

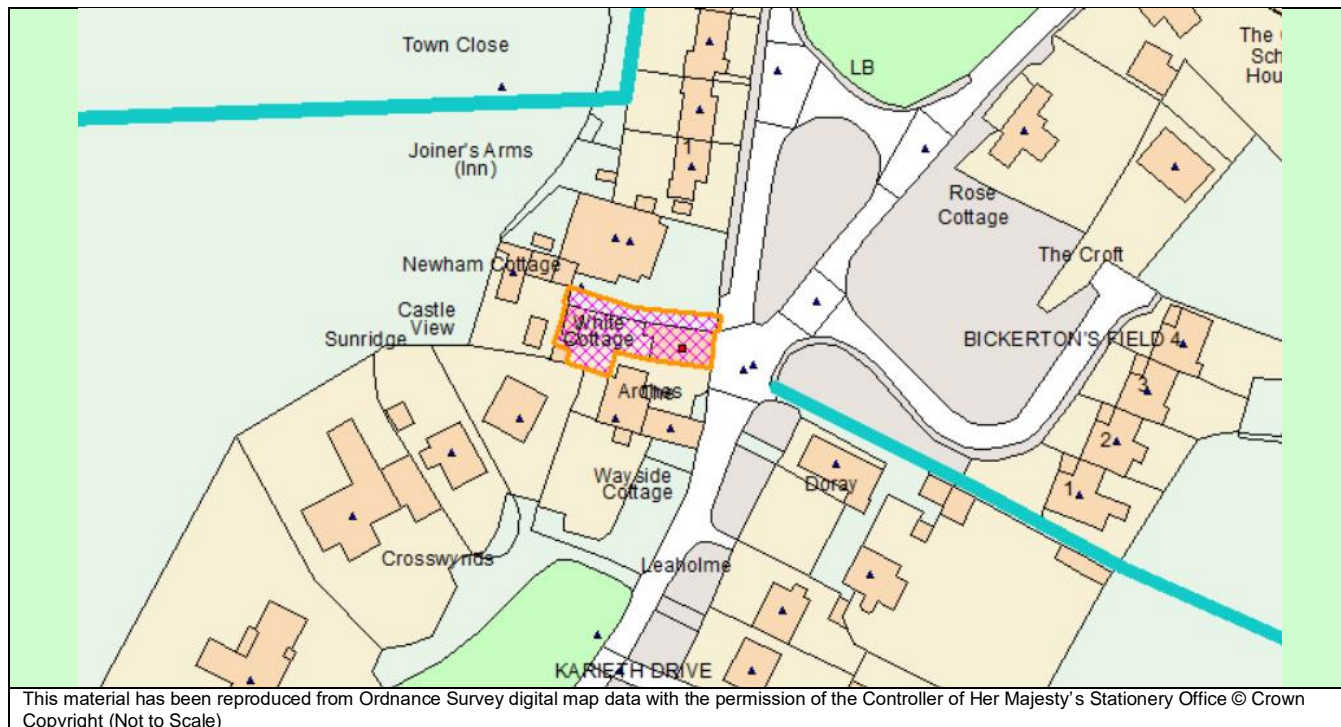


Northumberland County Council

North Northumberland Local Area Council Planning Committee 22nd June 2023

Application No:	22/02619/FUL		
Proposal:	Retrospective Change of Use of White Cottage to Serviced Accommodation in Association with the Joiners Arms		
Site Address	White Cottage, The Inn Road, Newton-By-The-Sea, Northumberland NE66 3EA		
Applicant:	Mr Duncan Fisher First Floor, Two Jesmond Three Sixty, Jesmond, Newcastle upon Tyne NE2 1DB	Agent:	Mr Guy Whitehead Clavering House, Clavering Place, Newcastle Upon Tyne, NE1 3NG
Ward	Longhoughton	Parish	Newton-by-the-Sea
Valid Date:	18 April 2023	Expiry Date:	13 June 2023
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@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 due to concerns raised regarding the impact of the proposals upon the local community and neighbouring amenity.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application proposes the change of use of a detached residential property to use as serviced accommodation associated with the adjacent public house (The Joiners Arms). This work has already been carried out with the property being converted from a three bed residential house to serviced accommodation providing four bedrooms in total. The former lounge, kitchen and dining areas having been converted to bedrooms, whilst at first floor level the internal layout has been amended to create two large rooms where there were previously three.

