



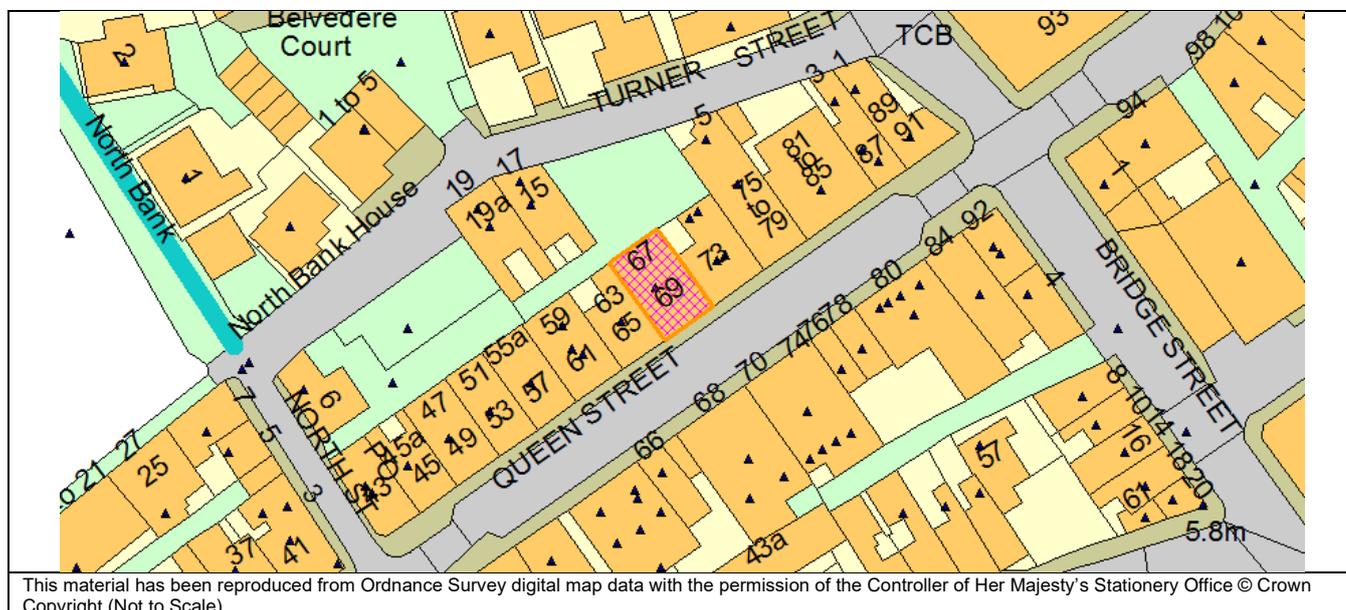
# Northumberland County Council

## NORTHUMBERLAND COUNTY COUNCIL NORTH LOCAL AREA PLANNING COMMITTEE

18<sup>th</sup> February 2021

<b>Application No:</b>	20/03025/VARYCO		
<b>Proposal:</b>	Variation of condition 2 pursuant to planning approval 16/02231/COU due to modification of shop front during works (Retrospective)		
<b>Site Address</b>	69 Queen Street, Amble, Morpeth, Northumberland, NE65 0DA		
<b>Applicant:</b>	Mr Miah 69 Queen Street, Amble, Morpeth, Northumberland NE65 0DA	<b>Agent:</b>	Kris Burnett 14 - 16 Bridge Street, Amble, Morpeth, Northumberland NE65 0DR
<b>Ward</b>	Amble	<b>Parish</b>	Amble By The Sea
<b>Valid Date:</b>	10 September 2020	<b>Expiry Date:</b>	5 November 2020
<b>Case Officer Details:</b>	Name: Mrs Laura Tipple Job Title: Planning Officer Tel No: 01670 620334 Email: Laura.Tipple@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



### 1. Introduction

1.1 Following referral to the Virtual Delegation Scheme, in accordance with the Council's current scheme of delegation, the application is referred to committee for determination. Amble Town Council object to the application.

## 2. Description of the Proposals

2.1 Planning permission was granted in October 2016, under planning application reference 16/02231/COU, for a proposed change of use from residential to retail use at ground floor and first floor flat, at 69 Queen Street, Amble.

2.2 This s73 application seeks to vary condition 2 (approved plans) of planning permission 16/02231/COU, to allow modifications to the approved shop front.

