

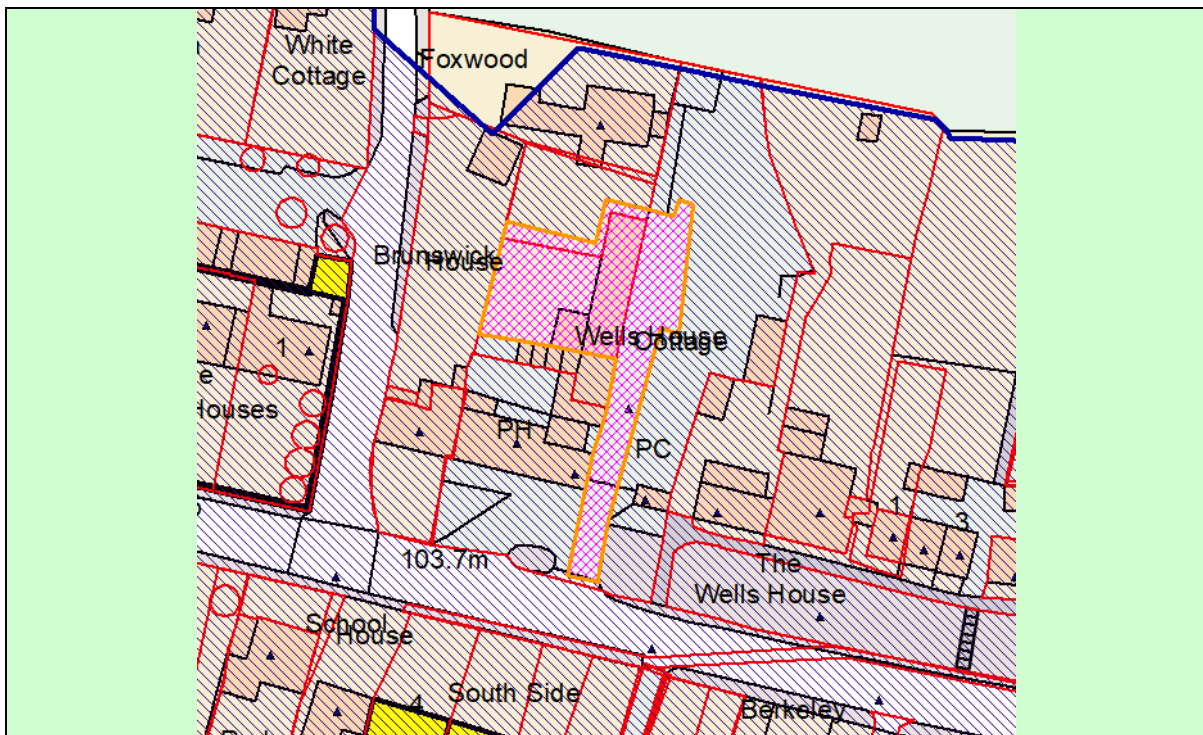


Northumberland County Council

Castle Morpeth Local Area Council Planning Committee 15th May 2023

Application No:	22/04724/FUL		
Proposal:	Part conversion of existing public house to form three additional guest bedrooms to rear and retain public house at smaller scale (Amended Description).		
Site Address	Beresford Arms, South Side, Whalton NE61 3UZ		
Applicant/ Agent	Mr Mark Thornton 129 The Broadway, Darlington DL1 1EL		
Ward	Ponteland East And Stannington	Parish	Whalton
Valid Date	23 December 2022	Expiry Date	16 May 2023
Case Officer Details	Name: Mr Callum Harvey Job Title: Senior Planning Officer Tel No: 07966 325 979 Email: Callum.Harvey@northumberland.gov.uk		

Recommendation: That Planning Permission be GRANTED for the proposed development



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1. Introduction

- 1.1 This application is subject to an objection from the Built Heritage and Design officer. Following referral to the Director of Planning and the Chair and Vice-Chair of the Castle Morpeth Local Area Council Planning Committee under the Chair Referral Scheme, it was agreed that this application be determined by Members of the Castle Morpeth LAC Planning Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the conversion of the ground floor of the northern wing of a public house to form 3no. holiday accommodation guest bedrooms. These three bedrooms would be in addition to the 4no. existing guest bedrooms at first floor level, and would be occupied ancillary to the public house. The public house is known as the Beresford Arms which located in Whalton.
- 2.2 The Beresford Arms is believed to have been built in the mid-19th century as a coaching inn. The northern wing of the building which is subject to this application was formally stables associated with the inn, which were converted to form a restaurant on the ground floor and holiday accommodation on the first floor in the mid-1990's, planning reference: CM/94/D/296. The restaurant and holiday accommodation have been used ancillary to the public house. The site benefits from a relatively large and well screened rear curtilage to the west and a car parking area to the east. The site is surrounded to the east, west and north by residential properties.
- 2.3 The northern wing of the building benefits from an extant consent for its conversion to form 2no. dwellings, reference 21/03192/FUL. That decision was made by officers in March 2022 under delegated powers. The differences between the current proposal and that previously approved scheme are as follows:
- Creation of 3no. new guest bedrooms leading to 7no. total guest bedrooms, compared to previously approved 2no. two-bedroom dwellings;
 - Retention of existing external fire escape to western rear elevation of the building;
 - No longer proposing three new openings on western rear elevation of the building; and
 - No longer proposing a subdividing boundary treatment to rear of the building.
- 2.4 No other changes are proposed to the building compared to the previous consent. There are no changes to the previously approved parking arrangement.
- 2.5 It has been submitted that the previously approved scheme for 2no. dwellings is no longer viable and that the currently proposed 3no. guest bedrooms would assist the viability of the existing public house.

