

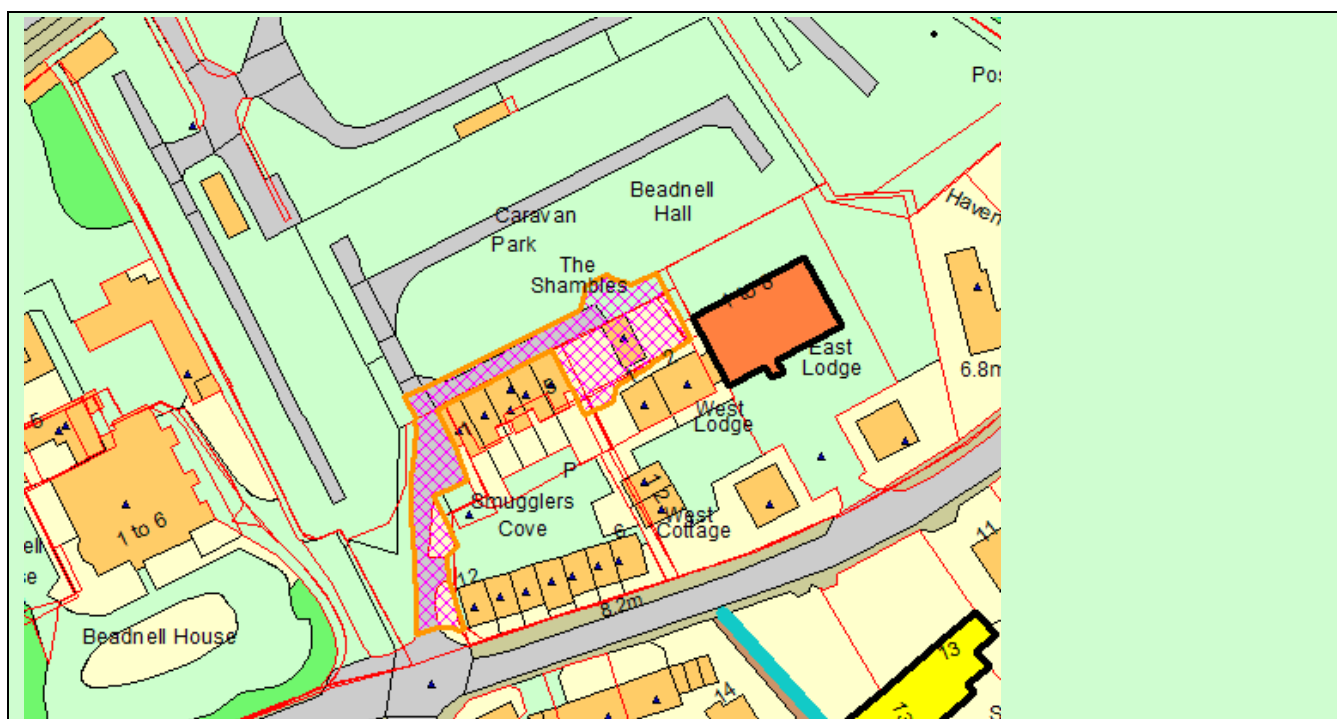


# Northumberland County Council

## North Northumberland Local Area Council 19th March 2020

<b>Application No:</b>	19/01722/FUL		
<b>Proposal:</b>	Erection of two dwelling houses for use in connection with caravan park (amended site location plan 24/10/19)		
<b>Site Address</b>	The Shambles, Beadnell Hall, The Haven, Beadnell Chathill Northumberland NE67 5AT		
<b>Applicant/ Agent</b>	Mr Paul Hales 16 Thornton Gate, East Ord, Berwick-Upon-Tweed, Northumberland TD15 2NU		
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date</b>	28 May 2019	<b>Expiry Date</b>	30 September 2019
<b>Case Officer Details</b>	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, subject to conditions and a S106 Agreement for £1200 (2 dwellings x £600) and to secure the properties as principle occupancy dwellings associated with the running of the holiday/caravan park.



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## 1. Introduction

1.1 This application is deemed appropriate for consideration at North Northumberland Local Area Council

## 2. Description of the Site and the Proposal

2.1 The site to which the application relates is located within the built up area of Beadnell, within the existing site of Beadnell Hall Caravan Park. This site is adjacent to a mixture of residential and holiday accommodation at the edge of the Caravan Park.

2.2 The proposal to which the application relates is the construction of two dwelling houses which are to be used as accommodation for use in connection with the care and day to day running of the caravan park. As part of the proposal the existing derelict building which occupies the site where the two properties are proposed is to be demolished.

