

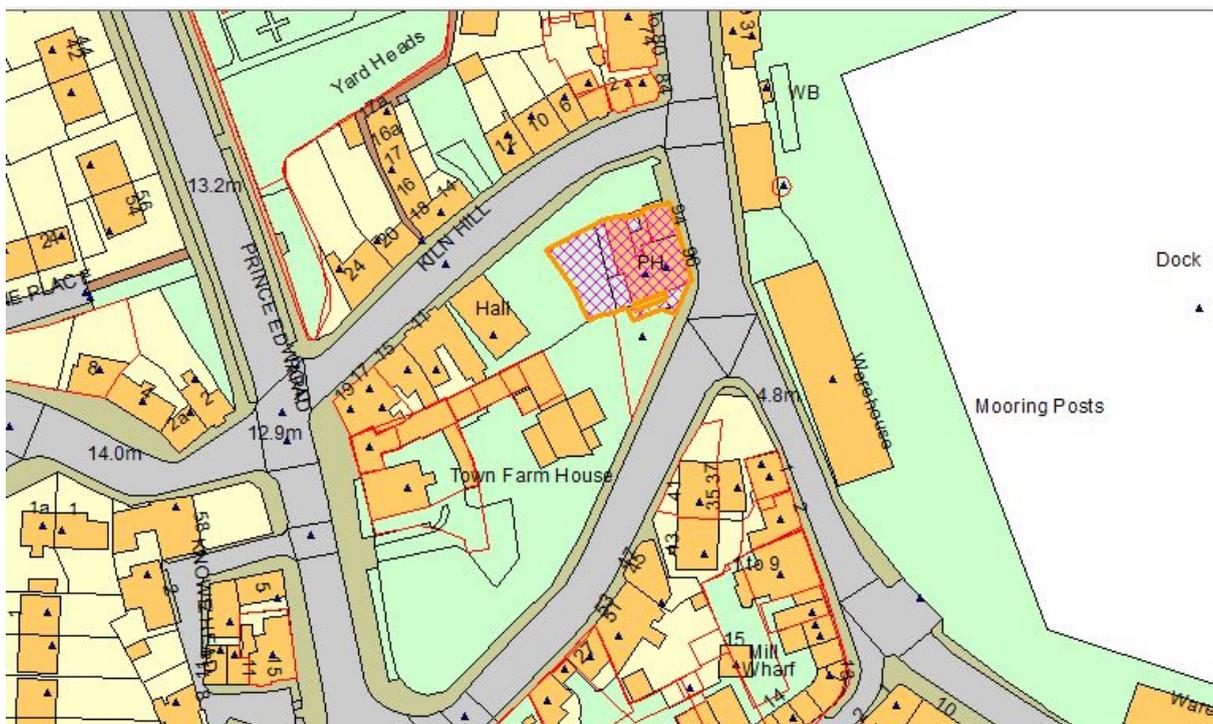


Northumberland County Council

VIRTUAL STRATEGIC PLANNING COMMITTEE 4TH AUGUST 2020

Application No:	20/00994/FUL		
Proposal:	Change of use from A4 to C3. Conversion of public house and owners accommodation into four apartments.		
Site Address	The Harrow Inn 94 - 96 Main Street Tweedmouth		
Applicant/ Agent	Mr Guy Renner-Thompson Lyham Developments Ltd 13 Burton Cottages Bamburgh NE69 7AR		
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date	02.04.2020	Expiry Date	05.08.2020
Case Officer Details	Name: Mrs Haley Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: haley.marron@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to planning conditions and a Unilateral Undertaking to secure a financial obligation towards the Councils Coastal Mitigation Service (£1845)



1. Introduction

1.1. On 12th May 2020 the Council's Cabinet and the Chief Executive agreed amendments to the constitution and governance measures in response to the coronavirus pandemic. As a result of these measures, this application has been reviewed by the Director of Planning and the Chair and Vice Chair of Strategic Planning Committee and it has been determined that the application should be determined by the Virtual Strategic Planning Committee due to a member's interest in the application. Pre Covid 19 this application would have been determined at North Local Area Council Planning Committee.

2. Description of the Site and the Proposals

2.1 The application site relates to the Former Harrow Inn Public House in Berwick upon Tweed. The site is located on the corner of Kiln Hill and Main Street.

2.2 Full planning permission is to change the use of the property from a public house to four residential apartments, including external alterations and a first floor rear extension. Four trees are to be removed to the rear of the site.

2.3 The site is located in Berwick Conservation Area and within the impact risk zone of a SSSI.

3. Supporting Information

- Planning statement
- Wall survey
- Noise survey
- Odour survey
- Heritage statement
- Tree survey

4. Planning History

Reference Number: N/87/B/0044/P

Description: Proposed illuminated signs

Status: PER

Reference Number: N/90/B/0071/P

Description: Incorporation of adjoining vacant office into licensed premises.

