



Northumberland

County Council

CASTLE MORPETH LOCAL AREA COMMITTEE

09 MARCH 2020

Application No:	19/01714/FUL		
Proposal:	11no dwellings for rent by a registered social landlord		
Site Address	Land West Of Ladyburn House, Simonside Crescent, Hadston, Northumberland		
Applicant:	Karbon Homes Number 5, Gosforth Park Avenue, Gosforth Business Park, Newcastle NE12 8EG	Agent:	HMH Architects 26 Enterprise House, Team Valley, Gateshead, NE11 0SR
Ward	Druridge Bay	Parish	East Chevington
Valid Date:	29 May 2019	Expiry Date:	19 November 2019
Case Officer Details:	Name:	Mrs Tamsin Wood	
	Job Title:	Senior Planning Officer	
	Tel No:	01670 625545	
	Email:	tamsin.wood@northumberland.gov.uk	

Recommendation: That this application be REFUSED permission



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1. Introduction

- 1.1 This application is to be heard at committee given the level of public interest and the case officer in conjunction with the Director of Service have determined it should be determined at committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 8 flats and 3 bungalows to be used as dwellings for social housing (affordable housing) on land north west of Hadston Community Centre and north west of Ladyburn House. Part of the site is currently used as open space/ playing field and the northern part of the site did have garages on which have been cleared. The proposal would include the construction of a terraced row of 3 bungalows on that part of the land directly to the north west of the community centre. To the north of this and on that part of the land which adjoins 7 Simonside Crescent and in addition on that land previously developed by garages, it is proposed to construct 2 pairs of semi detached 2-storey buildings consisting of a ground floor and upper floor flat in each. These would all have 1 bedrooms within them and so would be suitable for 1-2 people. The bungalows would have 2 bedrooms. All the properties would be constructed of brick with a concrete tiled roof. Parking bays would be provided for each property and further parking would be provided where parking exists to the north east of the site. Vehicular access to the site would be gained from Simonside Crescent which lies to the north of the site. A suds area is also proposed to the western side of the site also on the area of public open space.
- 2.2 Part of the site is currently grassed with paths running through it. There are also football posts on the playing field area. The land to the north is a previously developed site consisting of the remains of the cleared garages. The majority of the site forms an area of open space within a residential area with residential properties to the north, east and west and south. A community centre is located directly to the south and car park and shopping units to the south east.
- 2.3 The application site lies within the settlement boundary of Hadston.

3. Planning History

18/03055/FUL-Erection of 12 dwellings for social housing (amended description)- Withdrawn

4. Consultee Responses

Public Protection	No objection subject to conditions.
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Sport England	The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit
East Chevington Parish Council	Object to this application on the basis that access to the site, during and after the construction of the dwellings, won't be suitable. Additionally, this is already a congested area. New residents and site traffic will only add to this issue.
Affordable Housing	Support the application.
Natural England	No objection subject to appropriate mitigation.
Education - Schools	No contribution required.
Highways	No objections subject to conditions.
Northumbrian Water Ltd	No objection subject to a condition.
County Ecologist	No objection subject to conditions and contribution towards coastal mitigation.
Lead Local Flood Authority (LLFA)	1) Object 2) No objection subject to conditions.
North Trees And Woodland Officer	No response received.

5. Public Responses
Neighbour Notification

Number of Neighbours Notified	47
Number of Objections	16
Number of Support	0
Number of General Comments	0

Notices

General site notice, 5th July 2019

Northumberland Gazette 27th June 2019

Summary of Responses:

16 letters of objection have been received which in summary raise concerns in regard to the following:

-Removing the last bit of valuable grassy land

- Kids play on the football pitches regularly. Where are they meant to go if this was to disappear?
- We should be encouraging/ promoting a healthy lifestyle and children to play out more not removing grassy areas for them to play near their homes.
- Children can play safely away from traffic and do not have to cross any main roads to play with friends.
- Traffic congestion
- Building disturbance
- Pollution.
- Locals would need to change route
- Is there another area of greenery which would be more suitable to start building dwellings?
- The grassed area with the football field offers a safe grassed area for children, families, men, women both old and young to meet and join in socialising. Building in this area which is already surrounded by lots of other buildings will make the area clustered with more traffic and less green space available to us.
- Impact on wildlife the domestic animals which use the area to exercise, play eat.
- Could be another site with road system in place already.
- The drainage strategy will render the majority of the remaining green area unusable as open space. The 500mm depression will mean that during any sort of rainfall, we will end up with a path through a boggy mess....will end up like the depression on the former Druridge Bay Middle School site which is now a filthy pond that is generally a health and safety risk.
- There are also concerns about the access road and the road is already at breaking point as it is the only road to serve several hundred homes from Chibburn Avenue upwards.
- Not the best place to situate flats where the surrounding properties are bungalows mainly for elderly residents.
- Drain system that we already have in place is not big enough to cope with today's weather.
- Such environments are rare and therefore, should be maintained and valued as they aid the mental and physical health/wellbeing of Hadston residents.
- Under the NPPF, H3, C21 and H13 the application should be refused.
- This development would result in a substantial loss of amenity to the extent that the purported suitable alternatives are not of 'same or great quality'. - The application fails to take the opportunities available for improving the character and quality of an area.
- The fundamental objective of the Castle Morpeth planning strategy is to balance the twin aims of preserving and enhancing the very pleasant character of the Borough and promoting and guiding opportunities for development so as to improve the quality of life in the home, the workplace, travel, recreation and the community. This application is diametrically opposed to such a vision deeply concerned about the impact this development will have on our local area and the ability for our children to play safely in our community.
- I would like to emphasise that I support the principle of social housing but not at the cost of a valued social amenity when there are numerous alternative sites that social housing could be built

