



Northumberland County Council

Strategic Planning Committee, 1st Feb 2022

Application No:	21/03856/CCD		
Proposal:	Change to use of car park to area of land to allow individuals to sleep in self sufficient Motorhomes		
Site Address	Amble Braid Car Park, Amble Marina, Amble, Northumberland NE65 0HH		
Applicant:	Network Management Northumberland County Council, County Hall, Loansdean, Morpeth Northumberland NE61 2EF	Agent:	None
Ward	Amble West With Warkworth	Parish	Warkworth
Valid Date:	1 November 2021	Expiry Date:	4 February 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission for a period of 12 months subject to a financial contribution towards the Council's Coastal Mitigation Service.



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1. Introduction

1.1 This application falls to be determined by Strategic Planning Committee as it relates to a County Council Development.

2. Description of the Proposals

2.1 The application seeks full planning permission for the change of use of land at Amble Braid to allow individuals to sleep overnight in self-sufficient motorhomes. The proposal will enable the County Council's Network Management team to run a pilot scheme which aims to regulate unauthorised overnight parking within Council operated car parks across the county.

2.2 The application site is located to the west of Amble Marina and is accessed from the A1068 public highway to the south. The site is bound to the north by the Coquet Shorebase Trust and Yacht Club with the River Coquet beyond, the A1068 and open fields to the west and The Braid to the south.

3. Planning History

Reference Number: 17/02769/FUL

Description: Improvement to surface of the North West area of the car park to provide access to Coquet Shorebase Trust. Works include partially overlaying the existing sub-base surface with 60mm depth of asphalt (AC 14 close surface 100/150) for a distance approx 80m x 5m wide. No change to parking bays.

Status: Permitted

Reference Number: 17/02191/FUL

Description: Provision of four new car parking areas to provide space for approximately 19 additional vehicles

Status: Permitted

Reference Number: 14/00124/FUL

Description: Proposed extension to existing first floor bar/lounge, glazed balcony and dingy storage area and associated access

Status: Permitted

Reference Number: 12/02521/FUL

Description: Improvements to the car park surface to include overlaying the existing sub-base surface with a 60mm depth of asphalt concrete (AC 14 close surf 100/150) (formerly known as tarmacadam). The overlay will be applied to the more heavily trafficked part of the surface of the car park that is used to gain vehicular access to the parking bays

Status: Permitted

4. Consultee Responses

Amble Town Council	ATC has no objections to this application but submit the following observations. Whilst welcoming this opportunity to assess the viability of this type of area within parts of the county and having no objection in principle to the idea, it is important that the attached
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	<p>guidelines are adhered to, checked on and enforced. There is a concern that this application appears to include the whole of the existing parking area.</p> <p>There needs to be a clearly defined area rather than scattered bays throughout but most importantly the number of spaces suggested- 6- must be enforced as there still needs to be room for visitors, walkers and those accessing Coquet Shorebase etc. to park here.</p>
Highways	The development will not have a severe impact on highway safety, and there are no objections in principle to the proposals.
Climate Change Team	No response received.
Environment Agency	The submitted FRA does not comply with the requirements for site-specific flood risk assessments. The flood zones have recently been updated at this location which now shows the development site to be located within flood zone 3. This increases the flood risk to the development site and therefore the FRA should be amended to reflect this. The development should also be classed as "more vulnerable" according to the Planning Practice Guidance (PPG) as the development site will be providing short-let caravan stays.
Environment Agency (reconsult)	Following submission of requested information. No objection subject to condition.
Warkworth Parish Council	The Parish Council OBJECTS to the application and requests that additional information be provided in respect of parking, location of recycling bins, access to the Shorebase Trust and size of spaces. The PC does not think enough detail is submitted with the application. There is more than enough grass to develop and improve this car park into a suitable location for more cars and motor homes and removing car parking places would not be a wise decision.
County Ecologist	No objection subject to a contribution to the coastal mitigation service.
Natural England	No response received.
Lead Local Flood Authority (LLFA)	No comment

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	1
Number of Support	61
Number of General Comments	0

Notices

General site notice, posted 12th November 2021

No Press Notice Required.

Summary of Responses:

1no objection and 61no letters of support received.

