



# Northumberland County Council

## North Northumberland Local Area Council 19<sup>th</sup> August 2021

<b>Application No:</b>	20/02132/FUL		
<b>Proposal:</b>	Extension to an existing caravan park to provide an additional 36 static caravan pitches		
<b>Site Address</b>	Land South East Of Tindles Hill Caravan Park, Longhorsley, Northumberland,		
<b>Applicant/ Agent</b>	Mrs Helen Bell Swarland East House, Road To Swarland East House, Longhorsley, Morpeth NE65 9HZ		
<b>Ward</b>	Shilbottle	<b>Parish</b>	Brinkburn & Hesleyhurst
<b>Valid Date</b>	23 July 2020	<b>Expiry Date</b>	30 March 2021
<b>Case Officer Details</b>	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

**Recommendation:** That this application be approved, subject to conditions.



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

### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee following receipt of a valid objection from the Parish Council.

## 2. Description of the Site and the Proposal

2.1 The site to which the application relates is currently in use as agricultural land. The proposed development is for an extension to the existing caravan park at Tindles Hill which is bordered on the other three sides by further agricultural land. The site first gained planning permission for caravans in 1995. Since then, applications have been submitted for additional pitches in 2001, 2005, 2008 and 2014 with all apart from the 2001 application permitted.

2.2 The proposal to which the application relates seeks to add an additional 36 static caravans which would extend the pitches available at an established caravan site which benefits from mature planting and landscaping. The development is proposed on land directly adjoining the existing site. This proposed new section will be accessed from the existing park access and will bring the total number of Caravans on the Site to 88 units.

## **3. Planning History**

**Reference Number:** 14/02242/FUL

**Description:** 8 pitch extension to existing caravan park

**Status:** PER

**Reference Number:** 17/02637/DISCON

**Description:** Discharge of conditions 3 (holiday accommodation), 4 (colour), 6 (planting), and 8 (compound and storage) on approved planning application 14/02242/FUL (As amended 24.08.2017).

**Status:** PER

**Reference Number:** A/95/A/342

**Description:** Static Caravan Site,

**Status:** PER

**Reference Number:** A/94/A/150

**Description:** Certificate Of Lawful Use Of Land For The Siting Of, 8 Caravans

**Status:** PER

**Reference Number:** A/2008/0501

**Description:** Change of use from agricultural land to static caravan park, extension to existing caravan park

**Status:** PER

**Reference Number:** A/ENQ/2007/0457

**Description:** Extension of existing caravan park with 39 additional pitches

**Status:** REPLY

**Reference Number:** A/2006/0138

**Description:** Septic tank (capacity 7500 ltr) and soakaway to serve existing caravan park.

**Status:** PER

**Reference Number:** A/ENQ/2005/0275

**Description:** 20 units at caravan park

**Status:** REPLY

**Reference Number:** A/2005/0486

**Description:** Extension to caravan site to provide for nine additional pitches

**Status:** PER

## **4. Planning Policy**

### 4.1 Development Plan Policy

Alnwick LDF Core Strategy 2007 (ACS)

S1 Location and scale of new development

S2 The sequential approach to development

S3 Sustainability criteria

S8 Economic regeneration

S10 Tourism development

S11 Locating development to maximise accessibility and minimise impact from travel

S12 Protecting and enhancing biodiversity and geodiversity

S13 Landscape character

S14 Development in the open countryside

S16 General design principles

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

RE20 Rural diversification proposals

TT5 Controlling car parking provision (and Appendix E)

T4 Criteria based policy to assess static and touring caravan developments

T5 Criteria based policy to assess chalet developments

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

### 4.2 National Planning Policy

National Planning Policy Framework (2021)

National Planning Practice Guidance (2014, as updated)

### 4.3 Other Documents/Strategies

Northumberland Landscape Character Assessment

Alnwick Landscape Character SPD

### 4.4 Emerging Planning Policy

Northumberland Local Plan – Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP1, STP2, STP3, STP4, STP5, STP6, HOU2, HOU3, HOU5, HOU6, HOU9,

QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ICT2, ENV1, ENV2,

ENV3, ENV4, ENV7, WAT2, WAT1, WAT3, WAT4, POL1, POL2, INF1, INF5, INF6.

