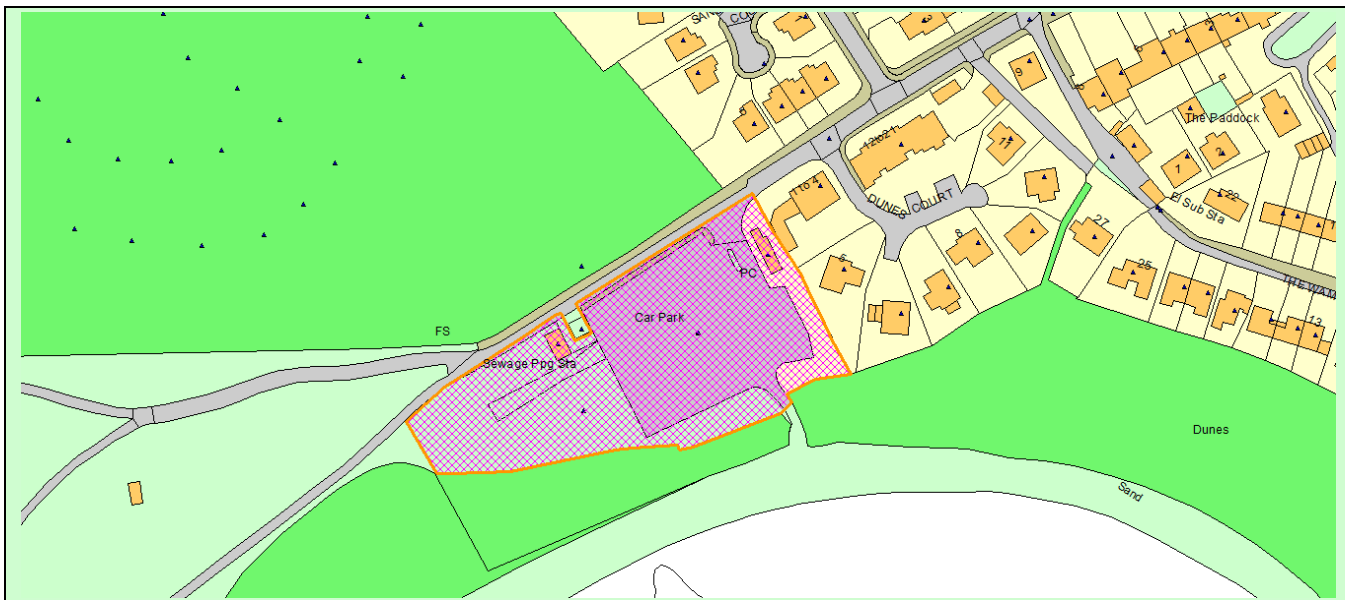




Northumberland County Council

North Northumberland Local Area Committee
23rd August 2018

Application No:	18/01326/CCD		
Proposal:	Redevelopment of Site for Cafe and Public Access Amenities - Amended 07/08/18		
Site Address	Public Car Park, Benthall, Beadnell, Northumberland, NE67 5BQ		
Applicant:	Ms Sara Whitaker Property Services, County Hall , Morpeth, NE61 2EF	Agent:	None
Ward	Bamburgh	Parish	Beadnell
Valid Date:	30 April 2018	Expiry Date:	31 August 2018
Case Officer Details:	Name: Mr Chris McDonagh Job Title: Planning Officer Tel No: 01670 622646 Email: Chris.McDonagh@northumberland.gov.uk		



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, due to the application being undertaken by the County Council, and the number of objections raised locally, the application has been referred to the Head of Service and the Planning Chair of the North Northumberland Local Area Council for consideration to be given as to whether the application should be referred to Planning Committee for determination. The decision taken was for the application to be decided before the North Local Area Committee, with a recommendation of approval.

1.2 The application was amended as follows;

07/08/18 - Amendments to the layout to retain the existing car parking and access arrangements with a change of description.