2.2 The application site is located within the settlement of High Newton adjacent to the Joiners Arms public house. The site is bound to the south and west by residential development with the pub across an access lane (in separate ownership) to the north. To the east is the public highway with further residential development beyond. On street parking within the village is restricted, with permit parking to the front of the site. There is a free public car park approximately 150 metres to the south at the entrance to the village.

3. Planning History

Reference Number: 20/00569/FUL

Description: Proposed change of use for new shepherd hut in rear garden for holiday letting

Status: Permitted

Reference Number: 20/04267/FUL

Description: Retrospective: Change of use of White Cottage to serviced accommodation in association with Joiners Arms

Status: Withdrawn

Reference Number: A/2004/0217

Description: Rear two storey extension and single storey extension

Status: Refused

4. Consultee Responses

Northumberland Coast AONB	<p>The AONB Partnership does not support this application. The application does not differ in principle from that submitted under 20/04267/FUL and our stance remains the same.</p> <p>The summary of the AONB Partnership's response to 20/04267/FUL stated "the change of use from dwelling house to serviced holiday accommodation is not supported and the scale of the conversion is considered overdevelopment, particularly in relation to lack of in curtilage parking."</p>
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Highways	<p>Amended plans and/or additional information required: Insufficient information has been provided at this time to make a suitable and substantive response within the defined consultation period.</p> <p>The following information will be required to inform a response within a statutory reconsultation period:</p> <p>Fully detailed arrangements with regards to the provision of off-street car parking in accordance with Appendix E of the Local Plan (2022). Refuse storage and strategy details for the units.</p>
Highways (2)	No objection subject to conditions and informatives
Tourism, Leisure & Culture	No response received.
County Ecologist	<p>No objection.</p> <p>The application concerns a change of use and does not appear to include significant external alterations and therefore impacts on protected species are unlikely. The site is within the buffer zone for recreational impacts on coastal sites but as there is no net increase in units of accommodation there is no requirement to contribute to the Coastal Mitigation Service.</p>
Natural England	No objection subject to appropriate mitigation
Architectural Liaison Officer - Police	No response received.
Public Protection	No comment
Newton-by-the-Sea Parish Council	<p>The PC asks that this application be refused on the grounds of the unacceptable cumulative impact of development, access and parking issues, erosion of housing stock and adverse impact on the qualities of the AONB, including the loss of tranquillity.</p> <p>The PC is of the view that shortfalls, errors and omissions render this application incomplete with, for example the location and provision for parking not being answered on the application.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

3no letters of objection have been received including submissions from/on behalf of The Newton Trust, summarised as follows,

Inadequate information submitted with application

Amenity issues

Access issues

Inadequate parking provision

The applicant continues to carry out developments and then seeks the necessary permissions retrospectively

Intensification of use

Foul drainage/hot tubs

Loss of tranquillity within AONB

Impacts upon the character of the locality

Continued commercial development will irreversibly change the intrinsic character of the village

Change of Use does not meet the social or environmental aspects of sustainable development

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=RFFGHCQSIC000>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

ECN 13 - Meeting rural employment needs(Strategic Policy)

ECN 15 - Tourism and visitor development

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 4 - Tranquillity, dark skies and a sense of rurality

POL 2 - Pollution and air, soil and water quality

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

PPG - Planning Practice Guidance (2021, as updated)

Northumberland Coast AONB Management Plan (2020)

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 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 & Impact on Character,
Amenity,
Highways,
AONB,
Ecology,
Other Matters, and
Procedural Matters.

Principle

7.3 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies High Newton (together with Low Newton) as a "Small Village" which will support a proportionate level of development.

7.4 Policy ECN 12 seeks to foster the growth of the rural economy within the county by facilitating, within constraints, the formation, growth and up-scaling of businesses in rural locations, whilst safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.5 Policy ECN 13 goes on to support development that will generate employment opportunities, proportionate to the rural location, where all of the following apply:

- a. Existing buildings are reused or, where this is not possible, extensions or new buildings that contribute positively to local landscape character and, where applicable, local building traditions;
- b. The proposal is related as closely as possible to the existing settlement pattern, existing services and accessible places;
- c. It will not have an adverse impact on the operational aspects of local farming or forestry.