## **3. Planning History**

**Reference Number:** N/90/B/0490/P

**Description:** Erection of conservatory.

**Status:** REF

## **4. Planning Policy**

### 4.1 Development Plan Policy

*North Northumberland Coast Neighbourhood Plan 2017 - 2032 - Made Version (10 July 2018)*

Policy 1 - Sustainable Development,  
Policy 2 - Landscapes and Seascapes,  
Policy 3 - Habitats and Species,  
Policy 5 - Design in New Development,  
Policy 8 - Sustainable Development within the Settlements,  
Policy 12 - Historic Core of Beadnell,  
Policy 14 - Principle Residence Housing.

*Berwick upon Tweed Local Plan 1999 (Saved Policies 2007)*

F9 Wildlife

F30 Planning Obligations

S2 Five Year Housing Land Supply

M14 Car Parking Standards

F1 Environmental Wealth

F2 Coastal Zone

## 4.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2014, as updated)

## 4.3 Other Documents/Strategies

National Design Guide 2019

Northumberland Landscape Character Assessment 2010

## 4.4 Emerging Planning Policy

Emerging Northumberland Local Plan Regulation 19 Consultation including Minor Modifications as submitted for examination (May 2019).

STP1, STP2, STP3, STP4, STP5, STP6, HOU2, HOU3, HOU5, HOU9, HOU10, QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ICT2, ENV1, ENV2, ENV3, ENV4, ENV5, ENV7, ENV8, WAT1, WAT2, WAT3, WAT4, WAT5, POL1, POL2

## **5. Consultee Responses**

County Ecologist	No objection with conditions and contribution to the Coastal Mitigation Service.
Northumberland Coast AONB	<p>The Partnership continues to have concerns in relation to the lack of adequate amenity space for the new houses and the impact on the amenities of the neighbouring properties in terms of privacy and from the impact of light industrial function of the integrated workshops.</p> <p>The Partnership wish to highlight the policy 14 of the North Northumberland Neighbourhood Plan - POLICY 14: PRINCIPAL RESIDENCE HOUSING. Proposals for all new housing, excluding replacement dwellings, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. Principal Residence housing is that which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not working away from home. These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations created and enforceable under section 106 of the Town &amp; Country Planning Act 1990, or any subsequent successor legislation.</p> <p>The Design and Access Statement sets out two dwelling houses which are to be used as accommodation for use in connection with the care and day to day running of the caravan park, and each unit on the amended plans is annotated Principal residence. It is suggested that this commitment to use the dwellings as principal residences is secured through a Section 106 agreement.</p>
Building Conservation	<p><b>Impact</b></p> <p>The applicant has supplied an Archaeology Report and amended plans uploaded on 24 October 2019 and Amended Archaeology Report uploaded on 5 December 2019. This further comment relates to this further information.</p> <p>The Archaeology Reports at paragraph 5 state the Shambles is not mentioned in the list description. Nevertheless from the description of its use and relationship with Beadnell Hall discussed in the above reports we consider the building is protected by virtue of falling within the curtilage of the principal building. From the photos supplied and having visited the site</p>

	<p>we accept the Shambles is in poor condition internally and externally. We understand disrepair and damage and their impact on viability can be a material consideration in deciding an application and have factored this into our assessment of impact. We note the comments of the County Archaeologist and the Amended Archaeology Report which states the Shambles is considered to be of no archaeological or architectural interest. However, we do not accept it has no historic significance. This would be lost if the proposal went ahead and would be harm within the terms of the NPPF.</p> <p>If notwithstanding our concerns the Shambles were to be replaced with the dwellings proposed we accept the degree of change represented by the new dwellings to the setting of Beadnell Hall would be marginal. This aspect would give rise to no harm within the terms of the NPPF.</p> <p><b>Position</b></p> <p>By virtue of the potential loss of the the Shambles we consider the proposal would give rise to less than substantial harm within the terms of paragraph 196 of the NPPF.</p>
Building Conservation (Further comment following the designation of Beadnell Conservation Area - February 2020)	<p><b>Comment</b></p> <p>In our comment dated 21 January 2020 we identified the loss of historical significance flowing from the loss of The Shambles as harm within the terms of paragraph 196 of the NPPF. Given the loss of The Shambles would reduce the historic interest to the Beadnell Conservation Area it is logical this should also be considered harm within the terms of paragraph 196 of the NPPF.</p> <p>If notwithstanding our concerns the Shambles were to be replaced with the dwellings proposed we accept the impact on the wider appearance of the Beadnell Conservation Area would not be significant and give rise to no harm within the terms of the NPPF.</p> <p><b>Position</b></p> <p>By virtue of the potential loss of the the Shambles we consider the proposal would give rise to less than substantial harm to the Beadnell Conservation Area within the terms of paragraph 196 of the NPPF.</p>
County Archaeologist	<p><b>Impact assessment</b></p> <p>The building is not considered to retain any significant archaeological features. The site is located in an area known to retain evidence of archaeological features, including prehistoric remains. However, the footprint of the proposed development is relatively small and any below ground archaeological features that may have been present are likely to have been truncated or removed by the construction of the existing building, and by recent ground reduction work noted by the desk-based assessment. The risk of significant archaeological features being present within the site is considered to be low. It follows that the risk of significant archaeological features being impacted by the proposed development is low.</p> <p><b>Advice</b></p> <p>Based on the available information, the proposed development is unlikely to adversely affect significant archaeological remains. There are therefore no objections to the proposed development on archaeological grounds and no archaeological work will be required.</p>
Public Protection	<p>In principle the Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated.</p> <p>Conditions and informatives are also requested to be appended to any grant of permission.</p>
Natural England	No objection, subject to appropriate mitigation.

