

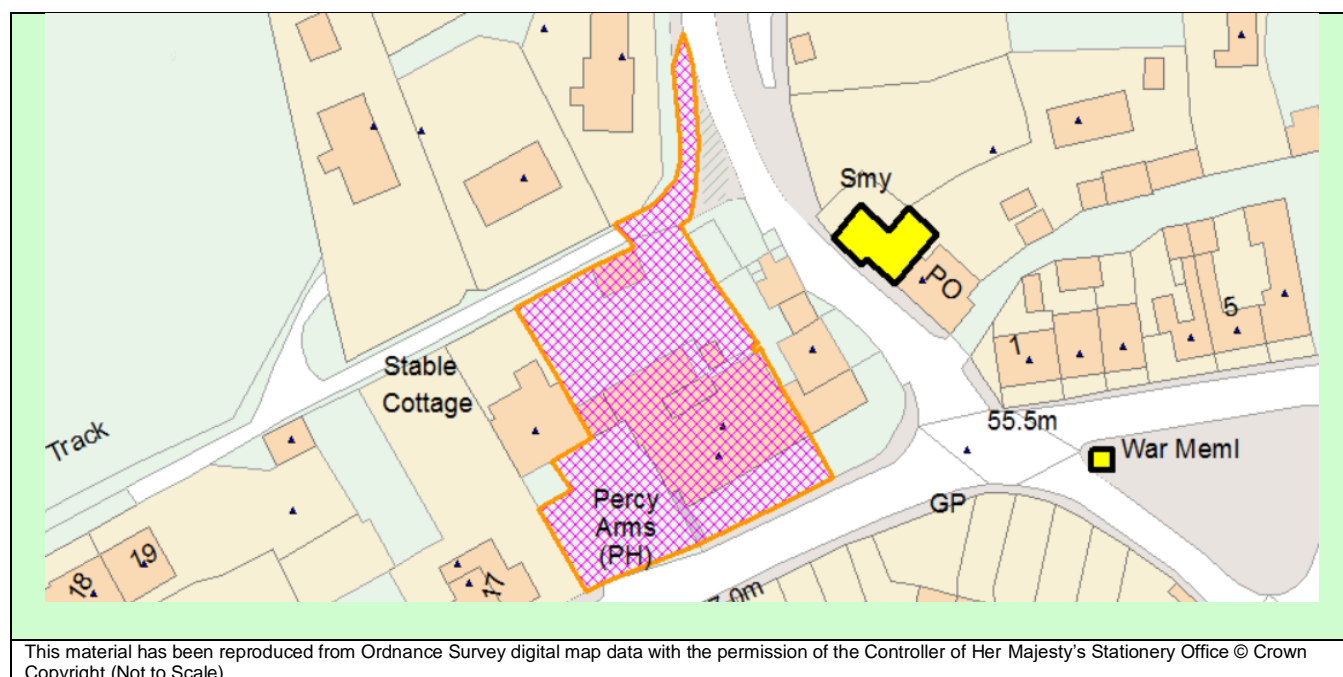


Northumberland County Council

North Northumberland Local Area Council Planning Committee 18th August 2022

Application No:	21/04958/FUL		
Proposal:	Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding.		
Site Address	Percy Arms, Chatton, Alnwick, Northumberland NE66 5PS		
Applicant:	Matt Daniel Percy Arms, Chatton, Alnwick, Northumberland NE66 5PS	Agent:	Mr David Dobson The Crossings, Yeavinger, Kirknewton, Wooler Northumberland NE71 6HG
Ward	Wooler	Parish	Tillside (Chatton)
Valid Date:	20 December 2021	Expiry Date:	28 July 2022
Case Officer Details:	Name: Miss Stephanie Forster Job Title: Development Compliance Officer Tel No: 07966331898 Email: stephanie.forster@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee as it is the Officers recommendation to approve the application, contrary to the views of the parish council.

2. Description of the Proposals

2.1 Planning permission is sought retrospectively for the erection of outdoor dining facilities consisting of 4 individual buildings with external dining and seating at The Percy Arms, Main Street, Chatton, Alnwick, Northumberland, NE66 5PS.

2.2 The application site is the local public house in Chatton, it is situated within the Conservation Area but is not a listed building. 2no listed buildings lie to the east of The Percy Arms and there is the potential for the works to impact on the setting of the listed buildings; notably they are The Smithy and The War Memorial.

