and the overall character and appearance of the historic core of Beadnell, has been impacted. Policy ENV 9 (1.c) is clear that development in conservation areas should enhance and reinforce local distinctiveness and wherever possible, better reveal its significance. Any development must respect architectural and historic character and cultural associations, including historic plot boundaries, layouts, densities, patterns of development, existing buildings and structures and the contribution made by open areas.

7.35 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". This is echoed by Policy ENV 7 (5) of the NLP.

7.36 Policy ENV 9 (2) of the NLP sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of the policy, which requires 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable.

7.37 Given that all restrictions have now been lifted, it is the opinion of the case officer that Covid related adjustments are no longer sufficient to justify the type of development proposed. The harm identified is not outweighed by genuine public benefits and as such the proposal is contrary to Policies ENV 7 and ENV 9 of the NLP, Policy 12 of the NNCNP, the NPPF and the PLBCAA.

Impact on AONB

7.38 The application site is within the Northumberland Coast AONB and as such consideration must be given to the impact of the proposals on that designated area.

7.39 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design which, for areas within the Northumberland Coast AONB, will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.

7.40 Policy ENV 5 of the NLP states that the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.41 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Case law shows that giving 'great weight' means placing the conservation of the landscape and scenic beauty of an AONB into

a special category of material consideration rather than simply weighing it in the planning balance.

7.42 The AONB Partnership has responded to consultation stating that the shipping container detracts from its setting and appears incongruous. The Partnership agrees with the Heritage Statement that the structure has a harmful effect on the listed building and the character and appearance of the Conservation Area and that this is "derived from the introduction of a further structure of an industrial appearance which would contrast with the appealing architecture exhibited within the listed building itself."

7.43 It is further noted that the container was intended as "a short-term flexible space" to assist with the business' recovery and that it would be "provided only as long as [...] necessary to ensure the business can operate viably". Whilst the installation is considered acceptable as a temporary response to the impact of the pandemic, the AONB Partnership have concerns over the long-term siting of the container within the carpark and request that if planning permission is to be granted, it is for a limited time period only and that it be removed once pandemic restrictions are lifted for serviced accommodation.

7.44 On this basis the siting of the container may be considered to have been acceptable on a short-term basis. However, as Covid restrictions have now been lifted the justification for its siting is no longer valid and the proposal is therefore contrary to Policy ENV 5 of the NLP, Policy 5 of the NNCNP and the NPPF.

Other Matters

7.45 The concerns raised in the representations received are noted and have been taken into account and/or addressed in the assessment of the application as appropriate.

Equality Duty

7.46 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

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

Human Rights Act Implications

7.48 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.

7.49 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.

7.50 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 concerns raised in respect of the visual impacts of the proposal, the harm identified to designated heritage assets and the impact upon this part of the AONB have been taken into account in the assessment of the application.

8.2 In light of the concerns raised, the proposal is not in accordance with national and local planning policies and accordingly planning permission should not be granted.

9. Recommendation

9.1 That this application be REFUSED permission subject to the following:

Conditions/Reason

1. Impact on Designated Heritage Assets

The siting of the structure, albeit temporary, within the setting of the Grade II listed building would result in harm to its aesthetic and historic significance. Views of the surrounding listed buildings are interrupted and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. The proposal does not therefore accord with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV 7 and ENV 9 of the Northumberland Local Plan (2022), Policy 12 of the North Northumberland Neighbourhood Plan (2018) or Chapter 16 of the NPPF.

2. Impact on AONB

The proposal fails to conserve or enhance the Northumberland Coast AONB and is therefore contrary to Policy ENV 5 of the Northumberland Local Plan and paragraph 176 of the NPPF.

Background Papers: Planning application file(s) 21/01112/FUL