Status: PER

Reference Number: N/90/B/0070/P

Description: Conversion to dwellinghouse.

Status: PER

5. Planning Policy

5.1 Development Plan Policy

Berwick Local Plan (BLP) - 1999

F1 Environmental Wealth
F5 Berwick upon Tweed
F31 Social and Economic Welfare
M14 Car Parking Standards
F10 Protected Species
F30 Planning Obligations

5.2 National Planning Policy

National Planning Policy Framework (2019) - NPPF
Planning Policy Guidance (2019) - PPG

5.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications as submitted 29th May 2019

STP 1 Spatial strategy (Strategic Policy)
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity
TRA 1 Promoting Sustainable Connections (Strategic Policy)
TRA 2 Effects of Development on the Transport Network
TRA 4 Parking Provision in New Development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 Biodiversity and Geodiversity
ENV 7 Historic environment and heritage assets

5.4 Other Documents/Strategies

National Design Guide (2019)

6. Consultee Responses

Berwick Council	Town	Berwick Town Council have no objections subject to replacement tree planting.
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Highways	No objection subject to conditions to secure works to the adopted highways amongst other matters.
Building Conservation Officer	No objections subject to conditions
Public Protection	No objections subject to conditions
County Ecologist	No objections subject to condition and a financial contribution towards the Coastal Mitigation Service £1845 .
Lead Local Flood Authority	No comments
Natural England	No objections subject to coastal mitigation.
Northumbrian Water Ltd	No comments

7. Public Responses

Neighbour Notification

Number of Neighbours Notified	20
Number of Objections	0
Number of Support	3
Number of General Comments	0

Notices

Site notice - Posted on site 28.05.2020

Berwick Advertiser - Published 16.04.2020

Summary of Responses:

3No. Letters of support received in response to the publicity of the application. They can be summarised as follows:

- create more housing
- the change of use will be a positive for the local community, investing in this
- unused pub which there is little demand for and converting into residential properties which will be in demand.
- good to see investment locally
- the development will lift a run down park of the town

This is a summary of the representation received. They can be viewed in full on online using this link

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7NOS4QSFQ00>

8. Appraisal

8.1 The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan for the area within which the application site is located, comprises the saved policies of the Berwick upon Tweed District Local Plan 1999 (Saved Policies 2007).

8.2 In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF; and the extent of unresolved objections to the emerging plan. The Northumberland Local Plan is subject to Examination In Public. In accordance with the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications.

8.3 The main issues in the consideration of this application are:-

- Principle of Development
- Impact on Amenity
- Impact on Heritage Assets
- Highway Safety
- Ecology & Biodiversity
- Pollution issues (noise)

Principle of Development

8.4 The NPPF seeks to promote sustainable development. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element.

8.5 The NPPF then establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

8.6 Berwick Local Plan Policy F1 gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

8.7 Berwick Local Plan Policy F5 states that development within the town of Berwick-upon-Tweed, including Tweedmouth, Spittal and East Ord, will be permitted provided that:

- i) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access; and,
- ii) it accords with Policies elsewhere in the Plan.

8.8 The application site is located within the town of Berwick upon Tweed. It is not allocated for any particular purpose in the Berwick Local Plan. The site is a suitable location for residential development in locational terms. The proposal represents the re-use of a vacant building to the benefit of the vitality and viability of the town.

8.9 It is noted that the proposal sees the loss of the traditional public house with Berwick Town. The NPPF paragraph 83 (d) seeks the retention of public houses, however this is in rural locations. This is supported by emerging policy INF3 in the Northumberland Local Plan. Given the location of the site within the town it is not necessary to assess the viability of the public house in this case.

8.9 Having regard to the above it is considered that the proposed residential development is acceptable in principle. The application is therefore considered to comply with F1 and F5 of the BLP and the NPPF.

Impact on Amenity

8.20 The NPPF advocates the creation of 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.

8.21 The residents to be affected by this development are located to the north and west of the site on Kiln Hill. However impact on their amenity is deemed acceptable given the separation distances between the site and residents. Given garden land to the rear of the proposed apartments and the fact the proposed extension will be well screened, the proposals would not have a significant adverse impact on the living conditions of existing residential neighbours.

8.29 In the context of the above, the proposals are considered to be in accordance with the NPPF in relation to amenity.

Impact on Heritage Assets

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

8.31 The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and

appearance of the Conservation Area.

8.32 The site is within Tweedmouth Conservation Area. The applicant has submitted a Heritage Statement and the Council's Building Conservation Officer has been consulted.

8.33 The proposals include replacement windows, doors, paint work, new brickwork and new extension to the rear of the property. The signage to the public house is to be removed.

8.34 The Building Conservation Officer has no objections to the proposals. The Building Conservation Officer confirms that no harm to the character and appearance of the Conservation Area arises as a result of the proposals.

