

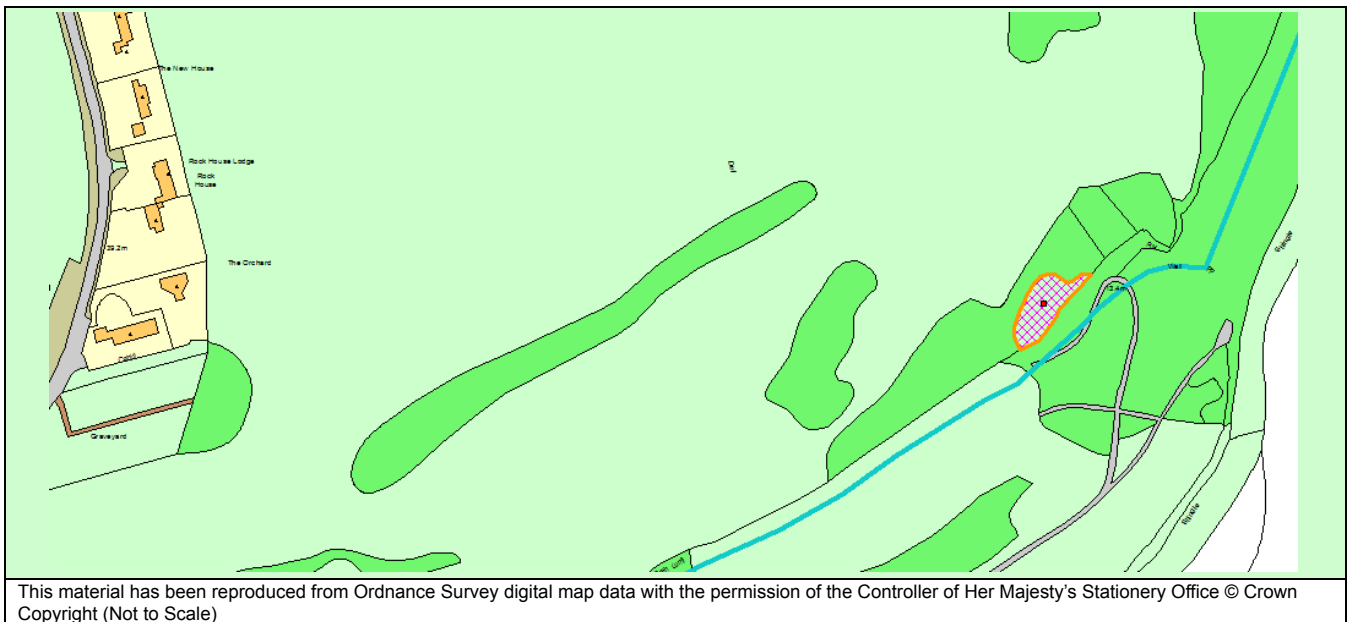


# Northumberland County Council

## North Northumberland Local Area Committee 21st February 2019

<b>Application No:</b>	18/03290/FUL		
<b>Proposal:</b>	Change of Use of land to accommodate the siting of 5no glamping pods (as amended 17/09/18),		
<b>Site Address</b>	Link End Caravan Park, Alnmouth, Northumberland,		
<b>Applicant:</b>	Mr Dale Maloney The Old School Gallery, Foxton Road, Alnmouth, NE66 3NH	<b>Agent:</b>	None
<b>Ward</b>	Alnwick	<b>Parish</b>	Alnmouth
<b>Valid Date:</b>	14 September 2018	<b>Expiry Date:</b>	31 December 2018
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to a S106 agreement securing a contribution towards the Council's Coastal Mitigation Service



### 1. Introduction

1.1 This application falls to be determined by the North Local Area Council planning committee following a request to call in the application from the local member Cllr Castle. It is recommended for approval, subject to a S106 agreement in respect of Coastal Mitigation.

### 2. Description of the Proposals

2.1 The application seeks permission for the change of use of land at Link End Caravan Park, Alnmouth to allow the permanent siting of 5no glamping pods. The site currently benefits from lawful use for the siting of 5no caravans between May and October.

2.2 The applicant now wishes to extend this period to allow the site to be used at all times of the year. The applicant currently operates a successful cafe and art gallery within Alnmouth village and is seeking to expand and diversify that business by the addition of the camping pods, which they intend to market as an artists' retreat.

2.3 The application site is located on Alnmouth Links approximately equidistant between Alnmouth and Foxton. It is adjacent to Alnmouth Public Footpath No.2, which forms part of the St Oswalds Way and Northumberland Coast long distance footpaths. The site is bound by two separate golf clubs (Alnmouth and Alnmouth Village) and is surrounded by them. Access is via the public footpath and it is approximately a ten minute walk in either direction to the nearest vehicular highway.

