



Northumberland

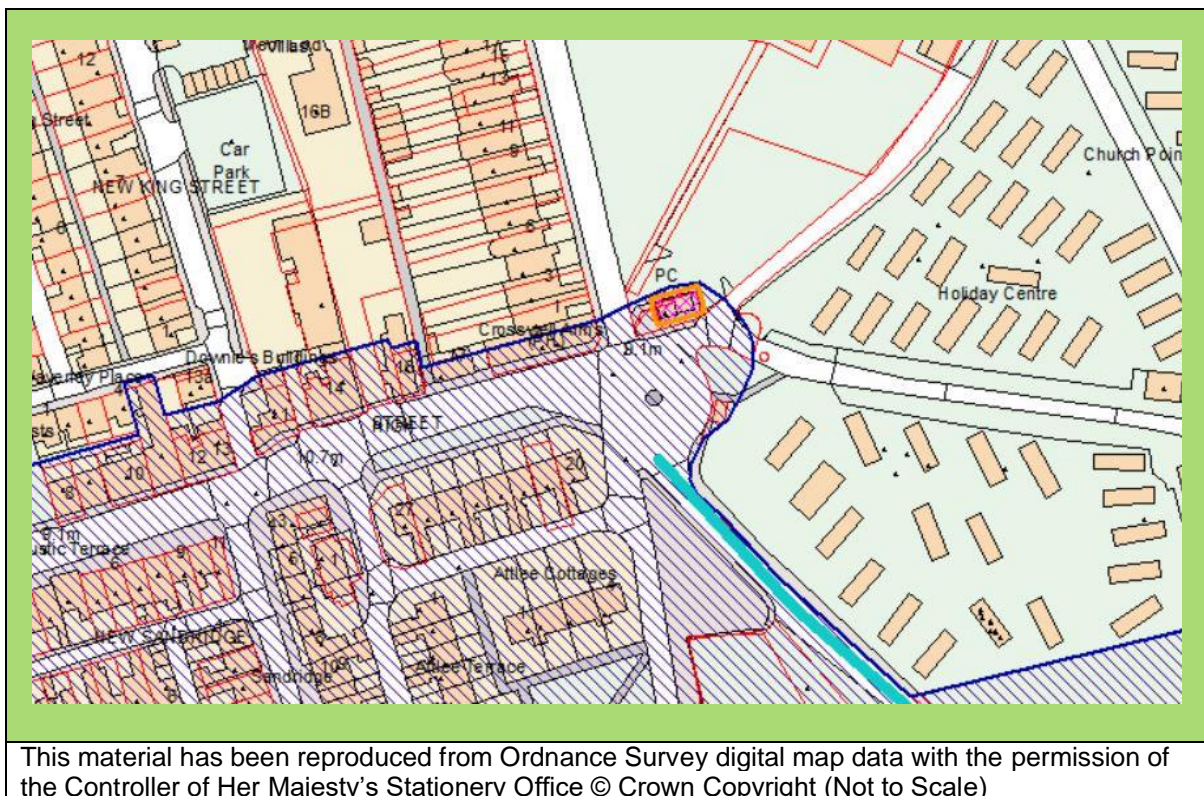
County Council

Ashington/Blyth Planning Committee

14th February 2024

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|---------------------------------|---|--------------------|----------------------|
| Application No: | 23/03335/FUL | | |
| Proposal: | Two storey shipping container development to form a restaurant/cafe. | | |
| Site Address | Public Convenience, High Street, Newbiggin-By-The-Sea, Northumberland NE64 6DR | | |
| Applicant/ Agent | Emilie Hakner 85 Bridge Street, Blyth, Northumberland, NE24 3AE | | |
| Ward | Newbiggin Central and East | Parish | Newbiggin By The Sea |
| Valid Date | 18 September 2023 | Expiry Date | 2 February 2024 |
| Case Officer Details | Name: Mr Ben Briggs Job Title: Planning Officer Email: Ben.Briggs@northumberland.gov.uk | | |

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 The application is situated on NCC land and has a high level of public interest; therefore, the application was referred to the Director of Planning and the Chairs of the Planning Committee. The chair referral response confirmed that the application shall be determined at Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of a two storey shipping container development to form a restaurant/café at the former Public Convenience Site, High Street, Newbiggin-By-The-Sea, Northumberland NE64 6DR.

