



# Northumberland County Council

North Northumberland Local Area Council  
21<sup>st</sup> June 2018

<b>Application No:</b>	17/02893/FUL		
<b>Proposal:</b>	Development of 9 Bedroom Bunkhouse (C1) with 2 Holiday Apartments (C3) - Amended 05/06/18		
<b>Site Address</b>	Former Sailing Club Site, Coquet Street, Amble, Morpeth Northumberland NE65 0DJ		
<b>Applicant:</b>	Mr Tony Pull C/O agent	<b>Agent:</b>	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB
<b>Ward</b>	Amble	<b>Parish</b>	Amble By The Sea
<b>Valid Date:</b>	2 November 2017	<b>Expiry Date:</b>	30 June 2018
<b>Case Officer Details:</b>	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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## 1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application is to be recommended for approval contrary to a valid objection from Amble Town Council. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination.

The application is recommended for APPROVAL.

- 1.2 The application has been amended as follows;
- 05/06/18 - Revision to proposed plans & elevations.
  - 11/05/18 - Revision to proposed plans & elevations.
  - 22/03/18 - Submission of Drainage Strategy.
  - 02/11/17 - Revision to the Flood Risk Assessment.
- 1.3 As part of the application a Committee Site Visit is due to be held on 18/06/18.

## 2. Description of the Proposals

- 2.1 The application site is located within Amble to the northern edge at Coble Quay adjacent to Amble Marina. The land is bound by existing development, with the marina to the west.
- 2.2 Coble Quay is a modern riverfront development of contemporary tower blocks some five storeys in height of a composite clad appearance and gable form, housing residential properties in a waterfront development of significant prominence due to their height and relative exposure to the wider area. Other buildings fronting Coquet Street are a mix of residential and commercial/retail with the town centre to the west of the site.
- 2.3 The land is cleared, as the site of the former sailing club made up of hardstanding approximately 0.14 hectares in area. The site is relatively flat encompassing a riverside walkway that is accessible from other buildings of Coble Quay (although not a public right of way). Access is from Coquet Street to the south of the site.
- 2.4 The application seeks planning permission to develop bunkhouse accommodation and holiday apartments comprising of the following works;
- Erect a composite clad with stone cladding to ground floor, four storey element (l:9.5m x w:18.0m x h:11.2-14.8m eaves-ridge) set toward the waterfront with a gable roof and gable feature to the front, connected to a stone clad lift block (l:4.4-5.8m x w:6.5m x h:13.0m) with a flat roof. This would be connected at an angle to a three storey composite clad gable form (l:6.3m x w:11.9m x h:8.7-11.3m eaves-ridge). There would be balconies to the waterfront elevation.
  - The building would house 4no. family rooms at ground floor with 2 no. 3-bedroom duplex apartments set across the second and third floor. There

would be further ancillary space to the east wing with bedroom accommodation above.

- Externally access would be taken from an existing shared access space onto a parking area for 9 no. spaces to the rear of the building with a shared terrace along the waterfront elevation.

2.3 The site is subject to the following environmental constraints;

- Amble Conservation Area (30m north-west)
- Northumberland Coast AONB (80m north)
- Flood Zone 2 and 3 (partially)
- High Risk Coal Referral Area

### 3. Planning History

**Reference Number:** 13/02307/FUL

**Description:** Development of Harbour Village and associated external works including Seafood Centre, 15 Incubator Units, public realm improvements, quayside walkway, new premises for Coquet Shorebase Trust and clearance of the former CSBT site.

**Status:** Permitted

**Reference Number:** A/2006/0500

**Description:** Re-development of Amble Boatyard and surrounding land to form 127 apartments, 2 retail and 1 office unit, creation of Marina walkway together with associated vehicular parking and landscaping

**Status:** Permitted

**Reference Number:** A/2008/0620

**Description:** Demolition of existing dilapidated buildings & the erection of a steel portal framed building with associated cladding & building works. Building to be used for boat building & repair work.