Lead Local Flood Authority (LLFA)	<p>This planning application is classed as a minor development and as such we are not a statutory consultee. Therefore we have not reviewed this application and make no comment.</p> <p>Coastal Protection Authority (CPA) Comments - The application is not within 100m of a coastal erosion line therefore as CPA we make no comment</p>
Highways	<p>Following the previous consultation (2nd July 2019) with Highways Development Management, the applicant has submitted additional information/amended plans to address requests.</p> <p>The information has been reviewed and is considered to be acceptable. The imposition of conditions and informatives will address any concerns with the development.</p>
Waste Management - North	No response received.
Beadnell Parish Council	<p>Beadnell Parish Council have considered the above Planning Application and agreed to object to this application on the following grounds:</p> <p>North Northumberland Coast NHP Policy No 14- The new dwellings do not replace existing dwellings and should be occupied only as principal residences. This should be secured through an S106 Agreement.</p> <p>North Northumberland Coast NHP Policy No 8 c) – The applicant must demonstrate there is sufficient car parking space provided within the curtilage of the proposed development to ensure no additional on-street parking.</p> <p>The Draft Local Plan Appendix D requirement for parking spaces has not been met. Both “garages” are marked “Workshop/Tractor Store” on the plans and cannot be taken into account and a further space appears not to be within the curtilage.</p> <p>One parking space with the curtilage for two 3-bedroom dwellings is not sufficient.</p> <p>There are concerns that the dwellings will block the light, and have an impact on the privacy of neighbouring properties.</p> <p>There are concerns that new dwellings may create a potential nuisance/noise which will impact on neighbouring properties.</p>

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	36
Number of Objections	4
Number of Support	0
Number of General Comments	0

### Notices

Site Notice - Affecting Listed Building, 24th July 2019  
Northumberland Gazette 1st August 2019

Site Notice - Affecting Listed Building and Conservation Area 25th February 2020  
Northumberland Gazette 27th February 2020

## Summary of Responses:

4 representations have been submitted in relation to this application. These raised the following objections/concerns:

- Potential for Overlooking Issues;
- Noise and Disturbance from the proposal;
- Loss of light due to the proposal; and,
- Adverse impact on nearby heritage assets.

## **7. Appraisal**

7.1 All applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

7.2 In relation to this site the Development Plan is formed by the Berwick upon Tweed District Local Plan 1999 (Saved Policies 2007) and North Northumberland Coast Neighbourhood Plan (2018). The NPPF and other matters are also material considerations in the determination of planning applications.

The main issues with this application are as follows:

- Principle of Development (& Principal Occupancy matters);
- Impact on Amenity;
- Impact on Character and Appearance;
- Impact on Heritage Assets;
- Parking and Highway Safety; and,
- Ecology & Biodiversity matters.

7.3 The relevant policies in the Berwick-upon-Tweed Borough Local Plan (1997) are considered to accord with the NPPF. Policy F1 stipulates that primary importance will be given to sustaining and enhancing the Borough's environmental wealth, including its landscape and coast, its native biodiversity and its human heritage. Policy F2 stipulates that development within the area of Coastal Zone must be located within or immediately adjacent to an existing development, it must accord within its surroundings and must not have a detrimental impact on long range views important to the character and quality of the landscape. It is considered the proposal complies with these policies, subject to further matters discussed in this report.