2.2 The proposed development would be located upon the existing vacant site which hosted the disused public toilet block (20/00930/DEMGDO) which was demolished in 2020. The proposal would comprise 3 x sea foam green shipping containers with timber cladding with various openings situated upon the elevations of the restaurant/café, the proposal would see indoor and outdoor seating sections. The outdoor section would be situated on the first floor with treated timber balustrade/fence to provide delineation between the application site and the local area.

2.3 The supporting information outlines that operating times would be 08:00-22:30. External lighting is proposed within the outdoor section as well as advertisements.

2.4 Amended plans and further information were provided by the applicant following comments from the local planning authority and relevant consultees. It is these amended details that will be taken into consideration as part of this application assessment.

3. Planning History

Reference Number: 20/00930/DEMGDO

Description: Demolition of disused public toilet block

Status: PANR

4. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

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

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaptation (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy ECN 1 – Planning strategy for the economy (strategic policy)

Policy ECN 15 – Tourism and visitor development

Policy TCS 3 - Maintaining and enhancing the role of centres (strategic policy)

Policy TCS 4 – Proposals outside centres

Policy TCS 6 – Hot food takeaways

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity
Policy QOP 3 – Public realm design principles
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 2 - Biodiversity and geodiversity
Policy ENV 7 – Historic environment and heritage assets
Policy ENV 9 – Conservation areas
Policy WAT 3 - Flooding
Policy WAT 4 - Sustainable drainage systems
Policy WAT 5 – Coastal erosion and coastal change management

Neighbourhood Planning Policy

Newbiggin by the Sea Neighbourhood Plan (2023-2036)

Policy N1 – Design

4.2 National Planning Policy

National Planning Policy Framework (2023) (NPPF)
National Planning Practice Guidance (2022) (NPPG)

5. Consultee Responses

| | |
|--|---|
| <p>Newbiggin-By-The Sea Town Council</p> | <p>Newbiggin by the Sea Town Council welcomes new businesses that support the economy and sustainability of the town. However, some concerns are listed below:</p> <p>The proposal is to be located on the site of former public toilets which is at a very busy turning head with no formal pedestrian access. The site is adjacent to the main car park of the town which also means it is very busy with traffic including buses.</p> <p>Whilst it is not the responsibility of the developer, the pedestrian access around the turning head should be improved.</p> <p>Public toilets could be replaced.</p> <p>The appearance of the proposed development is not sympathetic of the conservation area with more sympathetic materials and colour scheme to be encouraged</p> <p>The upstairs outdoor seating will mean a loss of privacy and potential overlooking to the upstairs areas of the Cresswell Arms and No.n1 Prospect Place.</p> |
| <p>Highways</p> | <p>No Objection - Imposition and implementation of condition (s)</p> |
| <p>Public Protection 30.10.23</p> | <p>Objection</p> |

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|-----------------------------------|-------------------------------------|
| Building Conservation | No objection subject to conditions. |
| County Ecologist | No objection subject to condition |
| Open Spaces South East Area | No response received. |
| Lead Local Flood Authority (LLFA) | No comment – Informative |
| Public Protection 06.12.23 | No objection subject to conditions. |

6. Public Responses

Neighbour Notification

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|-------------------------------|----|
| Number of Neighbours Notified | 6 |
| Number of Objections | 23 |
| Number of Support | 25 |
| Number of General Comments | 0 |

Notices

Affecting Conservation – 10.10.23
News Post Leader 29th September 2023

Summary of Responses:

23no objections were received against the application from local residents. Concerns were raised regarding:

- Development looking 'out of place', not in keeping and not a suitable location for the proposal.
- Parking, road, traffic, delivery, noise, odour, refuse storage, infrastructure and safety issues.
- Footfall issues.
- Development not suitable for Conservation Area.
- Neighbouring amenity concerns – Privacy, overlooking, noise, natural light reduction,
- Land Ownership.
- Security of the building.
- Opening hours.
- Already facilities in Newbiggin.

25no support comments were received from members of the public recognising the benefits the proposed development would bring to the area including employment, economic gains and a new facility for Newbiggin and increased tourism.

Material consideration with regards to the objections will be addressed below.