## **5. Consultee Responses**

<p>Brinkburn And Hesleyhurst Parish Council</p>	<p>The Parish Council wishes to object to this planning application. You will see from your files that we have consistently opposed the creeping expansion of this site which has occurred since the original application was approved. At each stage, we have been given assurances that there will be no further expansion. A request for further expansion then seems to appear a few years later.</p> <p>As you will see from the files, our arguments against the expansion of the site have been documented on a number of occasions. I have attached our letter of objection from 2008, which outlines our objections to the planning application at that time, and which are the basis for our objection to the latest proposal.</p> <p>To summarise some key issues:</p> <ul style="list-style-type: none"> <li>• High landscape value of the site and surrounding area.;</li> <li>• Prominent location which is visible from many locations</li> <li>• Road safety concerns with respect to increased traffic on the narrow class C road;</li> <li>• Large existing caravan sites within a few miles of Tindles Hill.</li> </ul> <p>I would be grateful if you would take our views into consideration when reviewing this planning application and keep me informed of progress.</p>
<p>Highways</p>	<p>No objection, subject to conditions and s278 agreement.</p>
<p>Lead Local Flood Authority (LLFA)</p>	<p>Following receipt of additional information, the LLFA has no objection, subject to conditions.</p>
<p>Public Protection</p>	<p>The caravans will be raised above ground level and therefore Public Protection has no objections to the proposal on the basis of ground gas. Historic Ordnance Survey mapping indicates that the proposed site is greenfield and therefore the soil contamination risk to human health from the proposed commercial use (a non-sensitive receptor) does not require control by a suitably worded condition.</p> <p>The extension would be within the same ownership as the existing caravan park - conditions relating to construction hours are therefore unnecessary as all potentially affected persons by noise / dust etc have a direct role in managing the construction phase.</p> <p>The quality and supply of fresh drinking water to the site is sufficient as the water will be sourced from a mains supply.</p> <p>The site is located within a rural location. A lighting condition is recommended for inclusion within a decision notice to ensure that the proposal adheres to Paragraph 180 (c.) of the National Planning Policy Framework: "Planning policies and decisions should.....limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation"</p>

County Ecologist	No objection, subject to conditions
Architectural Liaison Officer - Police	Tindles Hill Caravan Park is located in a rural location and close to Longhorsley, whilst we do not object to the proposed planning application, we do have a concerns around the siting of the cycle shelter, especially the shelter located on the South East boundary of the site, which due to its position, benefits from little natural surveillance and cycles stored there could be a target for theft.
Tourism, Leisure & Culture	No response received.
Northumbrian Water Ltd	Having assessed the proposed development against the context outlined above I can confirm that we have no comments to make as no connections to the public sewerage network are proposed in the application documents. The application indicates that surface water will be managed via soakaway and foul water will be directed to a private package treatment plant.
Environment Agency	No objection.
Natural England	No objection.
County Archaeologist	<p>Taking account of the known archaeological baseline and the Information submitted with the pre-application enquiry, i t will not be necessary for an archaeological assessment to be undertaken or submitted with the application.</p> <p>There are no objections to the proposed development on archaeological grounds. No archaeological work is recommended.</p>

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	1
Number of General Comments	0

### Notices

General site notice, 18th September 2020  
Morpeth Herald 6th August 2020

### Summary of Responses:

One comment of support has been received; this relates to the boost to the local economy the proposal may have in terms of supporting existing services near to the site.

## 7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires

applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located, comprises the Alnwick Core Strategy 2007 and the saved policies from the Alnwick District Wide Local Plan 1997.

7.2 The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application.

7.3 The emerging Northumberland Local Plan, together with its up to date evidence, is a material consideration in the determination of planning applications. Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.5 Brinkburn And Hesleyhurst Parish Council have not designated a neighbourhood area for the purposes of neighbourhood plan preparation, and therefore there is no Neighbourhood Plan which relates to this parish at the time of preparing this report.

7.6 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are:

- Principle of Development;
- Landscape Impact and Design;
- Drainage Matters;
- Ecology and Biodiversity Matters; and,
- Highway and Transport Matters.

#### Principle of Development

7.7 The NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the

character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

7.8 Policy S1 of the Alnwick Core Strategy sets out a settlement hierarchy to guide the location and scale of development. The proposal is categorised as open countryside, which denotes that development should generally be limited to the reuse of existing buildings. The development would therefore need to be assessed against Policy S10 – Tourism.

7.9 Policy S3 sets out the key sustainability criteria the proposal should be assessed against. Criteria 1 and 5 relating to access and potential impact on the environment are the key consideration for the application and are discussed later in the report. In relation to criterion 6, addressing the need to contribute to building sustainable communities, consideration should focus on the potential economic gain for the local community, in terms of local job creation and potential additional spend in local businesses from increased visitor numbers. In considering this, the policy also states that in exceptional circumstances when economic benefits clearly outweigh sustainability shortcomings development may be allowable if adequate mitigation measures can offset negative impacts.

