



Northumberland

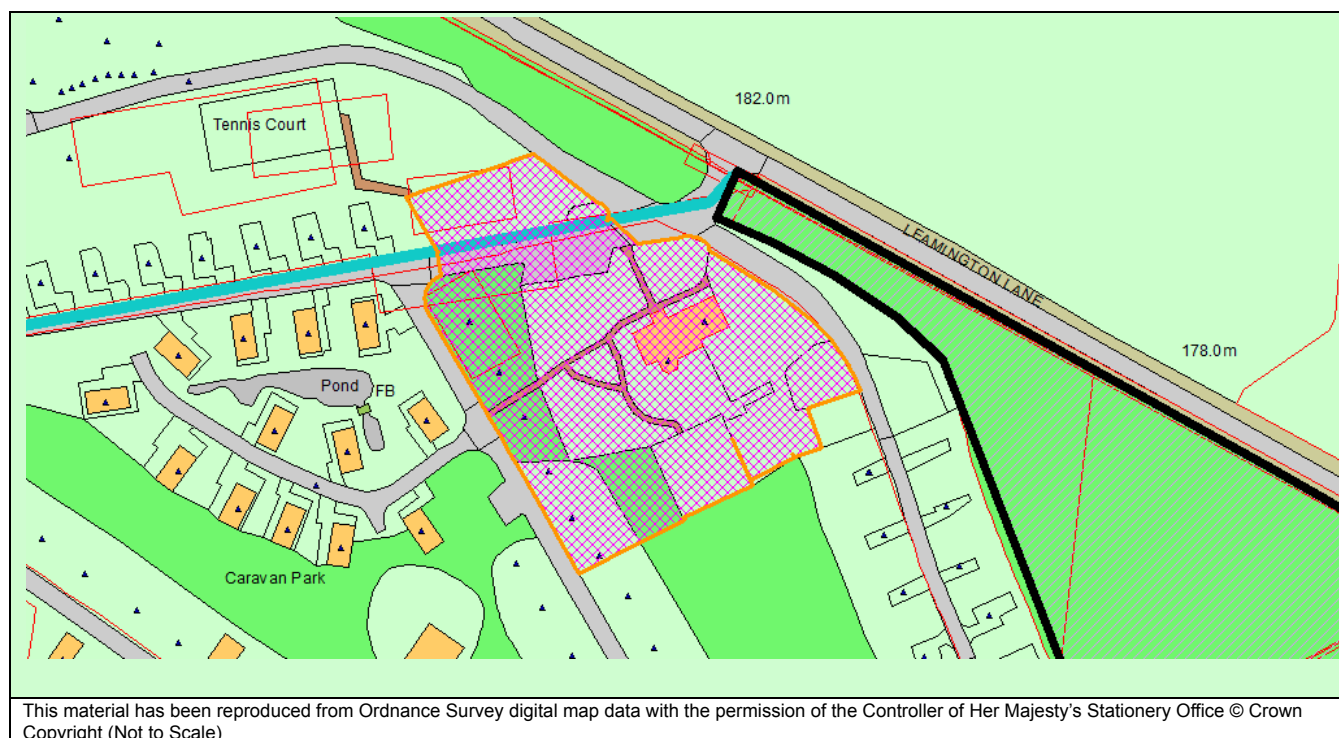
County Council

North Northumberland Local Area Council

19 March 2020

Application No:	19/01688/FUL		
Proposal:	Reconfiguration of existing reception area with a new restaurant and storage facility, splash park, caravan sales area and associated parking		
Site Address	Percy Wood Golf And Country Retreat, Sylvian House, Leamington Lane, Swarland Morpeth Northumberland NE65 9JW		
Applicant:	Harrison Leisure UK Ltd C/o Agent (Mr H Emms), Lichfields, The St Nicholas Building, St Nicholas Street Newcastle Upon Tyne NE1 1RF	Agent:	Mr Harvey Emms The St Nicholas Building, St Nicholas Street, Newcastle Upon Tyne, NE1 1RF
Ward	Shilbottle	Parish	Newton-on-the-Moor And Swarland
Valid Date:	14 June 2019	Expiry Date:	26 September 2019
Case Officer Details:	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission, subject to conditions



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation and following an objection from the Parish Council, the application has been referred to the Senior Planning Manager and the Chair of the North Local Area Council Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Site and the Proposal

2.1 The site to which the application relates comprises the existing Percy Wood Golf and Country Retreat, which includes circa 384 static caravans, an 18-hole golf course, golf driving range and areas of dense woodland. The area surrounding the application site is characterised by a mix of semi-rural woodland and a parkland setting, together with low density residential dwellings comprising the settlement of Swarland.