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 of the Northumberland Local Plan (NLP). Newbiggin by the Sea Neighbourhood Plan (2023-2036). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- **Principle of development:**
- **Design and visual character;**
- **Residential amenity;**
- **Highway safety;**
- **Conservation Area;**
- **Ecological impacts;**
- **Water management.**

Principle of development

- 7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. Newbiggin-by-the-Sea is recognised as a service centre and as such employment and services are uses that, subject to other policies are generally encouraged within the built-up area to a level that will maintain and strengthen the service centre role.
- 7.3 The application site is situated within the northeast area of the town within walking distance of the promenade. The surrounding built form is residential with a pub to the south and west of the application site and the golf club to the north east. The main retail area lies to the west. The NLP does not define a settlement boundary for Newbiggin-by-the-Sea therefore where no settlement boundary is defined, criterion 1e of policy STP 1 applies, which outlines potential support for sustainable development within or immediately adjacent to the current built-up form of the settlement if it is:
- i. Commensurate with the size of the settlement; and*
 - ii. Reflects the role and function of the settlement; and*
 - iii. Does not adversely impact upon the character and appearance of the settlement; and*
 - iv. Does not adversely impact upon the setting of the settlement or the surrounding countryside.*
- 7.4 Policy ECN 1, the planning strategy for the economy, seeks to deliver economic growth, while safeguarding the environment and community wellbeing, so helping to deliver the objectives of the Council's economic strategy. As such it aims, through planning decisions, to [inter alia] promote tourism and the visitor economy.
- 7.5 Policy ECN 15 states that the County as a whole should be developed as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities. The County's potential as a destination for food and drink is among themes promoted through the Policy.

- 7.6 Policy TCS 3, part 3, states that, within Service Centres, new provision should be within a scale appropriate to meeting the shopping, leisure or other service requirements of residents living in those settlements and their catchments. The scale of the proposal would certainly be in proportion with the role of Newbiggin-by-the-Sea. Whilst located within close distance from the centre of town, the application site is accessible via existing public footpaths and walkways and would not be considered isolated from existing services within Newbiggin-by-the-Sea, specifically recognising other facilities located along, and within the area of the proposal.
- 7.7 The application site itself is part of a public open space area. Therefore, it is appropriate to consider whether this proposal would, in any way, represent a loss of open space. Policy INF 5 of the NLP states that the loss of open space will not generally be supported unless certain criteria are met. Indeed, the wording of NLP Policy INF 5 does seek to prevent the unnecessary loss of open space. The criteria that normally need to be met are that the open space should either be surplus to requirements, or the loss should be replaced by equivalent or better provision, or the benefits of what replaces it should outweigh the loss.
- 7.8 The LPA considers that the small amount of land involved within the proposed development coupled with the fact that the facility could enhance the experience of those visiting Newbiggin as well as for locals, is sufficient to satisfy the policy that applies at present. It is also worth noting that the land has been occupied by a public building for many years up until its recent demolition. This proposal would, in effect, simply replace that.
- 7.9 The application recognises that the proposal would create employment opportunities by way of 4 full time roles and 2 part time roles, thus bringing jobs to the area upon completion and operation of the proposed development. The development would also provide enhanced tourism opportunities for the settlement of Newbiggin and introduce a facility towards the northern end of the town. The development would likely increase footfall, which has been taken into consideration. The balance of this is afforded to the provision of a greater experience for those visiting or living within the settlement by way of increased services. This is addressed further under "Residential Amenity" below.
- 7.11 The LPA also notes the Newbiggin-by-the-Sea Parish Council neither support nor object to the proposal but raise technical matter concerns relating to highway safety, conservation area and neighbouring amenity, that shall be assessed further into this appraisal.
- 7.12 Taking all of the points raised above into account, it is considered that the principle of development is acceptable, according with the provisions of policies STP 1, ECN 1, ECN 15 and TCS 3 of the NLP as well as the NPPF.

Design and visual character

- 7.13 Policy QOP 1 of the NLP states that development proposals should *"make a positive contribution to local character and distinctiveness and contribute to a*

positive relationship between built and natural features, including landform and topography". Paragraph 126 of the NPPF recognises good design as being a key aspect of sustainable development. Paragraph 130 goes on to note that development must "function well and add to the overall quality of the area" whilst also being "visually attractive as a result of good architecture, layout and appropriate and effective landscaping".