7.10 Alnwick District Core Strategy Policy S10 relates to Tourism development. Tourism development in the open countryside will be considered against Policy S14. Policy 14 supports applications for new development in the open countryside where the development is likely to be sustainable in the context of policy S3 and where the development is essential to support farming and other countryside based enterprise and activities, promote recreation and supports the retention of sustainable communities or supports the conservation and enhancement of the countryside.

7.11 In this instance, it is considered that the proposal for 36 additional pitches would conform with Policy S14, as it would support the conservation and enhancement of the countryside as well as an existing countryside based enterprise and activity.

7.12 The principle of development is therefore considered acceptable and in accordance with the provisions of the Alnwick Core Strategy and the NPPF, and other material considerations where these can be given weight.

### Landscape Impact and Design

7.13 Policy S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district.

7.14 Policy S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.

7.15 The site relates to an existing Caravan Park. The proposal seeks to increase the pitches on site from 52no. to 88no. The pitches are well contained, within existing hedgerow planting and other vegetation, as demonstrated through supporting documents. Further to this, where the additional units will be viewed, these will be viewed in the context of the existing Caravan Park. As such, the proposal will not have a detrimental impact on landscape character.

7.16 It is considered the proposal would lead to an enhancement of the immediate surroundings in accordance with Policies S13 and S16 of the ACS and the NPPF.

### Drainage Matters

7.17 Consultation has taken place in relation to drainage and foul sewage the Council's Lead Local Flood Authority Officer. The relevant policy in relation to this is within Chapter 14 of the NPPF forming the national planning policy context, and Chapter 11 'Water Environment' of the emerging Northumberland Local Plan also being relevant to this section.

7.18 Northumbrian Water have been consulted in relation to foul drainage matters and have commented that "*Having assessed the proposed development against the context outlined above I can confirm that we have no comments to make as no connections to the public sewerage network are proposed in the application documents. The application indicates that surface water will be managed via soakaway and foul water will be directed to a private package treatment plant.*" The application is therefore deemed compliant with relevant policy in relation to foul drainage matters.

7.19 The LLFA were consulted in relation to surface water drainage matters, they raised some concerns over the proposed development from a flood risk and drainage perspective. Further information has been received from the applicant, including revised plans and a drainage strategy. Following receipt and assessment of additional information, the LLFA have removed their objection to the scheme. The application is therefore deemed compliant with relevant policy in relation to foul and surface water drainage matters, subject to the conditions appended to this report.

7.20 The appropriate policy in the emerging NLP in relation to this matter is Policy WAT3 and WAT4. These have been given appropriate weight with regards to paragraph 48 of the NPPF.

7.21 The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight in relation to drainage matters.

### Highway and Transport Matters

7.22 Policy S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.

7.23 Paragraph 110 of the NPPF states "*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*"



7.24 Paragraph 111 of the NPPF states that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”

7.25 Paragraph 112 of the NPPF adds to this and states “*Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and, e) be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.*”

7.26 Access would be via the existing point of access from the U4039. The proposals indicate an intention to hard surface an additional 6.0m of the private access road in advance of the vehicular access to address issues with loose materials being dragged into the highway. This is generally acceptable and these works will be secured by conditions subject to permission being granted, with the retained geometries of the access acceptable for the extension of this site. A Section 184 Agreement will be required for delivery of these works.

7.27 The proposed site plan illustrates the extension of the internal private access roads southwards to facilitate access to the additional 36 No. static caravans which is acceptable and in keeping with previous submissions, with the existing site to the northern side incorporating 52 No. static pitches; 88 No. static caravans in total at the site. The locations of the 36 No. additional pitches have been reviewed and are not expected to lead to an obstruction to the highway or the safe operations of the development and there are no objections in principle to the extension of the existing caravan site.

7.28 Notwithstanding the above, the level of additional trips associated with the extension will increase the impact of the development upon the adopted highway, with evidence of damage to the carriageway edges and verges along the U4039 due to the over-run by vehicles and lack of passing facilities.

7.29 As part of the pre-application requirements the applicant was advised that at future application stages it would be necessary for localised widening / passing places to be provided on the approach roads. No details in this regard have been submitted alongside the application or included within the supporting submissions, with no discussions held with HDM in advance of any submissions, and therefore this requirement will be secured by conditions and be deliverable as part of a Section 278 Agreement pursuant to the Highways Act 1980.

