

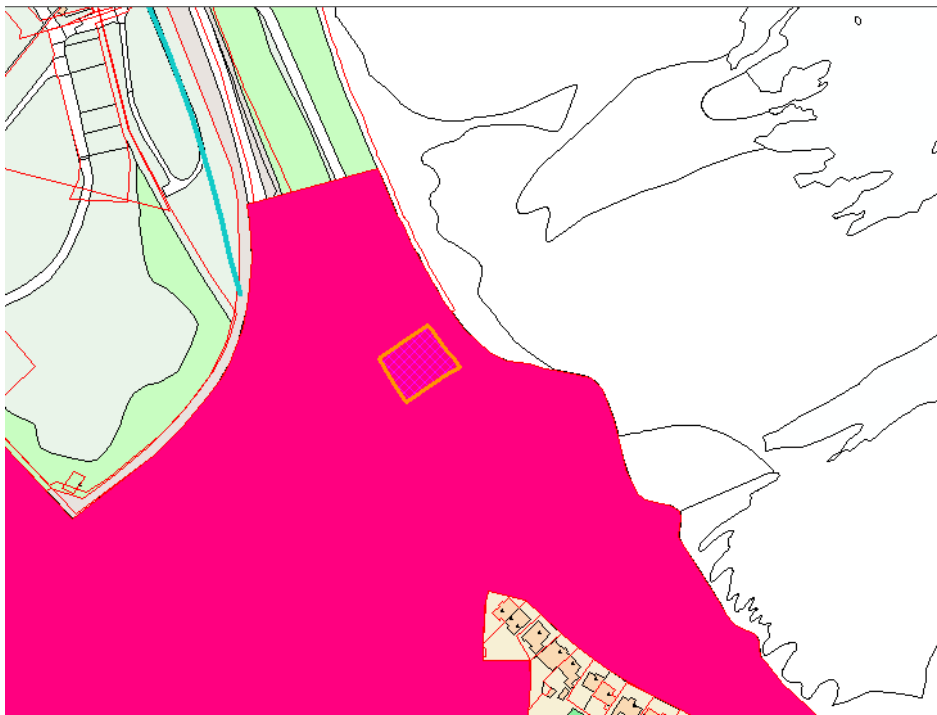


Northumberland County Council

North Northumberland Local Area Committee

Application No:	21/04346/FUL		
Proposal:	Replace existing building (3no flats/14 no bed sits space) with 3no detached houses with 18 bed spaces.		
Site Address	On The Beach, Harbour Road, Beadnell, NE67 5AN		
Applicant:	Mr and Mrs A & H Sundin On The Beach, Harbour Road, Beadnell, NE67 5AN,	Agent:	George Innes 19 Clayton Road, Jesmond, Newcastle upon Tyne, NE2 2QY
Ward	Bamburgh	Parish	Beadnell
Valid Date:	8 November 2021	Expiry Date:	11 August 2022
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a s106A agreement for a £10,000 commuted sum to be paid to NCC (Northumberland County Council). This will contribute towards a future coastal erosion protection scheme protecting the existing properties (including this development) in this area.



1. Introduction

1.1 The proposal is suitable for determination by the North Northumberland Area Planning Committee by virtue of the volume of public interest.

2. Description

2.1 The site occupies a cliff top position on Harbour Road opposite the village green. It extends from the public highway to the west to the cliff top to the east. It is within a ribbon of long-established development. Historically the site was occupied by the Links Garage but in 1988 planning permission was granted to replace this with a workshop, sales area, filling station and bus park [N/88/B/0079].

2.2 In 2001 the garage was converted into a restaurant and takeaway [N/01/B/0553] and then in 2006 change of use consent was granted to convert the restaurant into two houses [N/06/0764]. In 2009 a retrospective permission was granted to regularise what is described as a summer house south of the main building [N/09/0270].

2.3 In 2007 the bus park, directly south, was sold off and developed with a 4-bedroom house and garden. The building which occupies the site retains its commercial character in terms of its scale and configuration. It is a large two storey building with a wide span and shallow pitched roof.