- 7.14 Policy N1 of the Newbiggin-by-the-Sea NP seeks for development to *"conserve local distinctiveness by demonstrating high quality design which both respects existing character and responds to the distinctive character of the area"*
- 7.15 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the wider area. The site consists of an existing area of hard standing from the demolished toilet block, behind is a grassed area and car park for the golf club. To the south of the application site is the caravan park entrance, residential properties and access to the beach, past the public highway to the west is set of terraced residential properties and the Creswell Arms (pub).
- 7.16 The proposed development would see the siting of a 2no 30ft and 1no 20ft shipping container for the café/restaurant, kitchen use and toilet facilities. The proposed containers would be fully clad in vertical timber cladding to negate the harsh impacts of an exposed shipping container and create an appropriate coastal external material. Openings would be created upon the elevations of the café/restaurant and kitchen area to form doorways and windows. A terrace would be created for the outdoor seating area on the first floor.
- 7.17 Amended details were submitted to the local planning authority for assessment following the raising of initial concerns. The north and east elevations have seen an alteration in the form of extra timber panels being added. The LPA considers the implementation would reflect the coastal character of the area more appropriately than the initial proposals.
- 7.18 Taken the above into consideration the LPA is satisfied that the proposed development would not result in a harmful impact upon the immediate or wider landscape and would also represent good design in accordance with policy QOP 1 of the NLP and the NPPF.

Residential amenity

- 7.19 Policy QOP 2 of the NLP states that *"Development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area"*. Paragraph 130, part f) of the NPPF details that developments should *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.
- 7.20 Policy N1, part g) of the Newbiggin-by-the-Sea NP outlines that developments should not prejudice the amenity of adjacent properties whilst part j) seeks for proposals not to result in unacceptable levels of noise, air or water pollution.

- 7.21 A number of objections were received from Prospect Place with regards to residential amenity, Prospect Place is located to the west of the application site beyond the public highway. A separation distance of approximately 15 metres would exist from the side elevation of the proposal to the closest wall of these residential properties. Cresswell Arms (pub) is also situated 15m away from the proposal upon this street, the height of the proposal (7.1m) is significantly smaller than the current Cresswell Arms. The site is readily visible within the public domain due to its location therefore consideration must be given to the amenity of residents in adjacent residential properties, as well as users of the existing area.
- 7.22 The closest residential dwellings (1 and 3 Prospect Place) have a separation distance of 15m due to their ground-floor extensions, with the closest wall not having windows it is considered that residential amenity in the form of overlooking and privacy will not be significantly decreased. Due to the stepped back profile of the rest of the properties on Prospect Place the separation distance will exceed 20+ meters, therefore overlooking and privacy will not be significantly decreased for these properties. However, The Cresswell Arms does have windows on the closest elevation to the proposal therefore a condition has been added for amended plans which will see the west elevation altered to ensure that any overlooking will not be created.
- 7.23 The application documents stipulate that operating times would consist of 08:00-22:30, for context the closest business (Creswell Arms) operating times consist of 11:00-23:00. External lighting is proposed as part of the application submission, but a condition has been added to ensure these are switched off outside of operation hours. Consultation was undertaken with the local authority's Environmental Protection team regarding the application proposals who raised no objection to the application on amenity grounds. Environmental Protection do not consider that the proposals would generate significant noise levels that would significantly impact upon the amenity of adjacent residents. Nevertheless, statutory nuisance can still be investigated despite the granting of a planning permission, and it would be appropriate of the LPA to include an informative reminding the applicant of this in the event of a planning approval.
- 7.24 The LPA therefore consider the proposal to accord with the provisions of policies QOP 1 of the NLP, policy N1 of the NP and the NPPF in relation to protecting residential amenity.

Highway safety

- 7.25 Policy TRA 2 of the NLP outlines that developments must "*Provide effective and safe access and egress to the existing transport network*" and "*Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts*". Policy TRA 4 is also relevant within this assessment, stating that developments must also provide an appropriate amount of off-street vehicle parking in line with the intended use of the site.
- 7.26 The NPPF details that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway*

safety, or the residual cumulative impacts on the road network would be severe".

- 7.27 Consultation was undertaken with highways development management who, raised no objection to the application proposals subject to recommended conditions.
- 7.28 HDM have requested the condition to be added in respect to the submission of further information in relation to deliveries and the servicing of the site. This is to ensure that deliveries and servicing of the site do not adversely impact upon the amenity of neighbouring residents. Limited information has been provided regarding this element however, HDM are satisfied that precise details can be secured via planning condition with the information to be submitted prior to first use of the development. To address the requirements of the condition, the applicant will be required to provide further details to the LPA for review.
- 7.29 To retain a level of highway safety within the locality during the construction phase of the development, HDM have also requested a condition that secures the submission a construction method statement and plan prior to the commencement of development is attached. Informatives have also been r recommended to ensure the applicant does not store building material or equipment on the adjacent highway at any time.
- 7.30 One of the main objections from neighbouring residents was concerns in relation to car parking which may occur on surrounding streets, specifically Prospect Place. Highways Development Management states that similar to the existing public house and Indian Restaurant, the requirement for off-street parking would not be feasible due to surrounding space, and there is enough scope in the area to enable on-street parking and the use of public facilities.
- 7.31 Therefore, taken the above into consideration the proposal complies with Policy TRA 1, TRA 2, TRA 3 and TRA 4 of the Northumberland Local Plan and the NPPF.