7.30 The condition suggested will secure details of the number and location of any widening/passing places to mitigate the impact of the development along routes to/from the site and ensure safe routes to/from the development to mitigate any potential risks of collision associated with impaired access and subsequent and continued damage to the adopted highway and verges.

7.31 Although a Construction Method Statement is not required for a development of this scale, it is advised that, in the interests of highway safety and the amenity of the surrounding area, that no building materials or equipment shall be stored on the highway and no mud, debris or rubbish shall be deposited on the highway as outlined in the conditions.

7.32 The submitted plans illustrate car parking for vehicles alongside each of the static pitches which are generally acceptable to ensure that vehicles could park within these areas without impact upon the adopted highways. A condition is recommended to implement these details.

7.33 The proposed site plan includes details of cycle parking which shall comprise a "Mono pitch structure" with Sheffield Style Cycle Racks", providing a total of 36 No. storage spaces. A supplementary Proposed Cycle Store plan (Drawing 41/19 Sheet 4) has also been submitted which includes details of the storage area although does not indicate 36 No. spaces as stated on the proposed site plan, with this area only in dictating 12 No. sheffield stands, sufficient for 24 No. Bicycles. Notwithstanding this matter, this is considered to be acceptable and a condition is recommended to implement these details. Northumbria Police have commented in regards to the location of the cycle parking, with this potentially being an area which is lacking in terms of natural surveillance, however this is not considered a suitable reason for withholding planning permission in this instance.

7.30 As outlined, the existing vehicular access will require reconstruction / resurfacing to accord with NCC construction specification with an additional 6.0m of the private access road to be hard surfaced as per the submitted Plans. This shall accord with an NCC Type C (Heavy Vehicle Use) construction specification and require a Section 184 Agreement to undertake these works. In regards to the additional off site works for incorporation of passing places, this will require a Section 278 Agreement and be delivered to an adoptable Standard.

7.34 The proposed site plan includes details in regard to the refuse storage and management strategy which is acceptable to address any concerns with the Development. A condition is recommended to ensure that no waste is stored external to the development.

7.35 The Highways Development Management (HDM) team has responded to formal consultation accepting the development is in accordance with the NPPF, and other relevant policy, and that the development is acceptable in highway terms, subject to conditions recommended and separate s184/s278 agreements.

7.36 The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight in relation to highways and transport matters.

### Ecology and Biodiversity

7.37 Policy S12 of the ACS states All development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district, especially those areas designated as of international, national and local

importance. All proposals will be assessed in terms of their impact on the interests of the site and on habitats and species present.

7.38 Paragraph 117 of the NPPF advocates the need for planning to encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside and recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

7.39 NPPF, Chapter 15, requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity. Further to this Paragraph 180 requires Local Planning Authorities to apply the following principles when determining planning applications:

*“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*

7.40 Natural England and the County Ecologist have been consulted on this application and have offered the following.

7.41 The site is considered to be of low ecological value being a species-poor grassland with short sward. Semi-mature non-native conifer (primarily Spruce) trees provide a shelter belt along the south west and southern boundaries of the site. Immature conifers are present along the boundary of the proposed site and existing caravan park. An overgrown Hawthorn hedge is present along the south east boundary. Beyond this is Tindale’s Hill Plantation, non-native plantation woodland. There is limited potential for protected species, and no evidence of any was found.

7.42 The site is located c.1.1km south from the River Coquet and Coquet Valley Woodlands Site of Special Scientific Interest (SSSI). Natural England have been consulted on the application and responded with no objection; that it is considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

7.43 Foul water from the site will be managed through a package treatment plant discharging into a soakaway adjacent to Tindle's Hill Plantation. The ecology report assessed this as plantation woodland with poor/no understorey. Package treatment plants usually treat sewage to a higher standard than septic tanks. The Environment Agency has been consulted and confirmed that an environmental permit will be required for the proposed non-mains drainage system.

7.44 The trees and hedgerow on the boundary of the site will be retained. The development will incorporate areas of native planting of Holly, Hawthorn, Blackthorn and Hazel on the site, as shown on the Proposed Site Plan. 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.

7.45 A Precautionary Working Method Statement has been recommended by the County Ecologist to avoid any impacts during construction and this should be secured through the suggested planning condition. This is recommended to be added to any grant of permission in relation to this scheme.

7.46 As mentioned above, the County Ecologist and Natural England have been consulted and have not objected to the proposal, with the County Ecologist suggesting conditions to be attached to the grant of permission.