- 2.6 The site is located within the village of Whalton, and within the Whalton Conservation Area. To the south of the site is Whalton Village Green which runs adjacent to the adopted highway; whilst the existing access arrangement runs through the designated Village Green, no works are proposed to the access arrangement. The proposed works to the northern wing of the public house would not affect the Village Green.

3. Planning History

Reference Number: CM/93/D/458

Description: Installation of LPG tank

Status: Permitted

Reference Number: CM/94/D/296

Description: Conversion and extension of vacant stables to restaurant with bed and breakfast/lettable holiday accommodation on first floor and provisions of LPG tank as amended plans received 1/3/95 & 2/3/95

Status: Permitted

Reference Number: CM/93/D/397/CAC

Description: Demolition of stables and provision of additional car parking

Status: Refused

Reference Number: 21/03192/FUL

Description: Part conversion of existing public house to form two number dwellings to rear and retain public house at smaller scale

Status: Permitted

4. Consultee Responses

Whalton Parish Council	No response received.
Highways	No objection following receipt of further plans of existing guest bedrooms. Conditions recommended.
Built Heritage and Design	<p>Objection – revisions requested to remove harm. The application fails to preserve or enhance the character and appearance of the Whalton Conservation Area, or the heritage significance of the host building which is deemed to be a non-designated heritage asset.</p> <p>Whilst no objection is raised to the proposed conversion of the linear range to serve as accommodation to the public house, concerns are raised with the proposed retention of the external fire escape and escape door at first floor level to the western rear elevation, and with the proposed porch to the front eastern elevation of the building.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Affecting the Character or Appearance of a Conservation Area:
Displayed 26th January 2023

Press Notice - Northumberland Gazette: Advertised 19th January 2023

Summary of Responses:

1 letter of support has been received from a neighbouring property, who are “fully supportive of more accommodation in the village. Although our property and the Beresford Arms share a boundary, we cannot foresee any problems with this alteration of public space to use as additional guest bedrooms and we wish them well.”

Comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN8MN7QSM1U00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 4 Climate change mitigation and adaption (Strategic Policy)

Policy ECN 1 Planning strategy for the economy (Strategic Policy)

Policy ECN 12 A strategy for rural economic growth (Strategic Policy)

Policy ECN 15 Tourism and visitor development

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 7 Historic environment and heritage assets
Policy ENV 9 Conservation Areas
Policy WAT 2 Water supply and sewerage
Policy INF 2 Community services and facilities
Policy INF 3 Local village convenience shops and public houses
Policy INF 4 Assets of community value

6.2 National Planning Policy

National Planning Policy Framework (July 2021)
National Planning Practice Guidance (2018, as updated)

6.3 Other documents/strategies

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

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

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 policies in the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main issues for consideration in the determination of this application are:

Principle of the development
Heritage and Design
Amenity of occupiers and neighbouring land uses
Highway safety
Internet connectivity

Principle of the development

7.3 Policy STP1 of the Northumberland Local Plan establishes the spatial strategy for the location of development within the County, and identifies Whalton as a Smaller Village. Policy STP1 recognises that development in one village can support services and facilities in other nearby villages, and states that the identified Smaller Villages will support a proportionate level of development. It is considered that the re-use of an existing building within Whalton to form holiday accommodation accords with Policy STP1. The re-use of an existing building in a Village also accords with Policy ECN15 of the Local Plan and Paragraph 84 of the NPPF.

- 7.4 Policies ECN11 and ECN12 of the Northumberland support the principle of the creation of holiday accommodation in the County, which supports the local economy. This support is subject to the accommodation being acceptable in respect of design, residential amenity and highway safety matters, which are discussed later in this report.
- 7.5 The proposal does not seek to create jobs therefore Policy ECN13 is not applicable in this instance. It is however noted that the proposed development would assist the existing business at the public house.
- 7.6 There is clear Policy support for the provision of holiday accommodation in Whalton, as summarised above. The principle of the development is therefore supported.