2.2 The proposal to which the application relates is for the reconfiguration of the current reception, which will be reconfigured to incorporate ancillary café and retail facilities. This will be a facility for those using the Golf Course and staying at the Caravan Park. Adjacent to this is a proposed new restaurant and storage facility with an outdoor seating area, splash park and caravan sales area with 29 car parking spaces, as well as 6 wheelchair accessible spaces, and sheltered bin store.

3. Relevant Planning History

Reference Number: A/2004/0039

Description: Proposed entrance walling and gates (re-submission of A/2003/0632)

Status: PER

Reference Number: A/2005/0500

Description: Installation of new low-level lighting bollards for pedestrian and vehicular safety (as amended by letter and plan dated 2 December 2005)

Status: PER

4. Consultee Responses

Public Protection	No response received.
Newton On The Moor And Swarland PC	While we have no objection in principal to the development of a restaurant, splash park and storage facilities, we do object to the proposed development based on the following points: 1) There will presumably be water run-off and waste water from the splash park, but no arrangements are stated for its disposal. The Flood Risk & Drainage statement acknowledges that soakaways are not possible and there is no adjacent watercourse. 2) We think the new building is hideous, and will look industrial despite the stone cladding. The 1800mm close boarded fence will exacerbate rather

	<p>than improve the ugliness of the development. While we appreciate that this is not within sight of anyone but site staff and users, we consider the design inappropriate to an otherwise attractive and well-wooded holiday park. It is also detrimental to the appearance of the neighbouring traditionally designed and well-proportioned Sylvan House, and does not contribute positively to the 'streetscape' (as suggested in the plan). We do welcome the intention to replant with native trees to compensate for the many to be removed, and would ask that this is a condition of any planning consent.</p>
Highways	<p>No objection, subject to conditions</p> <p>The proposed development has been assessed in conjunction with the National Planning Policy Framework and is considered acceptable, in principle, in highway terms.</p> <p>When assessing this application, the Highway Authority has checked 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 application entails the reconfiguration of the existing reception area, with a new restaurant and storage facility, splash park, caravan sales area and associated parking.</p> <p>In the HDM response of December HDM commented on the desirability of the introduction of a system of street lighting on Leamington Lane.</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, provided that the applicant addresses the concerns outlined in the response</p>
Waste Management - North	No response received.
Northumbrian Water Ltd	No objection, subject to conditions
Countryside/ Rights Of Way	<p>Countryside/Public Rights of Way Officers have no objection to the application on the condition that Public Footpath No.18 is protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.</p>
North Trees And Woodland Officer	No response received.
County Ecologist	<p>I understand that the application is one of three applications relating to different works on the same site. This application is the most straightforward of those in ecological terms.</p> <p>The ecology report Preliminary Ecological Appraisal Percy Wood March 2019, E3 Ecology covers all three of those applications. This has now been updated (Ecological Appraisal Percy Wood dated August 2019) The survey reports (E3 Ecology) Great Crested Newt Survey, Percy Wood, August 2019, Bat Survey, Percy Wood, August 2019 and Breeding Bird Survey, Percy Wood, August 2019.</p> <p>Great crested newts are present on the site with surveys finding them in 3 ponds. No pond with a confirmed great crested newt population was found within 500m of the working areas but a residual risk remains that they will be present. A pond close to the working area may support common toad, biodiversity priority species under the Natural Environment and Rural Communities (NERC) Act (2006). A method statement for site clearance is required to prevent harm to amphibians, and site clearance works should avoid the hibernation period October-March inclusive.</p>

	It would appear that the majority of mixed plantation trees will be retained. Detailed plans of trees to be removed and protection measures for those to be retained will be required by condition.
Public Protection	In principle this Service is in agreement with this proposal subject to the imposition of recommended conditions.
Tourism, Leisure & Culture	No comments
County Archaeologist	I have also assessed the location, nature, importance and density of archaeological remains in the surrounding area, the extent of potential disturbance from previous development on this site and the nature, extent and location of the groundworks associated with the planning application. Based on the available information, the proposed development is unlikely to adversely affect significant archaeological remains in this particular instance. I therefore have no objections to the application and no archaeological work will be required.
Environment Agency	No comments received.
Lead Local Flood Authority (LLFA)	No objection, subject to conditions.
NWL	No objection, subject to condition.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	2
Number of Support	2
Number of General Comments	1

Notices

Site notice - Public Right of Way, 24th July 2019

Northumberland Gazette 27th June 2019

Summary of Responses:

4 Representations were received two of which were in support., 2 in objection and one which raised general matters but neutral in nature. The objections related to:

- Design and Visual Impact of the proposal; and,
- Ecological and Biodiversity Matters.