2.3 Condition 2 reads as follows:

“The hereby approved development shall be carried out in accordance with the approved plans. For the avoidance of doubt, the hereby approved plans are as follows:

- 2962/LOCATION
- 2962/001 Existing Ground Floor Plan
- 2962/002 Existing First Floor Plan
- 2962/003 Existing Front Elevation
- 2962/004 Existing Rear Elevation
- 2962/005 Existing East Gable
- 2962/006 Existing West Gable
- 2962/007 Proposed Ground Floor Plan
- 2962/008 Proposed First Floor Plan
- 2962/009 Proposed Front Elevation
- 2962/010 Proposed Rear Elevation
- 2962/011 Proposed East Gable
- 2962/012 Proposed West Gable
- 2962/017 Site Block Plan

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

2.4 The current proposal is retrospective and seeks permission for design revisions to the shop front which have taken place during construction works. An amended Proposed Ground Floor Plan (Drawing reference 2962/007A) and Proposed Front Elevation (Drawing reference 2962/009A) have been submitted, along with a Heritage Statement. Since the time the application was submitted (September 2020), the retail unit has started trading and its business name is the ‘Sea Shore Thrift Store’.

2.5 The subject building is a mid-terraced property, located on Queen Street, which is the main primary shopping area in Amble. It is also located within the Amble Conservation Area. The building is surrounded by properties with a mix of uses at street level, including retail stores, gifts shops, takeaways, cafés, hairdressers/barbers, a pub, bookmakers and bank. The street is primarily occupied with office or residential use at first floor level.

2.6 Prior to the change of use and development works commencing, the building had a residential stone frontage with UPVC windows and was the only non-commercial ground floor frontage within the terrace and street scene. The ground floor retail unit is adjoined by a takeaway to the south-west (No. 67 Queen Street)

and a gift shop/tearoom to the north-east (No.73 Queen Street). The first floor of the property covers the area above the retail unit and the adjoining takeaway.

2.7 The approved shop front on the original planning application was for a traditional shopfront, with a large window and included a stone stallriser and a plywood surround, including pilasters and console brackets. The surround was to be painted in a traditional pastel colour. The approved shopfront was of a similar design to others on Queen Street and in the Conservation Area. The Proposed Front Elevation Drawing (2962-009A) shows an increase to the size of the approved shop window and introduces mullions to the window. The window and door frame material has been amended from UPVC to powder coated aluminium in an anthracite grey colour. The timber surround and stone stallriser have been omitted from the scheme and a plywood fascia is shown over the window/door frame.

2.8 A fascia sign has recently been erected on the building and this is not shown in the proposed plans, which were submitted prior to the retail unit being brought into use. The applicant is required to submit a separate application for Advertisement Consent.

### 3. Planning History

**Reference Number:** 16/02231/COU

**Description:** Proposed change of use from residential to retail use at ground floor and first floor flat

**Status:** PERMITTED

**Reference Number:** 20/01500/VARYCO

**Description:** Variation of Condition 2 (Approved Plans) pursuant to planning permission 16/02231/COU to allow modification of the shop front

**Status:** APPLICATION RETURNED

**Reference Number:** A/2000/0491

**Description:** Change of use of residential ground floor flat to retail shop (A1)

**Status:** PERMITTED

### 4. Consultee Responses

Building Conservation	<p>Building Conservation object to the proposal and comment:</p> <p>“The application seeks permission to vary a condition attached to the approved planning application 16/02231/COU.</p> <p>When assessing a variation of conditions application, Building Conservation evaluates this having regard to the legislative framework and how the proposed variation affects the significance of heritage assets and their setting.</p> <p>The subject site is located within the Amble Conservation Area which was designated in 2007 by the former Alnwick District Council. It’s historic and architectural significance is intrinsically linked to its coastal location and layout which is characterised by a unique gridiron pattern. This layout and high level of uniformity gives the town an unusual visual coherence and identity. The character of Amble arises from a variety of different architectural features and simple detailing, as well as a uniformity of materials. This is particularly demonstrated in its surviving shopfronts many of which are concentrated in Queen Street.</p> ”
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### Assessment of Application

The submitted application seeks to vary condition 2 which relates to the approved plans. It should be noted that the original scheme was approved on the basis that the change of use was deemed acceptable and that the proposals were sympathetic with the historic building.