2.4 The application is for the redevelopment of the existing former garage building, currently used for three holiday flats, into three detached properties for the same purpose offering the same level of accommodation. Works will also include site remediation and coastal defence works.

3. Planning History

Reference Number: 16/03649/FUL

Description: Proposed Dormer Extensions & 2No. Juliet Balconies

Status: WDN

Reference Number: 17/03213/FUL

Description: Proposed dormer extension

Status: PER

Reference Number: N/88/B/0079/P

Description: Proposed replacement of existing garage to provide workshop, sales and service area, filling station and bus park

Status: PER

Reference Number: N/80/B/0010/P

Description: Proposed replacement of existing garage to provide filling station, Bus Depot & sales & repair area.

Status: PER

Reference Number: 20/01647/FUL

Description: Demolition of 3 no. apartments, associated car parking, and owners chalet. Replacement with 4 no. dwelling houses (Class C3 use class order). (Revised description 16th July 2020).

Status: WDN

Reference Number: N/80/B/10

Description: Proposed replacement of existing garage to provide filling station, bus depot and sales and repair area

Status: PER

Reference Number: N/76/B/165

Description: Levelling of land, erection of Diesel Pump and erection of Maintenance Ramp

Status: PER

Reference Number: N/09/B/0324

Description: Installation of balcony & replacement of existing sheeted roof with slates (retrospective).

Status: PER

Reference Number: N/09/B/0270

Description: Erection of a single storey day room/summerhouse.

Status: PER

Reference Number: N/07/B/0669

Description: (retrospective) erection of sign.

Status: REF

Reference Number: N/06/B/0764

Description: Change of use from restaurant (a3) to 2 no holiday dwellings (c3).

Status: PER

Reference Number: N/01/B/0554

Description: Conversion/extension of former garage building, to provide restaurant/take away premises.

Status: PER

4. Consultee Responses

Royal Society Of Protection Of Birds	No response received.
Northumberland Coast AONB (Areas of Outstanding Natural Beauty)	At present, to make the development safe new coastal defences need to be constructed as part of this development. New defences to make a development safe is against the guidance of the Planning Practice Guidance. Therefore, we object to this development in principle on coastal erosion grounds.
Beadnell Parish Council	The PC has submitted several comments with their objection: <ul style="list-style-type: none">• Query over the number of bed spaces• Houses should be principle residence• Foul sewerage• Coastal erosion• An HRA (Habitats Regulation Appraisal) is required as per Policy 3 of the NHP• Proposal is overdevelopment and the height should be to fit in with the surrounding units• Land contamination• Climate change concerns• Access, and• Parking
North Sunderland and Seahouses PC	No response received.

Building Conservation	We are supportive of the demolition of the existing building and redevelopment of the application site to enhance the character and appearance of Beadnell Conservation Area. However, we consider the proposed 3no. dwellings to be overdevelopment of the site within a conservation area, and contrary to its adopted management policies. Furthermore, the height and uniformity of the dwellings do not respond to local character as required by the NPPF. As such, the proposed dwellings do not meet the statutory test to preserve or enhance the conservation area and therefore we recommend refusal at this stage.
Lead Local Flood Authority (LLFA)	No objection subject to conditions and a £10,000 contribution towards coastal erosion defence works.
County Ecologist	The site is within the Coastal Change Management Area and were development to be consented there may be a future need for seaward defences which would impact upon the distribution of habitats and species which are interest features or underpinning features of the designated sites. The boundary protection (dog fencing) and CEMP are acceptable, and I do note the restrictions to noisy works during the overwintering period. No objection subject to conditions.
Natural England	No objection.
Public Protection	No objections subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	16
Number of Objections	26
Number of Support	10
Number of General Comments	0

Notices

Affecting Conservation, 1st December 2021

Northumberland Gazette 18th November 2021

Summary of Responses:

There have been 27 objections. These can be summarised as per below:

- Two of these units should be for permanent residence as per policy 14 of the Neighbourhood Plan,
- Concerns over parking, coastal erosion, and the access