2. Description of the Proposals

2.1 The application site is set to the south of the main settlement of Beadnell, to the western extent of the public car park. The site is Council owned and is sandwiched between residential development to the north and east, coastline to the south and a caravan park to the west. It currently serves as the main area of parking for visitors to the south side of the village.

2.2 Planning permission is sought for the erection of a building incorporating a coastal activities base, cafe and public access toilets with external showering and changing facilities.

2.3 The building itself is of two-storey scale, with a pitched steel sheet roof and timber clad facing walls with steel/aluminium coated doors, windows and staircases. Broadly speaking, the ground floor incorporates the coastal activities base while the first floor includes the café and kitchen, taking advantage of the views out to sea.

2.4 The application site is located within or adjacent to the following environmental areas of constraint;

- *Northumberland Coast Area of Outstanding Natural Beauty (AONB);*
- *Northumberland Shore Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ);*
- *Northumberland Coast Special Protection Area (SPA);*
- *Berwickshire and North Northumberland Coast Special Area of Conservation (SAC); Northumbria Coast Ramsar;*
- *Flood and Coastal Management Area.*

3. Planning History

Reference Number: N/86/B/0117/P

Description: Proposed attendants hut & associated works for seasonal toilet accommodation.

Status: Permitted

Reference Number: N/84/B/0185/P

Description: Erection portable buildings, fenced compound for storage use.

Status: Non determination

Reference Number: N/89/B/0052/P

Description: Conversion of farm buildings to form 19 dwellings; details of 11 units received 1st July 1991.

Status: Permitted

4. Consultee Responses

Highways	<p>No Objection subject to Conditions & Informatives</p> <p><i>Further to our previous comments, the applicant has submitted amended plans showing the proposed building within the existing car parking layout.</i></p> <p><i>This follows discussions held with the applicant in relation to the concerns previously raised.</i></p> <p><i>Revised car parking, access and refuse/servicing are considered to be achievable within the site and as such, it is accepted that these can be conditioned as part of the application.</i></p> <p><i>Issues in respect to the use of third party land will not impact upon access to the site, as if these cannot be clarified, the parking and access layouts secured under the condition could use the existing access arrangements without any highway implications.</i></p>
Northumberland Coast AONB	Support
Beadnell Parish Council	<p>No objection – concerns raised</p> <p><i>Beadnell Parish Council have considered the above Planning Application and support to this application.</i></p> <p><i>However, Parish Councillors would like to raise the following concerns which need to be addressed:</i></p> <ul style="list-style-type: none">● <i>Support the principle of development as the overall net benefit to be gained outweighs any negative impacts</i><ul style="list-style-type: none">● <i>The PC appreciates concern over parking however if facilities are to be provided the loss of the overspill car park is the most preferable land loss along the coastal strip.</i>● <i>The PC acknowledges that there is pressure on car parking during peak periods but this is the nature of the area in which we live and nothing will ever be able to fully alleviate it.</i>● <i>The applicant has failed to effectively illustrate the development, the PC would expect a greater level of detail for this type of application given the public nature of it and would wish to see contextual illustrations and photomontages to accompany the application.</i>● <i>The PC is concerned that DDA requirements are not fully considered, particularly the ramp on the south elevation</i>

should be transferred to the north elevation so that the need to cross over functional space is negated

- *The PC is concerned that the internal layout is not workable, the sales area is not maximised within the building and an adequate serving area should be provided*
- *The PC will rely upon national planning policy and emerging Neighbourhood Plan policy to formulate responses in the absence of up to date planning policy from NCC*
- *The applicant's design and access statement does not adequately describe the design evolution of the development and how it accords with Policy 5 of the emerging Neighbourhood Plan which requires all new development in the Neighbourhood Area to incorporate high quality design and demonstrate how:*

a) local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and access; and

b) features including windows, doors, roof lights, chimneys, flues, roofs, and boundary treatments have regard to surrounding character and materials; and

c) Appropriate landscaping and the use of indigenous species have been incorporated into the scheme