7.47 On the basis of the above the application is therefore in accordance with Policy S12 of the ACS and the provisions of the NPPF.

7.48 In terms of the policies of the emerging Northumberland Local Plan, policy ENV1 and ENV2 are relevant to this application with respect to Ecology matters, it is considered that this proposal, subject to conditions, is compliant with these policies.

7.49 It is therefore considered that the proposal, subject to conditions, is compliant with the relevant policies in the Development Plan, relevant sections of the NPPF and those in the emerging Northumberland Local Plan.

#### Equality Duty

7.50 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

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

#### Human Rights Act Implications

7.52 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.

7.53 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.

7.54 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 It is therefore considered that the proposal will result in an acceptable form of development that will be consistent with the appearance and character of the existing property without causing unacceptable detriment on amenity levels or on the appearance of the surrounding area. As such the proposal is considered to be in accordance with the National Planning Policy Framework and policies of the Alnwick Core Strategy and saved policies Alnwick District Wide Local Plan.

## **9. Recommendation**

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

Location Plan Dwg No. 41/19 Sheet 1 Issue 1 Dated July 2019 Revision 0  
Proposed Site Plan Dwg No. 41/19 Sheet 2 Dated June 2019 Revision 0  
Proposed Plans and Elevations – Cycle Store Dwg No. 41/19 Sheet 4 Dated June 2019 Issue 1 Revision 0.

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

03. No caravan/lodge shall be placed on the land unless it is of a specification, colour and materials as identified in a scheme of details to be submitted to and approved in writing by the Local Planning Authority. The caravans/lodges shall thereafter continue to be sited in accordance with the approved scheme of details.

Reason: To retain control over the external appearance of the development in the interests of amenity and retaining the character of the site and local landscape.

04. The accommodation hereby approved shall be occupied for holiday purposes only, and no unit shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is retained for holiday use in accordance with the details submitted with the application.

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order), the following works shall not be carried out without the prior permission of the Local Planning Authority.

a) The construction of any fences, walls or means of enclosure around the holiday lodges/caravans hereby approved.

Reason: In the interest of the visual amenity of the area.

06. Prior to the first occupation of the proposal being granted the vehicular access from the U4039 shall be reconstructed / resurfaced in accordance with NCC Type 'C' construction specification to comprise hard surfacing with no loose or unbound materials permitted within this area extending 12.0m measured from the edge of the carriageway in accordance with the approval details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

07. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

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

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

09. 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.

10. Prior to the commencement of development, details of the proposed highway works to provide areas of localised widening / passing place(s) along the U4039 with the number(s) and location(s) together with associated works to an adoptable standard together with a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The localised widening / passing place(s) and associated works shall be implemented in accordance with the approved details prior to the first occupation of the proposal.

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

11. No external lighting shall be installed on site unless agreed in writing by the Local Planning Authority prior to installation. Any approved lighting equipment shall then be installed in accordance with the approved details and thereafter retained.

Reason: To ensure there would not be unacceptable light pollution within the dark night-time rural landscape.

12. The development hereby permitted shall be constructed in accordance with the Precautionary Working Method Statement set out in Appendix 1 of Preliminary Ecological Assessment (V1 Final 16/06/20) by RH Ecological Services.'

Reason: To prevent the risk of harm to protected, notable species and habitats during construction.

13. Prior to first use of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

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

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

14. No more than 36 caravans shall be on the application site the subject of this application at any one time.

Reason: To ensure that the use remains compatible with the surrounding environment and to ensure that the effects of any additional development upon the environment can be fully considered, in accordance with Policy S13 of the Alnwick District LDF Core Strategy.

## **Informatives**

1. You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: [centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)
2. You are advised that off site highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.
3. The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: provision of passing place(s) along the U4039 with number and positions to be agreed
4. 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.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. Historic Landfill Site - Advice to Applicant- A small section of the development site is located on a historic landfill site. The LPA should have a record of all historic (unpermitted) landfill sites through their contaminated land responsibilities (registers). A link is provided to the data held on historic landfills for reference here: <https://data.gov.uk/dataset/17edf94f-6de3-4034-b66b->



7. Land Contamination: Risk Management and Good Practice - Advice to Applicant -

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on gov.uk for more information

8. Non-Mains Drainage - Advice for the Applicant - The new package treatment plant will require an environmental permit from the Environment Agency for the discharge from the package treatment plant to the soakaway.

Under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

**Date of Report: 04.08.2021**

**Background Papers:** Planning application file(s) 20/02132/FUL