The objection received from a member of the public raises concerns about the loss of car parking space for other users, unregulated use of the site, neighbouring amenity and balance between residents and tourists.

The supporting comments received welcome the proposal to allow overnight stays at the site and highlight the positive impact this would have on the local economy through increased use of local shops and hospitality venues. Comments have been received from motorhome owners throughout the UK stating they would be more likely to visit Northumberland if the proposal scheme were approved.

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=R08RKAQS0MJ00>

6. Planning Policy

6.1 Development Plan Policy

Alnwick LDF Core Strategy (2007)

- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria
- S10 Tourism development
- S11 Locating development to maximise accessibility and minimise impact from travel
- S12 Protecting and enhancing biodiversity and geodiversity
- S16 General design principles

Alnwick District Wide Local Plan (1997)

- CD32 Controlling development that is detrimental to the environment and residential amenity
- T4 Criteria based policy to assess static and touring caravan developments
- TT5 Controlling car parking provision (and Appendix E)

6.2 National Planning Policy

National Planning Policy Framework (2021)

Planning Practice Guidance (2019, as updated)

6.3 Emerging Planning Policy

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

STP 1 Spatial strategy (Strategic Policy)
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
STP 4 Climate change mitigation and adaptation (Strategic Policy)
STP 5 Health and wellbeing (Strategic Policy)
ECN 15 Tourism and visitor development
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity
QOP 5 Sustainable design and construction
TRA 1 Promoting Sustainable Connections (Strategic Policy)
TRA 2 Effects of Development on the Transport Network
TRA 4 Parking Provision in New Development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 Biodiversity and geodiversity
ENV 4 Tranquillity, dark skies and a sense of rurality
ENV 5 Northumberland Coast AONB
POL 2 Pollution and air, soil and water quality

6.4 Other Documents/Strategies

National Design Guide (2019)

7. Appraisal

7.1 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,
Emerging Policy,
Visual Impact/Character of Area,
Amenity,
Highways,
Ecology,
Flood Risk, and
Coastal Mitigation.

Principle of the development

7.2 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. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e.

the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan comprises the policies of the Alnwick LDF Core Strategy (2007) (ACS) and the saved policies of the Alnwick District Wide Local Plan (1997) (ALP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Amble is recognised in Policy S1 as a Main Rural Service Centre which will be the main focus for development within the former District.

7.5 Policy S2 sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However, limited weight can be attached to this policy as the NPPF, whilst encouraging the reuse of previously developed land, does not require a sequential test for this development type.

7.6 Policy S3 states that, prior to granting planning permission, the local planning authority should be satisfied that the following sustainability criteria are met;

- That the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car;
- That there is adequate existing or planned capacity in the physical and community infrastructure or that additional capacity can be provided, without compromising sustainability objectives, in time to accommodate the development;
- Any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated;
- The potential implications of flood risk have been assessed having regard to the relevant flood zones, as defined by a strategic flood risk assessment;
- That there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district;
- That new development in settlements would help to build communities by sustaining or providing community services and facilities, or through the provision of affordable housing to meet identified local need.

7.7 Policy S10 of the ACS seeks to ensure that proposals for new built cultural and tourism development must be in or adjacent to the rural service centres, sustainable village centres and local needs centres in accordance with the development strategy. Whilst there would be no new build development as part of the proposal, tourism use of the site would be acceptable.

7.8 The NPPF (para 84) supports sustainable rural tourism and leisure developments which respect the character of the countryside and the retention and development of accessible local services. By encouraging and regulating the use of the site for short term overnight stays, the proposal would accord with both of these elements.

7.9 Although the development plan is silent on the acceptability (or otherwise) of this specific type of proposal, it is clear that support is provided generally for small scale tourism developments. The proposal amounts to the opening up of an existing car

park for use by vehicles which are already permitted to use it, with the only difference being that people would now be allowed to sleep in their vehicles. In terms of there being a material change of use, the proposal would be acceptable in accordance with the above policy context.

Emerging Policy

7.10 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government on 29 May 2019 and is currently going through the examination process.

7.11 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 emerging plan are considered to be consistent with the NPPF.

