

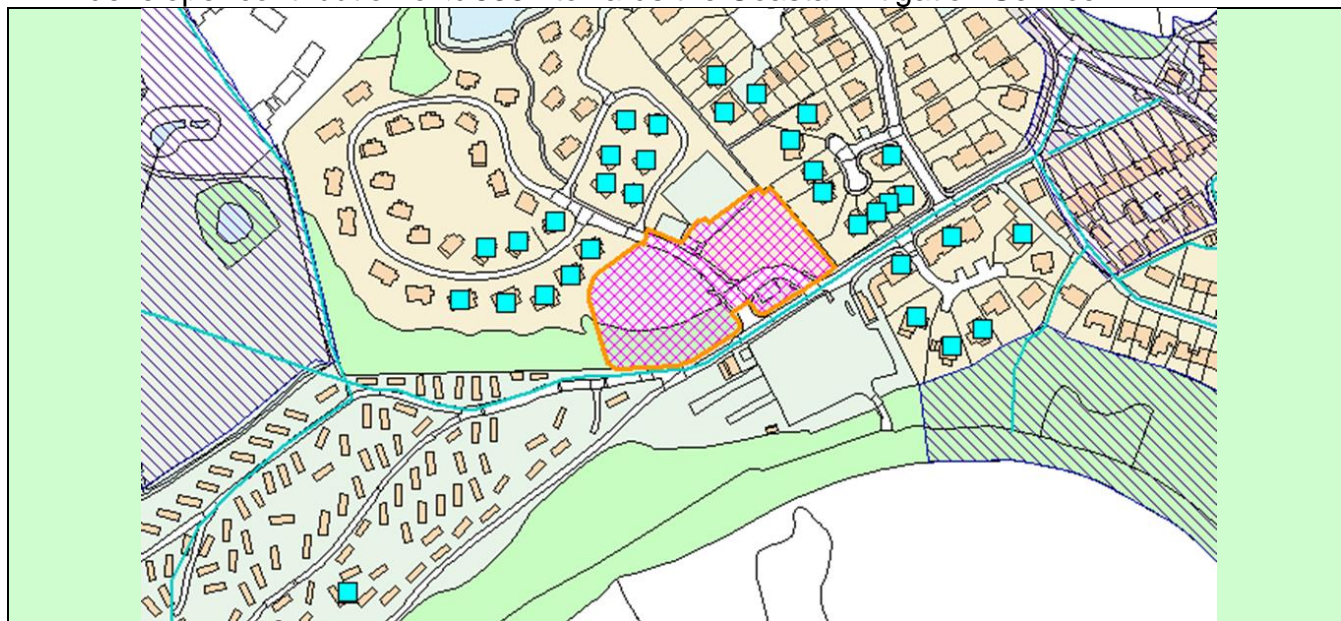


Northumberland County Council

North Northumberland Local Area Committee 22nd February 2024

Application No:	23/01710/FUL		
Proposal:	Erection of a single storey side extension clad in larch as well as 8no. eco-pods embedded within the ground covered with coastal grass species. 4no. single storey double timber-frame cabins and 3no. timber enterprise kiosks and associated car park facility with associated and external ground works. (amended description 14.11.23)		
Site Address	The Landing, Benthall, Beadnell, Chathill, Northumberland, NE67 5FD		
Applicant:	Mr Stephen Dixon C/o Xsite Architecture LLP, Arch 6, Stepney Bank, Newcastle Upon Tyne NE1 2NP	Agent:	Tim Bailey Arch 6, Stepney Bank, Newcastle Upon Tyne, NE1 2NP
Ward	Bamburgh	Parish	Beadnell
Valid Date:	10 May 2023	Expiry Date:	25 January 2024
Case Officer Details:	Name: Mr James Hudson Job Title: Senior Planning Officer Tel No: 07971511133 Email: James.Hudson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a developer contribution of £ 5352 towards the Coastal Mitigation Service



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1. Introduction

1.1 Following an objection received from the parish council contrary to officer recommendation the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

2. Description of the Proposals

2.1 Planning permission is sought for construction of a single storey side extension to the existing cafe (The Landing) clad in larch as well as 8no. eco-pods embedded within the ground covered with coastal grass species. 4no. single storey double timber-frame cabins and 3no. timber enterprise kiosks and associated car park facility with associated and external ground works at The Landing, Benthall, Beadnell, Chathill.

2.2 The application site, which includes the existing restaurant and a section of Bernicia Way, as well as all the elements now proposed, measures 0.675 hectares in total. The site is on a south-facing section of coastline at Beadnell Bay, falling within the Beadnell settlement boundary but well away from the newly designated conservation area. The site itself includes hardstanding and sandy grassed areas and is at the entrance of the recent Bernicia Way housing scheme to its north-west, where there are also 2 tennis courts. Other housing lies to the east. To the south-west is a caravan site. Opposite, to the south, between the site and the coast is a large public car park.