- The design is not suitable in a gateway location to the village and conservation area
- Concerns over the chimneys and effects on climate change
- The site is outside the settlement boundary
- Adverse impact on the AONB
- The site is within the Coastal Change Management Area (CCMA) wherein the Shoreline Management Plan does not support new development in this area
- The site has land contamination
- The information on bed spaces is contradictory
- The street scene would be dominated by parking and bins
- The design is excessive in terms of mass and scale and should only cover the same footprint as the current building
- There is no biodiversity net gain
- Concerns over light pollution from the roof lights

There have also been ten submissions in support of the proposal

- The proposal is a significant improvement over the current building which is an eyesore and poor representation for the gateway to the village

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=R23LIFQSKG100>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2032

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 4 - Climate change mitigation and adaptation (Strategic Policy)

HOU 1 - Making the best use of existing buildings (Strategic Policy)

HOU 2 - Provision of new residential development (Strategic Policy)

HOU 10 - Second and holiday homes

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

ICT 2 - New developments

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

ENV 2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

WAT 3 - Flooding

WAT 5 - Coastal erosion and coastal change management

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

Policy 1: Sustainable Development

Policy 2: Landscape and Seascapes

Policy 3: Habitats and Species

Policy 4: Coastal Management and the Coastal Strip

Policy 5: Design in New Development

Policy 9: Sustainable Development Outside the Settlement Boundaries

Policy 14: Principal Residence Housing

6.2 National Planning Policy

NDG - National Design Guide (2019)

NMDC - National Model Design Code (2021)

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

Northumberland Coast AONB Management Plan 2020 - 2024

- Policy 3.1 The setting of the AONB and important views into it and from it are recognised and protected.
- Policy 3.2 The erosion of rural character through cumulative urbanising influences is halted and where possible, reversed.
- Policy 3.3 Development on the currently undeveloped coastal slope will be opposed. The use of private sea defences to make a development safe within its planned lifetime will not be supported and will be regarded as evidence of the fundamental unsuitability of that site to accommodate such development
- Policy 3.5 High quality of design and landscaping in new buildings, conversions, alterations and maintenance work will be sought through advocacy of the AONB Design Guide for the Built Environment.
- Policy 4.2 All development proposals will be assessed concerning their impact on the tranquillity of the AONB.
- Policy 4.4 All development proposals will be assessed concerning their impact on the dark skies of the AONB.
- Policy 5.2 Support and promote sustainable tourism initiatives that contribute towards the special qualities of the AONB.

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016 – 2032 and North Northumberland Coast Neighbourhood Plan 2017. The site is within the Northumberland Coast AONB and the Management Plan 2020 - 2024 is also relevant. National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development including Principal Residence
- Design
- Impact on Conservation Area

- AONB
- Ecology
- Coastal Erosion
- Highways
- Broadband Connectivity
- Contaminated Land
- Other Matters

Principle of Development

7.2 The proposal is located on the edge of the settlement of Beadnell which is classed as a Small Village as per Appendix A of the Northumberland Local Plan. Policy STP 1 sets out the spatial strategy wherein subsection (d) states:

“In order to support the social and economic vitality of rural areas and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development subject to Green Belt policy considerations where relevant.”

7.3 In this instance there is no Green Belt policy consideration. Therefore, it must be considered whether the proposal provides for a proportionate level of development. The application seeks to replace an existing holiday let facility of three flats of 18 bed spaces with three houses offering the same bed space provision. The proposal seeks to redesign the site and not change or intensify the use. In this regard the principle of redevelopment is acceptable and consistent with STP 1.

7.4 Given the nature of the development is for a holiday let facility it falls to consider policy ECN 15 (Tourism and visitor development) Subsection ‘c’ seeks to promote those developments that are small scale and form part of a recognised village or hamlet.

7.5 With the reference to association with the village and small-scale development we must turn to the Neighbourhood Plan which sets out the definition of small scale in the glossary as the total floor space to be built is less than 500m² or where the site area is less than 0.5ha. The site area is some 0.07ha and the proposed floor area is 465m². Therefore, the application can be considered small scale based on the above definition and that it does not seek to add a net gain of tourist units. The site is immediately adjacent to the settlement boundary on the end of a row of houses and can be considered to relate well to the existing village. The proposal is consistent with the provisions of policy ECN 15.

