



# Northumberland

## County Council

### **COMMITTEE: PETITIONS COMMITTEE**

**DATE: 26th January 2022**

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### **PETITION AGAINST INAPPROPRIATE DEVELOPMENT IN BEADNELL**

**Report of** Rob Murfin, Interim Executive Director of Planning and Local Services

**Cabinet Member:** Cllr Colin Horncastle

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#### **Purpose of report**

To acknowledge the issues raised in the petition received from residents of Beadnell in respect of inappropriate development and to agree the Council's response.

#### **Recommendations**

The Petitions Committee is recommended to note:

- The issues raised in the petition
- the explanation of the role of planning and how planning decisions are made
- the inherently controversial nature of planning
- the matters the Planning Service will be refining including the new Validation List and following the adoption of the new Local Plan, including a new Northumberland Design Guide.

#### **Link to Corporate Plan**

The issues raised in the petition and the Council's response to the petition are indirectly relevant to priorities included in the Northumberland County Council Corporate Plan 2020-2021 as follows:

- 'how' - The Council faces tough decisions that will not be universally popular. These are not taken lightly and the council pledges to listen and consider views
- 'enjoying' - the Council wants to protect and improve quality places, but also make sure that the places where people live, work and play continue to evolve and grow whilst retaining and deepening their appeal.

#### **Key issues**

The residents of Beadnell have submitted a petition raising a series of concerns pertaining to planning decisions for residential extensions, and demolitions and rebuilds. The petition has been signed by 198 residents, which is cited as representing over two thirds of the resident population.

In summary, the residents consider a number of planning applications have been permitted in the village, which represent ill-judged and inappropriate developments. They are considered to have had a negative impact on the lives, privacy enjoyment of residents, and a detrimental effect on the character of the village.

The Council takes the matters raised very seriously. This report outlines how decisions are currently made and why, and where relevant identifies some matters which we will look to pursue to improve and refine the planning decision-making process.

## **Background**

1. Beadnell is a village on the north Northumberland Coast. It is within the Northumberland Coast AONB (Area of Outstanding Natural Beauty), best known for its sweeping sandy beaches, rolling dunes, rocky headlands and isolated islands, and host to numerous nationally and internationally important designated sites.
2. An important local issue within the AONB is the proliferation of second and holiday homes. In Beadnell Parish, this is recognised to be a particular issue, with data suggesting in excess of 50% of homes have no usual residents.
3. Recognising this issue, the North Northumberland Coast Neighbourhood Plan, which includes the Beadnell Parish, restricts the use of new market housing to ensure that each new dwelling is occupied only as a principal residence.
4. The petition refers to specific planning applications which the signatories consider to represent examples of 'ill-judged' planning approvals. To quote the petition, these are as follows:
  - *21/00685/FUL 4 The Haven – privacy, overlooking and amenity issues caused by large rear dormer window. The AONB and Parish Council objected and despite being in the Conservation Area the Conservation Officer was not consulted.*
  - *19/04822/FUL 28 Harbour Road – overlooking, overshadowing, overbearing causing loss of amenity, privacy, light to all the neighbours. Objected to by the AONB and Parish Council.*
  - *19/04801/VARYCO Street Lights on Access Road to Kilns Estate – damage dark sky quality, residents' amenity, negative impact on wildlife. Such excessive lighting inappropriate for a village and unnecessary. Objected to by AONB and Parish Council.*
  - *17/01269/FUL 7 Longstone Close – subdivision of residential garden against NPPF, harmful to character of the area, negative impact on neighbouring amenity, very minimal private garden space. Not supported by AONB or Parish Council.*
5. In preparing this report these cases have been reviewed in respect of the issues raised in the petition. This has been valuable in reflecting and considering any lessons to be learned. However, this report does not seek to go over the details of each individual case. The Planning Officers reports relating to each of the above scheme's account for the considerations which informed the planning decisions. Details of which are publicly available via the Council's public access website. Instead, this report focusses on the actions the petitioners request that the Council address. The following takes each of the suggested action points in turn and sets out the Council's response.
6. **The Petition requests that when there is a demolition/rebuild or extension being considered the neighbours Human Rights should be foremost and be protected as they bought their houses as seen.**