2.3 The application proposes four pairs of timber-frame cabins, eight 'eco-pods' and three kiosk-style 'enterprise units' on the adjacent land. It is explained that the accommodation units would cater for "watersports enthusiasts, coastal walkers and short stay visitors" and that, rather than acting as fully independent self-catering apartments, they would act as 'rooms' associated with the restaurant. It is stated that the eight eco-pods would be sunk into "the existing mounded grassed area" in the south west corner of the site. The mounds were formed through other applications and when the estate to the north was built, rather than being a longstanding feature and are not dunes.

2.4 The four pairs of single storey timber cabins would be north-east of the cafe with their entrances facing south and southwest. The three kiosk units would, it is stated, offer the potential for local businesses to set up on a 'pop-up' or long-term basis. The proposed extension to The Landing has already been carried out and this part of the development is retrospective. All elements, apart from the eco-pods, are proposed to be timber or timber-clad. On-site parking is to be provided, including two bays per holiday cabin or pod, with additional new spaces for the restaurant, kiosks etc. Cycle parking and disabled parking bays are also proposed, with waste facilities being centralised by the restaurant.

2.5 The site is close to (less than 100m from) the various international and national nature conservation designations that line this section of coast. The application site is located within the Northumberland Coast AONB. It also lies within the Coastal Change Management Area (CCMA).

3. Planning History

Reference Number: 18/02648/FUL

Description: Construction of two-storey cafe and restaurant (A3) totalling approx. 522 sqm, 50 car parking spaces, improved access roads, landscaping and other ancillary works

Status: WDN

Reference Number: 18/03822/FUL

Description: Construction of a two-storey cafe and restaurant (A3) totalling approx. 522 sqm, 64 car parking spaces, improved access roads, play area / green space, landscaping and other ancillary works (amended 9th January 2019).

Status: PER

Reference Number: 20/03014/FUL

Description: Erection of two storey restaurant cafe with associated servicing area and customer parking. Amended layout plans received resiting of building 11.11.2020. Revised plans received showing viewing tower omitted 01.12.2020.

Status: PER

Reference Number: 21/01822/FUL

Description: Proposal for the use of vacant land as public car parking - temporary use

Status: PER

Reference Number: 21/01980/FUL

Description: Erection of a single storey restaurant, bar and take away counter and external stair to a roof terrace. Associated car park.

Status: PER

Reference Number: 22/00557/FUL

Description: Temporary 4 year permission sought for a single storey food retail unit (Eb) use) with indoor and limited outdoor terrace seating, together with the provision of associated 11no. car parking spaces, including 1no. disabled car parking space, vehicular access and manoeuvring space

Status: PER

Reference Number: 22/00076/LIC

Description: Application for a New Premise License. Closing date for representations is the 29th July 2022.

Status: OBJECT

Reference Number: 23/00025/LIC

Description: Closing date for representations is the 6th April 2023. Service request 164552 has been created on Civica. Minor Variation of premise licence.

Status: NOOBJ

Reference Number: 23/01295/FUL

Description: Erection of a single storey side extension clad in larch as well as 8no. eco-pods embedded within the ground covered with coastal grass species. 5no. single storey double timber-frame cabins and 5no. timber enterprise kiosks and associated car park facility with associated and external ground works.

Status: APPRET

Reference Number: 23/01971/DISCON

Description: Discharge of Conditions 4 (Appearance), 5 (Ground Gas), 6 (Ground Gas), 9 (Lux Levels), 10 (Odour), 13 (Highways), 15 (Refuse Storage) and 16 (Landscaping) pursuant to planning permission 22/00557/FUL

Status: CONREF

4. Consultee Responses

<p>Beadnell Parish Council</p>	<p>The North Northumberland Coast NHP mentions that the local communities including Beadnell are at saturation point regarding holiday accommodation, therefore a further expansion of holiday accommodation could have a negative impact on amenities of the community and visitor experience, as well as a having a negative impact on the local landscape and designated areas.</p> <p>Northumberland County Council Local Plan Policy ECN 15 paragraph (f) about Tourism and Visitor Development does not support new or extensions to existing sites for camping, caravans and chalets inside the 2 Northumberland Coast National Landscape's.</p> <p>This planning application does not conserve or enhance the special qualities of the Northumberland Coast National Landscape and Northumberland County Council Local Plan ENV 5.</p> <p>This planning application is overdevelopment of the area.</p> <p>The Parish Council recognises that the developer will be making the statutory contribution to Coastal Mitigation, However, there has been no community benefit offered as part of this planning application.</p> <p>It appears there will be a loss of approx. 55 much needed car parking spaces, which are well used during peak periods. Confirmation is required as to whether the car park will no longer be available for members of the public if they are not accessing the facilities.</p> <p>Confirmation is required as to the proposed use for the cabins as some documents say tourists, but some say for staff. The requirements for each group would be different.</p> <p>There is lack of details for the proposed play area.</p> <p>Parish Councillors agreed if Northumberland County Council are minded to grant permission for the extension to The Landing it is temporary and should be in keeping with the already approved associated planning applications:</p>
	<p>22/00557/FUL where temporary approval was given for 4 years and expires on 1st October 2026.</p> <p>21/01822/FUL where temporary approval was given for public car parking which expires on 19th November 2024.</p> <p>Also, If this planning application is approved what impact will the approval have on the 2 above approved planning applications which are on the same location?</p>