Heritage and Design

Relevant Legislation, Policies and the NPPF

- 7.7 The application site lies within the Whalton Conservation Area, a designated heritage asset. The subject building, the Beresford Arms, is also a non-designated heritage asset.
- 7.8 When determining this application, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Members, as the decision maker, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.9 Policy ENV1 of the Local Plan states that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by giving great weight to the conservation of designated heritage assets.
- 7.10 Policy ENV7 of the Local Plan states that 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. The Policy goes on to state that decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance. The Policy also states that where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.
- 7.11 Policy ENV9 of the Local Plan states that within a conservation area, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance. The Policy goes on to state that development must respect existing architectural and historic character and cultural associations, by having regard to:
- i. Historic plot boundaries, layouts, densities and patterns of development; and

- ii. The design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures; and
- iii. The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, trees, hedges, walls, fences, watercourses and surfacing.

- 7.12 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.13 Paragraph 200 of the NPPF then states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14 Paragraph 202 of the NPPF then 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.
- 7.15 Policy ENV7 of the Local Plan states that proposals that affect the significance of non-designated heritage assets shall require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset. This is in line with Paragraph 203 of the NPPF.
- 7.16 Policies QOP1 and QOP2 of the Local Plan require proposals to be of a high-quality design in keeping their surroundings, making a positive contribution to local character and distinctiveness. The requirements of these Policies tie in to the requirements of other Policies set out above.

Assessment of the proposal

- 7.17 The Built Heritage and Design officer (BHD) has objected to the proposal, and their comments are set out in Section 4 of this report. Concerns have been raised in respect of the proposed retention of the external fire escape and first floor fire door on the western rear elevation, and the proposed construction of a second porch on the eastern front elevation. The BHD officer notes that the existing porch does not appear to benefit from planning permission. No objection is raised to the principle of the proposed conversion of the building to form holiday accommodation. The recommending officer has given these comments significant weight when considering this application.
- 7.18 Members should note that the BHD officer had not commented on the previously approved scheme to convert the northern wing into dwellings, reference 21/03192/FUL.
- 7.19 Turning first to the retention of the fire escape and fire door, the recommending officer agrees with the BHD officer that their removal would benefit from the

proposal. However, the applicant does not wish to remove these elements from the building, as they provide necessary safety egress from the first floor of the building where there is existing holiday accommodation. The recommending officer is also mindful that these are existing features on the building. Whilst the retention of these elements of the scheme is regrettable from a design and heritage perspective, it is considered that the current application could not be reasonably refused on the ground of the retention of existing features on the building, whilst there is also justification for their retention on health and safety grounds. It is therefore considered that their retention would not conflict with Policies ECN11, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Local Plan, or with Paragraphs 202 and 203 of the NPPF.

- 7.20 Turning next to the proposed construction of a second stone porch on the eastern front elevation of the building, it is noted that this is as previously approved under decision 21/03192/FUL. Members should note that the BHD officer had not commented on that previously approved scheme to convert the northern wing into dwellings, hence their concerns are only being raised now under the current application. In light of the extant consent for the same porch, it is considered that the current application could not be reasonably refused on the ground of harm caused by the proposed porch. It is therefore considered that the porch would not lead to an unacceptable conflict with Policies ECN11, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Local Plan, or with Paragraphs 202 and 203 of the NPPF.

Amenity of occupiers and neighbouring land uses

- 7.21 Officers consider that the proposed holiday accommodation use would not lead to a significant or unacceptable level of activity at the site. It is proposed that the accommodation being occupied as part of the pub, whilst the accommodation would not necessarily lead to any greater noise disturbance for neighbours than the existing pub. Therefore, officers do not consider that potential noise disturbance from the occupants of the development would be a reasonable reason to refuse the application in this location. Officers are also mindful that in the unlikely event that noise concerns were raised by neighbours, this could be dealt with by the County Council's Public Health Protection team under their statutory powers in relation to potential noise nuisance.
- 7.22 Officers note that the currently proposed holiday accommodation unit would be operated by the landlord of the public house, and would be served by parking bays which form part of the existing pub car park. It is considered necessary to secure the operation of the accommodation as ancillary to the occupation of the public house, in the interest of amenity and car parking provision. Subject to such a condition, the principle of siting holiday accommodation unit in this location would not lead to an unacceptable impact upon the amenity of its occupiers.
- 7.23 Subject to the use of recommended conditions, the proposed works would protect the amenity of occupiers of the development and the amenity of occupiers of neighbouring dwellings, in accordance with Policies ECN11, QOP1 and QOP2 and HOU9 of the Northumberland Local Plan, and the NPPF.