Comments were also made as to whether two other separate applications (19/04108/OUT & 19/01687/FUL) were included with this proposal as some of the evidence documents submitted with the proposal made reference to these. The applications have been submitted as different applications.

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=PS0KKRQSGAO00>

6. Planning Policy

6.1 Development Plan Policy

Alnwick LDF Core Strategy 2007

S1 Location and scale of new development
S2 The sequential approach to development
S3 Sustainability criteria
S8 Economic regeneration
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
S20 Providing for open space, sport and recreation
S22 Energy efficiency

Alnwick District Wide Local Plan 1997 (Policies Saved through the ACS)

T6 Planning for new visitor attractions
CD32 Controlling development that is detrimental to the environment and residential amenity

6.3 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2014, as updated)

7. Appraisal

7.1 The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development and identifies there are three dimensions to sustainable development: economic; social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

7.2 Planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The adopted development plan in relation to this site is formed by the Alnwick Core Strategy (2007) and the Alnwick District Local Plan (Saved Policies 2007).

7.3 The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application. It is understood that there is no relevant neighbourhood plan covering this parish.

7.4 The Main Matters in the consideration of this application are considered to be:

- Principle of Development;
- Landscape Matters;
- Amenity Impacts;
- Design;
- Water Management;

- Ecology and Biodiversity Matters; and,
- Highways and Transport Matters.

Principle of Development

7.5 Policy S1 of the Alnwick Core Strategy (ACS) identifies Swarland as a Sustainable Village Centre, where development should be well related to the scale and function of the settlement. Further to this Policy S2 provides a sequential test for new development, however whilst the NPPF encourages the use of Previously Developed Land it does not set a strict hierarchy therefore ACS policy S2 should be afforded little weight in the determination of the application. ACS policy S3 outlines the sustainability criteria that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, services, the transport network and modes of transport other than the private car; that there is adequate existing or, planned capacity in the physical and community infrastructure and environmental needs can be mitigated; potential implications of flood risk have been assessed. It is therefore considered that 'in principle' Swarland, is an appropriate location for new development, subject to other on site factors. Swarland fits in this category due to the local services available in the village (Sports pavillion, working mens club (includes Post Office), equestrian centre, golf club, village hall) and the availability of jobs in the local area and in nearby Alnwick as well as some limited bus links from the settlement to elsewhere in Northumberland.

7.6 Further to the policies above, policies S8 and S10 are important in determining the acceptability of the proposal in principle. Policy S8 states that *"Proposals for high quality development and services or infrastructure, which would support economic regeneration through the provision of a range and choice of local job opportunities, improved education, strengthened utility networks or connectivity will be supported."* The proposal is considered to be compliant with this policy as this will help to improve the provision of a range and choice of local job opportunities. In terms of Policy S10, this 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. Large scale tourism proposals must be assessed against the whole range of sustainable development objectives in particular the need to avoid adverse impact on the natural and historic environment and the well being of communities"* The proposal involves an element of new build tourism and therefore this policy is relevant to this proposal, the proposal is considered to be compliant with this policy due to its close proximity to Swarland, as well as being within the existing Percy Woods Site.

7.7 In relation to Chapter 7 of the NPPF 'Ensuring the vitality of Town Centres' it is not considered that the proposal triggers the criteria for assessment under the sequential or impact tests identified in this chapter, or those in the emerging Northumberland Local Plan.

7.8 The 'Uses' section of the National Design Guide is also relevant to this proposal. This specifies that well-designed places *"a mix of uses including local services and facilities to support daily life; an integrated mix of housing tenures and types to suit people at all stages of life; and well-integrated housing and other facilities that are designed to be tenure neutral and socially inclusive."* This proposal

will provide a mix of uses and local services enabling the support of daily life, by introducing more services and facilities into Swarland, which would be of use to those within the caravan park and the village itself.

7.9 It is therefore considered that 'in principle', Swarland, and in particular this site, is an appropriate location for the proposed development.

7.10 It is therefore considered that the principle of development for the proposed site is acceptable, in terms of the provisions of the development plan, the relevant sections of the NPPF, and the emerging Northumberland Local Plan.