7.12 The emerging NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) dependent upon whether Main Modifications are proposed and the extent and significance of unresolved objections.

7.13 Policy STP 1 of the emerging 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. The policy is subject to a proposed main modification, however the location of the application site within Amble and the town's position in the proposed settlement hierarchy is not in dispute.

7.14 Policy ECN 15 supports the development of new visitor attractions and facilities, accommodation and the expansion of existing tourism businesses and sets out criteria for the assessment of such proposals, including that they are located in accessible locations and that Main Towns and Service Centres will be prioritised for the development of significant new facilities and accommodation. On this basis the proposal would be acceptable however only limited weight can currently be applied to these policies.

Visual Impact/Character

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

7.16 Saved Policy T4 of the ALP sets out criteria by which applications for new static or touring caravan sites will be assessed. These include the extent to which the siting of the development would minimise its visual impact.

7.17 Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character [...] including the surrounding built environment and landscape setting.

7.18 The proposal to allow self-contained motorhomes to stay on the site overnight would not have a detrimental impact upon the immediate site or the wider area given that such vehicles are already catered for within the site. It is intended that the pilot scheme will make use of the existing motorhome bays within the car park and people wishing to make use of them will be required to register with the Council prior to arrival, which will involve agreeing to terms of use. There would be no permission given to place items outside of the motorhome, as there would be no element of camping allowed. Furthermore, only vehicles with their own self-contained wc would be allowed to use the site and enforcement action would be taken against any unauthorized use of the site. On this basis the proposal is acceptable in accordance with Policies S13 and S16 of the ACS, saved policy T4 of the ALP and the NPPF.

7.19 Policy ENV 3 of the emerging NLP seeks to ensure that the impact of development on the setting and surroundings of the County's historic towns and villages will be assessed, ensuring that new development on the edge of settlements does not harm the landscape character of the settlement edge and, where possible that it has a net positive impact. This policy is subject to a main modification and only limited weight can currently be given to it.

Amenity

7.20 Policy CD32 of the ALP states that planning permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally. Policy T4 also relates to amenity, stating that the siting and scale of development [should not] affect the amenities or services enjoyed by those living in nearby residential development.

7.21 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.22 The location and scale of the site is such that there would be no greater impact upon neighbouring amenity arising from the use of the site by people staying overnight in motorhomes than there is currently through its use as a very popular car park. Indeed several of the letters of support received have commented on the fact that where motorhomes are allowed to overnight in car parks such as this, there is often seen to be a reduction in antisocial behaviour as a result. Although this cannot be quantified it provides anecdotal evidence that developments such as the one proposed can help to improve the amenity of an area.

7.23 Concerns raised about the proposals leading to other car park users being unable to access the site are noted, however motorhomes are already able to access the site and although new motorhome bays would be created, it is considered unlikely this would have a significant impact upon number of spaces available and as such there should be no loss of amenity for existing users of the site.

7.24 On the basis of the above the proposals are acceptable in accordance with Policies CD32 and T4 of the ALP and the NPPF in this respect.

7.25 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. This policy is subject to a Main Modification so only limited weight can currently be applied to it.

Highways

7.26 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Saved Policy TT5 and Appendix E of the ALP set out car parking standards for new development.

7.27 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. Paragraph 112 goes on to say that within this context applications for development should,

- 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, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- 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;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.28 The Local Highway Authority has responded to consultation raising no concerns stating that the proposal will not have a severe impact on highway safety and there are no objections in principle to the proposals. In highways terms there would be no change to current arrangements as vehicles are already able to park overnight in these car parks. The change of use would simply mean that the vehicles parked overnight would now be occupied. There would be no actual change or safety risk to the public highway. Therefore the proposal is acceptable, in accordance with highways policy and the NPPF.

7.29 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network. It is considered that the proposal is in accordance with this, however only limited weight can currently be given to this policy.

Ecology

7.30 Policy S12 of the ACS states that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the area.

7.31 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.32 The County Ecologist has responded to consultation noting that the proposed pilot scheme is an attempt to control ad hoc motorhome usage in this sensitive area. With respect to ecology, the ad hoc use of the site is likely to have led to increased disturbance and pollution on the nearby coastal protected sites. Subject to monitoring, the proposals offer a potential solution to this problem and therefore no objections are raised subject to a contribution to the Council's Coastal Mitigation Service. On this basis the proposals are acceptable in accordance with Policy S12 and the NPPF.