7.4 Policy F1 Stipulates that *“Having regard to the provisions for development made in the Plan, and of Policy F31, primary importance will be given to sustaining and enhancing the Borough's environmental wealth, including its landscape and coast, its native biodiversity and its human heritage.”*

7.5 BLP Policy F2 stipulates that *“Within the Coastal Zone identified on the Proposals Map, primary importance will be attached to the conservation and enhancement of the landscape and coast. Development will be permitted provided that: i) it is located in the villages of Seahouses, North Sunderland or Beadnell, or in exceptional cases relating to their particular features and/or needs, the villages of Bamburgh or Holy Island, or other small settlements and, relating to the functions of the site, at Berwick Holiday Centre; ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft*

*landscaping including species appropriate to the north Northumberland coastal environment, means of enclosure and access; iii) it would not adversely affect the integrity of the internationally important nature conservation interests of the coast; iv) it is not located in an area at risk from flooding, erosion by the sea or landslips, which may require expensive engineering works either to protect land from erosion by the sea, or defend land from inundation by the sea; v) exceptions to criterion (i) will only be permitted where development relates to and accords with policies C12, C20 or C21, and provided that the developer can satisfy the Borough Council of the need for such a development to be located outwith an existing settlement; vi) it relates to and accords with Policies S4, W2, W4 or C5, associated with agricultural developments or Policy R7; and vii) it accords with Policies elsewhere in the Plan.”*

7.6 The Neighbourhood Plan is a material consideration in the determination of this application. Due to its progress through the plan process it is given full weight. The Neighbourhood Plan supports small scale development (such as this) which will provide new principal residence dwellings (Policy 1). The proposal will need to be secured as such by a legal agreement.

7.7 Due to the recent examination of the Neighbourhood Plan, it is assumed that the neighbourhood plan is in conformity with the previous version of the NPPF, with the new NPPF being published during the consideration of this application, this has also been a factor in the determination of the application with the proposal and the neighbourhood plan is also assumed to be in conformity with the new version of the NPPF.

7.8 A key thread of the NNCNP is the requirement for principal occupancy dwellings, this is based on the current level of holiday homes and second homes in the plan area, and is stipulated throughout the plan starting in Policy 1, reiterated in Policies 9, 14, 15.

7.9 The applicant has stated that the proposal is for principal occupancy residential dwellings. It is acknowledged that an objection received refers to the dwellings becoming holiday homes/second homes, and that there is a lack of housing demand in the locality. However, the application explicitly references that the proposal is for principal occupancy dwellings. These will be secured via a S106 of the Town and Country Planning Act, in accordance with the policies in the North Northumberland Coast Neighbourhood Plan. This will ensure that the proposed single dwellings will remain as principal occupancy dwellings in perpetuity, and ensure that the proposed dwellings do not become second homes/holiday homes. This would appear to satisfy some of the comments raised by the Parish Council.

7.10 With regards to other elements of the policies related to the principle of development the proposal is considered to be compliant with F1 and F2 due to its location within the settlement of Beadnell and will be viewed in context of its surroundings in and amongst residential properties and the caravan park, away from areas of flood risk, erosion by the sea or landslips. Other ecological and environmental considerations, and the impact on character are considered later in this report.

7.11 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### Impact on Amenity

7.12 Policy 5 of the North Northumberland Coast Neighbourhood Plan contains a policy on Design this states the following with regards to amenity *“in terms of the massing, height, scale and proximity, of the proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.”*

7.13 The NPPF (Chapter 12) requires that planning should always seek to secure high quality design and 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. Chapter 12 of the NPPF also stresses the importance of planning positively for the achievement of high quality and inclusive design for all development.

7.14 Paragraph 127 of the NPPF is most relevant to amenity, Bullet F states that planning policies and decisions should *“create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users”*.

7.15 NPPF paragraph 124 stipulates that *“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

7.16 The applicant has submitted plans showing a layout on site, and the scale of dwellings for which the application relates.

7.17 The proposed dwellings would be contained within the existing caravan/holiday park and away from the highway, although in close proximity to nearby dwellings and holiday accommodation. With regards to privacy, light, overbearing, etc. there is a ground floor window in an existing property which is in close proximity to the site boundary. The rear of the existing property would be approximately 4m from the proposal at its nearest point, with a window in the rear of property to the rear facing directly onto a fence. However it is considered that due to the orientation, design of the proposal and existing boundary treatments it is not considered that in this instance, the impact on amenity (in terms of being overbearing) would be a suitable reason for refusal. This is particularly given the association of the properties with the caravan park, the impact of existing structures on the proposal site, and the opportunity to utilise amenity space and facilities within the park. It is considered that the addition of two single dwellings in this location would not lead to any significant amenity issues as a result of the proposal, that would necessitate the refusal of the application and as such it is considered to be in accordance with the NPPF in this respect. However conditions restricting permitted development rights and the retention of existing boundary treatments, and the stipulation of obscured glazing in bathroom windows are proposed to limit any future



potential for loss of amenity of either the occupiers or nearby occupiers to be infringed upon. In the context of the above, the proposals are not considered to be in conflict with Chapter 12 of the NPPF.