Landscape Matters (incorporating local character)

7.11 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. Given the proposal is located within the settlement of Swarland, it is considered that the impact of the proposal will be limited and will be viewed in the context of the existing Caravan/Holiday Park. For this reason it is not deemed appropriate in this instance to explicitly refer to the Northumberland Landscape Character Assessment 2011 or the Alnwick District Landscape Character SPD 2011.

7.12 Policy S16 of the ACS sets out the design criteria against which new development shall be assessed including the expectation that all development will reflect local character and distinctiveness in traditional or contemporary design and materials, design has some impact on the impact of a proposal on landscape character and is relevant to this section as well as others in this report. Chapter 12 of the NPPF is the relevant section with regards to design and its potential to impact on landscape character. This attaches great importance to the design and states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

7.13 The National Design Guide (September 2019) also provides guidance on how to assess the impact a proposal may have on how a proposal may impact the character and appearance of the locality in which it is to be sited. This is mainly covered in the *Context*, *Identity* and *Built Form* Sections of the Design Guide.

7.14 The *Context* Section states that good design is *“based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage”*

7.15 The *Identity* Section states that good design *“has a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion; have a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users.”*

7.16 The *Built Form* Section states that well designed places have *“compact forms of development that are walkable, contributing positively to well-being and placemaking; accessible local public transport, services and facilities, to ensure*

sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.”.

7.17 It is considered that the proposal will not have a negative impact on the landscape or character, this is in part due to its location within the existing Holiday/Caravan Park, and its ability to fit with the modern structures within the Holiday/Caravan Park. This appears to have been considered throughout the design process for the proposal.

7.18 As such the proposals are considered to be in accordance with Policy S16 of the ACS and Chapter 12 of the NPPF.

7.19 The proposal is generally considered to be compliant with the Landscape policies in the emerging Northumberland Local Plan (Policy ENV3)

Amenity

7.20 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.

7.21 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.22 NPPF Chapter 12 requires that planning should always seek to secure high quality design and a seek to secure better places in which to live and work. Paragraph 180 requires that planning decisions should aim to avoid impacts on health and quality of life. Paragraph 91 of the NPPF stresses the importance of aiming to achieve healthy, inclusive and safe places.

7.23 The National Design Guide also provides guidance as to how the interaction of the proposal with its surroundings (*Built Form* and *Homes & Building*) are relevant to amenity matters.

7.24 The *Built Form* Section states that well designed places have “*compact forms of development that are walkable, contributing positively to well-being and placemaking; accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.*”

7.25 The *Homes & Building* section states that well designed places “*provide good quality internal and external environments for their users, promoting health and well-being; relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and resolve the details of operation*

and servicing so that they are unobtrusive and well-integrated into their neighbourhoods.”

7.26 Given the substantial distance from the nearest residential properties there are not considered to be significant issues arising from the proposed use or massing on amenity, nor are there considered to be any amenity issues with regards to the nearest caravans to the proposal.

7.27 Policy QOP2 from the emerging Northumberland Local Plan is also relevant to this application, and it is considered that the proposal can be considered to be in general conformity with these.

7.28 On this basis the impact on amenity is considered acceptable and in accordance with CD32 of the ADWLP, the relevant sections of the NPPF and the relevant policies from the emerging Northumberland Plan.

Design

7.29 Design is a key matter in the consideration in the determination of the application, however it is deemed appropriate to consider other matters individually before considering the design of the proposal as a whole, due to the number of factors influencing the design it is appropriate to consider this later in the report.

7.30 The appearance of the development would be of a modern design. Glazing is to be used on large segments of the development. The proposed restaurant/cafe-shop and storage will be constructed in a lightweight steel frame. The detailing and materiality of these new facilities will reflect the materials of the existing reception building and the rural nature of the caravan site.

7.30 The new children's splash park will be situated on the site of the existing childrens play area, and will measure approximately 17m x 14m.

7.31 Landscaping of the site includes; ornamental seasonal planting, proposed new trees and supplementary trees, hedging to aid in the definition of accessible ramp ways and to soften the impact of retaining walls, embankments to reduce the impact of proposed changes in level, and the use of landforms and boulders around the splash park to provide containment and further interest.

7.31 S16 of ACS is the main local development plan policy in relation to design matters, this 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.

7.32 Paragraph 127 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in developments. Paragraph 130 also adds to this by stating the circumstances whereby permission should be refused on design grounds.

7.33 The National Design Guide (September 2019) is also relevant to this element of the report. All of the ten characteristics are relevant to this proposal with some being more relevant to this proposal than others. As design is a ‘cross-cutting’

matter across many aspects of development proposals they are sometimes best covered elsewhere in the document.