7. The Council acknowledges that planning decisions can impact on 'Human Rights' and particularly in reference to the 'right to private and family life'. This is often covered and discussed in Planning Officers reports.
8. As reflected in such reports, the right to private and family life are an integral part of planning decisions. However, they may have to be balanced with competing interests and rights of individuals. They are to be respected but cannot be guaranteed and have to be weighed up against all other material considerations. The Planning System cannot be used to "freeze" a community at the point in time when one or more residents purchase a property "as seen". Communities should not be viewed as a fixed backdrop to a property purchase, as the needs of communities and individuals change and evolve over time. The role of the planning system is to prevent change which becomes harmful.
- 9. The petition acknowledges that people have a reasonable right to develop their properties, but new builds and extensions should be designed to have minimal negative impact on surrounding homes in the area**
10. As reflected in the North Northumberland Coast Neighbourhood Plan, it is apparent that the community recognises the need to promote sustainable development in a positive way.
11. The Council agrees that design of new build development and extensions is key to ensure developments integrate effectively into their surroundings and minimise negative impacts on surrounding homes and residential amenity.
12. Helpfully, the government has recently made changes to national planning policy to put greater emphasis on design. Creating high quality buildings and places is fundamental to what the planning and development process should achieve. In support of this agenda, a new National Design Guide and National Model Design Code have been published. These can be used to guide planning decisions.
13. The Council wishes to embrace this renewed emphasis on design and is keen to produce a Northumberland Design Guide, and potentially more local level design guides in the future. In acknowledgment of the matters raised in the petition, the Council will look to see how best to address the key issues experienced by Beadnell in respect of residential / household developments. This may well involve specific advice to address achieving good design in the likes of household extensions, small infill development and other similar forms of development. To this end, the Council has recently engaged in national training on producing design guides, so it has access to learning, resources and sharing best practice approaches between local authorities across the Country.
- 14. The petition states that Council must ensure that a balance is maintained but not for the benefit of one to the detriment of many.**
15. Planning for the good of 'society' or communities rather than individuals at the very core of the planning system. The Council delivers a planning service which achieves such a balance. Nevertheless, it must be acknowledged that there will always be planning policies or developments which have adverse impacts. Planning is about balancing up many different considerations, harms and benefits in the pursuit of 'sustainable development'. Planning is acknowledged to be consistently and inherently controversial and the Planning service is committed to balancing the competing material planning considerations and detailing those considerations within the officer reports. I cannot be the case that because a neighbour does not like what is proposed by another neighbour that there can be or perceived to be a "right of veto".

**16. More credence given to objections made specially those of the AONB and Parish Council.**

17. Planning law prescribes circumstances where local planning authorities are required to consult specified bodies prior to a decision being made on an application. In addition to the statutory consultees, local planning authorities need to consider whether there are planning policy reasons to engage other consultees who, whilst not designated in law, are likely to have an interest in a proposed development. Now that the neighbourhood plan is formally 'made', it becomes part of the statutory development plan. Consequently, decisions on whether or not to grant planning permission in the North Northumberland Coastal Area neighbourhood area will need to be made in accordance with the plan, unless material considerations indicate otherwise.

18. In all the applications cited within the petition the officer within their report has considered the comments from consultees and statutory consultees and has made their decision taking account of the AONB comments and the consultation response from the Parish Council

**19. The AONB Management Plan and the Neighbourhood Plan should take greater priority in planning decisions than they do at the moment**

20. The North Northumberland Coast Neighbourhood Plan is part of the statutory development plan and in line with national policy it takes precedence over existing non-strategic policies in a local plan covering the neighbourhood area, (where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently).

21. The Northumberland Coast AONB Management Plan formulates the Council's policy for the management of the AONB and for the carrying out of the Council's functions in relation to it. The Council has a wide range of functions that could or do affect the AONB; including as the local planning authority in the determination of planning applications.

22. Both the Neighbourhood Plan and AONB Management Plan are afforded **significant** and relevant weight in the determination of planning applications the details and weight given to the Plans are discussed in the officer report.

