

DELEGATED DECISION REPORT

Application Reference Number	17NP0001
Description / Site Address	Variation of Condition no. 5 of planning permission 08NP0049 - Proposal to vary the previously approved hours for opening of the tea room/restaurant to 09:30 to 22:30 7 days a week at The Boe Rigg, Bellingham, Hexham, Northumberland, NE48 1PE
Expiry date of publicity / consultations	7 February 2017
Last date for decision	28 February 2017

Details of Proposal & Site

This application proposes to vary the opening hours for the Boe Rigg in Charlton. The Boe Rigg has operated as a tea room and restaurant following planning approval under reference 08NP0049.

Condition 5 of application 08NP0049 required that details of the proposed opening hours were submitted, in order to protect residential amenity. The hours approved under the subsequent approval of details application 11NP0074 allowed the tea room/restaurant to open from 9.30am to 5.00pm 7 days a week in the summer and 10.30am to 4.00pm 7 days a week in the winter. It is understood that the premises had recently operated beyond these hours at times, and that business had recently closed with the previous tenant leaving the premises.

The application now proposes to change these hours to allow the tea room/restaurant to open between 9.30 am and 10.30 pm all year round. The reasoning put forward on behalf of the applicant for seeking the extended opening hours is that the additional hours are needed to allow the business to be a viable proposition for the incoming tenants. It is understood that this would also bring the times into line with those specified in the licensing approval.

Relevant Planning Policy

National Policies

- *National Planning Policy Framework (NPPF) (2012)*
- *Planning Practice Guidance*

Local Policies

- *Northumberland National Park Authority Core Strategy and Development Policies Document (Core Strategy) (2009)*

Policy 1	Delivering Sustainable Development
Policy 3	General Development Principles
Policy 14	A Sustainable Local Economy
Policy 15	Sustainable Tourism and Recreation Development
Policy 19	Tranquillity
Policy 21	Farming

Relevant Planning History

11NP0074 – Approval of details reserved by conditions Nos. 5, 10, 13, 15, 18 and 19 of planning permission 08NP0049 (approved, 16/01/12)

10NP0060 – Approval of details reserved by condition 4 of planning permission 08NP0049 (approved, 25/10/10)

10NP0049 – Non-material amendment to 08NP0049: Re-positioning of bunkhouse building 2m to the north at Charlton Farm, Charlton, Bellingham (approved, 17/08/10)

10NP0019 – Approval of details reserved by conditions 3 and 11 of planning permission 08NP0049 (approved 06/07/10)

08NP0049 – Construction of new building to provide bunk house accommodation, farm shop, services to camp site and storage (approved, subject to conditions, 26/01/09)



08NP0020 – Conversion of agricultural buildings to live-work unit, B&B, café, gallery, performance space, staff accommodation, studios, farm shop, bunk house: change of use of land to camp site and new vehicular access (approved, subject to conditions, 24/07/08)

Consultation/Representations

NCC Public Protection: No objection.

Bellingham Parish Council: No response received.

Neighbours: Notices were placed at the front of the site and at the approach into the village of Charlton. **One representation in support of the application was received** from a neighbouring resident at Bimmer Hill, summarised as follows:

- Choices of places to eat and drink are limited. For the Boe Rigg to provide this in the evening would be perfect;
- In order for the business to be viable it may need to open longer;
- The evenings are when campers would want a meal;
- It would provide much needed employment for the area;
- Encouraging people to stay in the area longer is the right way to go.

Assessment

The key material planning considerations are:

- The principle of the development;
- Effects on residential amenity;
- Effects on tranquillity.

The principle of the development

The principle of the development itself has already been established through the approval of planning application 08NP0049, which allowed for the erection of the building for farm shop and tea room/restaurant uses, associated with a bunk barn and campsite, subject to conditions. The proposal does not seek to alter this.

The agent's supporting letter and the letter of support from the neighbouring resident at Bimmer Hill argue that the proposed increase in the operating hours would help the business at the Boe Rigg to become more viable. There is no reason to dispute this and it is accepted that the increased opening hours would allow the potential for the business to generate more custom and for the business to operate more flexibly. Allowing extended opening hours would also allow this facility to be available to visitors to the area and to local residents into the late afternoon and evenings, rather than until the mid/late afternoon as permitted by the current planning permission. The provisions of Core Strategy policies 14 and 15 support a sustainable local economy, including recreation development, and support the development of businesses where they are otherwise sustainable and protect the special qualities of the National Park. These policies give weight in favour of the application.

Condition 5 of 08NP0049, which this application seeks to vary, was included in order to protect the residential amenity of neighbours, and is the key reason in determining whether this proposal to vary the condition is acceptable. Given the sensitive location within the National Park it is also appropriate to consider any additional effects that the proposals have on the tranquility of Northumberland National Park.