7.34 *Context* is one of the Ten Characteristics, this is mainly addressed in the landscape section above and to reiterate this, it is considered that despite the objections from some nearby occupiers and the Parish Council, the proposal would fit in with the context of the surrounding Caravan/Holiday Park. This is discussed further in the landscape matters section, where character is addressed in more detail.

7.35 *Identity* is also one of the Ten Characteristics and well designed places are considered to “*have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion; have a character that suits the context, its history, how we live today and how we are likely to live in the future; and are visually attractive, to delight their occupants and other users.*” The identity of the proposal will be clear by its functional design and the difference in architectural styles between this and other buildings nearby - its use will be clear by its form making it a legible building as to its use, even without signage.

7.36 The *Built Form* is the fourth of the Ten Characteristics and states that well designed places are “*compact forms of development that are walkable, contributing positively to well-being and placemaking; accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.*” Although limited walking opportunities to the site via Leamington Lane are available, there will be pedestrian access from the Caravan/Holiday Park, with existing paths out of other areas of the park into the Settlement of Swarland (both Public Rights of Way and paths provided by the Holiday/Caravan Park Owners).

7.37 The *Movement* element is mainly covered in the Highways and Transport matters section later.

7.38 The *Nature* element is largely covered in the Ecology & Biodiversity and the Water Matters Section, however the Nature *Characteristic* also states that well designed places provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote health, well-being and social inclusion. The proposal will be located in close proximity to the entry to the Percy Wood Site, meaning the site is close to the vehicular access minimising disruption to park residents, whilst also reducing potential driving distances for trips from the village. Further to this, the splash park will add to the recreational offer at Percy Wood.

7.39 The site is in the Private Realm so the *Public Spaces* characteristic is not relevant to this proposal and the *Uses* Characteristic is covered in the ‘*in principle*’ section of the report.

7.40 The Homes & Buildings Characteristic is also relevant to this proposal this states that well designed places “*provide good quality internal and external*

environments for their users, promoting health and well-being; relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods". It is considered that this proposal will provide a good quality internal and external environment for the uses providing a meeting place for those in the caravan/holiday park.

7.41 In terms of the resource characteristic this is in some part covered in the Water Matters section and other areas. However this does state that well designed places *"have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water; are fit for purpose and adaptable over time, reducing the need for redevelopment and unnecessary waste; and use materials and adopt technologies to minimise their environmental impact."*

7.42 The Life Span characteristic states that well designed places *"designed and planned for long-term stewardship by landowners, communities and local authorities from the earliest stages; robust, easy to use and look after, and enable their users to establish a sense of ownership and belonging, ensuring places and buildings age gracefully; adaptable to their users' changing needs and evolving technologies; and well-managed and maintained by their users, owners, landlords and public agencies"*

7.43 The proposal does not specify the materials to be used, however it is envisaged these will be of brick or stone construction, and appear similar to other dwellings within the settlement and could be sourced locally. The lifespan of the development is unclear, however the application is for a permanent building, so it is assumed that the proposal is intended to remain in perpetuity.

7.44 The appropriate policy in the emerging NLP in relation to this matter are Policies QOP1, QOP2, QOP3, QOP4, QOP5, QOP6, which relate to design matters, however weight at this stage can only be apportioned in line with paragraph 48 of the NPPF.

7.45 The development would be of contemporary appearance through its large areas of glazing, high roof canopies and minimal detailing. A condition has been added to secure material details to the buildings and any boundary treatments as part of the recommendation.

7.46 The scale, massing and design of the proposed building are considered to be appropriate and would not have a detrimental impact upon the surrounding area. The proposal will be viewed in the context of the existing buildings on the Caravan/Holiday Park and as such there are considered to be no adverse visual impacts associated with the proposal. Although concerns have been raised from nearby occupiers outwith the Holiday/Caravan Park and from the Parish Council about the design of the proposal it is considered that the modern structure will complement the range of buildings on the park which is mainly composed of modern designed holiday lodges/caravans fitting in the context of a modern Caravan/Holiday Park.

7.47 Some comments have been received regarding the design of the proposal, that it is a 'standard design' however, it is not considered that the proposal would detrimentally impact the surrounding townscape in this location, and this is therefore

not considered that this would form a reason for refusal of the application in this instance.

Design Summary and Conclusion

7.48 To summarise, the proposal has been assessed against existing development plan policy (Principally Policy S16 of the ACS), NPPF section on design (Chapter 12) and also appraised against the National Design Guide.