	<p>The following condition should be added to any approval notice.</p> <p>There shall be no external camping or other domestic paraphernalia within the site.</p> <p>Reason: In the interests of visual amenity and in accordance with the NPPF</p>
Highways	No objections, subject to conditions.
Climate Change Team	No response received.
Natural England	Object until a HRA is provided
Lead Local Flood Authority (LLFA)	No comment, recommended informative.
Countryside/ Rights Of Way	No objection to the proposed development on the condition that Public Footpath No. 4 is protected throughout.
County Ecologist	No objection, subject to conditions and a developer contribution of £5352 towards the Coastal Mitigation Service as secured by a legal agreement.
Public Protection	No objections, subject to condition.
Northumberland Coast AONB	Object, insufficient information received in respect to a visual impact assessment.
Architectural Liaison Officer - Police	No objections, recommended informatives.
Northumbria Ambulance Service	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	58
Number of Objections	31
Number of Support	33
Number of General Comments	0

Notices

General site notice, 23 May 2023
No Press Notice Required.

Summary of Responses:

31.no objections and 33.no letters of support were received during the consultation period.

With respect to the letters of objection, matters raised include:

- Highways safety and parking
- Visual impact of the development
- Amenity impact of the development
- Contrary to Policy 14 of the Northumberland Coast Neighbourhood Plan and HOU 10 of the Northumberland Local Plan in respect to second homes and holiday homes.
- History of on going surface water drainage issues
- The Landing extension has already been constructed without permission

With respect to the letters of support, matters raised include:

- Supports the local economy
- Fits into the local environment
- Evolves and diversifies the offering of accommodation to tourists
- Creates jobs
- Visually sympathetic to the area
- Represents a progressive and sustainable approach to development.
- The development could potentially reduce demand for holiday let accommodation resulting in a reduction in property prices for existing homes in the area.

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=RUG7ARQSHJH00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan – 2016-2036

Policy STP 1 Spatial strategy

Policy STP 2 Presumption in favour of sustainable development

Policy STP 3 Principles of sustainable development

Policy STP 4 Climate change mitigation and adaptation

Policy STP 5 Health and wellbeing

Policy ECN 1 Planning strategy for the economy

Policy ECN 12 A strategy for rural economic growth

Policy ECN 13 Meeting rural employment needs

Policy ECN 15 Tourism and visitor development

Policy TCS 6 Hot food takeaways

Policy QOP 1 Design principles

Policy QOP 2 Good design and amenity

Policy QOP 3 Public realm design principles

Policy QOP 4 Landscaping and trees

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections

Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic & built environment
Policy ENV 2 Biodiversity and geodiversity
Policy ENV 3 Landscape
Policy ENV 4 Tranquillity, dark skies and a sense of rurality
Policy ENV 5 Northumberland Coast Area of Outstanding Natural Beauty
Policy ENV 9 Conservation Areas
Policy WAT 3 Flooding
Policy WAT 4 Sustainable Drainage Systems
Policy WAT 5 Coastal erosion and coastal change management
Policy POL 2 Pollution and air, soil and water quality
Policy INF 2 Community services and facilities
Policy INF 6 Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (2023) - NPPF
Planning Practice Guidance (2023) - PPG

6.3 Neighbourhood Planning Policy

North Northumberland Coast Neighbourhood Plan - 2017 - 2032

Policy 1: Sustainable Development
Policy 2: Landscapes and Seascapes
Policy 3: Habitats and Species
Policy 4: Coastal Management and the Coastal Strip
Policy 5: Design in New Development
Policy 8: Sustainable Development Within the Settlements
Policy 12: Historic Core of Beadnell
Policy 20: Assets of Community Value & Community Facilities
Policy 21: New Tourist and Community Facilities
Policy 23: Business and Employment

6.4 Other Documents/Strategies

National Design Code (2021)
National Design Guide (2021)

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 of the Northumberland Local Plan (NLP) and the North Northumberland Coast Neighbourhood Plan (NNCNP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The key issues in determining this application are;

Principle of Development

Scale, Design and Visual Impact, including on the Northumberland Coast
AONB;
Residential Amenity;
Highway Safety;
Ecology;
Flood Risk and Drainage
Climate Change
Broadband Connectivity
Other Matters

Principle of Development

7.3 The principle of a restaurant/cafe development has already been established with the approval of planning permission 21/01980/FUL for the erection of a single storey restaurant, bar and take away counter and external stair to a roof terrace, together with an associated car park. However, it is acknowledged that such a permission was granted on 19 November 2021, under the previous development plan policies.