8.34 The Conservation Officer advises that the proposed external alterations are acceptable subject to conditions to control the final details.. The proposed rear extension is acceptable because it will largely be screened by a high brick wall located to the rear of the site. Impact on the conservation area is therefore acceptable subject to conditions to control the window replacements, new doors, paintwork, new brick work and materials to the proposed rear extension.

8.34 Alterations are proposed to the boundary wall located to the rear of the site including the raising of the wall and the insertion of a new door leading to the rear of the apartments. A structural survey of the wall has been submitted to demonstrate the wall can withstand the alterations.

8.35 Four trees within the curtilage of the site are to be removed to facilitate the development. The Conservation Officer raises no objections in terms of tree loss within the Conservation Area. A Tree Survey has been submitted. Replacement planting is proposed and can be secured by condition. The condition will also address the Town Council's concerns regarding the loss of trees.

8.35 Having regard to the above it is considered the proposal is acceptable in heritage terms. The proposal complies with Chapter 16 of the NPPF.

Highway Safety

8.36 The NPPF seeks to ensure highway safety and states 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.

8.37 The site is located within the town of Berwick. There is no existing parking currently provided at the site. No parking is proposed. Refuse facilities and cycle parking are proposed within the curtilage of the site.

8.38 The Highways Development Management (HDM) team have been consulted on the application. Having considered all aspects of the application they advise no objections to the proposal, subject to highway conditions. It is noted that no parking is proposed on site, however having regards to the town centre location, the scale of

the development and availability of alternative modes of travel the development is acceptable. To make the development acceptable in planning terms works to the adopted highway are required for footpath improvement and dropped kerbs. This can be secured by a planning condition in connection with a S278 Highways Legal Agreement.

8.39 Having regard to the above the development is considered to be acceptable in highway terms in accordance with the NPPF.

Ecology and Biodiversity

8.40 The NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

8.41 Policy F1 of the BLP gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

8.42 The application has been supported by a Tree Survey. The Council's Ecologist has been consulted on the application.

8.43 In terms of on-site ecological issues the key issues are the potential for bats within the building and bats and nesting birds within the trees to be removed to the rear of the site. The Council's Ecologist has advised that the parts of the building to be extended have negligible-low potential to support roosting bats and no further work is required in this regard. In terms of the trees to be removed they are not of a form that would be likely to have features used by roosting bats, but could be used by nesting birds. Accordingly a planning condition is recommended regarding the timing of tree removal to ensure nesting birds are protected as a result of this development.

8.44 In terms of off site ecological issues the site falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

8.545 To mitigate the impact of the development the applicant has agreed to a financial contribution towards the Council's Coastal Mitigation Service (£1845). This contribution can be secured by way of a Unilateral Undertaking pursuant of S106 of the Town and Country Planning Act.

8.58 Natural England raises no objections to the application subject to mitigation. Mitigation has been agreed in the form of a financial contribution from the applicant, as above.

8.59 Having regards to the above the development is acceptable in terms of on-site and off-site ecological impacts. The application complies with Policy F1 of the BLP and the NPPF.

Pollution issues

8.60 The NPPF states that Local Planning Authorities should take account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation if necessary.

8.61 The site is located with a main town fronting onto two highways, near to commercial use and the Dock. As such the applicant has submitted a noise survey to assess the impact of noise on the living conditions of proposed occupants of the development. The Council's Public Protection Team has been consulted.

8.62 The Council's Public Protection Team raised no objections on noise grounds subject to conditions relating to noise mitigation. Conditions are also recommended regarding glazing, ventilation and the proposed hours of construction.

8.64 The application complies with Part 15 of the NPPF in respect of land contamination and pollution issues, with particular regard to noise.

Equality Duty

8.76 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

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

Human Rights Act Implications

8.78 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.

8.79 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.

8.80 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.

9. Conclusion

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

9.2 The principle of housing is acceptable in locational terms. The proposals are acceptable in terms of amenity, noise and other technical matters including highway safety and ecology. The development is also acceptable in terms of impact on heritage assets.

9.3 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

10. Recommendation

That this application be GRANTED permission subject to planning conditions and Unilateral Undertaking pursuant of S106 of the Town and Country Planning Act to secure the following obligation:-

- A financial contribution towards the Council's Coastal Mitigation Service (£1845).

Conditions

Mandatory

01. The development hereby permitted shall be begun before the expiration of

three years from the date of this permission.