7.6 The Parish Council has objected to the proposal on several grounds including that the proposal should be for permanent dwellings. Given the current use of the building is for holiday lets it would not be reasonable of the planning authority to impose this requirement on the applicant. Given the scope of the application there is no requirement to assess it against the Neighbourhood Plan requirements for permanent residential dwellings, i.e. there is no change from the established use and there is no net gain to the number of properties.

7.7 Policy 21 (New Tourist and Community Facilities) of the NP states that *“Proposals to provide small-scale new or improved community and/or visitor facilities will be supported.”* The policy then lists seven specific proposals that it will support but this should not be taken as exhaustive. The application seeks to improve upon the existing visitor facility and meets the requirements of this policy.

7.8 Furthermore, the site can be considered Previously Developed Land (PDL) as per the definition within the NPPF. Paragraph 85 states that *“the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”* This wording is like that across the Local and Neighbourhood Plans and the proposal meets with this requirement.

7.9 In this instance the current building is used for holiday lets and the applicant seeks to redevelop the site for the same level of offering and no intensification of use. The application is considered consistent with the Local Plan, Neighbourhood Plan and NPPF.

Design

7.10 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in the NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

7.11 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.12 Local Plan Policy QOP1 sets out several design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.13 Local Plan Policy QOP 5 relates to sustainable design and construction. To minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation, and lighting amongst other matters.

7.14 Although the AONB Partnership objected to the application it is worth noting that they support the proposal from a design perspective:

“The reduction of the scale of the development from plans previously submitted is welcomed and the overall design will improve the character and appearance of the site.”

7.15 This should be caveated that concern has been raised with respect to roof lights.

7.16 The current building offers a single large mass and retains the feel and appearance of a commercial building harking back to its former use as a garage. It is of poor appearance and design offering little to the setting of the residential gateway to the village or conservation area. The design solution seeks to create three separate blocks akin to a modern terrace. The edge of the conservation area is of inadequate quality and indistinct from many other non-historic coastal settings. In this regard the design solution will be a significant uplift and present a modern gateway development to the village before progressing into the more historic elements of the conservation area.

7.17 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Regardless the proposal will offer a more energy efficient solution than the current building. It is therefore appropriate to attach a condition to the permission to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Impact on Conservation Area

7.18 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of an application. Section 16 pertains to conserving and enhancing the historic environment. Paragraph 197 states that local planning authorities should consider several criteria the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraphs 199-202 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.

7.19 The Built Heritage Officer raised concerns with respect to the design of the proposals including:

“we consider the proposed 3no. detached houses to be overdevelopment of the site which has since the post war period comprised only one building and an ancillary building of a small and subservient scale. The footprint of the proposed dwellings would increase the floor space considerably.”

7.20 The Conservation Area Character Appraisal (CACA) recommends that:

“New development should respond to the intrinsic character of Beadnell rather than importing external styles, for example, “New England” style.”

7.21 The proposed materials are textured pebble render and white clap board, with timber horizontal cladding, glazed apexes to the eastern elevations, frameless glass balconies and clay pan tiled roofs. There are references to the local architectural vernacular of traditional and 20th century housing in Beadnell and the distinctly contemporary design would contribute to the strong architectural pedigrees identified in the CACA.

7.22 Further comment adds:

“However, the proposed dwellings are almost identical which is a departure from the individuality of the speculative and bespoke holiday homes along Harbour Road. A scheme that reflected the eclecticism of this later development would better reflect local character.

We are supportive of the demolition of the existing building and redevelopment of the application site to enhance the character and appearance of Beadnell Conservation Area.”

7.23 In summary the Conservation Officer considers the proposal to be overdevelopment and has concerns over the uniformity of the buildings. To address the latter the applicant amended the design proposals to add some variety, but this concern remains.

7.24 The concerns of the Conservation Officer are noted but the planning balance must consider the harm of the proposal against the conservation area and the existing built environs. Equally, officers must also consider the improvement to the site over the existing former Links Garage building. Although it is acknowledged that the proposed uniformity of the dwellings does not reflect the wider character the uplift in design of the site is significant and outweighs any potential harm.

