

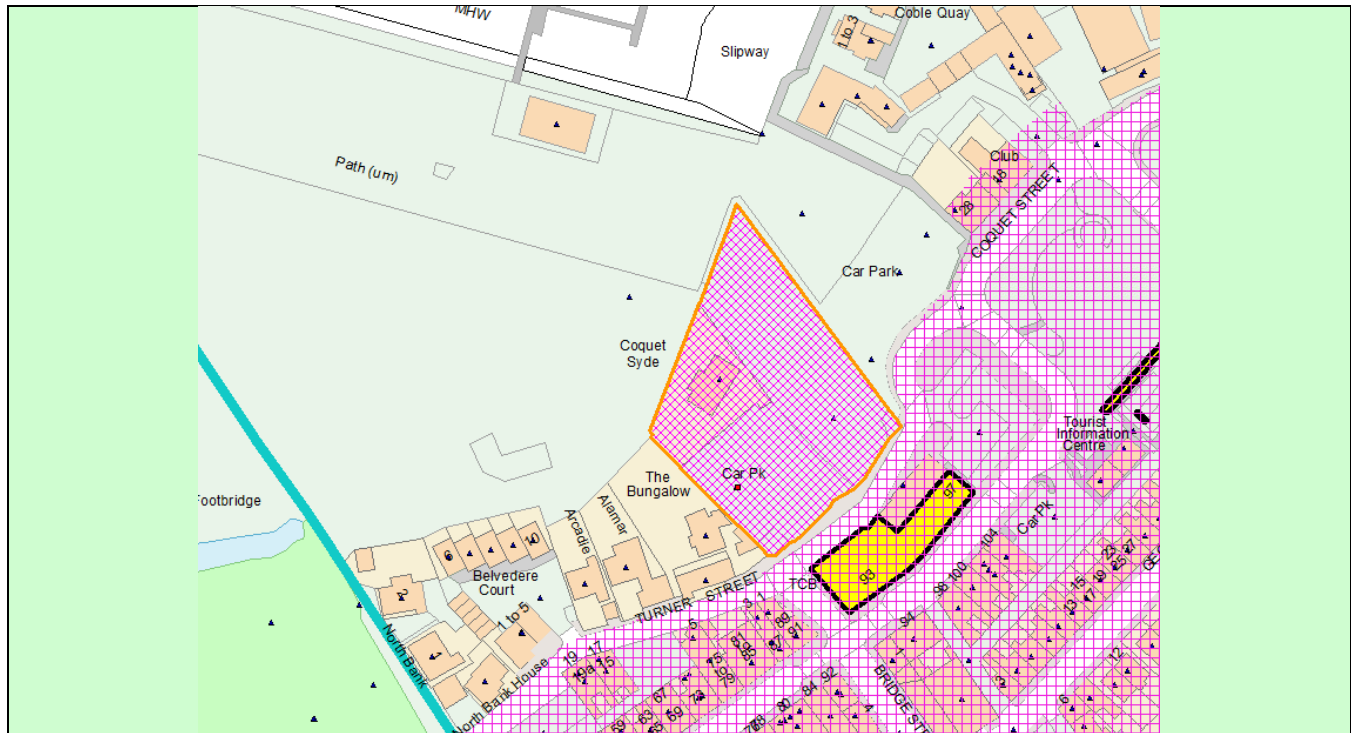


# Northumberland County Council

## North Northumberland Local Area Council Planning Committee 18<sup>th</sup> August 2022

<b>Application No:</b>	22/02125/FUL		
<b>Proposal:</b>	Installation of artwork to new car park development Artwork measuring 5000mm x 2000mm will be attached to metal posts (similar to a normal traffic sign) by contractors working on the site.		
<b>Site Address</b>	Car Park, Turner Street, Amble, Northumberland NE65 0DH		
<b>Applicant:</b>	Amble Development Trust Julia Aston 6, Dilston Terrace, Amble, Amble, Amble, NE65 0DT United Kingdom	<b>Agent:</b>	None
<b>Ward</b>	Amble	<b>Parish</b>	Amble By The Sea
<b>Valid Date:</b>	21 June 2022	<b>Expiry Date:</b>	16 August 2022
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@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 the North Northumberland Local Area Council Planning Committee. In accordance with the current Scheme of Delegation the application has been reviewed by the committee chairs and the Director of Planning due to the application site being on land owned by the County Council. Following this review it was deemed appropriate for the application to be determined by committee.