7.6 Policy ECN 15 relates to tourism and visitor development and states that Northumberland will be promoted and developed as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities. It goes on to say that this will be achieved through the development of new visitor attractions and facilities, accommodation and the expansion of existing tourism businesses.

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

7.8 The proposal represents the expansion of a thriving business which, as identified above, is supported through both national and local planning policies. However, it is noted by some that the business interests of the applicant in the area are potentially on the cusp of tipping (or having tipped) the balance in this respect. The retrospective nature of the application must not be a factor in determining this one way or the other.

7.9 The impact of the proposal upon neighbouring amenity, highways and the AONB are discussed further below, but the desire to maintain the tranquillity of the village, as seen through the lens of both amenity and the AONB Management Plan, must be balanced against the need to recognise the AONB as a living, working area in which small scale development, which does not impact on the AONB's special qualities, should be allowed. How to maintain and increase the economic value of tourism to the local communities that depend on it, whilst ensuring that it doesn't further degrade the special qualities that draw people to the area in the first place is a key consideration here.

7.10 It is the opinion of the case officer that the conversion of the cottage to serviced accommodation, whilst potentially adding to existing parking and noise problems, would not have a significant impact over and above existing concerns. Furthermore, if permission were granted, these issues could be effectively managed through planning conditions, which would help to reduce the cumulative impacts currently being experienced, thereby ensuring the development does not have a significant impact upon the surrounding environment and neighbouring land users.

Design & Impact on Character

7.11 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. Policy QOP 2 also sets out an expectation that the physical presence and design of development should preserve the character of an area.

7.12 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.

7.13 The proposed change of use does not include any physical changes to the exterior of the building and as such would not have a detrimental effect upon the character or appearance of the property or the surrounding area. Equally the addition of hot tubs and decking to the rear of the property would not have a visual impact upon the character of the area. It is acknowledged however that these may enable behaviours which impact upon the characteristic tranquillity of the village and this is discussed further below. It should be noted however that the siting of the hot tubs does not require planning permission, whilst any disturbance caused through the use of the external areas can be controlled via Environmental Health legislation. In terms of the physical impacts of the proposal, it is in accordance with Policies QOP 1 and QOP 2 of the NLP and the NPPF in this respect.

Amenity

7.14 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. Meanwhile Policy POL 2 provides protection from unacceptable risk of harm to or the adverse effects of pollution from emissions of, amongst other things, effluent, smell, heat, light, or noise.

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

7.16 The Council's Environmental Protection team has responded to consultation offering no comment on the proposals. When this was queried it became clear that the conversion from residential to holiday accommodation was not a matter of concern to the EP team, who confirmed that whilst investigations have been ongoing regarding noise complaints associated with the pub, this is a separate matter that is not linked to the conversion of the cottage.

7.17 Whilst it may be true to say that some holiday makers can be less considerate of their surroundings than others, the scale of the development is such that the potential for significant issues in this respect is small and would not have a significant detrimental impact upon neighbouring uses. As noted above the Council has powers under separate Environmental Health legislation should the proposals lead to any substantiated concerns in this respect. On this basis the proposal is acceptable in accordance with Policies QOP 2 and POL 2 and the NPPF.

Highways

7.18 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. Policy TRA 4 sets out requirements for parking provision in new development.

7.19 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.

7.20 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.21 Concerns raised regarding access and the inadequacy of car parking are noted. The Local Highway Authority responded to initial consultation requesting additional information in this respect, however, following receipt of this information no objections are raised subject to a condition securing the implementation of the proposed car parking. On this basis the proposals are acceptable in accordance with highways policy.

AONB

7.22 The application site lies within the Northumberland Coast AONB and due consideration must be given to the impacts of the proposed development upon this designated area.

7.23 Policy ENV 5 of the NLP seeks to ensure that the special qualities of the AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.24 This echoes Paragraph 176 of the NPPF, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.25 The AONB Partnership responded to consultation raising concerns about the overdevelopment of the site, particularly in relation to in curtilage parking. It has been shown however that parking is capable of being provided to accord with the Local Plan and the lack of external changes to the cottage mean there is no visual impact upon this part of the AONB.

7.26 Of more concern perhaps is the impact of the proposal upon tranquillity. The Council recognises tranquillity as a distinctive characteristic of Northumberland's countryside and through Policy ENV 4 of the LP, requires proposals to minimise the level of noise, traffic and light generated by development.