- *In contravention of paragraph 6 of the NPPF the applicant has not demonstrated how the development is sustainable with regard to the environment particularly how it contributes to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*
- *In contravention of Policy 1 of the emerging Neighbourhood Plan the applicant has not demonstrated how this new social, community and leisure facility contributes to the maintenance or growth of local **sustainable** communities, sustainable includes three central tenets: social, economic and environmental.*
- *The application does not demonstrate improvements to biodiversity as required by Policy 8 of the emerging Neighbourhood Plan which requires that all proposals must incorporate native landscaping to reduce the impact of the development, and improve biodiversity. If the planning authority is minded to approve this application the PC would wish to see a condition that required a strategy capable of being implemented and enforced to improve biodiversity.*
- *The application does not demonstrate how it will use natural resources prudently, minimise waste and pollution and contribute to a low carbon economy. If the planning authority is minded to approve this application the PC would wish to see a condition that required a strategy to use natural resources prudently including the use of renewables for decentralised power supply. The strategy should be capable of being implemented and enforceable through the use of planning conditions.*
- *In contravention of paragraph 103 of the NPPF the applicant has failed to provide a Flood Risk Assessment. Equally Policy 5d) of the emerging Neighbourhood Plan requires that a Sustainable Urban Drainage System has been incorporated or demonstrate why such a system would not be practicable. The PC would wish to see a FRA which takes full advantage of sustainable drainage systems including*

	<p><i>grey water harvesting to contribute to the overall sustainability of the development. The system proposed should be capable of being implemented and enforceable through the use of planning conditions.</i></p> <ul style="list-style-type: none"> • <i>The applicant has failed to demonstrate how the development accords with Policy 2 of the emerging Neighbourhood Plan, this requires that development proposals within or affecting landscape character areas must demonstrate how they respect the particular features of the landscapes identified in the Northumberland Landscape Character Assessment (2010) and National Character Areas and the Historic Landscape Characterisation, including:</i> <p><i>b) The dynamic seascape including landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each</i></p>
Countryside/ Rights Of Way	No objection subject to protection of footpath throughout
County Ecologist	No Objection; Conditions Advised
Public Protection	Below risk threshold – no comment.
Waste Management - North	No response received.
Tourism, Leisure & Culture	<p><i>Support</i></p> <p><i>Tourism is rapidly elevating in significance within Northumberland and is confirmed as being a critical part of our economic well being and facilitator of goods and services which can be enjoyed by our residents as well as our visitors.</i></p> <p><i>Statistical research indicates that £852m was spent in Northumberland by 9.7m visitors in 2016. The visitor economy also provides over 14,000 direct and indirect full time jobs across the county.</i></p> <p><i>To achieve the ambition of sustained growth, the county tourism providers and stakeholders are encouraged to adopt strategies which will include:</i></p> <ul style="list-style-type: none"> • <i>Encouraging more visits and especially longer ones.</i> • <i>Extending the season with visits taking place across the whole year and not just in the summer.</i> • <i>Encouraging visitors to spend more locally through encouraging them to see, experience and take part in more of the opportunities Northumberland has to offer.</i> • <i>Creating a local culture, which values and welcomes visitors, where everyone living, working, visiting and investing in Northumberland can act as an advocate and ambassador for the county.</i> • <i>Continually driving up the quality of the county's tourism offer through demonstrating and promoting excellence and supporting businesses and organisations to grow and compete effectively with others.</i> <p><i>We believe this proposal will contribute significantly to achieving these objectives and will also add to wider benefits for the county, i.e.</i></p> <ul style="list-style-type: none"> • <i>Raising the profile of the county as a great place to work, live, visit and invest.</i> • <i>Helping to create attractive places and experiences for local people to enjoy.</i>

	<ul style="list-style-type: none"> ● <i>Helping to sustain and develop services and opportunities for local people.</i> <p><i>Northumberland County Council's tourism development section is therefore supportive of this application, subject to it satisfying all statutory planning conditions and being broadly acceptable to the adjacent community.</i></p>
Environment Agency	No Objection
Northumbrian Water Ltd	No objection subject to condition.
Natural England	No objection subject to mitigation.
Lead Local Flood Authority (LLFA)	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	20
Number of Support	2
Number of General Comments	1

Notices

Site notice - Public Right of Way, posted 18th May 2018.