## 2. Description of the Proposals

2.1 The application proposes the installation of artwork to the new car park at Turner Street, Amble. The proposed artwork would measure 5000mm x 2000mm and would be mounted on metal posts close to the car park's vehicular access. The installation would be similar in appearance to a normal traffic sign and would be installed by contractors currently working on the site.

2.2 The application site consists of part of an existing car park which is currently being upgraded/extended on land to the rear (north) of Queen Street which forms part of the main shopping street in Amble. It is bound to the west by residential development, to the north by Amble Marina and The Braid and to the east by further informal parking associated with the Marina, with Coquet Street and the recent Coble Quays development beyond. The proposed artwork is to be mounted on legs at the front of the car park to the east of the vehicular access between the proposed accessible parking bays and the highway.

2.3 Site constraints include;

Amble Conservation Area,  
Coal Authority High Risk Area,  
EA Flood Zone 2,  
Grade II listed Former Coop Building (Tesco Express),  
NCC Land  
SSSI Impact Risk Zone

## 3. Planning History

**Reference Number:** A/80/A/121

**Description:** Dwelling

**Status:** PER

**Reference Number:** 20/02736/FUL

**Description:** Extension of existing car park including associated infrastructure and demolition of existing bungalow and associated boundary walls to create additional parking bays, including additional disabled and electric vehicle parking bays.

**Status:** PER

**Reference Number:** 21/02568/DISCON

**Description:** Discharge of conditions 3 (Construction method statement - demolition) and 16 (construction environmental management) on approved planning application 21/02736/FUL

**Status:** PER

**Reference Number:** 22/00619/DISCON

**Description:** Discharge of Condition 12 (Potential Contamination) on approved planning application 20/02736/FUL

**Status:** PER

**Reference Number:** A/97/A/107

**Description:** Formation of temporary car parks,

**Status:** PER

**Reference Number:** A/2010/0487

**Description:** Application for extension to time limit for implementation of application A/2006/0500 for redevelopment of Amble Boatyard and surrounding land to form 127 apartments; 2 retail and 1 office unit; creation of marina walkway together with associated car parking

**Status:** DISPOS

**Reference Number:** A/2006/0500

**Description:** Re-development of Amble Boatyard and surrounding land to form 127 apartments, 2 retail and 1 office unit, creation of Marina walkway together with associated vehicular parking and landscaping

**Status:** PER

#### 4. Consultee Responses

Amble Town Council	Whilst Amble Town Council are not objecting in principle to the siting of this very large laminated board, it needs to be noted that on the original planning application for the car park, this location is within the area marked as that required for the 'splay of visibility' and it must be ascertained by Highways what impact it will have on that before permission is granted. It may need to be located further back and nearer the disabled parking bays. It is assumed it will be 5m from side to side and 2m from top to bottom but this and the height at which it will be placed also require clarity. Will it be as shown or will there be any indication that it is part of the Board Walk sculpture trail as although mentioned, this is not illustrated in the application?
Highways	The following information will be required to inform a response within a statutory consultation period:  Details of how the artwork on the metal posts will be fixed into the ground to ensure that it does not fall towards the highway/footway. Could the artwork be relocated to a more suitable location which will not impact the highway if the above cannot be suitably achieved?
Highways (2)	Following HDM's previous comment on the above application the applicant has provided additional details of how the artwork will be fixed into the ground to ensure that it does not fall towards the highway/footway and whether it could be relocated elsewhere.  The submitted information confirms that NCC Technical Services have picked out the sign and will install it as part of the car parking development. Technical Services have

	<p>confirmed that the sign will be moulded into the ground like traffic signs which are designed to withstand wind loads and snow loads. This level of detail is considered acceptable in highway terms.</p> <p>There are no recommended amendments to the scheme to set out.</p>
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## 5. Public Responses