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

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

Plans

OS PLAN 1:200

OS PLAN 1:1250

EXISTING SITE PLAN

EXISTING GROUND FLOOR Michael Rathbone Architectural & Surveying Drawing number 1 78/19

EXISTING FIRST FLOOR Michael Rathbone Architectural & Surveying Drawing number 2 78/19

EXISTING ELEVATIONS 1 Michael Rathbone Architectural & Surveying Drawing number 3 78/19

EXISTING ELEVATIONS 2 Michael Rathbone Architectural & Surveying Drawing number 4 78/19

PROPOSED GROUND FLOOR Michael Rathbone Architectural & Surveying Drawing number 5 78/19

PROPOSED FIRST FLOOR Michael Rathbone Architectural & Surveying Drawing number 6 78/19

PROPOSED ELEVATIONS 1 Michael Rathbone Architectural & Surveying Drawing number 7 78/19

PROPOSED ELEVATIONS 2 Michael Rathbone Architectural & Surveying Drawing number 8 78/19

PROPOSED SITE PLAN AERIAL WITH BIN AND CYCLE STORAGE Michael Rathbone Architectural & Surveying Drawing number 11 78/19

Documents

Planning Statement - January 2020

Odour Risk Assessment - njd Environmental Associates March 2020

Noise Assessment - njd Environmental Associates March 2020

Tree Survey - ROAVR - Environmental 30 April 2020

Wall Survey - Smith and Garrett 24 April 2020

Heritage Statement

Other

Correspondence from njd Environmental Associates dated 18th May 2020

NJD19-0169-001L

Correspondence between the applicant and Noise Consultant scanned onto Planning Portal 20th May 2020

Correspondence from njd Environmental Associates dated 22nd May 2020

NJD19-0169-002L

Email Correspondence between the Noise Consultant and EHO scanned onto Planning Portal 28th May 2020

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

Heritage

03. Notwithstanding the plans approved and prior to any alterations to windows and doors, a scheme of window and door replacement shall be submitted to the Local Planning Authority for approval. The scheme shall include:

- plan drawings and where relevant joinery details at a scale of not less than 1:5
- materials
- details of paint work

Reason: To protect the character and appearance of the Berwick Conservation Area having regards to Chapter 16 of the National Planning Policy Framework.

04. Notwithstanding the plans approved and prior to any alterations to the wall to the rear of the site a brick sample shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details agreed.

Reason: To protect the character and appearance of the Berwick Conservation Area having regards to Chapter 16 of the National Planning Policy Framework.

05. Notwithstanding the plans approved and prior to the commencement of the rear extension work, the proposed construction materials shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details agreed.

Reason: To protect the character and appearance of the Berwick Conservation Area having regards to Chapter 16 of the National Planning Policy Framework.

06. Notwithstanding the plans approved and prior to any painting of the building, a sample of paint colour finish shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the details agreed.

Reason: To protect the character and appearance of the Berwick Conservation Area having regards to Chapter 16 of the National Planning Policy Framework.

Highways

07. Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the private pedestrian connections to Kiln Hill have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

08. The development shall not be brought into use until details of the removal of redundant drop kerbs along Main Street encompassing the full frontage of the development to full height kerbs, together with reinstatement of footway, as well as incorporation of a pedestrian dropped kerb crossing on both sides of the Kiln Hill junction deliverable to Equality Act 2010 requirements, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

09. 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.

10. 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.

Ecology and Biodiversity

11. No felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.'

Reason: To protect nesting birds, all species of which are protected by law.

12. The development shall not be occupied until a scheme for replacement tree planting has been submitted to and agreed in writing by the Local Planning Authority and the scheme implemented in accordance with the detail agreed.

Pollution

13. Prior to the occupation of the approved development, each dwelling must be constructed with the approved Glazing / Ventilation Scheme installed and in soundworking order. No deviation from the Scheme is permitted without the prior written approval of the Local Planning Authority. The approved Glazing / Ventilation Scheme is set out below and issued by the Council's Public Protection Team 2nd July 2020. The Scheme must be retained in perpetuity post-construction.

Approved Glazing & Ventilation Scheme

Facade	Glazing Specification
<p>East Facade and the Northern Facade of any Room which also has an Eastern Facade</p>	<p>8.8 mm Pilkington Optiphon / 16 mm argon / 12.8 mm Pilkington Optiphon</p> <p>Rw+Ctr = 41dB</p> <p>(or an equivalent glazing product to achieve a soundproofing level of: Rw+Ctr = 41dB)</p>
<p>Remaining facades</p>	<p>Achieving a minimum soundproofing level of:</p> <p>Rw+Ctr = 29dB</p>

All dwellings to be installed with a System 3 Ventilation Scheme meeting the design requirements contained within Approved Document F - Ventilation ISBN 978 1 85946 679 9

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

14. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Saturday - 0800 to 2100

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

Informatives

01. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

02. The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: removal of existing drop kerbs on Main Street (along development frontage) to full height kerbs and a drop crossing over Kiln Hill junction.

03. 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.

04. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date of Report: 08 07 2020

Background Papers: Planning application file(s) 20/00994/FUL