2.3 The application site is in an Area of High Landscape Value, the Chatton Conservation Area and a SSSI Impact Risk Zone.

3. Planning History

Reference Number: N/78/B/0073/P

Description: Alterations and extensions to hotel.

Status: PER

Reference Number: N/85/B/0137/P

Description: Proposed extension

Status: PER

Reference Number: N/80/B/152

Description: Proposed illuminated projecting sign

Status: PER

Reference Number: N/79/B/0300/P

Description: Provision of 20 car parking spaces

Status: PER

Reference Number: N/88/B/201

Description: Change of use from storage to residential unit

Status: PER

Reference Number: 21/02060/FUL

Description: Outdoor dining facilities consisting of 4 individual buildings with external dining and seating (retrospective).

Status: WDN

Reference Number: N/79/B/300

Description: Provision of 20 car park spaces at car park attached to

Status: PER

4. Consultee Responses

Tillside Parish Council	Objection received on grounds of impact on conservation area, parking and impact on neighbours.
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Building Conservation	Less than substantial harm. Public benefit test?
Public Protection	No objection subject to conditions.
Highways	No objection subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	49
Number of Objections	8
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Affecting Conservation, posted 22nd July 2022

Press Notice - Northumberland Gazette, published 30th December 2021

Summary of Responses:

5 no objection comments have been received with regard to the proposals they centre on impact on the highway, impact on amenity of local residents and impact on the conservation area.

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=R4GN7JQS0MZ00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

TRA 1 - Promoting sustainable connections (Strategic Policy)

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 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

WAT 2 - Water supply and sewerage
MIN 4 - Safeguarding mineral resources (Strategic Policy)

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

PPG - Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

National Design Guide (2021)

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

Planning (Listed Building 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 2016-2036 (adopted March 22). 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 the existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in the 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 consultee. The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact
- Impact on residential amenity
- Heritage
- Highways

Principle of the development

7.4 Policy STP1 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. Policy STP1 identifies Chatton as a small village which will support a proportionate level of development subject to Green Belt policy considerations where relevant.

7.5 The proposals seek retrospective planning permission for the erection of outdoor dining facilities consisting of 4 individual buildings with external dining and seating. The application site is in Chatton and forms part of an established Public House business which operates successfully in the local community.

7.6 Paragraph 84 of the NPPF advises that decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well- designed new buildings. Policy ECN 12 states that rural economy will be encouraged through, facilitating the formation, growth and up-scaling of businesses in rural locations. Policy ECN 13 states that development that will generate employment opportunities, proportionate to the rural location, will be supported where extensions contribute positively to the local landscape, is related closely as possible to the existing settlement pattern and will not have an adverse impact on operational aspects of local farming or forestry. Within the above parameters of the above criteria, particular support will be given to d) proportionate well related development, necessary for the continued operation in situ of an existing rural business.

7.7 The development will provide additional seating areas that will enable the continued use of the local public house and will enable the growth and upscaling of this local business. The principle of development is therefore considered to be acceptable in accordance with policy STP 1, ECN12 and ECN13 of the NLP and the NPPF.

Impact on visual amenity

7.8 Policy QOP 1 of the NLP seeks to support development which respects its surroundings and makes a positive contribution to local character and distinctiveness. The design of a development should create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area.

7.9 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.

7.10 The structures and decking have all been constructed using timber. The roof is proposed to be covered in a mock Welsh slate and the side of the decking would be clad with mock stone, light grey slips and corners.

7.11 It is considered that the applicant has made attempts to ensure that the timber buildings are in keeping with the main public house building and surrounding area, although it is noted that using replica materials will not have the same quality as sourcing original materials, which would provide a better finish.

7.12 The use of materials is considered acceptable for the nature of the development and will be viewed within the context of the existing public house and outdoor sitting area. Furthermore, the scale of the development is considered to be appropriate for its proposed function. It is considered that as the proposals are for outdoor seating, the design and materials are acceptable in this regard.

7.13 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.14 Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would not have significantly harmful effect on the character and appearance of the of the site and surrounding aesthetic. While the development represents a visual change in appearance and scale from the existing building it is considered that the proposal would accord with the NLP and the NPPF.

Impact on residential amenity

7.15 Policy QOP2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

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

7.17 Given the scale, design, and location of the development within the existing public house courtyard, it is not considered that the development will result in any loss of residential amenity in terms of overlooking, loss of light or visual intrusion to nearby residential properties.