**Status:** Permitted

### 4. Consultee Responses

Amble Town Council	<p>Objects;</p> <p>Amble town council welcome this addition to Amble's visitor accommodation with specific emphasis on cyclist accommodation with the bunkhouse and cycle repair facilities. However, we object on the grounds of the location outline and the small amount of car parking within the site. We feel that the plans should be deferred until the exact location of the coastal walkway is established to the satisfaction of all relevant interested parties. While we have no objection to this application to the river frontage in principle and the creation of new employment is a positive aspect we would like some clarification on the perimeter of the location site as shown on their plans.</p>
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	<p>The existing site plan to the SSW and the proposed SSW plan outlined in red seem very similar and do not make clear where the coastal footpath is sited or continues and where it will come out onto Coquet st? Clarity please.</p> <p>The Bunkhouse lmg- 2777 Final: appears to show the development coming right up to the wall with cars parked on the opposite site - is this correct? Or a error on the created image - surely it is meant to show a new boundary wall being built but there should not be cars next to it, clarify please.</p> <p>When application 13/02307/ful for the Harbour Village complex was put forward by Amble Development Trust, the associated works included a coastal footpath and clearance of the old Coquet shorebase site.</p> <p>Details of the proposed new quayside public walkway were given in section E of the applicant's Design &amp; Access Statement.</p> <p>The officer's report, Mr Mark Ketley at 2.4 made reference to 'walkway leading from the village around the dock, along the Amble Marina Car park (Coquet Street st. Car park). It clearly shows the proposed walkway.</p> <p>However to date this has not been completed by the applicant and at the present time, the 'strip of land' previously referred to is used to continue from the Coble Quay walkway, in front of this applicant's previous apartment</p>
Building Conservation	<p>No Objection;</p> <p>A clear link has already been created between the harbour front - marina and the nearest section of the conservation area. It is considered that the proposal would enhance the harbour front area at this location while not affecting or harming the setting of the Amble Conservation Area. Building Conservation raise no objection to the proposal, subject to plans provided.</p>
Northumberland Coast AONB	<p>No Objection;</p> <p>The Northumberland Coast AONB Partnership is broadly supportive of the proposal outlined above as it has the potential to positively contribute to the harbour and existing development.</p> <p>In terms of impact on the AONB, it is the Partnership's opinion that this is restricted to views from the AONB. The impact will be minimal as the site will be viewed in connection and context with the recent new apartment buildings on the quayside. The Partnership suggests that the impact could be further minimised by changing the colour palette so that it compliments the adjacent green buildings as opposed to contrasting as the proposed yellow does.</p>
Highways	<p>No Objection; Conditions &amp; Informatives Advised</p> <p>When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.</p> <p>The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals.</p> <p>It is considered that the proposal is in accordance with the NPPF in highways terms, and the principle of development acceptable.</p>

Countryside/ Rights Of Way	<p>No Comment;</p> <p>There are no rights of way implications involved in this development; therefore I have no comments to make on the application.</p>
The Coal Authority	<p>No Objection;</p> <p>The Coal Authority considers that the content and conclusions of the Preliminary Contamination and Mining Risk Assessment are broadly sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.</p>
Natural England	<p>Obligation Required;</p> <p>As submitted, the application could have potential significant effects on Northumbria Coast Special Protection Area (SPA) and Ramsar Site and Northumberland Shore Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>The following information is required:</p> <ul style="list-style-type: none"> <li>o Further clarification on occupation and potential impacts;</li> <li>o A comprehensive in-combination assessment;</li> <li>o A strategy for mitigation.</li> </ul>
County Ecologist	<p>No Objection; Obligation &amp; Conditions Advised</p> <p>Further to my previous comments and communications with the applicant I can confirm that the contribution to the Coastal Mitigation Service (adjusted for occupancy levels and to consider the proposed dog ban) is acceptable. This contribution will allow for coastal management which prevents cumulative effects of development from harming the special interest features of the site.</p> <p>I note that the applicant's ecologist confirmed in writing on 30th May 2018 that the applicant would make a contribution of £3,996 to the Coastal Mitigation Service. This will be payable on first occupation via an appropriate legal agreement.</p> <p>In terms of construction level/direct impacts of the development the key considerations are noise and pollution. I am satisfied that these matters can be resolved by condition.</p>
Lead Local Flood Authority (LLFA)	<p>No Objection; Informatives Advised</p> <p>We have no objection to the application and no comments to make on this proposed development. We do however, offer informatives to be attached to a future decision.</p>
Environment Agency	<p>No Objection; Condition Advised</p>

	We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following condition to secure measures set out in the Flood Risk Assessment is included.
Public Health Protection (PHP)	No Objection; Conditions Advised  In principle this Service is in agreement with this proposal subject to the recommended conditions set out in the consultation response.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

Site Notice - Affecting Conservation, 7th November 2017

Press Notice - Northumberland Gazette 16th November 2017

### Summary of Responses:

During the consultation period, 1 no. objection raised the following issue;

- Requests clarification on the coastal footpath route.