7.4 Policy STP 1 (Spatial Strategy) of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets.

7.5 Beadnell is a (fourth tier) 'small village', where, under part 1e of Policy STP 1, sustainable development is supported commensurate with the size, role and function of the settlement, as long as it does not adversely impact upon its character and appearance. This strategy aligns well with the previously adopted approach of the made NNCNP, in which, subject to criteria, Policy 8 supports development within the settlement boundaries that it defines for Beadnell.

7.6 The application states that the proposed development will serve the local community, as well as visitors to nearby beaches and that it is a destination in its own right. On the first issue of local community facilities, these are considered key in Beadnell due to the large percentage of homes that stand empty for large parts of the year with the consequent pressure on the survival of services. As such, it is considered that community facilities that are partly sustained by visitors but serve the community should be supported, in line with NLP Policy INF 2, part 2 and NNCNP Policies 1(d) and 20. Complementing this approach is that relating to visitor facilities.

7.7 NLP Policy ECN 1 promotes tourism and the visitor economy as a key strand of the planning strategy for the Northumberland economy. General support for new visitor facilities is given in NLP Policy ECN 15 part 2, while part 3 of the Policy on the AONB (Policy ENV 5) makes clear that, within constraints, this is intended to apply within the AONB area as well. Also of relevance, Part 1 of Policy ECN 15 emphasises that Northumberland should be promoted as a destination for [inter alia] food and drink. In terms of the Neighbourhood Plan, NNCNP Policy 21 supports proposals to provide small-scale new or improved community and/or visitor facilities.

7.8 The importance of business is also emphasised through the Development Plan. NLP Policy ECN 1 supports development that helps existing and/or new businesses. Clearly this requires some weight to be attributed to what is viable. NNCNP Policy 23 gives support to proposals for new business premises and the extension and expansion of existing ones within settlements and, importantly, specifies a need for "new small-scale enterprise hubs/business use in Beadnell". NLP Policy ECN 12

seeks to facilitate “the formation, growth and up-scaling of businesses in rural locations” within constraints, while Policy ECN 13 supports rural employment opportunities if well related to the existing settlement pattern. Perhaps of greater relevance, NLP Policy ENV 5, on the AONB, recognises that the designated area is nevertheless “a living, working area” where special consideration should be given to proposals that support business.

7.9 The principle of development is therefore supported in terms of the spatial strategy, as well as policy approaches on the rural and AONB economy, community facilities, and provision for visitors. The proposed development is considered to be in accordance with Policies STP 1, INF 2, ECN 1, ENC 12, ENC 13, ENC 15 and ENV 5 of the Northumberland Local Plan and Policies 8, 1(d), 20, 21 and 23 of the NNCNP and the NPPF.

Scale, Design and Visual Impact, including on the Northumberland Coast AONB

7.10 Policy QOP 1 of the Northumberland Local Plan seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria, the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.11 Policy ENV 5 states that the special qualities of the Northumberland Coast AONB will be conserved and enhanced.

7.12 NNCNP Policy 2 also emphasises the need not to undermine the AONB’s scenic quality.

7.13 Paragraph 131 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 seeks to ensure that developments are visually attractive, and sympathetic to local character, including the surrounding landscape setting.

7.14 Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, the site is located within the Northumberland Coast AONB.

7.15 The application proposes an extension to the existing restaurant, four pairs of timber-frame cabins, eight ‘eco-pods’ and three kiosk-style ‘enterprise units’. The eight eco-pods would be sunk into the existing mounded grassed area on the South West corner of the site. The mounds were formed through other applications when the estate to the north was built, rather than being a longstanding feature and are not dunes and would be reprofiled through this application. The proposed above ground holiday cabins and employment kiosks will all be constructed from timber cladding echoing the design vernacular of the existing restaurant/cafe unit and measure a maximum of 4m. Car parking and a children’s play area are also proposed through the application.

7.16 The Council’s Northumberland Coast AONB Team have been consulted on the proposed development. They have advised that they are supportive of the extension to the temporary restaurant granted under planning permission 22/00557/FUL. The

further development of the site is supported in principle. However, concerns are raised over the plans presented in this application for a holiday complex, concerns relate to whether the proposals represent overdevelopment of the site and from the plans submitted the visual impact on the AONB in particular the landscaping of the bund which will cover the eco cabins and future management arrangements of this landscaped feature.

7.17 Following on from the comments from the AONB the applicant has submitted an updated Design and Access Statement and revised the plans to scale back the number of holiday units to 4 double cabins and 3 kiosks to minimise the visual impact of the development. The AONB have maintained their objection to the proposal and advise that they wish to see photo montages of the development and maintain their objection.