7.18 It is noted that amenity concerns have been raised by the Parish Council and a number of other nearby occupiers, however as mentioned above, it is considered that amenity can be protected via conditions appended to this report and as such it is considered that due to the design and layout of the proposal, and these proposed conditions, it would be unreasonable to withhold permission on the basis of the amenity impact.

7.19 In terms of the policies of the emerging Northumberland Local Plan, policy QOP2 is relevant to this application with respect to the impact on amenity, it is considered that this proposal, subject to conditions, is compliant with this policy.

7.20 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### Impact on Character

7.21 Policy 2 of the NNCNP is also relevant to the application, which relates to Landscapes and Seascapes (as well as F2 of the BLP). This states that development proposals within or affecting landscape character areas must demonstrate how they respect the particular features of the landscapes. Further detail on landscape in this locality is provided in the Northumberland Landscape Character Assessment (2010).

7.22 Due to the enclosed nature of the site, this proposal is unlikely to impact on the landscape and seascape and is therefore deemed to be acceptable in terms of wider landscape and seascape terms. In terms of more immediate impacts on character, this is also explored in the Heritage Section of the report. However, given the area is largely dominated by the holiday park, in which the proposal is located it is not deemed that the proposal will have a negative impact, which would be considered a suitable reason for the refusal of the application.

7.23 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### Heritage Matters

7.24 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

7.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, as decision makers, in considering whether to grant Planning Permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.26 The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.27 Local Policy in relation to heritage matters in the former Berwick-upon-Tweed is formed by Policy F1 of the BLP, this stipulates that primary importance will be given to sustaining and enhancing the Borough's environmental wealth, including its landscape and coast, its native biodiversity and its human heritage.

7.28 In terms of neighbourhood plan policy the Policy 12 of the NNCNDP is relevant. This relates to the 'Historic Core of Beadnell' The proposal is located towards the edge of the historic core, with the northern boundary of the site being the northern edge of the Historic Core. Policy 12 states that *"Development proposals within or affecting the setting of the historic core of Beadnell as defined on the Policies Map must demonstrate they do not harm this area or its setting through inappropriate scale, height, design, and materials. In the assessment of development proposals a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the historic core of Beadnell as a heritage asset."*

7.29 The National Planning Policy Framework (NPPF) is a material Planning consideration in the assessment of the application. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.29 The application has been considered in line with paragraphs 8, 11, 184, 185, 187, 189, 190, 194, 195, 196, 197 and 199 and footnote 63 of the National Planning Policy Framework (NPPF).

7.30 The County Archaeologist has been consulted and has commented that the following with regards to the building on the site which is intended to be demolished. *"The building is not considered to retain any significant archaeological features. The site is located in an area known to retain evidence of archaeological features, including prehistoric remains. However, the footprint of the proposed development is relatively small and any below ground archaeological features that may have been present are likely to have been truncated or removed by the construction of the existing building, and by recent ground reduction work noted by the desk-based assessment. The risk of significant archaeological features being present within the site is considered to be low. It follows that the risk of significant archaeological features being impacted by the proposed development is low."* The County Archaeologist has offered the following comment on impact *"Based on the available information, the proposed development is unlikely to adversely affect significant archaeological remains. There are therefore no objections to the proposed development on archaeological grounds and no archaeological work will be required"*

7.31 The Building Conservation Officer has been consulted and has commented *“The applicant has supplied an Archaeology Report and amended plans uploaded on 24 October 2019 and Amended Archaeology Report uploaded on 5 December 2019. This further comment relates to this further information. The Archaeology Reports at paragraph 5 state the Shambles is not mentioned in the list description. Nevertheless from the description of its use and relationship with Beadnell Hall discussed in the above reports we consider the building is protected by virtue of falling within the curtilage of the principal building. From the photos supplied and having visited the site we accept the Shambles is in poor condition internally and externally. We understand disrepair and damage and their impact on viability can be a material consideration in deciding an application and have factored this into our assessment of impact. We note the comments of the County Archaeologist and the Amended Archaeology Report which states the Shambles is considered to be of no archaeological or architectural interest. However, we do not accept it has no historic significance. This would be lost if the proposal went ahead and would be harm within the terms of the NPPF. If notwithstanding our concerns the Shambles were to be replaced with the dwellings proposed we accept the degree of change represented by the new dwellings to the setting of Beadnell Hall would be marginal. This aspect would give rise to no harm within the terms of the NPPF. By virtue of the potential loss of the the Shambles we consider the proposal would give rise to less than substantial harm within the terms of paragraph 196 of the NPPF.”*

7.32 In February 2020 Beadnell Conservation Area, which includes this site, was designated. Following this it was deemed appropriate to re-advertise the site to include this, and reconsult with the Building Conservation Officer for a reassessment of the site in this context. The Building Conservation Officer has provided the following comment.