7.25 With respect to the overdevelopment case the proposal does increase the overall floor space of the current situation. However, this is reasonable in the context of the holiday lets and the uplift of the design quality.

7.26 In this regard the proposal is consistent with policies QOP 1 and QOP 2.

AONB

7.27 Paragraph 176 of the NPPF advises that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status protection in relation to these issues...The scale and extent of development within all these designated areas should be limited"*.

7.28 Policy 2 of the North Northumberland Coast Neighbourhood Plan relates to landscapes and seascapes and requires planning proposals to respect the landscape and seascapes of the area. Policy 2 states *"great weight will be given to the conservation of these local landscapes, the Heritage Coast, and the scenic beauty of the coast including views into and out of the Northumberland Coast AONB within the Plan area"*.

7.29 Policy 5 of the North Northumberland Coast Neighbourhood Plan relates to design in new development and sets out design criteria for all new development to meet. This policy indicates that development within the Northumberland Coast AONB, will also be expected to incorporate the principles contained in the Northumberland Coast AONB Design Guide.

7.30 The AONB Partnership object to the application. Of this there are several concerns. Design has been covered above and coastal erosion is addressed below. However, concerns remain with respect to light pollution from the volume of glazing and the potential impact on the night-time character of the wider area. The AONB

response asks that the applicant considers blinds and requests guests to use them. This has been relayed to the applicant, but internal light sources cannot be controlled by the planning authority.

7.31 Given there was no objection on design grounds and the LLFA has not objected on coastal erosion it is considered that the AONB concerns have been addressed.

Ecology

7.32 Near the site there are records of protected species, which are potentially a material consideration in a planning decision regarding the development of the site. There are several records of bats, including common and soprano pipistrelle, along Harbour Road. Birds commonly found nesting in residential properties such as house martin, swallow and house sparrow may also be present.

7.33 The impact on species is largely addressed by the report Ecological Appraisal and Bat Survey, On The Beach, Beadnell, (E3 Ecology, October 2021). An adequate level of ecological survey has taken place for protected species on the site given the risk assessed.

7.34 Recreational disturbance is not considered to be an issue in this case as the development represents no net increase in residential dwellings. However, there may be construction level impacts and in terms of noise, dust or pollution and occupation impacts from e.g., increased lighting on the site. A Construction Environmental Management Plan (CEMP) Construction Environmental Management Plan, On the Beach, Beadnell (E3 Ecology, June 2022) provides mitigation for those potential impacts.

7.35 Unimpeded access onto the foreshore, particularly by unsupervised off-lead dogs may also impact on feeding birds and as such secure fencing/gates are required. The unimpeded access of dogs and people onto the foreshore may also impact dune habitats through nutrient enrichment and trampling. I note the proposed Site Plan (DWG 1949_P_07 Rev C dated 16/06/2022) which shows dog-proof fencing along the boundary which will mitigate for this potential impact. This plan will be an approved document and there is no requirement for a separate condition, although it is requested that the fencing details be included in a landscaping plan.

7.36 The requirement for coastal defences has been considered by the County Ecologist. The change in coastal defences is not considered to be an increase in potential impacts on coastal sites above the current baseline. Officers can confirm that the LLFA and Ecology agree with the conclusion of the report that light touch coastal defences will not affect natural processes or ecology at this location.

7.37 It is noted that the Parish Council has requested a HRA be undertaken. This has been completed and signed off by Natural England. The proposal is consistent with the provisions of policies ENV 1 and ENV 2.

Coastal Erosion

7.38 It is recognised that the site lies within the coastal strip that would ordinarily not support development by virtue of coastal erosion and the need for defence works. Planning officers have relied upon the advice of the FCERM to conclude that the recommendation.

7.39 The FCERM team provides comment as both the LLFA and CPA. They have reviewed the application as the CPA. In summary, after discussions with the LPA and the use of the development they have no objection to the proposals. We ask that a £10,000 section 106 commuted sum is made to assist coastal protection works in the area. The applicant has agreed to the sum and there is no objection to the proposal on the grounds of coastal erosion and flood risk.