Highway safety

- 7.24 The proposal seeks to create three bedrooms for holiday accommodation use, ancillary to the existing pub. The pub benefits from a large existing car park comprising 24 bays with 5 additional disabled bays. No changes are proposed to the existing car park or to the existing access arrangement.
- 7.25 The Highways Development Management officer has been consulted and, following receipt of further plans detailing the existing holiday accommodation which is to be retained, they have no objection subject to recommended conditions securing details of proposed car parking and proposed cycle parking. The recommending officer is mindful that no changes are proposed to the existing car parking arrangement and that given the size of the car park no additional parking bays are required, therefore such a condition is not necessary or reasonable. It is recommended that such a condition is not imposed should Members grant consent, in accordance with Paragraph 56 of the NPPF. The recommending officer is also mindful that the proposed holiday accommodation would be occupied ancillary to the pub which will benefit from an existing cycling parking arrangement, therefore no additional cycle parking details are required and such a condition is not necessary or reasonable. It is recommended that such a condition is not imposed should Members grant consent, in accordance with Paragraph 56 of the NPPF.
- 7.26 It is considered necessary to secure the operation of the holiday accommodation as ancillary to the occupation of the public house in the interest of amenity and car parking provision. Subject to such a condition, the principle of siting holiday accommodation unit in this location would not lead to an adverse highway safety impact.
- 7.27 The proposal would not have an adverse impact on highway safety in accordance with Policies ECN11, TRA2 and TRA4 of the Northumberland Local Plan, and the NPPF.

Internet Connectivity

- 7.28 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy goes on to state that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.
- 7.29 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Other considerations

Equality Duty

7.30 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

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

Human Rights Act Implications

7.32 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.

7.33 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.

7.34 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 re-use of the existing building to provide a holiday accommodation unit in this location is supported in principle.

8.2 Subject to recommended conditions, the proposal is an acceptable form of development as discussed in the above report. Officers therefore recommend that planning permission be granted.

9. Recommendation

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

Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

18-102 101 Revision B - Location and Block Plan

18-102 111 Revision C – Proposed Floor Layouts & Elevations

18-102 180 Revision A – Existing and Proposed Site Layouts

20-102 112 – Existing & Proposed Floor Layouts for Guest Number Comparison

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

3) All new stonework to the buildings to be converted shall match that of the existing buildings in terms of dimensions, colour, texture and pointing. The works shall use a lime-based mortar.

Reason: To ensure works are carried out in a manner consistent with the character of the existing building, in the interests of the satisfactory appearance of the development upon completion, and in the interest of the character of the Whalton Conservation Area, in accordance with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and the National Planning Policy Framework

4) All openings shall be constructed of timber with a painted finish to match existing. Windows shall be timber sliding sash windows.

Reason: To ensure works are carried out in a manner consistent with the character of the existing building, in the interests of the satisfactory appearance of the development upon completion, and in the interest of the character of the Whalton Conservation Area, in accordance with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and the National Planning Policy Framework.

5) The development shall not be occupied until the car parking area as indicated on the approved plans has been made available for the development.

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 Policies TRA2 and TRA4 of the Northumberland Local Plan and the National Planning Policy Framework.

6) Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational within three months of their approval.

Where an alternative broadband connection is proposed, within three months of the date of this decision, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational within three months of their approval.

Where no broadband connection is proposed, within three months of the date of this decision, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

7) The occupation of the holiday unit identified in this application shall be undertaken in accordance with the following points:

- (i) The unit shall only be occupied for holiday purposes only
- (ii) The unit shall not be occupied as a person's sole or main place of residence
- (iii) The owners/operators of the unit shall maintain an up-to-date register of the name of all occupiers of the unit, and of their main home addresses, and shall make this information available upon request at all reasonable times to the local planning authority. The register shall be collected by the unit owner or his/her nominated person.

Reason: To encourage tourism by ensuring that the development is used for holiday accommodation only, and to prevent its use as full-time permanent residential use which would have insufficient private amenity space, in accordance with Policies ECN11, ECN12, ECN14, QOP1 and QOP2 of the Northumberland Local Plan, and the National Planning Policy Framework.

8) The development hereby approved shall be occupied as set out in Condition 7 and ancillary to the occupation of the public house currently known as the Beresford Arms, and shall not be subdivided from the Beresford Arms or brought into use as a separate planning unit.

Reason: To ensure the siting of the subject building is acceptable in principle, in the interest of the amenity of occupiers of both the development and the adjacent dwellings, and in the interest of highway safety, in accordance with Policies ECN11, QOP1, QOP2, TRA2 and TRA4 of the Northumberland Local Plan, and the National Planning Policy Framework.

Informatives

1. Reminder to not store building material or equipment on the highway
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

2. Reminder to not deposit mud/ debris/rubbish on the highway
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Date of Report: 24.04.2023

Background Papers: Planning application file(s) 22/04724/FUL; 21/03192/FUL.