The Town Council stated in their response "Ground Floor changes to frontage must be in keeping with the Conservation Area in design and colouring". The approved scheme illustrated the insertion of a traditional shopfront constructed in timber having key design elements which responded to the character and local distinctiveness of the Conservation Area. These included utilising the in-situ stone as a stallriser and the insertion of pilasters, console brackets and fascia. It was therefore considered that the design, proportion and shopfront components preserved the character of the Conservation Area and the history of the host.

We have reviewed the submissions which consist of proposed plans and a brief Heritage Statement and from a comparative analysis of the submissions and the approved scheme note the following:

1. Proposed removal of the traditional shopfront to include removal of key components (stallriser, pilasters, console brackets).
2. Proposed increase in size of shop window.
3. Proposed alteration of approved materials timber and UPVC to aluminium
4. Proposed introduction of mullions to shop window.
5. The proposed variations are deemed harmful to the character of the Conservation Area and the Brief Statement fails to provide any justification for the harm.

While the removal of uPVC and inclusion of mullions is welcome, we have cognisance for Paragraph 130 of the NPPF which states: Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result in changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

It is considered that the proposed variation is inappropriate. The proposed alterations would not only result in a harmful impact to the quality and design of the scheme, but also the way in which it responds to the character of the designated heritage asset - the Amble Conservation Area.

The design of the scheme was deemed acceptable on the basis that it was sympathetic to established character and local distinctiveness of the Conservation Area. This proposal would change the design and materiality of the development and fail to sympathetically respond to the designated heritage asset, thereby altering the overall design quality of the scheme.

#### CONCLUSION:

While we consider that elements of the proposals are satisfactory it is considered that the proposal to deviate from the approved shopfront design would collectively fail to preserve the character of the Conservation Area in accordance with Section 72 of the PLBCAA and the appearance of the scheme. This is contrary to NPPF, Paragraphs 130 and 192. For the reasons outlined above, we object to the application."

Amble Town Council	The Town Council object to the proposal and comment:  “The original application for change of use was granted in October 2016 for 3 years, at the time of this application Amble Town Council stipulated that the shop front should conform to the rest of the shops and the conservation area designs. The current design does not conform to the conservation area design. Whilst the shop fronts do differ on Queen Street the greatest majority do not have glass down to the pavement level. Most shops have a small section below the glass of either stone or some other material. Since becoming a conservation area the businesses who have modernised the front have all retained this section. The windows installed at this property are almost to the ground and not in keeping with the conservation area and the other shop windows; from a safety point our concern is that someone could easily kick and break the window as it is so near to the ground, we therefore object to this application.”
Amble Ward	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice - Affecting Conservation, 9th October 2020

Press notice - Northumberland Gazette, 15th October 2020

### 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=QGP9PYQS0LP00>

## 6. Planning Policy

### 6.1 Development Plan Policy

Alnwick LDF Core Strategy (2007):

S1 - Location and scale of new development

S2 - The sequential approach to development

S3 - Sustainability criteria

S11 - Locating development to maximise accessibility and minimise impact from travel

S15 - Protecting the built and historic environment  
S16 - General design principles

## 6.2 National Planning Policy

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

## 6.3 Emerging Development Plan Policy

Northumberland Local Plan Publication Draft (Regulation 19) - January 2019  
Schedule of Proposed Minor Modifications - May 2019:

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  
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 8 - Conservation Areas  
HOU 9 - Residential development management  
TCS 3 - Maintaining and enhancing the role of centres (Strategic Policy)  
TRA 2 - The effects of development on the transport network

## 6.4 Other Documents/Strategies

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) - (PLBCAA)  
Amble Conservation Area. Character Appraisal and Management Matters. Alnwick District Council (February 2008)

## **7. Appraisal**

7.1 In assessing the acceptability of 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 from the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

7.2 Paragraph 48 of the NPPF states that, weight can be given to relevant policies contained in emerging plans dependent upon the stage of preparation of the plan, the extent to which there are unresolved objections to relevant policies within the plan and its degree of consistency with the NPPF. The Northumberland Local Plan was published in draft for consultation on 4<sup>th</sup> July 2018, and subsequently published for Regulation 19 consultation on 30<sup>th</sup> January 2019. The Northumberland Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 29 May 2019 and is currently undergoing examination. The second phase of the public hearing sessions commenced on Tuesday 20 October 2020. In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a

greater weight. The background studies/documents, which form the evidence base for the Northumberland Local Plan, constitute a material consideration.