-in Hadston and beyond. Hadston may not be the most affluent area of Northumberland but we have a strong sense of community and the County Council have a duty to protect the local assets that we value.

-Issues regarding drainage and suitability of drainage proposals

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=PS7ZJ0QSGCB00>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth Local Plan

C1 Settlement boundaries

MC 1 Settlement boundaries

H15 New housing developments

RE5 Surface water run-off and flood defences

RE6 Service Infrastructure

C11 Protected Species

C15 Trees in the countryside and urban areas

H9 Affordable Housing in rural areas

H8 Affordable Housing

R4 Childrens Play

R8 Public Footpaths and Bridleways

MH1 Housing: Land Supply

C21 Protected Open Space

T5 Public Transport

HDC1 - Hadston settlement boundary

HDC4 – Protected open space

6.2 National Planning Policy

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance (amended, 2019)

6.3 Other Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 6 Green Infrastructure

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)

Policy HOU4 Housing development site allocations

Policy HOU 5 Housing types and mix
 Policy HOU 6 Affordable Housing provision
 Policy HOU 8 Residential Development in the open countryside
 Policy HOU 9 Residential development management
 Policy QOP 1 Design principles (Strategic Policy)
 Policy QOP 2 Good design and amenity
 Policy QOP 4 Landscaping and trees
 Policy QOP 5 Sustainable design and construction
 Policy QOP 6 Delivering well-designed places
 Policy TRA 1 Promoting sustainable connections (Strategic Policy)
 Policy TRA 2 The effects of development on the transport network
 Policy TRA 4 Parking provision in new development
 Policy ICT 2 New developments and infrastructure alignment
 Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
 Policy ENV 2 Biodiversity and geodiversity
 Policy ENV 3 Landscape
 Policy WAT 1 Water quality
 Policy WAT 2 Water supply and sewerage
 Policy WAT 3 Flooding
 Policy WAT 4 Sustainable Drainage Systems
 Policy POL 1 Unstable and contaminated land
 Policy POL 2 Pollution and air, soil and water quality
 Policy INF1 Delivering development related infrastructure (Strategic Policy)
 Policy INF6 Planning Obligations

7. Appraisal

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Castle Morpeth District Local Plan (CMDLP). In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLPPD (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

7.2 The main considerations in the assessment of this application are:

- Principle of development
- Design and Impact on the character and appearance of the area
- Residential amenity
- Impact on Ecology
- Section 106 contributions

Principle of development

7.3 Policy C1 of the CMDLP, read in accordance with the Proposals Map (and

insets) that accompany the plan, recognises that settlements are where development is expected to be located. The application site is located within the settlement boundary for Hadston as shown on the proposals map. As such the development on this site would accord with Local Plan Policies C1 and HDC1. Whilst limited weight can be given to the emerging local plan Hadston along with South Broomhill & Red Row are defined as a Service Village in the which according to policy STP1 criterion 1 c will 'provide a proportionate level of housing and be the focus for investment in rural areas, to support the provision and retention of local retail, services and facilities'.

- 7.4 Whilst being located within the settlement boundary for Hadston however, the majority of the site is public open space. It is not allocated as protected open space under the current CMPLP. It is proposed as protected open space in the emerging plan however although limited weight can be given to this given its stage in the adoption process.
- 7.5 In terms of this part of the application sites use as open space the NPPF states at paragraph 96 that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Para 91 of the NPPF states 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places.' Paragraph 97 also goes on to state "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use".
- 7.6 Section 336 of the Town and Country Planning Act 1990 (as amended) provides for interpretation of the legislation, and defines 'open space' as "any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground" . The NPPF also defines open space as "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity" . The OS Assessment describes the primary purpose of Amenity Green Space as: 'Open space in residential areas, village greens and informal recreational space. Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas. This typology includes civic space.'
- 7.7 In terms of this particular site its reference is 4074 St. John's Estate Amenity Green Space (AGS) in the 'PPG17 open space, sport and recreation assessment open space assessment'. It was rated 'good' in terms of quality and given 69.35% in terms of open space quality. In terms of its attributes the site is a good area of useable flat space located next to high density residential areas and also close to Hadston Centre. It provides opportunities for recreation purposes such as games, walking, dog walking,