Press Notice - Berwick Advertiser 10th May 2018

Summary of Responses:

20no objection comments on following grounds;

- *Impact on character of the village;*
- *Detrimental to local economy, visitor numbers;*
- *Parking impacts;*
- *Visual impact;*
- *Not suitable within the AONB;*
- *Safety concerns;*
- *Sewage;*
- *Flooding;*
- *No need for additional facilities of this type;*
- *Amenity;*
- *Impact on boat launch facility;*
- *Viability of cafe in location;*
- *Poor design of building.*

1no general comment;

- *No heritage assessment undertaken;*
- *No visualisations.*

2no supporting comments;

- *Boost to local economy;*
- *New toilet facilities overdue;*
- *Catering present not always open;*
- *Parking is sufficient;*
- *Help to sustain the visitor numbers all year round;*
- *Formalising of the business offerings in the car park;*
- *Neighbourhood Plan support (Policy 21).*

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=P74BTKQSFVH00>

6. Planning Policy

6.1 Development Plan Policy

Berwick Local Plan (1999) - BLP

F1 Environmental Wealth

F2 Coastal Zone

F6 Special Protection Areas, Special Areas of Conservation and Ramsar Sites

F7 National Nature Reserves and Sites of Special Scientific Interest

F9 Wildlife

F31 Social and Economic Welfare

North Northumberland Coast Neighbourhood Plan (NNCNP) - 2018

Policy 1 Sustainable Development

Policy 2 Landscapes and Seascapes

Policy 3 Habitats and Species

Policy 5 Design in New Development

Policy 8 Sustainable Development within the Settlements

Policy 21 New Tourist and Community Facilities

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2018)

NPPG - National Planning Practice Guidance (2014, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)

7. Appraisal

7.1 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 Local Plan but primarily the North Northumberland Coast Neighbourhood Plan (NNCNP).

7.2 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 was published in draft for consultation on 04/07/18. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry minimal weight in the appraisal of planning applications.

7.3 The main issues in the consideration of this application are;

- *Principle of Development*
- *Design*
- *Landscape Impact/AONB*
- *Highway Safety*
- *Amenity*
- *Ecology*
- *Public Protection*
- *Flood Risk and Coastal Management*
- *Consultation Issues*

Principle of Development

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

7.5 Policy F2 of the BLP is underpinned by F1 as an area based policy that supports development that;

- i) Within or immediately adjoining an existing settlement;*
- v) That it accords with policies elsewhere within the plan.*

7.6 Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

7.7 Furthermore the NNCNP, through Policy 14, advocates the support for the development;

Proposals to provide small-scale new or improved community and/or visitor facilities will be supported where they accord with policies elsewhere in the Plan. The following proposals will be supported:

- a) The provision of a base for low-impact water based recreational facilities and nature-based tourism at the Car Park in Beadnell;*

7.8 Also within the NNCNP, Policy 1 forwards the more general level of support for sustainable development within the settlements;

Within the Neighbourhood Plan area, subject to compliance with Policy 3 and other relevant policies in the development plan, including those in this Plan, and having regard to other material planning considerations, small-scale development will be supported which provides:

d) new and expanded social, community, leisure and educational facilities which contribute to the maintenance or growth of local sustainable communities

7.9 The NPPF seeks to promote sustainable development with paragraph 8 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element.