7.49 It is considered that the proposal would reflect local character and be distinctive within the Caravan Park in which it is located. The proposal is considered to protect and enhance the local environment having regard to layout, scale appearance, access and landscaping. The proposal is therefore considered to comply with Policy S16 of the ACS and RE16 of the ADWLP. .

7.50 Comments have been received from nearby occupiers in relation to the design of the proposal, the issues raised have been appraised in this section where appropriate.

7.51 Policies QOP1, QOP3, QOP4 from the emerging Northumberland Local Plan are also relevant to this application, and it is considered that the proposal can be considered to be in general conformity with these.

7.52 On this basis the visual impact is considered acceptable and in accordance with S16 of the ACS, the relevant sections of the NPPF and the relevant policies from the emerging Northumberland Plan.

Water Management (inc Drainage Matters)

7.53 The application is for major development and has been subject to consultation with the Lead Local Flood Authority (LLFA). Northumbrian Water (NWL) has also been consulted as mains foul drainage is proposed. There will be on-site impacts through the introduction of built form and off-site impacts in terms of water displacement. The proposal includes a flood risk assessment, drainage layout and supplementary drainage information has been submitted.

7.54 Policy ENV9 of the ADNP sets out that major development proposals should incorporate sustainable drainage systems (SuDS), unless it is demonstrated that SuDS are not appropriate. Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.

7.55 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.

7.56 In terms of the National Design Guide the resources section is relevant to this proposal, with the resilience section integral to this. This states *“Well-designed places are robust and take account of local environmental conditions, both prevailing and forecast. They contribute to community resilience and climate adaptation by addressing the potential effects of temperature extremes in summer and winter, increased flood risk, and more intense weather events such as rainstorms”* further to this the following is stated *“Well-designed places have sustainable drainage systems*

to manage surface water, flood risk and significant changes in rainfall. Urban environments make use of 'green' sustainable drainage systems and natural flood resilience wherever possible"

7.57 Chapter 11 of the emerging Northumberland Plan is relevant to the application, which includes policies WAT1, WAT2, WAT3 and WAT4 relevant to this application.

7.58 NWL have considered the application and raised no objection subject to a condition to secure details of foul flows as a connection to mains drainage has been proposed which has been set out in the recommendation.

7.59 The LLFA have also been consulted on the application and following an initial objection to the scheme, they no longer have an objection to the scheme, subject to conditions which have been recommended.

7.60 From this, water management can be successfully undertaken on site in accordance with the NPPF, National Design Guide and other relevant material considerations.

7.61 Following the above, the proposal is therefore considered acceptable in terms of the adopted development plan, the relevant sections of the NPPF, the relevant policies of the emerging Northumberland Local Plan, and other material considerations from a flood risk perspective.

Ecology Matters

7.62 Policy S3 of the ACS sets out sustainability criteria one of which is that there would be no significant adverse effects the natural resources, environment, biodiversity and geodiversity of the district. Further to this, 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. These form the relevant development plan policies in relation to ecology in this area of the Former Alnwick District.

7.63 NPPF, Chapter 15, Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment by, minimising impacts on biodiversity and providing net gains in biodiversity. Further to this Paragraph 175 requires Local Planning Authorities to apply the following principles when determining planning applications:

"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; development resulting in the loss or deterioration of irreplaceable habitats

(such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

7.64 The National Design Guide also provides guidance as to how the interaction of the proposal with the ecological environment (Nature Section) should be assessed. This states that well designed schemes should *“prioritise nature so that diverse ecosystems can flourish to ensure a healthy natural environment that supports and enhances biodiversity.”*

7.65 In terms of the emerging Local Plan policy ENV2 is the most relevant in terms of biodiversity and geodiversity matters.

7.66 The application has been submitted with an Ecology Survey which has been subject to assessment in consultation with the County Ecologist and Natural England. The following commentary has been given by the County Ecologist.

7.67 Great crested newts are present on the site with surveys finding them in three ponds. No pond with a confirmed great crested newt population was found within 500m of the working areas but a residual risk remains that they will be present. A pond close to the working area may support common toad, biodiversity priority species under the Natural Environment and Rural Communities (NERC) Act (2006). A method statement for site clearance is required to prevent harm to amphibians, and site clearance works should avoid the hibernation period October-March inclusive.

7.68 It would appear that the majority of mixed plantation trees will be retained. Detailed plans of trees to be removed and protection measures have been requested by the County Ecologist, these have been appended to this report.