Conservation Area

- 7.32 Due to the location of the proposal being suited within the Newbiggin Conservation Area the Council's Building Conservation team were consulted on the application. The proposal reflects the increasing popularity of Newbiggin as a leisure destination and significant investment that has been made to support this. Such shipping container based developments have become increasingly popular in the last decade. Key recent development in the conservation uses innovative modern design (see Maritime Centre). Conservation Area status is about managing change, not preventing it. The proposal is therefore considered to be acceptable and in accordance with policies ENV 1 and ENV 9 of the NLP and NPPF, subject to conditions.

Ecological impacts

- 7.33 Policy ENV 2 of the NLP states "Development proposals affecting biodiversity

and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. *Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;*
- b. *Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations".*

- 7.34 Consultation was undertaken with the local authority's ecologist who raised no objection to the application proposals, subject to a recommended condition. The ecologists' comments note that *"The proposed development will not impact on protected or notable species, designated nature conservation sites or priority habitat. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of an integrated bird boxes, secured through a planning condition"*.
- 7.35 The LPA is therefore satisfied that subject to a recommended condition, the proposal accords with policy ENV 2 of the NLP and the NPPF.

Water management

- 7.36 Policy WAT 3 of the NLP stipulates *"In assessing development proposals the potential for both on and off-site flood risk from all potential sources will be measured"*. Policy WAT 4 is also relevant within this assessment and seeks for sustainable drainage systems (SuDS) to be incorporated into developments wherever necessary.
- 7.37 The application site is not located within a floodzone area, but consultation was undertaken with the Lead Local Flood Authority (LLFA) team who offered no comment to the application proposals but recommended an informative. The LPA is therefore satisfied that subject accords with the provisions of policies WAT 3 and WAT 4 of the NLP.
- 7.38 The proposal will use the excising water supply to the site which will be provided via existing mains. This will be installed in accordance with Northumbrian Water regulations to ensure the site is supplied with running water.

Equality Duty

- 7.39 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

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

Human Rights Act Implications

7.41 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.

7.42 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.

7.43 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 represents an acceptable form of development in accordance with both local and national planning policy. The LPA are therefore satisfied that subject to conditions, the application can be recommended for approval.

9. Recommendation

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 be constructed in complete accordance with the approved document and plans.

The approved plans and documents for this development are: -

- 1) Proposed north elevation 15146-EDA-XX-XX-DR-A-1222-P01
- 2) Proposed south elevation 15146-EDA-XX-XX-DR-A-1220-P01
- 3) Proposed west elevation 15146-EDA-XX-XX-DR-A-1221
- 4) Proposed east elevation 15146-EDA-XX-XX-DR-A-1223-P01
- 5) Proposed first floor plan 15146-EDA-XX-XX-DR-A-1211-P01
- 6) Proposed site plan 15146-EDA-XX-XX-DR-A-1200
- 7) Proposed ground floor plan 15146-EDA-XX-XX-DR-A-1210
- 8) Proposed roof plan 15146-EDA-XX-XX-DR-A-1212
- 9) Proposed section AA 15146-EDA-XX-XX-DR-A-1230
- 10) Proposed section BB 15146-EDA-XX-XX-DR-A-1231
- 11) Location plan 15146-EDA-XX-XX-DR-A-1000
- 12) Updated design & access statement P02
- 13) Application Form
- 14) Noise report_REV 1
- 15) Habitant regulation assessment
- 16) Ecological impact assessment
- 17) Openspace assessment

Reason: To ensure that the approved development stays in complete accordance with the approved plans.

03. All illumination shall be switched off outside of the opening hours without exception.

Reason: To protect residential amenity.

04. The development shall not be brought into first use until a Deliveries and Servicing Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Deliveries and Servicing Management Strategy shall be adhered to in perpetuity. This Deliveries and Servicing Management Strategy must include:

- details of the access, routes and vehicles associated with the site;
- details of the timings for deliveries and servicing of the site;
- details of the annual numbers of HGV's associated with the deliveries/servicing of the site;
- a plan for monitoring and reviewing the effectiveness of the Deliveries and Servicing Management Strategy; and
- a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority.