### 3. Planning History

**Reference Number:** 15/03754/FUL

**Description:** Proposal for 6 mobile Shepherds Huts with solar panels on roof and storage hut

**Status:** Withdrawn

**Reference Number:** 16/01003/CLEXIS

**Description:** Caravan site (Sui Generis) for up to a maximum of 5 caravans between the months of May to October

**Status:** Permitted

### 4. Consultee Responses

County Ecologist	Further info required in respect of impacts on protected species and designated sites.
County Ecologist (reconsult)	No objections subject to securing a UU in respect of Coastal Mitigation and conditions in respect of protected species.
Natural England	Further info required in respect of protected species and designated sites
Natural England (reconsult)	No objection subject to suitable mitigation being secured
Countryside/ Rights Of Way	No objection provided no action is taken to block the public right of way
Highways	No issues arising
Public Protection	No comment
Northumberland Coast AONB	Clarity sought on the nature of the application. Full impact on landscape can not be determined until the site is fully operational.
Alnmouth Parish Council	The Alnmouth Parish Council have considered the proposal and neither support, nor object to this Application.
Tourism, Leisure & Culture	No response received.

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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	31
Number of Support	20
Number of General Comments	0

### Notices

Site notice - Public Right of Way, posted 19th September 2018

Press notice - Northumberland Gazette, published 27th September 2018

### Summary of Responses:

51 representations received including 31 objections and 20 letters of support.

Issues raised by objectors include;

- access and parking arrangements;
- negative impact on environment;
- negative visual impact;
- impact on AONB;
- health and safety implications of members of public accessing site through golf club;
- impact on viability of golf club;
- potential for damage to be caused to the golf course;
- lack of detail in respect of maintenance arrangements and access for emergency services;
- commercial viability.

Issues raised by supporters include;

- quality of design;
- environmental benefits;
- economic benefits;
- additional footfall to an area that traditionally struggles during winter months;
- desirability of site being "off grid";
- innovative use of a site which had become an eyesore and a target for low level antisocial behaviour.

An additional 15no letters of objection were received, however they were deemed invalid as no addresses were included.

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=PEZYZTQJSJ1K00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

#### Alnwick LDF Core Strategy

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  
S14 Development in the open countryside  
S16 General design principles

#### Alnwick District Wide Local Plan

RE16 Protection of the AONB  
T4 Criteria based policy to assess static and touring caravan developments

### 6.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018, as updated)

### 6.3 Emerging Policy

#### Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019)

STP1 Spatial Strategy  
STP2 Presumption in Favour of Sustainable Development  
STP3 Principles of Sustainable Development  
STP5 Health and Wellbeing  
ECN15 Tourism and Visitor Development  
QOP1 Design Principles  
QOP2 Good Design and Amenity  
QOP5 Sustainable Design and Construction  
QOP6 Delivering Well Designed Places  
TRA1 Promoting Sustainable Connections  
TRA2 Effects of Development on the Transport Network  
ENV1 Approaches in Assessing the Impact of Development  
ENV2 Biodiversity and Geodiversity  
ENV3 Landscape  
ENV4 Tranquility, Dark Skies and a Sense of Rurality  
ENV5 Northumberland Coast AONB

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the

advice of statutory consultees. In assessing this application the key considerations are;

Principle of development;  
Scale, design and visual impact;  
Residential amenity;  
AONB;  
Highways;  
Ecology;  
Coastal Mitigation.

### Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in this context. However, the presumption in favour of sustainable development is restricted by Paragraph 172 of the NPPF, which states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick District Wide Local Plan (1997) (ALP).

7.4 Paragraph 48 of the NPPF states that weight may also 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 emerging Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was published on 30th Jan 2019. The policies contained within this document carry "some" weight in the determination of planning applications at this stage.

7.5 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. The application site is not within a settlement as identified in Policy S1 of the ACS and is therefore considered to be in The Countryside, where development would generally be limited to the reuse of existing buildings. Policies STP1, STP2 and STP3 of the emerging NLP echo this approach to ensuring the delivery of sustainable development.

7.6 Policy S14 of the ACS states that development should only be permitted which is likely to be sustainable and where it is essential to support farming and other countryside based enterprise and activity, promote recreation, support the retention of sustainable communities or support the conservation and enhancement of the countryside.