7.3 The main considerations in the assessment of the application are:

- Principle of Development
- Design, visual impact and impact on the Conservation Area
- Highway Safety

#### Principle of Development

7.4 The principle of the development was established through the grant of planning permission to the original scheme under planning application reference 16/02231/COU, for a proposed change of use from residential to retail use at ground floor and a first floor flat. This s73 application seeks to vary condition 2 on the original permission, which relates to the approved plans. The s73 application seeks retrospective changes to the approved shop front design and does not alter the principle of development.

#### Design, visual impact and impact on the Conservation Area

##### *Policy/Legislation*

7.5 Under Policy S16 of the Alnwick District LDF Core Strategy, all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials. Proposals should take full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping. This is echoed by Paragraph 124 of the National Planning Policy Framework (NPPF) stresses the importance of good design.

7.6 Paragraph 124 of the National Planning Policy Framework (NPPF) stresses the importance of good design. NPPF Paragraph 130 states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

7.7 The application site is located within the Amble Conservation Area. The legislative framework has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) which requires the Local Planning Authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of conservation areas.

7.8 Chapters 12 'Achieving well-designed places' and 16 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework (2019) (NPPF) are significant material considerations. Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected,

including any visual contribution made by their setting in the form of a heritage statement with the level of details of such should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Such a "Statement", although brief, accompanies this application.

7.9 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. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the public benefits of the development. Paragraph 197 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.10 Alnwick LDF Core Strategy Policy S15 seeks to conserve and enhance a strong sense of place by conserving the district's built and historic environment, in particular its listed buildings, scheduled ancient monuments, conservation areas and the distinctive characters of Alnwick, Amble, Rothbury and the villages. The Amble Conservation Area Character Appraisal (2008) is also of relevance, although there is not any specific guidance in relation to the design or character of shop fronts.

7.11 Design and historic environment Policies QOP 2, ENV 1, ENV 7 and ENV 9 of the emerging Northumberland Local Plan (Regulation 19) are also of relevance and are considered consistent with the NPPF and do not conflict with the development plan, and can be limited weight in the determination of the application.

### *Appraisal*

7.12 The proposal relates to a new shop front at ground floor level, on a building which was previously a dwellinghouse.

7.13 Building Conservation and Amble Town Council object to the application on the grounds of design and impact on the character and appearance of the Amble Conservation Area (as outlined in the above comment section).

7.14 The proposed/new shopfront is of a modern design, constructed of a powder coated aluminium frame (in dark grey), which is lower in height than the approved shop front. The design introduces a central mullion to the window. It has no stallriser or traditional timber surround. The window and door frame measure approximately 2.5m high by 3m wide, lifted approximately 15cm above ground level.

7.15 Queen Street has a mixture of both traditional and modern shopfronts. Whilst the retail unit is surrounded by mostly traditional shopfronts, directly opposite is the Heron Foods supermarket (No. 70 Queen Street). This retail unit has a large, non-traditional shopfront, with large UPVC window openings, which go close to ground level. The Heron Foods frontage does not have a timber surround, nor does it have a stallriser. Two units down from the retail unit, is the TSB Bank (No. 75 Queen Street)

which also has a modern shop front with a large area of glazing, almost to ground level and no stallriser.

7.16 Whilst the proposed/new shop front is not of a traditional design and is set lower than those on adjacent units, it is a relatively small shopfront on a unit which is only 3.98m wide. Although the superseded proposed shopfront design was more in keeping with the row of properties and the conservation area, the proposed shop front has minimalist clean lines, and has a lightweight looking frame, which do not make it look too incongruously out of place. This is especially so in the immediate context of The Heron Foods store opposite (70 Queen Street) and TSB bank (75 Queen Street). The vertical panes of glass with a central mullion replicates the window design of the immediate neighbouring properties of Numbers 67 and 73 Queen Street which also have narrow window frames with mullions. The proposed material of aluminium for the window and door frame, over the previously approved material of UPVC, is considered an improvement.

7.17 Due to the proposal failing to upkeep with the traditional design, materials and proportions of adjacent buildings and the majority of the shop fronts along Queen Street, it is considered that the proposal, therefore, fails to preserve or enhance the character of the conservation area and represents less than substantial harm to the significance of the heritage asset. The Building Conservation Officer has identified less than substantial harm and has stated that the proposal would collectively fail to preserve the character of the Conservation Area in accordance with Section 72 of the PLBCAA and the appearance of the scheme. The Building Conservation Officer also considers the proposal would also be contrary to the NPPF. However, it is Officer opinion that, on balance, the less than substantial harm can be justified in this instance. The proposed shop front is of a relatively small scale and of a lightweight design and materials, which do not make it appear overly incongruous when viewed in the overall context of the street scene, and when viewed in context with nearby non-traditional shopfronts (as referenced above).