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=OUO9AGQSIQ100>

## 6. Planning Policy

### 6.1 Development Plan Policy

ACS - Alnwick LDF Core Strategy (2007)

- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria
- S10 Tourism Development
- S11 Locating development to maximise accessibility and minimise impact from travel
- S12 Protecting and enhancing biodiversity and geodiversity
- S13 Landscape character
- S16 General design principles

## ALP - Alnwick District Wide Local Plan (1997)

TT5 Controlling car parking provision (and Appendix E)  
APPENDIX E Car parking standards for development  
CD32 Controlling development that is detrimental to the environment and residential amenity

### 6.2 Other Documents/Strategies

Alnwick Landscape Character Assessment Supplementary Planning Document

## **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. 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 where the site is located comprises the saved policies of the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

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

- Principle of Development
- Visual Impact
  - AONB
  - Landscape
  - Design
- Conservation Area
- Amenity
- Environment
  - Coal Legacy
  - Contaminated Land
  - Ecology
  - Coastal Mitigation
- Highway Safety
- Water Management
  - Surface Water Drainage
  - Flood Risk
- Procedural Matters

### Principle of Development

7.3 The NPPF seeks to promote sustainable development with paragraph 7 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. The site is located within the town of Amble on previously developed land, sitting alongside modern and ongoing development at Coble Quay with on the periphery of the Town Centre.

7.4 *S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement.*

*S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However limited weight can be attached to this policy as the NPPF does not require a sequential test for this development type.*

*S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/legal agreement but also states that it may be necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts.*

*S10 of the ACS states that new built cultural and tourism development must be in or adjacent to the rural service centres, sustainable village centres and local needs centres and provide a high quality development, which assists rural regeneration.*

7.6 The site is located within Amble; a 'Main Rural Service Centre' where there is a strong service base serves as a main focus for new development. The development would be readily accessible to the Town Centre and wider settlement without use of private car. Limited weight can be attached to S2 as the NPPF does not require a sequential test for this development type. The site would conform to the relevant in-principle sustainability criteria of S3. Spatially the development would be within the rural service centre immediately adjacent existing compatible typologies.

7.7 *Paragraph 17 of the NPPF sets out it's core planning principles whereby the reuse of previously developed land should be encouraged.*

*Annex A of the NPPF sets out the definition of 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The definition goes onto set out the exclusions which are not applicable in this instance.*

7.8 It is considered that the proposed location and scale of development would be economic benefits through new a new business venture with on-site facilities and in social terms would deliver tourism development in an appropriate location, which would help to sustain the existing and nearby community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to further consideration of landscape and design of the development but fundamentally would make use



of previously developed land. Conditions have been imposed to clarify the use and occupancy of the accommodation as set out in the recommendation.

- 7.9 The principle of development is therefore considered acceptable and in accordance with S1, S3, and S10 of the ACS and the NPPF.

### Visual Impact

#### *AONB*

- 7.10 The site is located outside the Northumberland Coast AONB on land adjacent to it. Local authorities have a statutory duty under S.85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in exercising or performing any of their functions. As such the application has been subject to consultation with Northumberland Coast AONB Partnership (NCAONB).
- 7.11 *RE16 of the ALP states that planning permission will not normally be granted for developments which would adversely affect the Area of Outstanding Natural Beauty or the Heritage Coast.*
- 7.12 *Paragraph 115 of the NPPF places great weight on conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations.*
- 7.13 NCAONB have responded to formal consultation in support of the proposal setting out that the development would be restricted to views within the AONB and that the impact set against existing development would be limited. From this the impacts on the landscape and scenic beauty of the AONB is limited in this application.
- 7.14 Therefore the impact on the special qualities is not considered to be compromised through the introduction of development in proximity to the AONB. The proposal therefore accords with RE16 of the ALP and the NPPF.