Effects on residential amenity

The agent's supporting letter states that the nearest residence is located a minimum of 50 metres away, although there does also appear to be a property at Charlton Farm which is around 20 metres away from the property, which is referred to as a farmhouse on the plans which accompanied application 08NP0049, which must also be considered. The rest of the properties in the village of Charlton are located 50 – 100 metres away.

While the proposals would allow for later opening into the evenings, a closing time of 10.30pm still affords adequate protection to the amenity of neighbouring residents. It is also noted that the one way system that is in place should prevent vehicles leaving the premises through the village.

The NCC Public Protection response has raised no objections to the proposals which indicates that the Public Protection Team do not consider the proposals for the extended hours likely to create any noise nuisance that would harm the amenity of neighbouring residents. It is also noted that no objections have been raised by neighbouring residents in response to the notification.

It is considered that the proposed opening hours would maintain sufficient protection for the residential amenity of neighbouring residents of Charlton, in accordance with Core Strategy Policy 3 and the NPPF.

Effects on tranquillity

It is not anticipated that the extended hours of opening of the restaurant would have any increased noise impact that would materially harm the tranquillity of the National Park. The development would remain in accordance with NNPA Core Strategy Policy 19 with the proposed new hours of operation.

Other

An application for variation of conditions on an existing extant permission is considered under section 73 of the Town and Country Planning Act 1990 and forms a new planning permission.

Twenty planning conditions formed part of approval 08NP0049. Many of these conditions required information to be submitted, with proposals implemented in accordance with the approved details. As the development has been implemented, many of these conditions are no longer required and should not be included within a decision notice.

However, a number of the conditions placed ongoing requirements on the permission and it is appropriate that these remain in place in issuing this permission. The proposed wording of these conditions has been updated where necessary, to take into account information submitted as part of approval of details applications and the updated planning policy context.

Summary & Recommendation

Subject to the conditions below, the proposal is considered to be sustainable development and in accordance with development plan policies, having regard to all other material planning considerations.

It is recommended that the application is approved, subject to the following conditions:

Conditions

1. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans for application 08NP0049, and in accordance with the following approved plans and documents submitted as part of this application:
 - Application form received on 03/01/17
 - Letter from Butler Haig Associates, dated January 3, 2017, entitled "The Boe Rigg, Charlton, Variation to Condition 5" received on 03/01/17
 - Location Plan CV/LP/01 received on 03/01/17

Reason: To enable control to be exercised over the development.

2. Hours of opening of the restaurant and deliveries shall be limited to between 0930 hours and 2230 hours.

Reason: To protect residents' amenity in accordance with NNPA Core Strategy Policy 3 and the NPPF.

3. Regarding retail from the farm shop, no direct selling of goods to the public shall take place other than farm produce, and convenience goods principally for the benefit of visitors to the bunkhouse and campsite, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid the establishment of a retail use in an unsustainable location, in conflict with the NPPF.

4. The farm shop and tea room hereby permitted shall be operated solely in connection with Charlton Farm and the bunkhouse hereby granted permission and shall not be sold or operated independently of the farm and bunkhouse business, without the prior consent of the Local Planning Authority.

Reason: The farm shop is acceptable as a farm diversification enterprise in accordance with NNPA Core Strategy policies 14, 15 and 21; however the site

is not within an area where permission for a retail development would otherwise normally be granted.

5. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority. The external lighting shall not be installed other than in accordance with the approved details.

Reason: To avoid inappropriate and excessive light pollution in accordance with NPPA Core Strategy Policy 19 and NPPF paragraph 125.

6. The easterly access onto the U5073 shall be used for the purpose of “Entry Only” and appropriate signs shall be maintained within the site in accordance with the details submitted in approval of details application 11NP0074 in respect of condition 13 of 08NP0049.

Reason: In the interests of highway safety, in accordance with NNPA Core Strategy policies 3, 12 and the NPPF.

7. The turning spaces shown on the plans submitted in approval of details application 11NP0074, in respect of condition 15 of 08NP0049, shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety, in accordance with NNPA Core Strategy policies 3, 12 and the NPPF.

8. The area allocated for parking on the plan submitted as part of 08NP0049 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety, in accordance with NNPA Core Strategy policies 3, 12 and the NPPF.

Informative Notes

1. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, may constitute unauthorised development and may be liable to enforcement action.

(b) You, your agent, or any other person responsible for implementing this permission should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

2. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. Some conditions may require work to be carried out, or details to be approved prior to the commencement of the development.

Where pre-commencement conditions are not complied with, the whole of the development could be unauthorised, and you may be liable to enforcement action. In some circumstances, the only way to rectify the situation may be through the submission of a new application. If any other type of condition is breached then you may be liable to a breach of condition notice.

3. Northumberland County Council Public Health Protection - Advice to Developer

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.

In all cases, Northumberland County Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Background Papers

Planning Application File 17NP0001
EIA Screening Opinion 17NP0001

**Development Management
Delegated Decision Report**

	Signature	Date
Planning Officer		
Head of Development Management		