7.7 Policy S2 of the ACS sets out a sequential approach to development, directing development in the former district towards the hierarchy of settlements as set out in

Policy S1. It is noted however that Policy S2 was adopted prior to the introduction of the NPPF which no longer advocates this kind of approach to development and is therefore considered to be contrary to the NPPF.

7.8 Policy S3 notes that new development should be accessible to homes, jobs, shops and services, the transport network and modes of transport other than the private car. The policy also states that in exceptional circumstances, when economic, social or environmental benefits clearly outweigh sustainability shortcomings, it may be necessary to allow development which does not meet one or more of these sustainability criteria.

7.9 Paragraph 8 of the NPPF sets out the three strands of sustainable development: economic, social and environmental, and whilst Policy S1 does not fully accord with the NPPF's presumption in favour of sustainable development, Policy S3 recognises that there are circumstances when economic, social or environmental benefits may outweigh sustainability shortcomings. It is considered therefore that Policy S3 does accord with the NPPF.

7.10 It is noted that the site benefits from lawful use for 5no caravans and that the applicant has removed a number of vandalised 1960s era touring style caravans from the site and begun to replace them with glamping pods. A number of comments have been received to the effect that these are not caravans, however glamping pods fall within the statutory definition of a caravan, which is described as any structure designed or adapted for human habitation, which is capable of being transported from one place to another on a vehicle or trailer and as such they are considered to fall within the scope of the existing lawful use.

7.11 Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas. It also seeks to support sustainable rural tourism and leisure developments which respect the character of the countryside. This is echoed in Policy ENV5 of the emerging NLP. As the proposal seeks to diversify and expand an existing business, the provision of glamping huts in this location is considered to be in accordance with the provisions of the NPPF and emerging NLP.

7.12 Policy S10 of the ACS states that proposals for new built cultural and tourism development must be in, or adjacent to, the rural service centres, sustainable village centres and local needs centres, in accordance with the development strategy and provide a high quality development, which assists rural regeneration. It further states that tourism development in the open countryside will be considered against Policy S14. Policy S14 seeks to ensure that development in the open countryside is sustainable in the context of Policy S3.

7.13 The proposal to allow the use of the site year round, serving as development for tourism on a modest scale and form, would support the diversification of an existing business and would bring the site back into active use on a permanent basis, whilst respecting the overall character of the area. On balance, having regard to national and local policy, the principle of the proposal is considered to be acceptable.

#### Scale, Design and Visual Impact

7.14 Policy S14 of the ACS sets out the criteria against which new development in the open countryside shall be assessed. This includes the impact on adjacent land

uses in terms of scale, massing, materials, etc. Policy S16 of the same document states that proposals should take full account of the need to protect and enhance the local environment, having regard to their layout, scale and appearance. Saved Policy T4 of the ALP seeks to ensure that applications for new static or touring caravan developments are appropriate in terms of their visual impact.

7.15 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that 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.

7.16 Policy S13 of the ACS requires all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the former district. Under this policy, all proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area.

7.17 The site is located on a small plot of land which is bound to the north and west by woodland, thus protecting it from long range views from those directions. From the east and south looking uphill towards the site, the cabins are seen against the backdrop of the trees and do not therefore appear incongruous in the landscape. The simple nature of the structures marks them out as temporary accommodation and the scale and appearance is considered unlikely to have a negative impact upon neighbouring land uses in this respect.

#### Residential Amenity

7.18 Saved Policy T4 of the ALP seeks to ensure that siting and scale of development would not adversely affect the amenities or services enjoyed by those living nearby. Policy QOP2 of the emerging NLP seeks to ensure a high standard of amenity and to minimise any adverse impacts on amenity. Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.19 Given the location of the site, there would be no amenity issues in respect of privacy, overlooking, loss of light, etc. The impact of the proposal on amenity is therefore considered to be acceptable and in accordance with saved Policy T4 of the ALP and the NPPF.

7.20 A number of objections received commented on the potential for conflict between the users of the proposed accommodation and users of the adjacent golf courses, either as a result of stray golf balls or through guests, who may be unfamiliar with the area, straying from the public right of way and onto the fairways. It is considered that these concerns, whilst understandable, are not insurmountable, given appropriate communication between the relevant parties. Furthermore it is considered unlikely that, by extending the approved use of the site into the off season, there would be a significant increase in the amount of people using the public footpath to access the site, given the limited scale of the accommodation available.

#### AONB

7.21 The application site is within the Northumberland Coast AONB and as such consideration must be given to the impact of the proposals on that designated area.