#### *Landscape*

- 7.15 The site is cleared serving as the former sailing club site fronting onto Amble Marina. The visibility and prominence of the site is high particularly on the approach from the A1068 from the north due to the scale and massing of existing development on Coble Quay which has a placemaking quality as a waterfront development at the gateway to Amble. The appraisal of Landscape considers the physical mass and character impact of a development proposal.
- 7.16 *S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district.*

*S16 of the ACS states that all development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional*

*or contemporary design and materials. Proposals should take full account of the need to protect and enhance the local environment.*

- 7.17 The development would be four storeys in height in line with the neighbouring structures, the form would differ in that the eaves would face the waterfront but would relate to the town facing elevation where the gable would front the southern elevation. The massing of building to this end of the marina would retain the continuity and somewhat, the form against existing development. The use would be as bunk barns/holiday units which given the location of the development on the periphery of the Town Centre and immediate site context, would not cause any issues over character.
- 7.18 The landscape impact of the proposal is therefore considered acceptable, in accordance with S13 and S16 of the ACS and the NPPF.

#### *Design*

- 7.19 Design considers the appearance of the development independently and as part of the immediate streetscene.
- 7.20 *S16 of ACS sets out that all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials.*
- 7.21 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in developments.*

*Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is however proposer to seek to promote or reinforce local distinctiveness.*

- 7.22 The appearance of the development would complement existing buildings through the form and material treatment utilising the same profile of cladding in a different colour but with banding consistent with neighbouring buildings along with other design elements such as the roof and opening treatments. There would be some differing aspects such as the use of stone at ground level and to the lift block but these are considered to be positive elements as the building would front onto the main road and through the increased variety in the elevational treatment would have a stronger relationship with the town facing side of Amble in a more public setting.
- 7.23 Conditions have been applied to secure material samples and site levels as part of the recommendation to ensure that the delivery of the development is in accordance with the submitted documents/imagery.
- 7.14 Overall the design of the proposal is considered acceptable and in accordance with design elements of S16 from the ACS and the NPPF.

#### Conservation Area

- 7.25 The application is located outside of the Amble Conservation Area but is considered to affect its setting which has been subject to consultation with Building Conservation (BC). The legislative framework has regard to Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of Conservation Areas.
- 7.26 *S15 of the ACS sets out that the District Council will conserve and enhance a strong sense of place by conserving the district's built and historic environment.*
- 7.27 *Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be.*
- 7.28 The Building Conservaiton Officer has responded to consultation setting out that through the modern development that has come forward, a link has been created between the harbour front and the conservation area boundary. From this it is considered that the proposal would enhance the harbour front area without affecting or harming the setting of the Conservation Area with no objection made.
- 7.29 From this the impact on the Conservation Area is acceptable and in accordance with S15 of the ACS and the NPPF.

#### Amenity

- 7.30 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.
- 7.31 *Paragraph 17 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
- 7.32 As part of the consultation response from Highways Development Management (HDM), a construction method statement is to be discharged from the outset of development to secure details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.33 The proposal would sit in and amongst existing large structures in an edge of centre location relative to the town. There would be openings to all sides, however whilst there would overlooking afforded, the views allowed would be no greater than those already provided through existing development. In addition, the scale of the building whilst large would be comparable to adjacent structures, would not give rise to issues of massing/appearing overbearing. Furthermore, smaller properties that sit along Coquet Street

would be sufficiently separated to as not to be adversely affected by the development.

- 7.34 The impact on amenity is therefore considered acceptable and in accordance with the NPPF.

### Environment

#### *Coal Legacy*

- 7.35 Parts of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area, there are coal mining features and hazards which need to be considered. The application has been accompanied by a Preliminary Contamination and Mining Risk Assessment and has been subject to consultation with the Coal Authority as a statutory consultee.
- 7.36 The Coal Authority has set in their response that records indicate that the site is in an area of specifically likely historic unrecorded underground coal mining at shallow depth associated with a thick coal outcrop. From this, there is potential risk posed to the development by past coal mining activity however the supporting document which has been informed by appropriate and up-to-date geological and coal mining information discounts any risks posed by past workings. Therefore the Coal Authority has made no objection without conditions.
- 7.37 The coal legacy issues of the site have therefore been suitably addressed in accordance with the NPPF.

#### *Contaminated Land*

- 7.38 As a site located within the high risk coal referral area, historic mine workings can have contaminated land implications, Public Health Protection (PHP) have been consulted as part of the application.
- 7.39 S3 of the ACS sets out within its sustainability criteria that any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated.
- 7.40 Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.
- 7.41 PHP have reviewed the submitted documents and raised no objection to the proposal subject to the conditions set out in the recommendation.

- 7.42 It is therefore considered that contaminated land issues can be successfully mitigated in accordance with S3 of the ACS and the NPPF.