*“If notwithstanding our concerns the Shambles were to be replaced with the dwellings proposed we accept the impact on the wider appearance of the Beadnell Conservation Area would not be significant and give rise to no harm within the terms of the NPPF.*

*By virtue of the potential loss of the Shambles we consider the proposal would give rise to less than substantial harm to the Beadnell Conservation Area within the terms of paragraph 196 of the NPPF.”*

7.33 Therefore following the comments above, it is considered that the proposal will have a marginal impact on the setting of Beadnell Hall, and would give rise to no harm (as identified in the ‘*impact*’ section of the Building Conservation Officers response).

7.34 The harm to the recently designated Conservation Area has been identified as ‘less than substantial harm’ (as identified in the ‘*position*’ section of the Building Conservation Officers response) and would therefore be subject to an assessment of whether the public benefit of the proposal would outweigh the level of harm to the designated heritage asset. The level of harm has been identified as ‘less than substantial’ by the Building Conservation Officer in the ‘*impact*’ section, and the public benefit in this case would be that the development would enable the better operation of the Caravan Park as a holiday destination, which the public can choose to attend/make use of.

7.35 With specific reference to the policies of the emerging Northumberland Local Plan, policy ENV7 are relevant to this application with respect to the historic environment, it is considered that this proposal, subject to conditions, is compliant with these policies.

7.36 Comments have been received from nearby occupiers in relation to the impact on nearby heritage assets, these have been considered when arriving at the comments in this report from the planning officer.

7.37 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### Highways and Transport Matters

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

7.39 The North Northumberland Coast Neighbourhood Plan does not include specific a specific policy in relation to Highways and Transport Matters, however policy 8 does require "sufficient car parking space is provided within the curtilage of the proposed development to ensure no additional on-street parking on nearby streets"

7.40 When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

7.41 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 of residential development on this site.

7.42 In terms of Highways Comments, the HDM team have provided the following comments in terms of Road Safety matter:

*"The applicant has submitted a revised location plan (Drawing 1537/19/01B) which illustrates the red line boundary extending from the development along the private access road to the U2036. This is acceptable to secure access to the highway. The red line area has now been amended to incorporate an additional area to the northern side to facilitate additional car parking areas. The applicant has submitted a revised site and floor plan (Drawing 1537/19/04A) for the 2 No. dwellings which retains the proposed 3 No. bedrooms. As previously outlined the garages are too small for parking of a vehicle, although it is noted that the drawing annotates that these "Not forming part of the parking provisions. For storage of cycles and other items" which is acceptable. This plan illustrates that the additional northern area (within the revised red line boundary) will incorporate 4 No. perpendicular parking spaces which are sufficient for a development of this scale with the spaces according with NCC Parking Standards with sufficient room to the rear to enable reversing and turning manoeuvres in curtilage without reversing excessive distances. Further comments are outlined in the car parking section of this*

*response. The applicant has submitted a Construction Method Plan (Drawing 1537/19/05) alongside the application which illustrates the areas outlined for operative parking, storage for plant and materials, wheel wash and loading and unloading areas. Although no supporting statement or details have been providing these, the submission is considered to be acceptable given the proximity from the highway. Although some of the areas illustrated lie outside of the revised red line boundary, these are incorporated within land under the control of the applicant (blue line boundary)."*

7.43 In terms of Car Parking matters, the following is offered:

*"As outlined in the road safety section of this response, the revised site plan now incorporates an area of car parking on the northern side which is acceptable for the parking of 4 No. vehicles. These spaces accord with the minimum dimensions as outlined (2.5m x 5.0m with 6.0m to the rear). In addition, an in curtilage driveway area has been retained on the western side of Plot 1. This parking area accords with the minimum driveway dimensions and is considered acceptable for car parking (3.3m wide x 5.0m in length). The integral garages / store areas will not be used for car parking where they do not accord with the minimum internal dimensions for a single garage (3.0m x 6.0m internally) with parking accommodated within the wider site. As such, the developments parking for residents accords with those outlined in Appendix D of the Northumberland Local Plan Publication Draft Plan (Regulation 19) For a 2/3 bedroom dwellings and is acceptable. A condition is recommended to implement the car parking as submitted. The applicant is advised that no dwellings shall be occupied until car parking has been secured and constructed, and shall thereafter be retained for the parking of vehicles associated with the dwelling at all times."*