7.10 Paragraph 11 of 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.

7.11 The application site is located within the settlement of Beadnell; it is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic and social benefits through an increase in service provision and recreation while also providing a boost to the local economy through increased visitor spending.

7.12 In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area and the development could be assimilated into this location. This is assessed further within the ecology and landscape sections of this report.

7.13 It is therefore considered that the principle of development is acceptable and in accordance with F1, F2 and F31 of the BLP, Policies 1 & 14 of the NNCNP and the relevant provisions of the NPPF.

Design

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

7.15 Policy F2 of the BLP is underpinned by F1 as an area based policy that supports development that;

ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including species appropriate to the north Northumberland coastal environment, means of enclosure and access

7.16 Policy 5 of the NNCNP seeks to secure high quality design within the plan area and forwards the following principles;

All new development in the Plan area, including extensions and conversions, should incorporate high quality design and demonstrate how:

- a) local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and access; and*
- b) features including windows, doors, roof lights, chimneys, flues, roofs, and boundary treatments have regard to surrounding character and materials; and*
- c) appropriate landscaping and the use of indigenous species have been incorporated into the scheme; and*
- d) sustainable design measures have been incorporated including Sustainable Urban Drainage Systems where possible; and*
- e) measures have been incorporated to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation; and*
- f) in terms of the massing, height, scale and proximity, of the proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.*

7.17 Paragraph 124 of the NPPF forwards The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

7.18 Representations raising issues over design have been considered in this section. The proposed building is of two-storey scale, with external timber clad walls and a pitched, steel sheet roof. Design cues are taken from the villages fishing heritage, with a nautical theme evident throughout the building's design, such as the use of steel and aluminium powder coated doors, windows and staircases and portholes evident throughout. The building's materials, massing and scale are appropriate for its location and intended use, and as per the NPPF, good design helps to create better communities in which to work and live.

7.19 It is agreed that through its function and design, the watersports centre and café contributes to its surroundings positively, in accordance with Policies F1 & F2 of the BLP, Policy 5 of the NNCNP and provisions of the NPPF.

Landscape Impact/AONB

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

7.21 Policy F2 of the BLP is underpinned by F1 as an area based policy that supports development that;

- ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including species appropriate to the north Northumberland coastal environment, means of enclosure and access.*

7.22 Policy 2 of the NNCNP advocates the requirement for planning proposals to preserve and enhance the landscape and seascapes of the area, stating;

Great weight will be given to the conservation of these local landscapes, the Heritage Coast, and the scenic beauty of the coast including views into and out of the Northumberland Coast AONB within the Plan area. Opportunities for landscape enhancement should be taken wherever possible.

7.23 Meanwhile, the NPPF forwards in paragraph 172 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.

7.24 Issues over impact on the AONB have been addressed here. As per the appraisal of design, the buildings sits well within its surroundings, integrating into the vernacular by way of appropriate materials, taking account of the local area and its history as well as being of a suitable scale. The AONB Partnership was consulted on the proposals during the consultation period, offering support for the development. Particular support was offered for the design and how it sits within its locale, stating 'The whole scheme is well designed and mindful of the special qualities of the designated landscape.'

7.25 It is therefore considered the application is in accordance with Policies F1 & F2 of the BLP, Policy 2 of the NNCNP and relevant sections of the NPPF.

Highway Safety

7.26 Paragraph 109 of the NPPF 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.

7.27 The application proposes to replace the existing building with no alteration to the access, car park and turning areas.

7.28 Highways Development Management (HDM) team were consulted raising no objection following amendments to the scheme subject to conditions to secure further details of refuse servicing, car parking, cycle parking, electric charge points and management of the site over the construction period all of which have been set out in the recommendation.

7.29 On this basis, the application is in accordance with the NPPF with regards to highway safety.

Amenity

7.30 Policy 5 of the NNCNP states development in the plan area should adhere to the following;

e) measures have been incorporated to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation; and

f) in terms of the massing, height, scale and proximity, of the proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.31 Meanwhile Paragraph 127 of the NPPF presents the overarching general principle at a national policy level that development should incorporate a high standard of amenity for existing and future users.