### *Ecology*

- 7.43 *S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity.*

*S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.*

- 7.44 *Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.*

- 7.45 The County Ecologist has reviewed the submitted ecology report and raised no objection subject to the conditions as set out in the recommendation to restrict noisy workings and to secure a Construction Environmental Management Plan which would set out principles of working and mitigation over the development period.

- 7.46 The ecological impact of the proposal can therefore be mitigated in accordance with S3 and S12 of the ACS and the NPPF.

### *Coastal Mitigation*

- 7.47 When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects.

- 7.48 *S23 of the ACS sets out that where a planning obligation is necessary to make an application acceptable in planning terms, the district council will request a developer to sign a legal agreement to provide in kind and / or make a contribution towards the provision or improvement of physical or social infrastructure or local environmental improvements necessitated by the development or to provide affordable housing to meet housing need.*

- 7.49 *Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.*

- 7.50 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The

Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.

- 7.51 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.
- 7.52 The applicant has agreed to pay a contribution of £5,940 based on an adjusted occupancy rate which is relative to operation of the development on a year round basis and the enforcement of a dog ban, to be secured by s106 legal agreement. From this, the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.
- 7.53 From this, the off-site ecological impacts of the development can be suitably addressed.

#### Highway Safety

- 7.54 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The application has set out that the access would be retained as per the existing arrangement into a parking/refuse storage area for the development. There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles and pedestrians. Comments made in respect of highway safety have been addressed below.
- 7.55 *S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.*
- 7.56 *Paragraph 32 of the NPPF sets out the considerations of decisions with regard to highways issues, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 7.57 HDM had raised concern over the parking provision requesting 12 no. spaces; the applicant subsequently amended the proposal to 11 no. spaces which would allow for a space per room with two staff spaces. Whilst the parking provision would not meet the required standard, there is lenience to accept the proposed provision as it only lacks one space. HDM have raised no further issues with conditions imposed in the recommendation as set out in the consultation response.

- 7.58 Concerns have been raised over the footpath route spanning the waterfront. To address this, the applicant has amended the proposed site plan to extend the route in front of the development to link with the amenity space. There is no public right of way along the waterfront.
- 7.59 On this basis the impact on highway safety is considered acceptable and in accordance with S3 and S11 of the ACS and the NPPF.

### Water Management

#### *Surface Water Drainage*

- 7.60 The application is for not for major development however the Lead Local Flood Authority (LLFA) has taken an interest to ensure suitable surface water management on site. There will be on-site impacts through the introduction of built form and off-site impacts in terms of water displacement. The application has been submitted with a drainage strategy and proposes surface water discharge to an existing watercourse.
- 7.61 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.62 The LLFA has raised no objection to the proposal with no conditions recommended and informatives as set out in the recommendation; from this it is considered that surface water drainage can be successfully undertaken on site.

#### *Flood Risk*

- 7.63 Parts of the site sit within Flood Zones 2 and 3; the application has been submitted with a Flood Risk Assessment (FRA) which has been subject to consultation with the Environment Agency (EA). The EA have been consulted again due to a recommended condition relating to the floor levels of the proposed development which is outstanding at the time of writing, an update will be given to Members at committee.
- 7.64 *S3 of the ACS sets out within its sustainability criteria that potential implications of flood risk should be assessed having regard to the relevant flood zones.*
- 7.65 The EA have raised no objection to the proposal subject to a condition to secure the measures outlined in the submitted FRA and to set out a finished floor level for the sleeping accommodation of the development.
- 7.66 It is therefore considered that issues of flood risk can be successfully mitigated in accordance with S3 of the ACS

### Procedural Matters

#### *Equality Duty*

- 7.67 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*

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

*Human Rights Act Implications*

- 7.69 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.
- 7.70 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. Conclusion**

- 8.1 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.
- 8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.
- 8.3 A s106 Legal Agreement is to secure the obligations/contributions as set out in the recommendation.





## 9. Recommendation

That Members authorise the Head of Service to GRANT permission subject a s106 Legal Agreement to secure the following contribution:-

- Coastal mitigation contribution of £5,940.

And the following conditions:

### 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

Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number;

1. C-00 Rev B - Location Plan
2. C-02 Rev C - Proposed Site Plan
3. C-09 Rev O - Proposed Floor Plans
4. C-10 Rev H - Proposed Elevations

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

### **Development Management**

03. Approved Use Classes

Notwithstanding details contained within the approved documents, the use class of the development hereby approved shall be as follows;

- o C1 - Bedrooms & Ancillary Accommodation
- o C3 - Holiday Apartments

Reason: To identify the permitted use of the approved units within this development.