7.18 Several objections have been received in regard to the impact that the proposals will have in relation to the increase in noise levels and anti-social behaviour generated from the erection of the outdoor seating area.

7.19 The development has been considered within the context of the existing use of the site, which is an established public house. This application seeks to create a formal outdoor dining area which will be located within the grounds of the public house and has been situated to the side of the application site in order to reduce the impact on noise and privacy to nearby residential properties.

7.20 Public Protection have also been consulted regarding the proposals and have raised no objection to the proposals subject to a condition being added to any planning permission, relating to the restriction of any sound reproduction equipment being used in the outdoor space. It is therefore considered that the proposed development would not cause any unacceptable adverse noise impact on amenity issues, subject to condition. The development is therefore considered to be in accordance with the NLP and NPPF in this respect.

Impact on the Conservation Area

7.21 The application site is located within the Chatton Conservation Area. As such regard must be had to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, which require the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and, in respect of Section 72, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

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

7.23 Policy ENV9 of the NLP relates to conservation areas and states that development will be encouraged that will help preserve or enhance the character or appearance of the conservation area and/or reinforce its local distinctiveness and/or better reveal its significance.

7.24 The NCC Building Conservation Officer has been consulted with regard to the proposals and has returned comment stating that the proposals would result in the lower end of less than substantial harm and should be weighed against any public benefit that they would bring. The Building Conservation Officer has stated that: -

“The development, in the context of the local vernacular, specifically the single storey terrace to the west and the single storey stable range to the north side of the application site, has resulted in harm to the character and appearance of the Chatton Conservation Area.

Assessed against the NPPF, the harm is less than substantial and at the lower end of the spectrum. To comply with NPPF (para 202), this level of harm should be assessed against any public benefit in the overall planning balance. If no public benefit results from the proposal the application should be refused due to its impact on the character and appearance of Chatton Conservation Area.”

7.25 It is considered that in this instance there is a public benefit to the proposals. The outside seating will ensure the ongoing viability of the local public house which is used by local residents and visitors to the area alike. It is considered that the benefit brought by ensuring the continued existence of this local community public house outweighs the lower end of less than substantial harm to the Chatton Conservation Area.

Highways

7.26 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.

7.27 Policies TRA1, TRA2 and TRA4 of the Northumberland Local Plan relate to the transport network and seek to ensure sustainable connections, highway safety and appropriate parking provision in new development.

7.28 Several objections have been received with regard to the proposals based on the impact that the proposals will have on parking provision in Chatton.

7.29 The NCC Highways Officer has been consulted regarding the proposals and originally returned comment requiring that additional information be submitted in support of the proposal. On submission of the additional information, it has now been established that all the parking spaces can be retained, including the disabled parking spaces, despite the proposals and no parking will be lost because of the application. The NCC Highways Officer has returned comment stating that they have no objection to the proposals, subject to the imposition of conditions on any planning permission granted relating to car parking and cycle parking. It is considered that the proposals would be acceptable in this regard in accordance with local and national planning policy.

Other Matters

7.30 The concerns raised by the Parish Council and in the representations received are noted and have been addressed in the assessment of the application accordingly.

Equality Duty

7.31 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

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

Human Rights Act Implications

7.33 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.

7.34 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.

7.35 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 main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval.

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans hereby approved:-

1. Site Location Plan - 03 A
2. Proposed Elevations - As Built Timber Structure - 21/ 860 - 01
3. Heritage Design and Access Statement amended 12 Jan 2022
4. Highways parking layout (Front Car Park) 02 revision dated 07.06.22
5. Highways parking layout (Rear Car Park Layout) Drawing no. CP

Reason: To ensure the development is carried out in accordance with the approved plans. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

03. No Sound Reproduction Equipment is permitted to be used at any time as part of the development hereby approved except with the written permission of the Local Planning Authority. Sound Reproduction Equipment includes but is not limited to Televisions, Radios and Stereo Systems.

Reason: To preserve neighbouring amenity in accordance with the provisions of the NPPF.

04. Within 2 months of the date of this permission the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein shall be hard surfaced, sealed and marked out in parking bays in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

05. Within 1 month of the date of this permission the cycle parking shown on the approved plans shall be implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

Background Papers: Planning application file(s) 21/04958/FUL