7.44 In terms of Cycle Parking matters the following is offered

*"The revised floor plans retain the previously submitted garage / storage areas which will be retained for cycle storage where parking can be accommodated outwith this area where the garages do not accord with the minimum internal dimensions for car parking. A condition is recommended to implement the cycle storage as submitted."*

7.45 In terms of Highway land and Property Matters, the following is offered

*"As outlined, the red line boundary has been revised to extend along the private access road to the adopted highway at The Haven to secure access to the highway, with the red line now incorporating an additional area to the northern side to facilitate residents parking."*

7.46 With regards to Refuse Collection and Storage Matters, the following is offered

*"The submitted Construction Method Plan (Drawing 1537/19/05) illustrates a temporary refuse collection point in the vicinity of the adopted highway which is acceptable for municipal collection. The revised site plan retains waste storage locations in curtilage, with residents required to move waste to the collection point on those days, with the storage locations to be retained at all*

*other times. A condition is recommended to secure these details. The applicant is advised that dwellings shall not be occupied until the refuse storage areas have been formed and shall thereafter be retained at all times for the storage of refuse associated with the dwellings. No refuse storage container may be stored on the highway, except for on the day of collection”*

7.47 The proposal provides sufficient parking for the site and the proposed access and connection to the public highway is deemed to be acceptable in principle. In terms of policy 8 of the Neighbourhood Plan it is considered that this proposal meets the requirements of this through the provision within the scheme, and parking available within the Caravan Site/Holiday Park in which the proposal is located. Given the proposal is some distance from the public highway it is considered there is unlikely to be an impact on the parking situation on the public highway from the proposal. Highways Development Management have requested conditions which are appended to this recommendation report. It is recommended that these are carried forward to any grant of permission.

7.48 The appropriate policy in the emerging NLP in relation to this matter are Policies TRA1, TRA2, TRA4 and TRA5, with weight being apportioned in line with paragraph 48 of the NPPF.

7.49 In the context of the above, the proposals are not considered to be in conflict with Chapter 9 of the NPPF.

7.50 The Parish Council have raised concerns in relation to the amount of parking in the proposal, however, as the Highways DM Team have not raised concerns with regards to this, and given there is large areas of potential parking locations within the Holiday/Caravan Park along with the parking associated with the proposal it is not deemed to be a suitable reason for refusal in this instance.

7.51 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### Biodiversity & Ecology matters

7.52 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 where possible. Paragraph 175 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.

7.53 Policy 3 of the NNCNP is the relevant local policy in relation to Ecology. The County Ecologist advises that the site is located within the Impact Risk Zone for the protected coastal sites and will require mitigation for impacts. This has been discussed with the agent and it has been agreed that mitigation will be in the form of a financial contribution to the Council's Coastal Mitigation Service. The contribution will be secured via a S106 along with the principle occupancy requirement.

7.54 Further to the above, the proposal has been submitted with appropriate ecology surveys, the County Ecologist and Natural England have been consulted

have raised no objection on issues relating to on-site impacts subject to signing up to the Coastal Mitigation Scheme to cater for off site matters. Suitable Conditions have also been suggested by the County Ecologist, these have been appended to this recommendation report. It is recommended that these are carried forward to any future grant of permission.

7.55 Therefore the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance with Policy 3 of the NNCP and the NPPF.

7.56 The appropriate policy in the emerging NLP in relation to this matter is Policies ENV1 and ENV2 weight has been apportioned with regards to these policies in line with paragraph 48 of the NPPF.

7.57 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

#### *Off Site Ecological Matters*

7.58 The site lies within 10km of Northumbria Coast Special Protection Area (SPA) /Ramsar sites, Northumberland Marine SPA, North Northumberland Dunes SAC and Berwickshire and North Northumberland Coast SAC which are internationally designated sites as well as further nationally designated sites which are; Northumberland Shore SSSI, Howick to Seaton Point SSSI, Alnmouth Saltmarsh and Dunes SSSI, Warkworth Dunes & Saltmarsh SSSI, Castle Point to Cullernose Point SSSI.

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

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

7.61 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.

7.62 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate

that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.

7.63 The applicant has agreed to pay a contribution of £600 per residential dwelling for coastal wardening work, secured by s106 legal agreement. From this, the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.

7.64 From this, the off-site ecological impacts of the development on designated sites can be suitably addressed. The needs of the Habitats Regulations can therefore be deemed to be satisfied.