7.18 The site is located within the built-up area, sandwiched between modern development and a caravan site, and buffered from the sensitive coast by the car park to the South. The LVIA document and addendum conclude that the resulting visual effects to be very localised, due to the single storey heights and visual enclosure created by existing buildings/ dunes/ bunds. The main receptors who would experience a change in view would be the residents of adjacent houses surrounding the site, from the Landing restaurant, users of adjacent tennis court, and there will also be views of the proposals from vehicles, walkers and cyclists using adjacent minor roads and car parks in the immediate vicinity. The presence of an existing vegetated sand dune along the coastal edge of the main seaside public car park will effectively limit any views from the beach itself.

7.19 In terms of landscape character, the new cabins and kiosks will create additional low-level built form, alongside the Landing restaurant which has been a positive introduction to this locality. The existing car park next to the proposed eco cabins will be line-marked which will be slightly more urban in character, but not inappropriate given the existing main beach car park which is line-marked. However the introduction of soft landscaping as proposed will help to soften the visual impact of the car park.

7.20 The existing bund will be reshaped to envelop the 10 eco cabins, it is acknowledged that the current proposed landscaping is overengineered in appearance and a condition is required to control the final appearance and management of the landscaping of the bund to create a natural, informal appearance reflective of local coastal sand dunes to be more in keeping with the AONB setting.

7.21 It is therefore considered that the development does not give rise to significant concerns in respect of visual impact, including impacts on the surrounding landscape and the AONB. Conditions are to be attached to any approval requiring the submission and approval of the colour and/or treatment finish of external timber, details of any external lighting, details of external equipment, surface treatments and final landscaping and management of the bund to cover eco pods.

7.22 The proposed development is therefore in accordance with Policies QOP 1 and ENV 5 of the Northumberland Local Plan, Policy 2 of the NNCNP and the NPPF.

Residential Amenity

7.23 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.24 Paragraph 135 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.25 The application site is located within the built-up area of Beadnell and at its closest the proposed holiday units will be located approximately 20m from the rear of properties 6 and 7 Sandy Lane Court located to the east of the development boundary.

7.26 The Council's Public Protection Team has been consulted on the proposed development and they have assessed the impact of the proposals on residential amenity with regard to matters such as noise and odours emanating from the development. Following submission of additional information with respect to gas protection measures the Public Protection team have advised that they do not object to the proposed development and have recommended informatives.

7.27 Given the separation distance of over 20m between the proposed buildings and the nearest residential property, it is considered that there would not be any substantive impacts on neighbouring amenity resulting from the proposals in terms of loss of light, outlook, overbearing impacts, privacy, noise or odours. On this basis, the proposal is considered to be in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

Highways

7.28 Policy TRA 2 of the Northumberland Local Plan seeks to ensure that all development will minimise any adverse impacts upon the highway network and Policy TRA 4 provides details of parking standards to ensure there is an adequate supply of off-street vehicle parking to serve new development.

7.29 The Council's Highways Development Management Team (HDM) has been consulted on the proposed development and made the following comments:

'After initial objections in respect to parking matters and highways safety the HDM team have been reconsulted, with the applicant providing a Design and Access Statement, revised plans, together with additional further information. They have clarified that Use class Floor areas are - The Landing (as already permitted) - Use class A3- 122 sqm Proposed Floor area of the whole of current application: Restaurant + extension – Use class A3- 172 sqm, Kiosks – Use Class A1/A3- 21 square metres, Cabins(8no) and Pods (8 no)- Use Class Sui Generis – 455 sqm.

According to the above details, for the proposed development for Use class A3 (Restaurant + extension)- 172 sqm would require 17x spaces, similarly for Kiosks – Use Class A1/A3)- 21 sqm would require 2x spaces and for Cabins(8no) and Pods (8 no)- Use Class Sui Generis – 455 sq m would require (8 + 8), 16 spaces.

The applicant has provided a total of 50 spaces including 5x staff parking spaces, the level of parking being provided is considered acceptable as it is in accordance with Appendix E of the Northumberland Local Plan. The parking area will be accessed off Bernicia Way which is a private road and does not form part of the adopted highway.

The applicant has stated that the temporary use of the public car park has already ceased, however, given the decision notice associated with application 21/01822/FUL which grants permission to a period expiring on the 19/11/2024, a

suitably worded condition is recommended to stop further use of this car park associated with 21/01822/FUL prior to this development being brought into use.

Therefore, the additional information being provided with regards to the floor area of the previous use (permission), together with the breakdown of the use class for the proposed development and its associated car parking details are considered acceptable. The Local Planning Authority is reminded to impose a suitably worded condition to cease all of the previous planning permissions and restrict any other parking on site with previous approvals to be immediately stopped and therefore the car park shown.'

7.30 The Highways Development Management Team do not object to this amended proposal subject to conditions and informatives with regards to construction method, refuse, car parking implementation and cycle parking implementation. In respect to the recommended HDM condition in relation to ceasing the use of the temporary car park under application 21/01822/FUL, Officers are not able attach a highway condition which seeks to cease previous permissions. If the applicant is in breach of their temporary permission, then it will become an enforcement matter which is dealt with out with this application. The recommended condition to control the use of the existing car part will not therefore be attached.