### Neighbour Notification

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

### Notices

Site Notice - Conservation & affect LB, 13th July 2022

Press Notice - Northumberland Gazette 7th July 2022

### 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=RDF5PQQSHFE00>

## 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)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 3 - Public realm design principles

QOP 5 - Sustainable design and construction

TRA 2 - The effects of development on the transport network

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

### 6.2 National Planning Policy

National Planning Policy Framework (2021)

### 6.3 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

National Design Guide (2021)

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

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). 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,  
Design, Scale & Visual Impact  
Amenity  
Highway Safety  
Impact on Heritage Assets  
Other Matters

### Principle

7.1 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 hierarchy of settlements within which development will be supported and identifies Amble as a Main Town which will be the main focus for employment, housing, retail and services.

7.2 Policy STP2 sets out the presumption in favour of sustainable development with STP 3 setting out the principles of sustainable development.

7.3 Policy QOP 3 of the NLP sets out the requirements for new development that incorporates public buildings and spaces and supports the provision of new public art.

7.4 The application site is within the built-up area of Amble, to the rear of the high street in an area characterised by edge of town centre development, including residential, car parking, harbour and leisure related activities. It is considered that the installation of a piece of public artwork within the newly upgraded and extended public car park would be acceptable in accordance with the above policy context.

#### Scale, Design & Visual Impact

7.5 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. As noted above, Policy QOP 3 supports the provision of new public art.

7.6 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.

7.7 The proposed artwork would have the appearance of a large road sign and its location on the edge of the new Turner Street car park would mean that it would be seen in the context of car park related signage and other upstands such as EV charging points and ticket machines. It would not therefore be seen as an incongruous feature in the townscape and would add visual interest to its immediate surroundings. On this basis the proposal is acceptable in accordance with Policies QOP 1 and QOP 3 of the NLP and the NPPF.

#### Amenity

7.8 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.

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

7.10 Due to the site location and proposed layout of the development, there would not be any substantive impacts on neighbouring amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. Separation distances between the proposed artwork and neighbouring land uses are acceptable and as such the proposal is considered to be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

#### Highway Safety

7.11 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any adverse impacts upon the highway network.

7.12 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.

7.13 The proposed artwork would be erected on a thin strip of verge between the public highway and the new car park and concerns have been raised about the potential for it falling into the highway. The applicant has provided further information to address these concerns, stating that the artwork is to be installed in the same manner as a road sign by the Council's Highway Engineers and the Local Highway Authority has confirmed that this is acceptable. On this basis the proposals are acceptable and in accordance with Policies TRA 1 and TRA 2 of the NLP and the NPPF in this respect.

#### Heritage Assets

7.14 The application site is adjacent to and within the setting of the Amble Conservation Area and the Grade II listed former Coop building (Tesco Express) and due consideration must be given to these designated heritage assets.

7.15 Policy ENV 1 of the NLP seeks to conserve, protect and enhance the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments. This is backed up by Policies ENV 7 and ENV 9 which relate to heritage assets and conservation areas respectively.

7.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

7.17 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.

7.18 Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

7.19 The proposed artwork is to be installed on the edge of the car park which is currently undergoing upgrade and extension. The artwork may therefore be seen as part of a wider package of environmental and public realm improvements. Whilst the addition of the artwork may add additional clutter to the immediate streetscape, it is unlikely to have anything more than a neutral impact upon the adjacent designated heritage assets. On this basis the proposal is acceptable, in accordance with Policies ENV 1, ENV 7 and ENV 9 of the NLP, the NPPF and the PLBCAA.

#### Other Matters

7.20 The concerns raised by the Town Council are noted and have been addressed in the assessment of the application.

#### Equality Duty

7.21 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

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

### Human Rights Act Implications

7.23 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.

7.24 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.

7.25 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 proposal is of an appropriate design and represents an appropriate form of development that would not have a significant adverse impact on the street scene or the amenity of nearby residents, highway safety or heritage assets.

8.2 The concerns raised in respect of highway safety and impact on heritage assets have been addressed and it is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

## **9. Recommendation**

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

### Conditions



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. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans:

1. Location Plan
2. Proposed Artwork

Reason: In the interests of good planning and to ensure the development is carried out in accordance with the approved plans.

**Background Papers:** Planning application file(s) 22/02125/FUL