

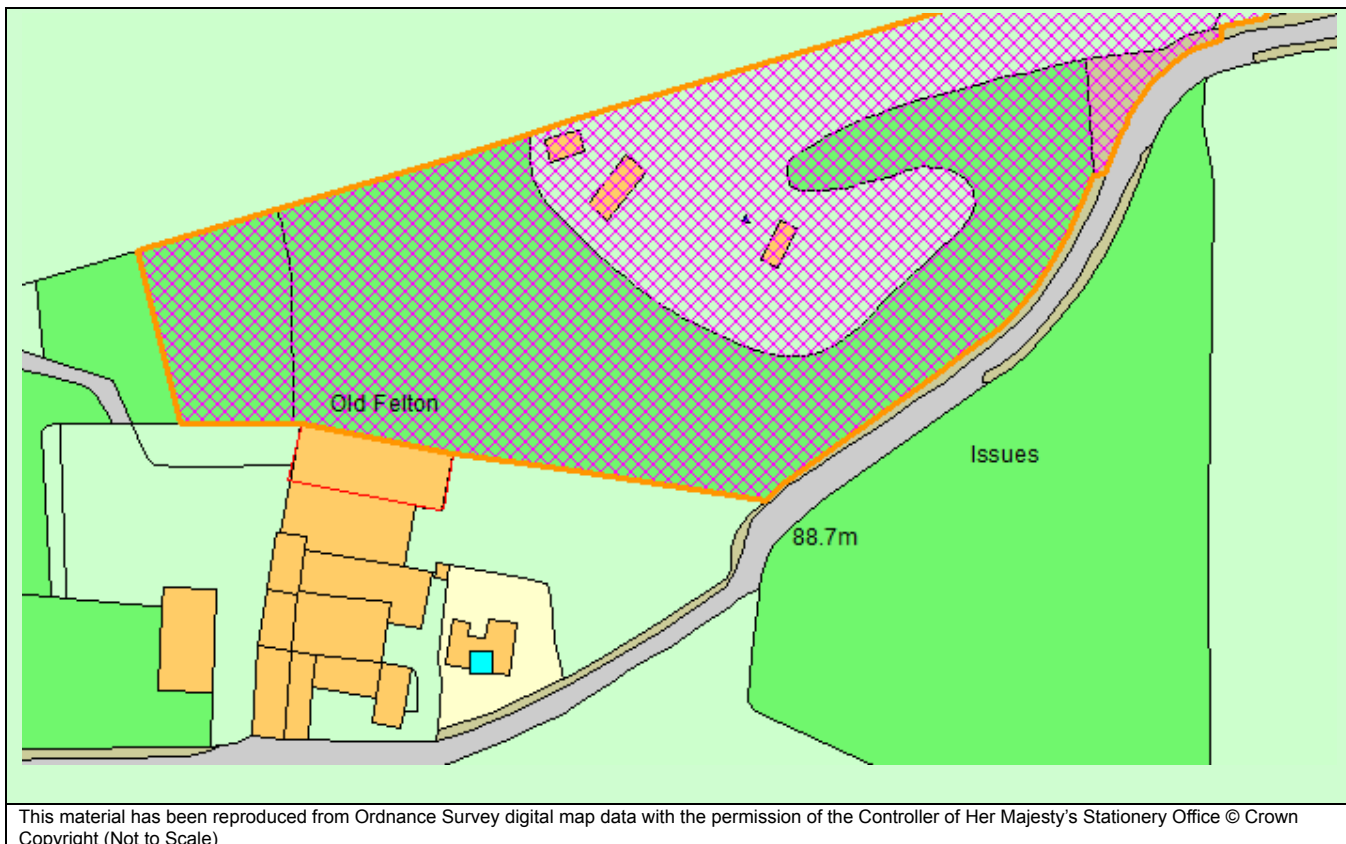


Northumberland County Council

North Northumberland Local Area Council 22nd August 2019

Application No:	19/01026/VARYCO		
Proposal:	Removal of Condition 8 (Highways Works) pursuant to planning application 18/03203/FUL		
Site Address	Acton Caravan Site , Felton, NE65 9NS,		
Applicant:	Mrs Campbell C/O George F White	Agent:	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Shilbottle	Parish	Felton
Valid Date:	27 March 2019	Expiry Date:	22 May 2019
Case Officer Details:	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 01670 620332 Email: hannah.nilsson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application is being reported to the North Northumberland Local Area Council (NNLAC) as the previous application, granted in February 2019, to which this relates, was decided by the NNLAC.

2. Description of the Proposals

2.1 This application proposes the removal of condition 8 (Highways Works) pursuant to planning application 18/03203/FUL.

2.2 Planning permission 18/03203/FUL was granted in February 2019 subject to conditions for proposed camping pods, camping lodges and treehouse along with amenities and services.

2.3 Condition 8 of permission 18/03203/FUL states:

Notwithstanding the details submitted, the development shall not commence until details of the proposed highway works (modification to the site access, provision of passing places on the U3041 together with signage and additional drainage) have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway 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.

2.3 The reason given for the removal of the condition is that there are concerns over the validity of the condition and that it fails to meet the tests for conditions as set out in the NPPF and NPPG.

3. Planning History

Reference Number: 17/04565/FUL

Description: Proposed camping pods, tree house, lodge and touring van bases along with amenities and services (amended 6th April 2018).

Status: PER

Reference Number: 18/03203/FUL

Description: Proposed camping pods, camping lodges and treehouse along with amenities and services (Amended 24th September 2018).