7.31 It is considered that the proposed development is acceptable with regard to highways issues, including vehicular access, parking and impacts on the highway network. As such, the proposed development is in accordance with Policies TRA 2 and TRA 4 of the Northumberland Local Plan and the NPPF.

Ecology

7.32 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

7.33 Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles. The applicant has provided an Ecological Appraisal to support the application.

7.34 Natural England were consulted on the proposed development. They have an outstanding objection and requested that an HRA is carried out. Their response related solely to ensuring that a contribution to the Coastal Mitigation Service (CMS) was secured. The applicant has agreed to this and subject to the relevant s106 agreement being attached to any approval which may be issued, then it is considered the development would be covered by the class Habitat Regulations Assessment (HRA) which covers mitigation secured by a contribution to the CMS. Natural England haven't raised any other issues (i.e. construction disturbance) in their response so this appears to be their only point of objection. Furthermore following submission of these comments, the applicant has submitted additional ecology information and submitted a licence issued by Natural England with respect to protected species. Natural England have not returned further comment but have advised that they will prior to the application going before committee.

7.35 The Council's Ecology Team has also been consulted on the proposed development. They have no objection. They consider that the proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation, which is proposed in the ecological

report (Ecological Impact Assessment, Land at Bernicia Way, Beadnell, Cheviot Ecology, 10th August 2023). This mitigation should be secured by condition.

7.36 Furthermore the applicant has submitted a completed Impact Assessment and Conservation Payment Certificate (IACPC), countersigned by Natural England, which removes the need to undertake specific surveys or develop a mitigation strategy for GCN and confirms that the development will compensate for any impacts on GCN by a conservation payment.

7.37 The site is within the buffer zone for recreational disturbance impacts on the interest features of a number of designated sites along the Northumberland coast including the Northumberland Shore SSSI, Lindisfarne Special Protection Area (SPA) and Northumbria Coast SPA. As a result, any net increase in holiday units requires mitigation via Northumberland County Councils Coastal Mitigation Service. The applicant in this case has agreed to the development contribution of £5352 towards the Council's Coastal Mitigation Service.

7.38 Subject to the inclusion of conditions and developer contribution, the proposals are considered to be acceptable with regard to ecology and are in accordance with Policy ENV 2 of the Northumberland Local Plan and the NPPF.

Drainage and Flood Risk

7.39 The site, together with much of the wider area, is located within the Water Resource Zone as identified on the Northumberland Local Plan Policies Map, with Policy WAT 2 (Water supply and sewerage) of the Northumberland Local Plan stating that the satisfactory provision of water supply and sewerage infrastructure will be maintained and secured within such areas. The site is also located within the Coastal Change Management Area (CCMA) under Policy WAT5. Policy WAT 5, part 4a, seeks to prevent adverse changes to the coast through impacts on landform, stability, ecology or biodiversity. Part 4d gives preference, within the CCMA, to small scale, and/or temporary forms of construction. Policy WAT 3 (Flooding) refers to the potential for both on and off-site flood risk and requires proposals to demonstrate how flood risk will be minimised. Policy WAT 4 (Sustainable Drainage Systems) requires the incorporation of SuDS into developments where necessary to manage surface water drainage.

7.40 The Lead Local Flood Authority were consulted on the application and have no comments to the planning application from a surface water management perspective and no objection in respect to coastal change management. They have recommended informatives in respect to surface treatments being permeable. Following public comments with respect to drainage matters, consultation has been undertaken with Northumbrian Water Ltd, they have not provided comments in relation to the development at this time.

7.41 Having considered the proposals against policies in respect to flooding, drainage and coastal change management the proposed development is considered to be in accordance with Policies WAT 2, WAT 4 and WAT 5 of the Northumberland Local Plan and the NPPF.

Public Rights of Way

7.42 Parish of Beadnell Public Footpath No 4 passes adjacent to the south of the application's red line site boundary.

7.43 The Council's Public Rights of Way Officer was consulted on the proposed development. They have advised that they have no objection to the proposed development on the condition that Public Footpath No 4 is protected throughout. An informative has been included with regard to this matter.

Climate Change

7.44 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.

7.45 Local Plan Policy QOP1 sets out a number of 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.

7.46 Local Plan Policy QOP 5 relates to sustainable design and construction. In order 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.

7.47 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. However in this instance it is considered that given the scale of the works and minor alterations being proposed that the proposal generally accords with sustainability requirements of the NLP and does not require a condition to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband Connectivity

7.48 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.

7.49 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.

Other Matters

7.50 Comments of objection from members of the public and the parish council have been made in respect to the development being contrary to policy HOU 10 of the

NLP and Policy 14 of the NNCNP. These policies specifically refer to all new housing being restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. In this instance the application is for holiday accommodation and not new dwellings, therefore there is no requirement to secure the development as Principal Residence.