7.40 The shoreline management plan identifies the site to be within the 20-year SMP No Active Intervention coastal erosion line. Given the proximity to a coastal erosion line, the open coast and sea defences a coastal vulnerability assessment needs to be provided. A coastal vulnerability assessment from Royal Haskoning referenced PC2374-RHD-ZZ-XX-RP-Z-0001 has been submitted with the application. Reviewing this document FCERM are satisfied with its content. The conclusion of the coastal vulnerability assessment is:

“The principal aim of the National Planning Policy Framework and the Planning Policy Guidance on Flood Risk and Coastal Change is to reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.

In this context, the proposed development is not in an area identified as being vulnerable to erosion over the next 100 years (subject to the existing SMP policy being delivered) but the need for improved coastal defences will continue (although not exacerbate) existing impacts of physical changes to the coast by maintaining a fixed coastline position on an otherwise slowly eroding coastline.

However, it is envisaged that through use of suitable materials (e.g., locally won rock armour stone) and potentially by incorporating elements of environmental best practice (if proven to be effective at the site), a rock revetment coastal defence could be designed and delivered at On the Beach that protects the property through its lifetime whilst not compromising the character and landscape of the coast or adversely affecting the ecology or coastal processes. Such a structure can also relatively easily be removed at the end of the development’s life to restore natural conditions at the site.”

7.41 Paragraph 172 of NPPF states:

Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;*
- b) the character of the coast including designations is not compromised;*
- c) the development provides wider sustainability benefits; and*
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.*

7.42 This is further supported by Planning Practice Guidance - Flood Risk and Coastal Change.

7.43 In this regard the proposal is consistent with the provisions of policies WAT 3 and WAT 5 of the Local Plan and NPPF.

Highways Matters

7.44 The council's Highways Development Management team were not consulted through the course of the application. The current parking and turning arrangements are such that there is no suitable turning facility within the site. The area is too small to allow suitable turning. Therefore, vehicles must reverse onto the informal section of road that runs parallel to the site. This arrangement is not changing. The site currently offers the provision of four informal car parking spaces, whereas the new arrangement will cater for six thus improving the situation. It should be noted that vehicles already park on the road or in the car park opposite the site. This will alleviate pressure and create an improved situation.

Broadband Connectivity

7.45 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.46 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Contaminated Land

7.47 The site is recognised as having the potential for contamination and ground gases. The council's Environmental Protection team has responded raising no concerns but a series of conditions to address these issues. It should be noted that this represents a further benefit of the proposal in that it will remediate potentially contaminated land.

7.48 Given the comments from the EP (Environmental Protection) team the proposal, with conditions, is consistent with the provisions of the NPPF and policies POL 1 and POL 2 of the Local Plan.

Equality Duty

7.49 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

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

Human Rights Act Implications

7.51 The Human Rights Act requires the County Council to consider 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.

7.52 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.

7.53 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, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The proposal seeks to redevelop the former Links Garage building, currently used as three holiday flats offering a total of 18 beds, with three two storey houses with the same offering. The application offers the opportunity to improve the gateway to the village through a positive modern design over the existing building and remediating any contaminated land associated with the former garage use.

8.2 Section seven, above, sets out that objections from consultees have been addressed and that the planning balance comes down to the design of the proposal. Planning officers consider that the application presents a significant and positive uplift from the existing poor-quality building.

8.3 Considering the above the application is consistent with the provisions of the Local Plan, Neighbourhood Plan and NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced:

Approved Plans
Proposed Site Plan 1949_P_07 Revision D

Proposed Ground Floor Plan 1949_P_08 Revision D
Proposed First Floor Plan 1949_P_09 Revision D
Proposed Roof Plan 1949_P_10 Revision C
Proposed Elevations 1949_P_11 Revision C
Proposed Elevations 1949_P_13 Revision B
Proposed Elevations 1949_P_14 Revision B

Approved Supporting Documents

Coastal vulnerability assessment from Royal Haskoning referenced PC2374-RHD-ZZ-XX-RP-Z-0001

Construction Environmental Management Plan, On the Beach, Beadnell, E3 Ecology, 6185, June 2022

Ecological Appraisal and Bat Survey, On the Beach, Beadnell, E3 Ecology, 6185, June 2022

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and the Local Plan.