7.18 The proposal is not for a replacement shop front but a new shopfront on a building which was previously a dwellinghouse. In paragraph 7.12 of the original Officer Report to application 16/02231/COU, the case officer stated "The application site currently has an incongruous appearance as it the only residential frontage in the terraced row". It is considered that the proposed shopfront would not have a significant harmful impact on the character and appearance of the street scene. The shopfront would be in keeping with the street scene, overall, where there are active shop frontages on similar properties and would have a benefit of increasing the amount of active shop fronts on Queen Street.

7.19 The proposed retail unit provides a public benefit to the local economy; by supporting a local business and providing an additional retail unit on Queen Street, which adds to the vibrancy and vitality of Amble town centre and this is a key aim of Chapter 7 of the NPPF.

7.20 Policy TCS 3 of the emerging Northumberland Local Plan (Regulation 19), is considered to be consistent with the NPPF and can be given limited weight in the determination of the application. The Policy 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. This will be achieved in main towns by identifying opportunities and supporting proposals for developments which

are physically and functionally integrated with and add choice to the existing retail offer in the Primary Shopping Area and the leisure and other central service offer of the wider Town Centre. Within Town Centre boundaries, including Amble, development schemes involving a mix of appropriate Main Town Centre Uses, allowing an element of residential as part of any mixed-use scheme will be promoted. It is considered the proposal accords with Policy TCS 3 and Chapter 7 of the NPPF.

7.21 The proposal for modifications to the approved shop front design has been assessed above and is considered to fail to preserve or enhance the character and appearance of the Amble Conservation Area and, therefore, represents less than substantial harm to the significance of the heritage asset, in the context of the NPPF. However, it is considered that, on balance, the less than substantial harm can be outweighed in this instance by the benefits of the proposal, including those to the local economy. It is also considered that the impact of the proposal on the character and appearance of the street scene, would not be significant in the context of the overall street scene and given the original frontage of the building as a dwelling. The design and visual impact of the proposal upon the street scene are considered not so harmful to warrant a refusal of the application.

#### Highway Safety

7.22 Condition 3 of planning approval reference 16/02231/COU, requires that prior to the occupation of the dwelling or retail store, full details of the refuse strategy for both units shall be submitted to and approved by the Local Planning Authority in writing. The submitted details shall include a refuse storage area for each unit and the refuse collection details. The reason for the condition was in the interests of highway safety and visual amenity, having regard to the NPPF. The condition was recommended by the Local Highway Authority. There is no record that there has been an attempt to discharge this condition, or that this planning condition has been discharged. Therefore, it is recommended to be carried forward and attached to any grant of approval, with a time stipulation that the details shall be submitted within three months of the date of the decision.

#### Equality Duty

7.23 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

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

#### Human Rights Act Implications

7.25 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.

7.26 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.

7.27 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 has been assessed above against national and local planning policies and other material considerations.

8.2 It is considered, in the context of NPPF Paragraphs 192 to 196, that the proposal would cause less than substantial harm to the significance of the designated heritage asset of the Amble Conservation Area and would fail to preserve or enhance the character and appearance of the conservation area. However, on balance, it is considered the benefits of the proposal outweigh the harm.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. 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:-

1. Location Plan, Drawing Number 2962/LOCATION
2. Proposed Ground Floor Plan, Drawing Number 2962/007A
3. Proposed First Floor Plan, Drawing Number 2962/008
4. Proposed Front Elevation, Drawing Number 2962/009A
5. Proposed Rear Elevation, Drawing Number 2962/010
6. Proposed East Gable, Drawing Number 2962/011
7. Proposed West Gable, Drawing Number 2962/012
8. Site Block Plan, Drawing Number 2962/017

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

02. Within three months of the date of this decision, full details of the refuse strategy for both units (dwelling and retail store) shall be submitted to and approved by the Local Planning Authority in writing. The submitted details shall include a refuse storage area for each unit and the refuse collection details.

Reason: In the interests of highway safety and visual amenity having regard to the National Planning Policy Framework.