7.33 Policy ENV2 of the emerging Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations.

Flood Risk

7.34 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

7.35 The application site lies within the Environment Agency's Flood Zone 2 and the proposal would change the classification of the site from a "Water Compatible Use" (car park) to "more vulnerable" (Sites used for holiday or short-let caravans and camping) for the purposes of the government's flood risk guidance.

7.36 The applicant submitted a Flood Risk Assessment (FRA) with the application as required however the EA responded to initial consultation objecting as the submitted FRA did not comply with the requirements for site-specific flood risk assessments. Following the submission of further information the EA withdrew their objection subject to a condition to ensure the development is carried out in accordance with the updated FRA together with the implementation of a Flood Evacuation Plan.. On this basis the proposal is acceptable in accordance with the NPPF.

7.37 Policy WAT 3 of the emerging NLP states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. This policy is subject to a Main Modification and as such only limited weight can currently be applied to it.

Coastal Mitigation

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

7.39 Due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has

introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.40 The contribution per residential unit (or motorhome space) in this location would be £615. This may be reduced for holiday accommodation in line with average occupancy rates for the county (currently 56%). For 6no spaces therefore the expected contribution would be £2,066.40. CMS payments cover the impact of development in perpetuity, which in law is often taken to mean 80 years. As the proposal forms part of a pilot scheme that would be complete within the year, it is considered appropriate to grant a time limited permission of 12 months, after which, should the pilot scheme prove to be successful, the applicant would need to reapply to the LPA for permanent permission. On this basis the County Ecologist has agreed that the applicant should be liable for 1/80th of the contribution that would normally be applicable, as follows.

$$615 \times 6 \times 0.56 / 80 = \text{£}25.83$$

7.41 Policy INF 6 of the emerging NLP states that where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable. The proposal is in accordance with this policy, however only limited weight can currently be applied to it.

Other Matters

7.42 The comments made in the representation received and those from the Parish Council are noted and have been addressed and/or taken into consideration in the assessment of the application as appropriate.

Equality Duty

7.43 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

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

Human Rights Act Implications

7.45 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.

7.46 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.

7.47 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 proposal represents an appropriate form of development that would not have a significant adverse impact on the street scene or the amenity of nearby residents or on existing users of the site.

8.2 The concerns raised by the Parish Council and in the letter of objection received have been taken into account and addressed accordingly.

8.3 The highlighted concerns notwithstanding the proposal is in accordance with national and local planning policies and the emerging Local Plan and it would therefore be unreasonable to withhold planning permission.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and

- a financial contribution of £25.83 to the Council's Coastal Mitigation Service:

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. Temporary Permission

The use of the application site as a location for overnight sleeping within self-contained motorhomes is limited to a period of 12 months from the date of this permission. Thereafter this use of the site shall be discontinued and the site shall be returned to its previous use as a car park within two months unless a further application is made to the Local Planning Authority to continue the approved use.

Reason: To allow a pilot scheme to be carried out and in the interests of the residential amenity.

03. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans/documents:

1. Site Location Plan
2. Indicative Location of Motorhome Bays
3. Motorhome pilot project outline

Reason: To ensure the development is carried out in accordance with the approved plans.

04. No external camping equipment

Notwithstanding the approved plans, 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 NPPF.

05. Maximum Number of Overnight Motorhome Spaces

Notwithstanding the submitted details, no more than 6no motorhomes shall be permitted to occupy the motorhome spaces within the car park for the purposes of individuals sleeping in their self-sufficient motorhomes.

Reason: In the interests of amenity, highway safety and car parking capacity in accordance with the National Planning Policy Framework

06. Flood Risk Assessment

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Car Park for Motorhome Use The Braid, Amble, Northumberland County Council, Rev 2, 7 December 2021) and the following mitigation measures it details:

Flood evacuation plan must be adhered to and implemented

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

Date of Report: 18.01.2022

Authorised by:

Date:

Background Papers: Planning application file(s) 21/03856/CCD