7.27 The AONB Management Plan informs us that the AONB has areas that are experienced as being highly tranquil and which should be highly valued as such. It is equally clear that this tranquillity is under constant pressure, especially from new development and from growing levels of tourism. Indeed, this issue epitomises the

main challenge facing everyone involved in tourism in the AONB of how to maintain and increase its economic value to the local communities that depend on it whilst ensuring that it doesn't further degrade the special qualities that draw tourists to the area in the first place.

7.28 It is noted above that the Council's Environmental Health team do not consider the conversion of the cottage to be problematic in terms of noise creation. However, if the character of the village (and of this part of the AONB more generally) is considered to be tranquil, it may be that the addition of more holiday accommodation could have an impact upon that character. This must be balanced, however, against support, within both adopted planning policy and the AONB Management Plan, for rural business. It is officer opinion that, given the scale of the proposals, they are unlikely to have a significant impact upon the existing situation and if this application were to be approved, the LPA would be better able to retain control of the development via appropriate and enforceable planning conditions. On this basis therefore, the proposal would conserve the special qualities for which the Northumberland Coast AONB is designated.

Ecology

7.29 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

7.30 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.31 The County Ecologist has responded to consultation raising no objections, as the proposal does not include significant external alterations and therefore impacts on protected species are unlikely. Whilst the site is within the buffer zone for recreational impacts on coastal sites there is no net increase in units therefore a contribution to the Council's Coastal Mitigation Service will not be required. On this basis the proposals are acceptable in accordance with Policy ENV 2 or the NPPF in this respect.

Other Matters

7.32 The comments received from the Parish Council and objectors are noted and have been taken into account in the assessment of the application as appropriate. Concerns regarding the validity of the application have been addressed with the applicant, whilst matters relating to highways, amenity, environmental and social implications and impact on designated landscapes have been addressed in the preceding paragraphs.

7.33 Concerns regarding the loss of housing stock are noted, however the change of use of the property does not rule out the potential for its conversion back to a dwelling in the future. Related to this are concerns about the intensification of the use of the property, particularly in conjunction with the previously approved shepherd's hut in the rear garden. It is noted above that the proposal at hand only increases the number of bedrooms by one and it is feasible that this could have been achieved whilst retaining the property as a dwelling, so it has limited bearing on whether the change of use to serviced accommodation is acceptable. Furthermore, the presence of the additional accommodation in the rear garden, which already has consent, does not form part of the assessment of this application.

7.34 Concerns raised regarding the retrospective nature of the application are noted, however this is a legitimate method of dealing with development which has been carried out without the appropriate permissions. The assertion that the applicant habitually carries out development before seeking permission is not relevant to the outcome of this application.

Procedural Matters

Equality Duty

7.33 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

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

Human Rights Act Implications

7.35 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.

7.36 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.

7.37 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 application has been considered against local development plan policies and the relevant sections of the NPPF. The proposal includes the efficient use of land in order to provide high quality rental accommodation for the tourist industry. Tourism in Northumberland has developed into a year round activity and the proposals would tap into this growing market by establishing new serviced holiday accommodation of a type which is not commonly available in the area.

8.2 Whilst noting the concerns raised by neighbours, the principle of the proposal is acceptable and the use of the cottage as serviced accommodation would not negate the potential future use of the building as a domestic dwelling. Concerns raised regarding parking and access are noted and have been addressed above with the Local Highway Authority raising no objections subject to conditions.

8.3 Third party comments around increased noise levels arising from the use of the accommodation (in particular the rear terrace and hot tubs) are noted, however the council's Environmental Protection team have offered no comment in respect of noise impacts relating to this particular development (it is understood that there are ongoing but separate investigations relating to the pub however).

8.4 The proposal has addressed the main considerations, accords with relevant planning policies and legislation and is considered to be acceptable on balance.

9. Recommendation

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

Conditions/Reason

01. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

Drawing No 22035.OS01.B - Location Plan
Drawing No 22035.P02_ - Proposed Plans
Drawing No 22035.P03.B - Proposed Site Plan

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

02. Implementation of car parking area

The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented 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.

03. Holiday Use Only

The accommodation subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all

lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is retained for holiday use and in accordance with Policy ECN 15 of the Northumberland Local Plan

Informatives

1. Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.