7.51 Comments of objection from members of the public have been made in respect to highways safety and parking. Following submission of additional information and revised plans NCC Highways have advised they have no objections to the development in relation to parking and highways safety subject to conditions.

7.52 Objections were received in relation to ongoing surface water drainage issues, after consultation with the LLFA and NWL who have no comments to make in this respect.

7.53 Comments in respect to the visual impact of development and amenity have been assessed in the above sections of this report and the development is considered in accordance with the NLP and NPPF subject to appropriate planning conditions.

Equality Duty

7.54 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

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

Human Rights Act Implications

7.56 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.

7.57 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.

7.58 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 On balance the principle of the proposed development is considered to be acceptable in terms of the spatial strategy, the rural and AONB economy, community facilities, and provision for visitors.

8.2 While it is acknowledged that the development will have a visual impact on the immediate landscape and AONB on balance the proposed development is considered to be acceptable with regard to its design and its impact on the visual amenities of the area, including the Northumberland Coast AONB and residential amenity. Furthermore, the proposed development is considered to be acceptable with regard to its impact on parking and access, ecology and contaminated land/ground gas.

8.3 It is therefore considered that the proposal is in accordance with development plan policies within the Northumberland Local Plan, the North Northumberland Coast Neighbourhood Plan and the NPPF and accordingly it would be unreasonable to withhold planning permission.

9. Recommendation

That this application be GRANTED permission subject to a developer contribution of £ 5352 towards the Coastal Mitigation Service and the following:

Conditions

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

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

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

Site Location Plan – Drawing 2001 Rev P2.1
Propose Site Layout – Drawing 2004 Rev P1
Proposed Site Sections – Drawing 2020 Rev P 2.2
Proposed Landscape Plan- Drawing 2030 Rev 2.3
Proposed Drainage Layout – Drawing 2031 Rev P2.2
Proposed Restaurant Elevations – Drawing 2013 Rev 2.2
Proposed Restaurant Floor Plan – Drawing 2011 Rev P2.2
Proposed Restaurant Roof Plan – Drawing 2014 Rev P2.2
Proposed Cabins, Pods and Kiosks Elevations – Drawing 2016 Rev 2.1

Proposed Cabins, Pods and Kiosk Floor Plans – Drawing 2015 Rev 2.1
Coastal Change Vulnerability Assessment – 05 May 2023
Design and Access Statement – Dated November 2023
Signed IACPC – Uploaded 4 December 2024
Gas Protection Details – Drawing 15822-1
LVIA Correspondence Southern Green – dated 4 September 2023
Ecology Impact Assessment – dated 10 August 2023
Ground Gas Report – reference 12-033.02L

Reason: To ensure the development is carried out in accordance with the approved plans and in accordance with Local and National Planning

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

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

04. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays/ 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 and Policy TRA4 of the Northumberland Local Plan.

05. 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 and Policy TRA1 of the Northumberland Local Plan.

06. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (as stated in the application form) Order 1987 (or any other re-enacting or revoking Order with or without modification), the car park associated with this premises shall only be used as ancillary to the main use of the site and for no other purpose.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and saved Policy TRA 4 of the Local Plan.

08. 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 and Policies TRA1 and TRA2 of the Northumberland Local Plan

09. No works shall be undertaken other than in accordance with the recommendations for mitigation, compensation and enhancement detailed within 'Ecological Impact Assessment, Land at Bernica Way, Beadnell, Cheviot Ecology, 10 August 2023' including but not limited to:

- o Avoid night-working and use of floodlights, to avoid disturbing nocturnal animals.
- o Cover any trenches and pits overnight or if not in use, or provide a means of escape to avoid animals becoming trapped.
- o Store chemicals, waste and spoil safely, away from boundary areas and field margins with tall ruderal vegetation or hedgerow
- o Use fencing, signage, and routing of entry/exit to pods to deter trampling of new habitat and prohibit access by dogs.
- o During works, avoid creating habitat on site that may be used by protected or notable species.
- o To avoid direct impacts on reptiles during the construction phase, habitat manipulation is to be undertaken when reptiles are active (typically March to September inclusive, dependent on weather and temperature), and a maximum of one week prior to works on vegetated grassland areas commencing.
- o Prior to the habitat manipulation, a hand search will be undertaken by a Suitably Qualified Ecologist (SQE), to include parting vegetation to look for reptiles and checking underneath any natural refuges for reptiles. Clearance of dense vegetation will be undertaken using a strimmer or brush cutter, supervised by the SQE, with arisings raked and removed from the area on the same day. Cutting of vegetation will be phased, with a first cut to no less than 150mm, a second to 75mm, and a third cut at 30mm. Vegetation cutting will commence at the point furthest away from other suitable reptile habitat, so that any reptiles present can move into an undisturbed area.
- o Any reptiles found during hand search or habitat manipulation will be moved by the SQE to a pre-identified and suitable location. Once vegetation is removed, regular strimming of vegetation to 30mm until construction works are complete will discourage reptiles from returning.
- o Lighting for the site shall follow guidance set out the Institution of Lighting Professionals Guidance Note 8: Bats and artificial lighting (08/23)

Reason: To protect and enhance biodiversity in accordance with Local Plan policy ENV2 and the NPPF.