Broadband Connection

03. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order to discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

Climate Change

04. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp-proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

External Materials

05. Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the holiday homes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework and Policies QOP 1 and QOP 2 of the Local Plan.

External Lighting

06. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy ENV 4 and ENV 5 of the Local Plan.

Surface Water

07. Prior to the construction, a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

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

Ecology

08. No development including site preparation, demolition and construction will take place unless in accordance with the recommendations of the report Ecological Appraisal and Bat Survey, On the Beach, Beadnell, (E3 Ecology, June 2022) including mitigation and enhancement measures and precautionary working methods.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

09. All development including site preparation, demolition and construction will take place in strict accordance with the details of the report Construction Environmental Management Plan, On The Beach, Beadnell (E3 Ecology, June 2022) including strict adherence to timing restrictions for noisy works during the period October-March inclusive, visual screening of the site from the beach and the avoidance of high intensity security lighting.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

10. Prior to the commencement of development, a plan for the landscape planting of the site shall be submitted for the written approval of the Local Planning Authority. The plan shall detail the species and number of trees, hedgerows, shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development. The plan shall include details of dog-proof fencing and access gates to the beach from the properties, and prior to first occupation or use of the building a verification report and/or photographic evidence will be submitted to and approved by the LPA demonstrating that the fencing has been installed.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

11. Prior to construction above damp-proof course level, a scheme for the provision of an integrated bird box or bat box/roosting features at a ratio of at least one per dwelling shall be submitted to and agreed in writing by the local planning authority. The scheme shall detail the location, height, orientation, numbers and specification of the provision. The scheme will be fully implemented as approved. Prior to first occupation or use of the building a verification report and/or photographic evidence will be submitted to and approved by the LPA demonstrating that this work has been done.

Reason: To conserve and enhance local biodiversity in line with the NPPF.

Contaminated Land Assessment

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

a) A Phase 1 preliminary risk assessment 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 Phase 1 preliminary risk assessment shall include a desk study, site walkover and establish a 'conceptual site model' identifying all plausible pollutant linkages. Furthermore, the assessment shall set objectives for Phase 2 intrusive site investigation works/ quantitative risk assessment (or state if none required). The Phase 1 preliminary risk assessment shall be submitted to the Local Planning Authority without delay upon completion.

b) A Phase 2 intrusive 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. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

c) A written remediation strategy detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to 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.

Reason: To ensure that risks from land contamination are minimised.

Contaminated Land Verification Report

13. Prior to the development being brought into use or continuing in use the applicant shall submit a verification report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

[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 are minimised.

Contamination not Previously Discovered - Watching Brief

14. If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material (prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority.

No building shall be occupied until a remediation strategy 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].

* "Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9.

Reason: To ensure that risks from land contamination are minimised.

Ground Gas Protection

15. No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority.

The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

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 be prejudicial to the health & amenity.

Verification of Ground Gas Protection

16. No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 15. The verification report shall be approved in writing by the LPA.

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

Construction Noise

17. No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of:

- 0800 to 1800 on Monday to Friday and
- 0800 to 1300 on Saturday.

No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

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

Dust from Construction

18. No development shall commence, including any works of demolition, until a dust management plan has been submitted and approved in writing by the Local Planning Authority.

The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the agreed plan and shall not be altered without the prior written approval of the local planning authority.

Reason: To ensure a commensurate level of protection against dust.

19. The accommodation subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework

Informative

LLFA

Any areas within the front garden of the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable driveway:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt or concrete.

If gravel drives are proposed, please speak to Northumberland County Council Highways team over their suitability.

Further information can be found here -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition, the development should explore looking at and installing rainwater harvesting units and water butts.

Public Protection

1. 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.

2. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Date of Report:

Authorised by:

Date:

Background Papers: Planning application file(s) 21/04346/FUL