04. Remove Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no;

- a) Permitted Changes of Use

Shall be undertaken without the prior grant of planning permission from the Local Planning Authority.

Reason: To manage the future use of the building.

05. Occupancy of Development

The development hereby approved shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is retained for holiday use in accordance with the details submitted with the application.

06. Material Samples to be Submitted

Notwithstanding any description of the materials in the application, no construction of the dwellings hereby approved above damp proof course level (or 150mm above ground level) shall commence until;

- a) Precise details, to include samples, of the materials to be used in the construction of the external walls, to include details of fixing, coursing, pointing and texture (where applicable) of the units;
- b) Precise details, to include samples, of the materials to be used in the construction of the roof surfaces and rainwater goods to be used on the units; and
- c) Precise details of materials to be used to all boundary treatments of the development.

Have been submitted to, and approved in writing by, the Local Planning Authority. All approved details are to be used in the construction of the development shall conform to the materials approved.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with the provisions of Policy S16 of the Alnwick LDF Core Strategy.

07. Details of Site Levels to be Submitted

Notwithstanding details contained within the approved documents, prior to the construction of the development hereby approved, details to be shown on annotated site plans to include;

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy S16 of the Alwick LDF Core Strategy and National Planning Policy Framework.

### **Highways Development Management**

#### **08. 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:

- a) vehicle cleaning facilities;
- b) the parking of vehicles of site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) 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.

#### **09. Implement Car Parking Area**

The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

#### **10. Implement Cycle Parking**

The development hereby approved shall not be brought into use 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.

## **Environment Agency**

### 11. In Accordance with Flood Risk Assessment

Notwithstanding details contained within the approved plans, prior to occupation measures outlines within Flood Risk Assessment (FRA) September 2017 / 3423 - Phase 1 Flood Risk Assessment Final V1.0 / Ambiantal Technical Solutions Ltd. 2017. The following mitigation measures detailed within the FRA shall be implemented in full:

1. Finished floor levels (FFLs) for all sleeping accommodation are set no lower than 5.49 m above Ordnance Datum (AOD). FFLs for all habitable rooms are set no lower than 5.19 mAOD.

2. Implementation of mitigation measures at section 7.8. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

## **Ecology**

### 12. Construction Environmental Management Plan to be Submitted

No development shall be undertaken until a construction environmental management plan (CEMP) has been submitted and approved by the Local Planning Authority.

The CEMP shall detail the following:

- a) Measures to reduce the risk of pollution to watercourses
- b) Measures to be taken in the event of a pollution incident
- c) Responsible persons and lines of communication
- d) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that a watercourse is not polluted or contaminated during development works.

### 12. Restrict Noisy Working

No noisy construction works such as piling will take place during the overwintering period October to March inclusive.

Reason: to prevent disturbance of overwintering waders which comprise the special interest features of the Northumberland Shore Site of Special Scientific Interest (SSSI) and Northumbria Coast Special Protection Area/Ramsar site.

## Public Health Protection

### 14. Details of Potentially Contaminated Land to be Submitted

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

- a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
- b) If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- c) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.
- d) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

15. Details of Further Contamination to be Submitted

If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

16. Details of Ground Gas Protection to be Submitted

No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties.

17. Details of Validation and Verification of Ground Gas Protection to be Submitted

No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition titled 'Details of Ground Gas Protection to be Submitted', which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

## **Informatives**

### **1. Environmental Permit**

The Environment Agency should be consulted with respect to an environmental permit for any proposed connection to main rivers, in this case the River Coquet.

### **2. Permeable Surfaces**

Any areas of hardstanding areas (patio, driveways etc.) within 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 surface:

- 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/concrete.

Further information can be found here -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

### **3. Containers Required for the Storage of Waste**

Bins provided to flats - The level of bin provision is based upon the number of properties. For developments of up to 17 individual properties individual 240 litre bins should be used. Provision needs to be made for 1 x 240 litre residual refuse bin and 1 x 240 litre dry recycling bin. For developments of 18 individual properties and more communal bins will be used (1100 litre) along with glass recycling facilities.

### **4. Reminder to Not Deposit Mud, Debris or Rubbish on the Highway**

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

### **5. 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.

**Date of Report:** 06.06.2018

**Background Papers:** Planning application file(s) 17/02893/FUL