7.32 Issues were raised over amenity through submitted consultation responses. Given the separation distance from any residential properties, it is unlikely the building itself would lead directly to light or noise pollution, or loss of daylight or overlooking as a result of the building's construction. The site currently serves as a public car park, the use of which would be retained after construction with additional spaces provided.

7.33 The application is therefore in accordance with the NNCNP Policy 5 and NPPF.

Ecology

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

7.35 Policy 3 of the NNCNP states proposals which promote the preservation and/or restoration of priority habitats in the Plan area will be supported. The impact of proposals in the Plan area on European Sites will be assessed in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations).

7.36 At a National level, the NPPF forwards in paragraph 174 the requirement of development to Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity.

7.37 Meanwhile, Paragraph 175 applies the following conservation principles, in terms of protecting and enhancing the natural environment, designated habitats and biodiversity/geodiversity;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

7.37 Paragraph 176 of the NPPF expands this protection to;

*a) potential Special Protection Areas and possible Special Areas of Conservation;
b) listed or proposed Ramsar sites*

7.38 The application site is adjacent to the Northumberland Shore SSSI, Northumberland Coast SPA Berwickshire and North Northumberland Coast SAC and Northumbria Coast Ramsar wetland area.

7.39 Given the relatively high number of off-site ecological constraints, both NCC's in-house ecological team and Natural England were consulted on the proposal. Both consultees have requested additional information is received in the form of surveys, mitigation and contributions to the management of recreational disturbance to the Coastal SSSI from dog walkers. In addition concerns were raised regarding issues arising from watersports launching from the site. The County Ecologist has liaised with Natural England to agree appropriate conditions to control these aspects of the proposal allowing for the completion of a Habitat Regulations Screening Assessment and an Appropriate Assessment to conclude that there would not be a significant impact on designated sites resulting from the proposal (subject to the recommended conditions).

7.40 Following receipt of survey work, the Council's ecology team is in agreement with the proposal subject to the adherence to conditions attached to this permission. The application is therefore in accordance with Policy F1 of the BLP, Policy 2 of the NNCNP and provisions of the NPPF.

Flood Risk and Coastal Management

7.41 The NPPF advises in Paragraph 148 that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The application site lies within a Coastal Management Area and as such, the Environment Agency requested a Flood Risk Assessment in order to remove an objection to the proposals.

7.42 Representations raised issues over flooding. Consultation was also undertaken with the Local Lead Flood Authority (LLFA), who have taken steps to ensure the application is compliant with mitigation guidelines and does not contravene legislation or policy to ensure acceptability regarding flood risk and coastal mitigation. Consequently, the EA is not considered to be a Statutory Consultee on the application and a flood risk assessment is not required which has since been confirmed by written correspondence.

Consultation Issues

7.43 In response to issues raised over the consultation period;

- Impact on character of the village;
The proposal as development within the settlement is not considered to compromise the character of the village.
- Detrimental to local economy, visitor numbers;
The development is considered to contribute to the local economy providing services available to both the community and visitors.
- Parking impacts;
Final details of parking would be secured as per the recommended condition from Highways Development Management.
- Safety concerns;
There have been no safety concerns raised by consultees for this proposal.

- Sewage;
The application proposes foul drainage to the mains sewer with no issues raised by Northumbrian Water
- No need for additional facilities of this type;
The need for development type is not considered to be an issue for this proposal and would be in accordance with neighbourhood plan policy.
- Impact on boat launch facility;
This aspect has been addressed by the County Ecologist to be controlled by condition.
- Viability of cafe in location;
This matter is not a consideration for this planning application to consider.
- No heritage assessment undertaken;
No heritage assets are in the immediate vicinity that would be affected by the proposal
- Issues over submitted details
Beadnell Parish Council raised concerns over a number of aspects of the submission and how they did not provide sufficient detail/justification to accord with national and neighbourhood plan. Notwithstanding this view, it is considered that sufficient information has been submitted to undertake an assessment of the main considerations as set out in the main body of the appraisal.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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 main planning considerations in determining this application have been set out and considered above stating accordance with relevant Neighbourhood Plan and Local 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.