10. In accordance with the recommendations of 'Ecological Impact Assessment, Land at Bernica Way, Beadnell, Cheviot Ecology, 10 August 2023', a scheme for the provision of integrated bird box or bat box/roosting features shall be submitted to and agreed in writing by the local planning authority. The scheme shall detail the location, height, orientation, and specification of the provision and be at a ratio of at least one per residential unit. The scheme will be fully implemented as approved.

Reason: To conserve and enhance local biodiversity in line with Local Plan policy ENV2 and the NPPF

11. There shall be no external camping or other domestic paraphernalia within the site.

Reason: In the interests of visual amenity and in accordance with the NLP and NPPF

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

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policy QOP 1 of the Northumberland Local Plan and the NPPF.

13. Before the scheme is brought into use, the applicant shall submit a report to the local planning authority for its written approval. This report shall detail the lighting scheme to be used on site and demonstrating compliance with the pre and post curfew Lux levels for Environmental Zone E1, as defined in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, Guidance Note 01/21, 2021. The approved scheme shall be implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against light in accordance with Policy QOP 2 and the NPPF.

14. The property 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 at the Council at all reasonable times.

Reason: To ensure that the property is used for holiday accommodation and to prevent permanent residential use, in the interests of amenity and to allow further consideration of any alternative residential use, in accordance with Policies STP 3, HOU 9 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

15. The kiosks hereby approved shall not operate outside the hours of:

Monday to Saturday - 0800 to 2000
Sunday and Bank Holidays 0800 to 2000

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

16. 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

17. 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.

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.

18. Prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, where required, the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, including above the eco-pods, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the NPPF.

19. Prior to the commencement of development, a detailed landscape management plan shall be submitted to, and approved in writing by, the Local Planning Authority and the approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the NPPF.

20. Notwithstanding the approved plans, prior to the occupation of the extension hereby approved, the proposed colour and/or treatment finish of the external timber (including decking) of the kiosks, eco pods and cabins shall be 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 the satisfactory appearance of the development upon completion and in accordance with Policy QOP 1 of the Northumberland Local Plan and the NPPF.

21. Notwithstanding the approved plans, prior to commencement of development of the children's play area, a detailed scheme for the children's play area identified on the Site Layout Drawing No. 2004 Rev P1 shall be submitted to and approved in writing by the Local Planning Authority, including details of the play equipment, surfacing, boundary treatments and a timetable for the construction of the area. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy QOP 1 of the Northumberland Local Plan and the NPPF.

Informatives

1. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

2. 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.

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

4. All works on site will adhere to the Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency. For further information follow the link: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

All fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.

Reason: To ensure that a watercourse is not polluted or contaminated during development works, in accordance with Policy WAT1 of the Northumberland Local Plan

5. Protected Species: All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).? Similarly, all wild birds and their nests are protected whilst in use and it is an offence

to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them

Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.?

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a good chance of encountering protected species during works.?

If protected species such as bats or nesting birds are encountered during development then works should cease immediately and the advice of the Project Ecologist should be sought straight away.?Enter Text here

6. Bat and Bird Provision: Ready-made integrated bird and bat boxes built into new buildings provide long lasting roosting/nesting features. Most boxes consist of a self-contained concrete roost chamber; however, options are available which will allow bats access into the roof space or wall cavity of the building. Examples of boxes can be readily seen online (e.g., <https://www.nhbs.com/equipment>). Swift brick/boxes are a

good option, being able to accommodate a range of smaller cavity nesting birds (house sparrows, blue tits, great tits). Bat boxes are best located on south or east elevations and bird boxes on north and east elevations of buildings.

7. Native Landscaping: Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

A list of plant species native to Northumberland can be found online A list of suitable trees is available online from Northumberland Wildlife Trust. Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

8. Pollution Prevention: The Government's Pollution Prevention Guidance 5 (PPG5), although withdrawn as formal guidance, still provides a useful practical guide to managing pollution risks on construction sites and can be found at this link [pmho1107bnkg-e-e.pdf](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1107/bnkg-e-e.pdf) ([publishing.service.gov.uk](https://www.publishing.service.gov.uk))

9. Under the National Planning Policy Framework 2023 a site must be suitable for its proposed end use, taking account of ground conditions and any risks arising from land instability and contamination (on, in, under or near the development site). Adequate site investigation information, prepared by a competent person, must be available to inform these assessments. Where a site is affected by contamination (including hazardous ground gas) or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (Paragraph 183 & 184).

10. 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.

Background Papers: Planning application file(s) 23/01710/FUL