7.69 Further to the above, the County Ecologist has raised no objection on issues relating to on-site impacts, subject to conditions. Therefore the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance with S12 of the ACS and the NPPF and is therefore considered to be acceptable in terms of the impact the proposal has on site ecology and biodiversity matters.

7.70 In this instance, due to the nature of the proposal, there are no off-site ecological impacts which need to be mitigated for. Further to the above, the proposal is deemed to be in compliance with the relevant local and national policy from an ecology perspective.

7.71 The proposal is therefore deemed to be in accordance with ACS policies S3 and S12, Chapter 15 of the NPPF as well as satisfying the requirement of the Habitats Regulations.

Highways and Transport Matters

7.72 Policy S11 of the ACS is the key policy in relation to accessibility and maximising accessibility and minimising the impact from travel, and therefore the key local policy in determining whether the proposal is acceptable from a highways standpoint, alongside relevant national policy. Due to the scale of the proposal it is not deemed appropriate to require a transport statement/assessment. In terms of accessibility, the site has access to bus stops (approximately 400m from the site), which provides the nearby town centre of Alnwick approximately 10 miles away. The nearest primary school to the site is approximately 1.1km from the site, with Swarland Post office situated approximately 400m from the site, offering local amenities.

7.73 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.

7.74 The National Design Guide (September 2019) also provides guidance on how to assess the impact a proposal may have on how a proposal may access places. This is mainly covered in the *Built Form* and *Movement* Sections of the Design Guide.

7.75 The *Built Form* Section states that well designed places *have compact forms of development that are walkable, contributing positively to well-being and placemaking; accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.*

7.76 The *Movement* Section states that well designed places *“is safe and accessible for all; functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes; limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality; promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion; and incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity”*

7.77 When assessing this application, the Highway Authority has checked 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. 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, provided that the applicant addresses the concerns outlined in the response.

7.78 Comments from Highways have been raised with regards to the requirement for street lighting along the existing footpath on Leamington Lane to enable safer access for residents of Swarland to the proposal. However it is deemed in the circumstances this would not be in the interests of ecological protection of protected species, namely bats, due to the impact of potentially severing access routes; or

given the low level of likely patronage by foot from the village given the relatively low levels of pedestrian paths in Swarland. It is therefore not deemed appropriate to ask the developer for this in these circumstances.

7.79 Policies TRA1, TRA2, TRA4, and QOP6 from the emerging Northumberland Local Plan are also relevant to this application.

7.80 The impact on transport is therefore considered acceptable in accordance with S11 of the ACS, the relevant sections of the NPPF, and the relevant policies of the emerging Northumberland Local Plan, and other relevant material considerations, as the proposal is not considered to have a severe impact on the Highway Network.

Contaminated Land Matters (and land instability matters)

7.81 In terms of policies in relation to Contaminated Land the following are considered to be relevant policy.

7.82 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.

7.83 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.

7.84 Paragraph 178 of the NPPF states *“Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

7.85 Policies POL1 and POL2 from the emerging NLP are relevant to this element of the report.

7.86 The Council's Public Protection (PP) team have been consulted on this application and have stated the following “In principle this Service is in agreement with this proposal subject to the imposition of recommended conditions” However they have the following to add *“PP have concerns with regard to the kitchen exhaust*

ventilation (KEV) serving the new restaurant as the applicant has not provided information with regard to odours assessment or odour mitigation measures. KEV odours has the potential to impact on the local amenities. However PP are of the opinion that the impact of odours on resident dwellings will potentially be low therefore will recommend the appropriate planning condition to the LPA.” the planning condition referred to is appended to this report. On this occasion PHPU will not be requesting a noise assessment with regard to impact of noise from the KEV serving the restaurant as there is no sensitive noise receptors within close proximity of the proposed development.

7.87 In terms of matters in relation to the coal mining legacy of the region and its potential to impact on development. Public Protection (PP) note that the development site lies within The Coal Authority Standing Advice Area; we are therefore of the opinion that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. PP in particular have concerns with regard to mine gases and there unknown migration pathways, which may potentially be prejudicial to the health of the future occupants of the proposed commercial buildings. For this development it is deemed appropriate to dispose of the need for gas monitoring and condition that mine gas protection be installed to the proposed commercial buildings so as to afford protection to the end user.

