

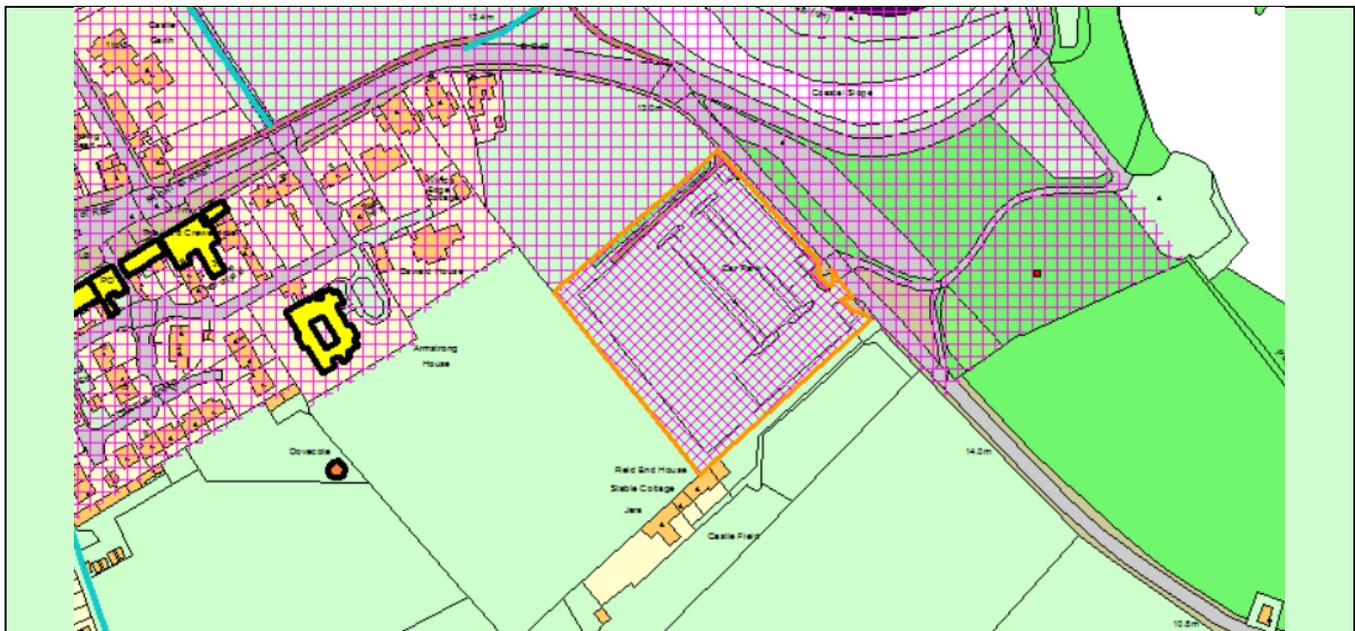


# Northumberland County Council

## Strategic Planning Committee, 1<sup>st</sup> Feb 2022

<b>Application No:</b>	21/03858/CCD		
<b>Proposal:</b>	Change to use of car park to area of land to allow individuals to sleep in self sufficient Motorhomes		
<b>Site Address</b>	Land South West Of Bamburgh Castle Car Park, Links Road, Bamburgh, Northumberland		
<b>Applicant:</b>	Network Management County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	<b>Agent:</b>	None
<b>Ward</b>	Bamburgh	<b>Parish</b>	Bamburgh
<b>Valid Date:</b>	7 October 2021	<b>Expiry Date:</b>	4 February 2022
<b>Case Officer Details:</b>	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 Links Road Car Park 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 in Bamburgh to the southwest of Links Road and opposite the castle. The site is bound by agricultural fields to the northwest, southeast and southwest with residential dwellings adjacent to the south.

## 3. Planning History

**Reference Number:** 19/03794/DISCON

**Description:** Discharge of conditions 8 (surface water drainage), 10 (construction method statement) and 11 (scheme of works) relating to approved planning application 17/03200/FUL

**Status:** Partial Consent

**Reference Number:** 19/03793/VARYCO

**Description:** Removal of condition 9 pursuant to planning permission 17/03200/FUL in order to omit the requirement of the hard surface being sealed and parking bays marked out. (amended description 27.11.2019)

**Status:** Permitted

**Reference Number:** 17/03200/FUL

**Description:** Re-submission: Provision of an additional vehicle parking area serving as an extension of the existing car park already in place. Widening of existing access track to allow safe access and egress for larger vehicles

**Status:** Permitted

**Reference Number:** 16/04196/FUL

**Description:** Proposed provision of an additional parking area serving as an extension of the existing car park also widening of existing access track to allow safe access & egress for larger vehicles. (as amended 05/05/17)

**Status:** Withdrawn

## 4. Consultee Responses

Bamburgh Parish Council	No objections
Highways	No objection subject to a condition capping the number of spaces available for overnight stays.
Northumberland Coast AONB	The AONB Partnership is supportive of this application that will allow a pilot study to address the issue of overnight parking in motorhomes within the Northumberland Coast AONB.

North Sunderland And Seahouses PC	No response received.
Climate Change Team	No response received.
Natural England	No response received.
Lead Local Flood Authority (LLFA)	No comment
County Ecologist	No objection subject to contribution to Coastal Mitigation Service

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	2
Number of Support	36
Number of General Comments	0

### Notices

General site notice, posted 14th October 2021  
No Press Notice Required.