8.2 Subject to resolution of the outstanding issue with the Environment Agency, the application is to be recommended for approval, this has been reflected in the recommendation.

9. Recommendation

That permission be GRANTED 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. Approved Plans

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

1. Location Plan - Land at Beadnell
2. (L)02 A - Proposed Site Plan
3. (0)03 A - Proposed Road-Side Elevation
4. (0)04 - Proposed Beach-Side Elevation
5. (0)05 A - Proposed Rear Elevation Options

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

Development Management

03. Materials - submission of details

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy F2 of the Berwick Local Plan, Policy 5 of the North Northumberland Coast Neighbourhood Plan and National Planning Policy Framework.

County Ecologist

04. Details of Coastal Mitigation Service Display to be Submitted

A permanent exhibition/display space for the Northumberland Coastal Mitigation Service shall be provided in a location to be agreed prior to operation of the centre

commencing, including use of the external sales/training area for manned exhibitions/displays within a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented following the development being brought into use.

Reason: To reduce recreational disturbance to species which are qualifying features of the Northumbria Coast SPA/Ramsar Site and Northumberland Shore SSSI

05. Construction Environmental Management Plan to be Submitted

Prior to development commencing a detailed Construction Environmental Management Plan shall be submitted to and approved by the LPA. The CEMP shall be fully implemented as approved.

Reason: To avoid adverse effects on designated sites of ecological importance.

06. Details of Watersports Activities to be Submitted

Any licence, lease or other form of permission for the operation of any water sports activity or business shall include controls to avoid impacts on features of ecological importance. The wording of those controls shall be agreed with the LPA prior to the permission being agreed with the operator.

Reason: To avoid adverse effects on designated sites of ecological importance.

Lead Local Flood Authority

07. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

08. Details of Surface Water Disposal to be Submitted

Prior to the construction, a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible and include provisions for suitably managing existing overland flow routes shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development.

09. Details of Adoption & Maintenance of Sustainable Drainage Systems (SuDS) to be Submitted

Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance

schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

Highways Development Management

10. Details of car parking and access to be submitted

The development shall not be brought into use until details of the revised car parking area and access(es) to it have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area and access(es) shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

11. Completion of highway works before occupation

Development shall not commence until details of the proposed Traffic/Parking Management proposals to the adjacent adopted highway have been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

12. Details of cycle parking to be submitted

The development shall not be brought into use until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is brought into use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

13. Details of Electric Vehicle Charging to be submitted

Prior to the development being brought into use details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is brought into use. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

14. Construction Method Statement to be Submitted

Development shall not commence until a Construction Method Statement 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 shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. 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

15. Refuse Strategy to be submitted

The development shall not be brought into use until details of refuse storage facilities, a refuse storage strategy and a servicing strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins, vehicle swept path analysis and details of how the building will be serviced. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities, refuse storage plan and servicing strategy shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of waste and in the interests of highway safety in accordance with the National Planning Policy Framework.

Informatives

1. Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

2. Contact Traffic Management

You are advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk in respect of the Traffic/Parking Management works required under this permission.

3. Reminder to not store building material or equipment on the highway

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

4. Reminder to not deposit mud/ debris/rubbish on the highway

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

5. Surface Water Drainage

Where possible the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable areas:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt or concrete.

Further information can be found here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore looking at and installing rain water harvesting units and water butts.

Date of Report: 13.08.2018

Background Papers: Planning application file(s) 18/01326/CCD