community events and it provides a safe accessible area for many children close to their homes and for many without having to cross a road or main busy road. Visually it also provides a lush green space amongst a built up area which helps add to the quality of the area and visual amenity of the area. Its location also makes it very sustainable as it provides a good area of amenity space close to a high number of dwellings and as such helps to negate the need to travel by car to such similar areas. The application site is also in a sustainable location within Hadston, as it adjoins Hadston centre which includes a range of shops and services and the Druridge Bay Fitness Centre. The topography of the site being flat also makes this an ideal site for recreational activities. These attributes make this site important to local residents to which it provides a great amenity. As the objections also indicate the area is used by local residents. In terms of a qualitative assessment of the site it therefore provides many attributes which not all other areas of open spaces provide in Hadston. Although the scale of development has decreased from the previously withdrawn scheme it is considered that any loss of this site to development would therefore cause irreplaceable loss of this amenity space enjoyed by local residents. The loss of open space would have an adverse impact on the local community and amenity of the area and in addition the proposal would not be a form of sustainable development through increasing the need for people to travel away to find equivalent or better areas of open space.

7.8 In terms of Paragraph 97 of the NPPF where it states 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless' certain criteria can be accorded, the open space would not be replaced with equivalent or better provision elsewhere and the development is not for alternative sports or recreation provision. As such the proposal would not comply with criteria b and c. In terms of criteria a) this stipulates that 'the site should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.' The NPPF does not go into any further detail into how this shall be assessed. It is at the discretion of the Local Planning Authority how to deal with this and it is considered that it should be looked at in both quantitative and qualitative terms ie, in terms of their functional value, qualities and its attributes, which might make one more desirable than another. In addition whether the site has stopped to function as open space and is not used for this purpose any more, is a good indicator as to whether a site is surplus to requirements. Sites can function very differently. For example an open area of space can consist of a small landscaped area in a residential area which whilst enhancing the visual appearance of an area may not provide the attributes which are good for playing games/holding community events on.

7.9 The applicant has however submitted an Open Space Assessment with the proposal of which the aim is to show there is an abundance of open space in the area, and demonstrate how the loss of only part of the site for development would not impact on the surrounding area. Looking at this report, however, whilst it does identify other areas of open space in the area and so looks at quantity, it does not assess each of these sites in comparison to the application site in terms of its quality and performance as open space and essentially whether each site is used or not for the same purposes as the

application site. It merely identifies nearby open spaces, and does not conclude whether these were of better quality or if the application site is surplus to use. It hasn't shown that the application site is not used and doesn't show that the land is not well used in comparison to other sites. Notwithstanding this most of the sites identified do not offer the same attributes as the application site, being on sloped topography, or open landscaped areas/ verges next to houses and roads and of sizes not fit for recreational purposes such as football/ community events/ walking dogs etc. Some of these are also across the main road and would provide safety issues for families to the north side.

- 7.10 The applicant has submitted further information which provides some analysis and again argues that the site is surplus to requirements (NPPF para 97 criterion a). It identifies 10 areas of open space (some protected in the emerging Local Plan, some not) which they regard as Amenity Green Space, within 600m of the application site. This is in addition to the application site which is marked as 1 on their plan. The application site does however also include half of the site marked as 2 as well, as this is where the suds basin is proposed. They calculate the combined area of these spaces as 4.84ha which they state is sufficient to meet and exceed the 1.09 hectare standard / 1,000 population (using the 2011 Open Space Assessment). This would be likely to represent a generous amount of amenity space applying standards proposed in the background evidence to the emerging plan (i.e. relative to the population of Hadston). However, these standards have not been enshrined in emerging Local Plan policies. Again, there are other, more qualitative open space-related considerations that should also come into play too as set out above and again have not been considered. In addition the information does not show either that the land is not used, which is a main indicator as to whether the site is surplus to requirements. Any surplus of amenity green space could also have the potential to contribute to providing for other shortfalls - e.g. children's play / sports fields etc. - were these to exist. The objections received also show that the land is important to local residents as open space and is still used regularly used for different purposes. As such it is still considered that the proposal does not show the land is not used as open space or any less so than other sites (which its excellent attributes/ qualities are likely to affect) and as such it has not been demonstrated that it is surplus to requirements and thus has not demonstrated that the proposal can conform to para 97 a) of the NPPF. As such the proposal would lead to the loss of open space of great public value that performs a positive function in terms of its amenity value which would have an adverse impact on the local community and amenity of the area. The proposal would not be consistent with the open space protection aims of paragraph 97 of the Framework. Whilst there is open space elsewhere for the reasons given above this would not offset the loss of this area close to a high density area.
- 7.11 The applicant has also argued that the proposal would bring about a range of benefits including the delivery of 11 affordable homes and that there is an opportunity to improve the balance of the open space to the west of the proposed housing development by draining it and making it more usable. In response to this where the actual Suds pond is proposed this will have a depression of 500mm or 20inches and have water in at flood events then will infiltrate into the ground after a storm event, which also makes this area