7.88 It is noted that the applicant has not submitted any supporting information with regards to potential contaminated land . There are concerns with regard to potential contaminated land as a result of the past historical use (Commercial)), however, as this development site relates to commercial use rather than industrial use, PP are of the opinion that the potential impact of contamination risk is low to the end user (Commercial), therefore PP have recommended appropriate planning conditions be appended to the report, To ensure that risks from land contamination to the future users of the land and commercial building are minimised and to ensure that the development can be carried out safely.

7.89 Therefore further to the above, and subject to the planning conditions suggested, the proposal is considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, and other material considerations where these can be apportioned weight.

Equality Duty

7.90 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

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

Human Rights Act Implications

7.92 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.

7.93 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.

7.94 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 location of development is considered a suitable location for this development which is to enhance the tourism offer at the proposal site. It is acknowledged that there will be an environmental impact resulting from the introduction of development to the area, although the social and economic benefits, as well as other environmental benefits are considered to outweigh this.

8.2 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy in the Development Plan. The application has also been considered against the relevant material considerations, including 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.

8.3 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions

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

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

02. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plan:

Drawing Title - Site Location Plan - Reception/Entrance Site - Dwg No. 807-P2 Date: 07.03.19

Drawing Title -Proposed Site Layout (Roof Plan) Club Reception/Entrance Dwg No. 101-P2 Date: 21/12/18

Drawing Title -Reception Building Existing and Proposed Floor Plans and Elevations Dwg No. 204-P1 Date: 01.03.2019

Drawing Title -Plans and Elevations Proposed Restaurant and Storage Site Dwg No. 205-P2 Date 06/03/2019

Drawing Title -Proposed Site Section/Elevations Reception/Entrance Site Dwg No. 301-P2

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. Prior to commencement of development a scheme to dispose of foul and surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in accordance with the Surface Water Drainage Strategy by Coast Engineering dated 15 March 2019 and referenced 1674-30 Rev A. The Scheme must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

04. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the developments lifetime.

05. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

06. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. Thereafter the development shall take place in accordance with the approved details.

This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file;
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards.

07. No development shall commence until a Great Crested Newt/Amphibian Method Statement for site clearance has been submitted to the LPA for approval in writing. Site clearance works should avoid the hibernation period October-March inclusive. Thereafter the development shall take place in accordance with the approved details.

Reason: to maintain the favourable conservation status of protected species.

08. No development shall commence until details of tree removals and protection measures for retained trees (Tree Protection Plan in accordance with BS5837:2012) have been submitted to the LPA for approval in writing. Thereafter the development shall take place in accordance with the approved details.

Reason: to maintain and enhance the biodiversity of the site in accordance with the NPPF.

09. No development will take place unless in accordance with the Ecological Appraisal Percy Wood (E3 Ecology, August 2019) including;
Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.
A checking survey will be undertaken within 3 months prior to works commencing to ensure no badger setts have been created within 30m of proposed working areas;
Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°;
Works will follow a precautionary method statement to avoid the spread of rhododendron;
The landscape planting will be designed to enhance structural diversity, and will include plants bearing flowers, nectar and fruits which are attractive to invertebrates thereby helping to maintain the food resource for bats and wildlife generally;

Hedgerow management and habitat creation will be designed to generate a diversity of ecotones, sheltered areas, fish-free wetlands and linear connections with tall hedgerows comprising regular field trees between roost sites and areas of good foraging habitat.

Tree management will be carried out to promote deadwood habitats, retain standing over-mature trees, and promote biodiversity; and, interlinking hedgerows will be enhanced through gapping up and tree establishment particularly double hedgerows such as those associated with green lanes and minor roads

Reason: to maintain and enhance the biodiversity of the site in accordance with the NPPF.

10. If during development, contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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 any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user.

11. 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 minimum 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

12. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 11, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to the health of the future occupiers.

13. The development shall not commence until a scheme for treating fumes and odours to a very high level of odour control so as to render them innocuous before their emission to the atmosphere has been submitted to and approved in writing by the local planning authority. The means of treating the fumes and odours shall be installed and operational before the development is brought into use or occupied and maintained as such thereafter.

Reason: To ensure that any concentration of air pollutants in the vicinity is minimised and to protect the amenity of the locality.

14. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

15. The development shall not be occupied until the car parking area indicated on the approved plans, 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.

16. Details of cycle parking are to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development commences. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason : To encourage sustainable modes of transport in accordance with the National Planning Policy Framework.

17. Prior to the commencement of development details of site levels and finished floor levels should be submitted and approved by the Local Planning Authority.

Reason: To protect neighbour amenity and the design impact of the proposal.

Informatives

1. 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.

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

Background Papers: Planning application file(s) 19/01688/FUL