7.22 Policy RE16 of the Alnwick Local Plan (ALP) states that planning permission will not normally be granted for developments which would adversely affect the Area of Outstanding Natural Beauty or Heritage Coast. Policy ENV5 of the emerging NLP relates to the Northumberland Coast AONB and seeks to ensure that the special qualities of the AONB will be conserved and enhanced. Paragraph 172 of the NPPF meanwhile, states that great weight should be given to conserving 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 landscape and scenic beauty.

7.23 The AONB Partnership has responded to consultation raising concerns about the impact of the proposed pods on the landscape and seeking clarity as to the justification for the year round availability of the pods.

7.24 It is understood that the applicant has had informal discussions with the Partnership to address these concerns and it is considered appropriate to recommend conditions to ensure that no external lighting or external ephemera are allowed on the site, which could lead to an urbanising effect on the landscape above and beyond the five units which already have permission.

### Highways

7.25 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Policy TRA2 of the emerging NLP seeks to minimise the impact of development on the transport network.

7.26 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.27 The Local Highway Authority has responded to consultation stating that the proposal is in accordance with the NPPF in highways terms and that there are no issues arising in terms of impacts on highway safety. Concerns raised regarding access to the site for emergency services are noted, however it is considered that the proposal is acceptable and in accordance with Policy S11 of the ACS and the NPPF in this respect.

### Ecology

7.28 Policy S12 of the ACS states that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the area. Policy ENV1 of the emerging NLP has regard to the impact of development on the natural environment.

7.29 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.



7.30 The County Ecologist responded to initial consultation requesting further information in respect of on and off site ecological considerations, together with details of the proposed composting toilets. Further to this information being submitted, conditions have been recommended to secure protected species mitigation and a contribution to the Council's Coastal Mitigation Service being secured.

7.31 Natural England responded to consultation requesting further details in respect of foul drainage and regarding the proposed composting toilets. Following submission of this information no objection was raised, subject to appropriate mitigation. It is considered that this can be suitably accounted for by securing a contribution to the Coastal Mitigation Service.

### Coastal Mitigation

7.32 When developers apply for planning permission for new residential 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.

7.33 Due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service (paid on occupation of the first unit) which will be used to fund coastal wardens who will provide the necessary mitigation.

7.34 The contribution per unit in this location would be £600. For holiday lets, this would be set as a proportion of that sum, depending on how many months of the year it is available for let and the approximate expected occupancy. This contribution can be secured by Unilateral Undertaking by virtue of S106 of the Town & Country Planning Act 1990.

7.35 In this instance, the applicant has agreed to pay a total of £750 towards the Coastal Mitigation Scheme and as such it is considered that the proposal is acceptable in this respect.

### Other Matters

7.36 Concerns raised in the letters of representation received have been addressed in the preceding paragraphs.

### Equality Duty

7.37 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

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

### Human Rights Act Implications

7.39 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.

7.40 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.41 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 It is considered that the proposal represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene or the amenity of nearby land uses, the wider landscape or ecology interests. It is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

## **9. Recommendation**

That this application be GRANTED permission subject to the conditions set out below and a Section 106 Unilateral Undertaking to secure the following:

- A financial contribution towards the Council's Coastal Mitigation Service of £750.

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

1. Site Location Plan
2. Drawing No LE/01 Rev A - Proposed Site Plan.

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

03. Within 3 months of the date on this decision notice a scheme for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The provision of bird boxes shall be no less than one box per unit and the scheme shall detail the location, height, orientation, numbers and specification of nesting boxes. Only woodcrete type bird boxes shall be utilised. The approved scheme shall be implemented in full within 3 months of the scheme being approved by the LPA.

Reason: to protect and enhance the biodiversity of the site.

04. The development hereby approved shall be implemented in full accordance with the report "Preliminary Ecological Appraisal, Link End Caravan Park, Alnmouth", dated December 2018, by EcoNorth, including:

- No additional external lighting shall be used at the site other than a single light, which is downward pointing, located within the porch of each pod.
- Monthly site monitoring will be undertaken between April and June to establish if Himalayan balsam is present at the site. If found it will be removed by uprooting or cutting the stems before the seeds have set in July. The arisings will be disposed of at an appropriately licenced facility.
- Where wood piles and stone piles are to be removed from the site, these shall be reduced carefully by hand during the period April to October only.

Reason: To prevent the risk of harm to protected and priority species and to prevent invasive species spreading from the outset of the development.

05. The camping pods subject to this permission 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 and in accordance with Policy S14 of the Alnwick LDF Core Strategy.

### **Informatives**

1. A public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure Order having been made, confirmed and an alternative route provided.

**Date of Report:** 07.02.2018

**Background Papers:** Planning application file(s) 18/03290/FUL