**23. The Council should ensure that planning officers include all relevant consultees, such as the AONB, Conservation Officer, Public Health, Flooding, Environmental Health in the decision-making process.**

24. After a local planning authority has received a planning application, it will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

25. There is a semi-automated system in place whereby upon validation of planning applications they are consulted with relevant departments including conservation, the AONB partnership, public protection, highways, and others, and in many instances external consultees also. The system ensures that any consultation can be directed appropriately, and unnecessary consultation avoided. There is however additional back up arrangements for case officers to flag up applications to consultees if they feel they are relevant, depending on the specifics of an application.

26. There can be instances where consultees do not respond to a consultation. However, these are rare exceptions. Nevertheless, the Planning Service continually works to improve systems and processes and this matter will be raised with relevant teams to consider any potential improvements or fixes. The new Validation Checklist should assure greater constituency in which consultees are consulted on specific types of applications or circumstances.
- 27. Where a planning application becomes controversial in the village a more senior experienced officer should take the lead and not delegate to a junior or student**
28. Planning Applications are assigned to planning officers who become the 'case officer' for any given application. There are staff at various different levels within the department, including more junior staff, but nonetheless qualified officers. For quality assurance purposes, case officer reports are always checked and signed off by a senior officer. Those senior officers and team managers have a good overview of developments in a settlement and in the wider area.
- 29. Planning Guidance is not black and white but shades of 'grey' so is subject to interpretation by individual planning officers who are not taking into account the effects of their decisions are having on residents and the aesthetics of the village**
30. Planning Guidance could well be described as 'shades of grey'. The courts are endlessly debating the specifics of individual cases and how to interpret and apply policy and legislation. However, there are some very clear parameters within which planning decisions must be made. Foremost, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
31. The Council has been working to develop a new statutory development plan, the Northumberland Local Plan. Together with proposed guidance on design it is hoped the Plan will provide a clear, up to date and comprehensive framework against which consistent and robust decisions can be made.
- 32. The Planning Department should have a list of documents they require when a planning application is submitted. These should show plans shows the relationship between existing houses as the new build, such as roof heights, boundaries etc.**
33. The Planning Department has what is called a 'validation check list' which is as the petition suggests, a list of information requirements to be submitted alongside a planning application. It includes the Validation Checklist is currently under review and has been out for consultation following a recent updating exercise. It is expected that the revised Validation Checklist will be published on the Councils website early 2022. The revised checklist will provide greater certainty regarding information an applicant is expected to provide when they submit their planning applications and will provide greater certainty and reassurance to the public and other stakeholders.
- 34. The Planning Department should consider planning applications as more than 'tick boxes' exercises as there are people who have to live with their decisions.**

35. The determination of planning applications in Northumberland is not viewed as a tick box exercise. The Planning Officer report demonstrates the level of detail which is considered by the Planning Officer in making their decision.

### **Implications**

<b>Policy</b>	Planning decisions are made in the context of national and local level planning policies. The report discusses the North Northumberland Coast Neighbourhood Plan and a new emerging Northumberland Local Plan, against which future planning decisions are expected to be made. It also refers to proposed future planning guidance on design.
<b>Finance and value for money</b>	There are no finance and value for money considerations.
<b>Legal</b>	The determination of planning applications is governed by planning and associated legislation including the Town and Country Planning Act 1990
<b>Procurement</b>	There are no direct procurement considerations.
<b>Human Resources</b>	None significant
<b>Property</b>	
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	An Equalities Impact Assessment is not considered necessary given the proposals included in this report
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	The response set out in this report has been prepared in response to customer concerns. It seeks to respond to the matters raised and where appropriate seek improvements.

<b>Carbon reduction</b>	Climate change is inherently part of the planning system however, the specific matters raised in the petition do not directly influence carbon reduction.
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	Beadnell

### **Background papers**

Planning Applications ref: 21/00685/FUL 19/04822/FUL 19/04801/VARYCO 17/01269/FUL

### **Report sign off**

***Authors must ensure that officers and members have agreed the content of the report:***

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