Status: PER

Reference Number: 19/00908/DISCON

Description: Discharge of conditions 11(ecological mitigation) and 12 (surface water disposal) of approved planning application 18/03203/FUL

Status: CONREF

4. Consultee Responses

Felton Parish Council	No response received.
Highways	No objection to the removal of condition 8.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	11
Number of Support	0
Number of General Comments	0

Notices

General site notice, 10th April 2019

No Press Notice Required.

Summary of Responses:

In total, 11 representations have been received, all of which object to the application on the following summarised grounds:

- Removal of the condition would have a detrimental impact on highway safety.
- Loss of safety requirements not justified
- Would undermine the original objections and process of raising objections

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=POZ2RPQSMVP00>

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

S16 General design principles

Alnwick District Wide Local Plan

RE6 Protection of Sites of Nature Conservation Importance

RE20 Rural diversification proposals

TT5 Controlling car parking provision (and Appendix E)

CD32 Controlling development that is detrimental to the environment and residential amenity

Northumberland Local Plan Regulation 19 version (Jan 2019) including minor modifications as submitted for examination (May 2019)

STP 1 - Spatial strategy

STP 2 - Presumption in favour of sustainable development

STP 3 - Principles of sustainable development

STP 4 - Climate change mitigation and adaptation

ECN 12 A strategy for rural economic growth

ECN 14 Farm / rural diversification

ECN15 - Tourism and visitor development

QOP 1 - Design Principles

QOP 2 - Good design and amenity

QOP 3 - Public realm design principles

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

QOP 6 - Delivering well-designated places

TRA 2 - The effects of development on the transport network

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment

ENV 2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV 4 Tranquillity, dark skies and a sense of rurality

WAT 3 Flooding

WAT 4 Sustainable Drainage Systems

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

7. Appraisal

7.1 In terms of assessing the proposal account will be given to the National Planning Policy Framework (NPPF) and those policies which are considered consistent with the NPPF from the Alnwick District Wide Local Plan (ADLP) and the current Alnwick District Core Strategy (ADCS). The NPPF does not change the statutory status of the development plan as the starting point for decision making. Therefore proposed development that accords with an up to date Local Plan should be approved unless other material considerations indicate otherwise.

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 Publication Draft

Plan (Regulation 19) (January 2019) was published for consultation on 30/01/19. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications.

7.3 The key planning issue raised by the removal of condition 8 of permission 18/03203/FUL include:-

- Principle of the removal of condition

Principle of the removal of the condition

7.4 The principle of the development has already been established through the extant permission which has been implemented. The main issue to consider therefore is the effects of the removal of condition 8.

7.5 The reason that condition 8 was attached to the previous permission was : In the interests of highway safety, in accordance with the National Planning Policy Framework.

7.6 In response to the consultation on this application, the Council's highways advisor has confirmed that they are satisfied that the removal of condition 8 will not have an adverse impact on the safety of users of the highway or on the highway network, when compared to the historic use of the site. It is therefore considered that the proposed removal of condition 8 is acceptable.

7.8 In total 11 representations have been received objecting to the removal of the condition for the summarised grounds as outlined above.

7.9 As outlined, as part of the consultation on this application, the Council's highways advisor has considered the impact of the removal of the condition on highways safety and is satisfied that this would not have an unacceptable impact on the highway. In terms of the justification for the loss of the safety requirements, again this has been assessed by the highways advisor and has been found to be acceptable.

7.10 All objections received to this application have been fully considered in coming to the conclusion that the removal of the condition is acceptable.

7.11 If permission is granted then it is recommended this would be subject to conditions on the original approval that are still relevant.

Equality Duty

7.11 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

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

Human Rights Act Implications

7.13 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.

7.14 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.

7.15 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 principle of the removal of the condition is acceptable.

8.2 The development complies with the policies of the Development Plan and the National Planning Policy

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 18/03203/FUL to which this relates, the decision date for which was 26th February 2019.

Reason: In accordance with the provisions of 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; Drawing ref: 71/17 Sheet 5
2. Proposed site plan; Drawing ref: 71/17 Sheet 3 uploaded 18th October 2018
3. Proposed glamping pod plans; Drawing ref: 71/17 Sheet 3 uploaded 6th September 2018
4. Proposed treehouse plans; uploaded 12th September 2018
5. Proposed Warden's lodge; Drawing ref: 71/17 Sheet 1
6. Proposed log cabin; Drawing ref: 71/17 Sheet 1
7. Proposed entrance alterations; Drawing ref: 71/17 Sheet 6
8. Proposed construction method; Drawing ref: 71/17 Sheet 4

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.

03. Materials

The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy S16 of the Alnwick Core Strategy.

04. Restriction of Lodge Occupancy

The Lodge 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.

05. Restriction of Holiday Lets

The camping pods, cabins and treehouse 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.

06. Implementation of 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 implemented in accordance with the approved plans. 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.

07. Means of vehicular access to be constructed

The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

08. Implementation of cycle parking

The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

09. Refuse - No external refuse outside of the premises

No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and Highway Safety, in accordance with the National Planning Policy Framework.

10. The information approved under 19/00908/DISCON relating to condition 11 (ecological mitigation) shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the National Planning Policy Framework.

11. Surface Water Disposal

Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall;

- i. Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage layout plan uploaded to the planning portal on 21st Jan 2019
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.

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

Background Papers: Planning application file(s) 19/01026/VARYCO