### Summary of Responses:

2no objections and 36no letters of support received.

The objections received raise concerns about neighbouring amenity, environmental impacts, expense to tax payer of providing such facilities, impact on AONB 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 proposed 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=R08S2XQS0MJ00>

## 6. Planning Policy

### 6.1 Development Plan Policy

North Northumberland Coast Neighbourhood Plan 2017 - 2032 (Made Version (July 2018))

Policy 1 Sustainable Development

Policy 5 Design in New Development

Policy 8 Sustainable Development Within the Settlements

Policy 11 Bamburgh Conservation Area  
Policy 21 New Tourist and Community Facilities  
Policy 25 Caravans, Camping, Bunk Houses and Chalets

Berwick upon Tweed Local Plan (1999)

F1 Environmental Wealth  
F2 Coastal Zone  
F10 Protected Species  
F30 Planning Obligations  
F31 Social and Economic Welfare  
M14 Car Parking Standards  
R9 Camping and Caravanning

## 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)

AONB Management Plan (2020-2024)

## **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,  
Impact on Character of Area,  
Amenity,  
Highways,  
AONB,  
Heritage,  
Ecology, 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. However this presumption is restricted by paragraph 176 of the NPPF which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

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 for the area the application site is located in comprises the policies of the North Northumberland Coast Neighbourhood Plan (2018) (NNCNP) and the saved policies of the Berwick Local Plan (1999) (BLP). 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 Policy 1 of the NNCNP states that within the plan area small-scale development will be supported which provides new and expanded facilities which contribute to the maintenance or growth of local sustainable communities. Policy 8 offers support to sustainable development within the defined settlements subject to a range of criteria and Policy 21 provides support for small-scale new or improved community and/or visitor facilities. Finally and although not directly applicable in this case, Policy 25 advises that proposals for bunkhouses, chalets, touring caravan sites and camping accommodation will be supported where they are small scale and can be accommodated without a negative impact on the local landscape.

7.5 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F2 of the same document seeks to ensure that any development within the Coastal Zone accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Policy F31 of the same document seeks to ensure that, in applying Framework policies, appropriate 'weight' is given to the

degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions.

7.6 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.

7.7 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

7.8 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.

7.9 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.

7.10 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.

7.11 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 Bamburgh and the village's position in the proposed settlement hierarchy is not in dispute.

7.12 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

7.13 Policy F2 of the BLP sets out the criteria against which new development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for development.

7.14 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.

7.15 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 Policy F2 of the BLP and the NPPF.

7.16 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

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

7.18 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.

7.19 Concerns raised about the proposals leading to an increase in litter and other antisocial behaviours are noted, however the proposal would utilise existing motorhome bays within the site and there should not therefore be any significant additional pressure on the site as a result. All motorhome owners will be required to confirm that they have their own facilities at the time of booking, therefore they should not need to use the existing toilets at the site. Furthermore no element of camping will be allowed and therefore the potential for any noise nuisance should be limited and enforcement action may be taken against any unauthorised vehicles being used for the purposes of overnight sleeping, cooking or camping.

7.20 On the basis of the above the proposals are acceptable in accordance with the NPPF in this respect.

7.21 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

7.22 Policy M14 of the BLP sets out parking criteria for new development within the plan area.

7.23 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.

7.24 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.

7.25 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.

### AONB

7.26 The application site falls within the Northumberland Coast AONB and as such due consideration must be given to this designated asset.

7.27 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The policy goes on to say that the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

7.28 The AONB Partnership responded to consultation stating that they are supportive of the application as it will allow a pilot study to address the issue of overnight parking in motorhomes within the Northumberland Coast AONB. On this basis the proposal is acceptable in accordance with the NPPF in this respect.

7.29 Policy ENV 5 of the emerging NLP states that the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance. The proposal is in accordance with this, however only limited weight can currently be applied to the policy.

### Heritage

7.30 The application site falls within the Bamburgh Conservation Area and as such due consideration must be given to this designated asset.

7.31 The legislative framework has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.32 Policy 11 of the NNCNP states that development proposals affecting the Bamburgh Conservation Area, or its setting, will be required to preserve or enhance the character or appearance of the area having particular regard to the impact of any development proposal on the setting of Bamburgh Castle and its environs.

7.33 Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

7.34 Whilst the proposal amounts to a material change of use, there would be no physical changes made to site and as such the setting of the Bamburgh CA and that of Bamburgh Castle would be preserved as required. The proposal is therefore in accordance with Policy 11 of the NNCNP and the NPPF in this respect.

7.35 Policy ENV 9 of the emerging NLP seeks to support proposals that help to preserve or enhance the character and appearance of Conservation Areas so long as the architectural and historical character of the Conservation Area is respected.

The proposed replacement store is in accordance with this, however the policy is subject to a Main Modification and little weight can currently be applied to it.

## Ecology

7.36 Policy F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species protection provisions which apply.

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

7.38 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 F10 and the NPPF.

7.39 Policy ENV 2 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.

## Coastal Mitigation

7.40 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.

7.41 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.

7.42 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.

7.43 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

7.44 The comments made in the representations received are noted and have been addressed and/or taken into consideration in the assessment of the application as appropriate.

#### Equality Duty

7.45 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

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

#### Human Rights Act Implications

7.47 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.

7.48 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.

7.49 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 in the letters of objection received have been taken into account and/or 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 Time Limit

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

**Date of Report:** 18.01.2022

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 21/03858/CCD