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

05. The development shall not be occupied until cycle parking shown on the approved plans has been 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.

06. Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

07. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

08. a) Prior to the development being brought into use, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority.

b) The scheme shall include full details of the odour treatment system to be installed which shall provide a [Very High/High/Medium] level of odour control, as defined in the EMAQ document "Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced.

The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: To protect residential amenity and provide a commensurate level of protection against odour.

09. The proposed window frames shall be constructed from metal or timber. Details of such frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window frames shall be installed as approved thereafter.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of ENV1 and ENV 9 of The Northumberland Local Plan.

10. The development shall not commence until samples of natural timber cladding and any staining have been submitted to and approved in writing by the Local Planning Authority. The cladding shall be installed as approved thereafter.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of ENV1 and ENV 9 of The Northumberland Local Plan.

11. The development shall not commence until the colour scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The colour shall be implemented as approved thereafter.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of ENV1 and ENV 9 of The Northumberland Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no painting or re-painting of the development to a different colour will occur without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the building may be properly assessed in the interests of the conservation area in accordance with the provisions of ENV1 and ENV 9 of The Northumberland Local Plan.

13. No works shall be undertaken other than in accordance with the measures for mitigation and enhancement detailed within Ecological Impact Assessment, Tapashack, Newbiggin, E3 Ecology, Sept 2023' including:

- Light spill into the areas surrounding the site will be minimised where possible. Warmlight LEDs with very low UV will be used where possible, with cowls designed to accurately target which areas are lit.
- Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Provision of two Schwegler 1SP sparrow terrace boxes (or similar concrete type box with similar longevity) in the new building on site, under the roof cover on the northern facade

Reason: To protect and enhance biodiversity in accordance with Local Plan policy ENV2 and the NPPF.

14. Prior to the commencement of development, a plan detailing the final design of the western elevation shall be submitted to and approved in writing by the Local Planning Authority. The elevation shall be of solid construction with no windows or gaps that would enable outward views. The development shall be completed in

accordance with this plan thereafter and remain as such for the longevity of the building.

Reason: To protect privacy to the first floor residents of the Cresswell Arms in accordance with the NPPF.

Informatives

- 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.
- In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- Bat and Bird Provision: Ready-made integrated bird and bat boxes built into new buildings provide long lasting roosting/nesting features. Most boxes consist of a self-contained concrete roost chamber; however, options are available which will allow bats access into the roof space or wall cavity of the building. Examples of boxes can be readily seen online (e.g., <https://www.nhbs.com/equipment>). Swift brick/boxes are a good option, being able to accommodate a range of smaller cavity nesting birds (house sparrows, blue tits, great tits). Bat boxes are best located on south or east elevations and bird boxes on north and east elevations of buildings.

Discharge location

- The surface water discharge location should follow the hierarchy of preference below:
 1. Infiltration
 2. to a surface water body
 3. to a surface water sewer, highway drain, or another drainage system
 4. to a combined sewer

Discharge rate

- Any discharge from the site should be restricted to equivalent greenfield runoff rates. If connecting to a Northumbrian Water asset, then we recommend a pre-planning enquiry is undertaken.

Any flows in excess of the greenfield runoff rate should be stored on site in an attenuation feature. This feature should have capacity to store runoff from rainfall events with return period of 100 years (including a 45% increase in peak rainfall intensity to account for climate change).

Inclusion of Sustainable Drainage Systems (SuDS)

- Open, green, vegetated SuDS features should be considered at the beginning of the design. Drainage features proposed should include multifunctional benefits such as swales, basins, green roofs, rain gardens and permeable paving.

Flood risk

- Flood risk from all sources (including, rivers, the sea, watercourses, surface water runoff, groundwater, sewers and infrastructure) should be considered to ensure the development will not be at risk of flooding and will not increase flood risk offsite.
- Further information on fluvial flood risk: <https://flood-map-for-planning.service.gov.uk/>
- Further information on surface water flood risk: <https://flood-warninginformation.service.gov.uk/long-term-flood-risk/map>

Legislation and guidance

- The scheme to discharge surface water will need to adhere to the requirements of the National Planning Policy Framework, Planning Practice Guidance, DEFRA's Sustainable drainage systems: non-statutory technical standards, North East LLFA Local Sustainable Drainage Standards and the Northumberland Local Plan.
- The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Date of Report: 01 February 2024

Background Papers: Planning application file(s)