### Contaminated Land Matters

7.65 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.”*

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

7.67 Public Protection have provided comment on the proposal and have advised that Public Health Protection had previously objected to a lack of information to assess ground gas risk and a lack of information on the risk of land contamination. This information has now been submitted allowing Public Health Protection to remove their objection, appropriate conditions have been suggested and have been appended to this report.

### Equality Duty

7.68 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.



## Other Matters

7.69 Public Protection have requested two conditions in relation to working hours on the site and deliveries to the site during the construction phase of the proposal. However it is considered that these are more appropriate as informatives as these matters are covered under environmental health legislation.

## Crime and Disorder Act Implications

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

## Human Rights Act Implications

7.71 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.

7.72 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.

7.73 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 suitable for this development. It is acknowledged that there will be an environmental impact resulting from the introduction of further 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 and Neighbourhood Plan 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, subject to conditions below and a S106 for £1200 (2 dwellings x £600) and to secure the properties as principal occupancy dwellings associated with the running of the holiday/caravan park.

### Conditions/Reason

1. 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)

2. 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:

Location Plan Dwg No. 1537/19/01B Date May 2019 *[uploaded to DMS 24/10/19]*

Planning Drawing 1 of 2 Dwg No. 1537/19/04A Rev A Dated May 2019 *[uploaded to DMS 24/10/19]*

Planning Drawing 2 of 2 Dwg No. 1537/19/04A Rev A Dated May 2019 *[uploaded to DMS 24/10/19]*

Site Block Plan as existing Dwg No. 15/19/02B Dated May 2019 *[uploaded to DMS 24/10/19]*

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

3. No development will take place unless in accordance with the mitigation in the report Proposed Development, The Shambles, Beadnell Ecological Assessment BSG Ecology August 2019 including;
  - If new lighting is required then it should be designed in accordance with published guidance (Bat Conservation Trust and Institute of Lighting Professionals, 2018) avoiding any installed bird nest boxes or bat roost features;
  - Activities taking place during the bird breeding season should not commence until the area has been checked for nesting birds by a suitably qualified ecologist. If nesting birds are detected then a suitable stand-off should be marked out around the area and work in that area should be delayed until the birds and their young have dispersed;
  - A total of 2 bird boxes will be erected on the boundary fence.
  - A total of 2 integral bat boxes will be incorporated into the new buildings, one each at a gable end near the apex of the roof.

- Method for works to the existing building.

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

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

a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion

c) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

d) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

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

5. An additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No

building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

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

6. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS 8485:2015+A1:2019 (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 amenity of the occupants of the respective properties.

7. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 6, which has been approved in writing by the Local Planning Authority. Should the approved report make recommendations in terms of works to be carried out, The works will be carried out in accordance with the recommendations of the report.

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

8. No dwelling shall 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.

9. 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.

10. The approved Construction Method Statement and associated plans shall be adhered to throughout the construction period.

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

11. No external refuse or refuse containers 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.

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

- Extensions;
- Outbuildings;
- Porches;
- Roof Openings;
- Windows;
- Boundary Treatments
- Cladding/Rendering; or,
- Roof extensions.

Shall be added to or constructed within the curtilage of the resulting property hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of visual and residential amenity and in accordance with Chapter 12 of the NPPF, and in particular, paragraphs 127 and 180.

16. The window(s) to be created in the stairway on the west facing elevation shall be glazed in obscure glass (at least level 3). The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers.

## **Informatives**

### **1. Dust Management**

It would be expected that effective dust management should be employed during the demolition and construction works.

Contractors and their employees should use effective dust minimisation techniques and controls which shall have regard to guidance such as :

The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at: <http://iaqm.co.uk/guidance/>

Additionally, the Mayor of London's office has produced robust supplementary guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at:

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>

The HSE also provide guidance on construction dust:

<http://www.hse.gov.uk/construction/healthrisks/hazardous-substances/construction-dust.htm>

As do the CITB through the Construction Dust Partnership:

<https://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-dust-partnership/>

## **2. Statutory Nuisance**

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

3. INFO33 - Reminder to not store building material or equipment on the highway

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

4. INFO40 - Reminder to not deposit mud/ debris/rubbish on the highway

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

5. It is considered that the proposal may potentially fall within the Curtilage of the nearby listed building known as Beadnell Hall (listing ref: 1233051). It is therefore suggested that the applicant clarifies whether an associated listed building consent application is required ahead of proceeding with the development.

6. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800.

Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

7. Deliveries to and collections during the construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

**Background Papers:** Planning application file(s) 19/01722/FUL