unusable as times too. On balance, whilst the proposal would beneficially provide affordable housing in the area, it is considered the permanent removal of this open space area, which can not be substituted anywhere else in Hadston would have a much greater detrimental impact on the local community, as it is a valued facility enjoyed by many more people than would benefit from the proposal. The proposal won't help to improve the character and quality of the area as advised by the NPPF too but will make the area a less pleasant place to live for residents around the site, including those who have used this open space for years. The area of open space also helps to make Hadston a sustainable area by reducing the need to travel to such places. As well as the impact upon the character and appearance of the site (discussed below) and loss of amenity space, the proposal whilst meeting the social objective of helping to provide a range of homes to meet the needs of present and future generations, would however not contribute towards the the NPPFs social objective which includes 'to support strong, vibrant and healthy communities..... by fostering a safe built environment, with accessible open spaces that reflect current and future needs and support communities' health, social and cultural well-being.'

- '7.12 Although limited weight can be applied to it at this stage, the emerging Northumberland Local Plan states that areas of open space that are valued by Residents; provide an important community function, and can make a significant contribution to quality of life. Policy STP 6 states that "in assessing development proposals, the contribution of strategic and local green infrastructure to the health and well-being of Northumberland's communities and visitors, as well as its economy, will be recognised, promoted and enhanced" . Furthermore it goes on to state that "development proposals should seek to protect, improve and extend Northumberland's green infrastructure" . Its not considered the proposal would accord with this policy.
- 7.13 In addition while the current development plan does not specifically protect the land as open space, this is the intention in the emerging Local Plan, meaning that it is the Councils view that the site makes an important contribution to open space provision. Although the site is allocated as protected open space in the emerging local plan limited weight can also be given to proposed Policy INF 5 which deals with open space and facilities for sport and recreation. This states, 'Development proposals that would result in the loss of land or buildings used for recreational use or the loss of Protected Open Space (as shown on the Policies Map) will not be supported unless:
- a. They would be replaced by an area of equivalent or better quantity and quality, in a suitable location; or
 - b. An excess of provision in quantitative and qualitative terms is clearly demonstrated; or
 - c. The development proposed is for alternative sports and recreation provision, the need for which clearly outweighs the loss of the existing open space.
2. Development which would result in the loss of open space not shown on the Policies Map that contributes to the character and visual amenity of an area will not be supported unless it can be demonstrated that the benefits of development clearly outweigh the loss.

- 7.14 Although Policy INF 5 is emerging and limited weight can be given to this, an excess of provision in qualitative terms has not been clearly demonstrated. The additional information submitted also argues that the amount of amenity space, looked at alone and in quantitative terms only, is more than required based on standards proposed in the 2011 evidence base. However these standards have never been fully adopted by the Council and as stated above in any case, they are only part of the picture. There also needs to be consideration of any potential for the site to meet other open space needs that may arise - e.g. sport or children's play to show it is surplus to requirements.

Design and Impact on the character and appearance of the area

- 7.15 The NPPF recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy H15 of the Castle Morpeth District Local Plan and emerging local plan Policies QOP1 and QOP2 identify a criteria to provide a high quality design that should relate well with the surrounding environment. NLP Policies QOP4 and ENV3 also seek to safeguard/enhance wider landscape character.
- 7.16 The application is for the construction of a terraced row of 3 bungalows on that part of the land directly to the north west of the community centre. To the north of this and on that part of the land which adjoins 7 Simonside Crescent and in addition on that land previously developed by garages, it is proposed to construct one pair of semi detached 2-storey buildings consisting of a ground floor and upper floor flat in each. All the properties would be constructed of brick with a concrete tiled roof. Each property would have off street parking and vehicular access to the site would be gained from Simonside Crescent which lies to the north of the site. A suds area is also proposed to the western side of the site also on the area of public open space and would be reseeded on top.
- 7.17 In this case, the proposal which includes bungalows and 2 storey dwellings of a simple design with traditional pitched roofs, would resemble the scale and character of the existing dwellings around. As such the design of the buildings are considered to be appropriate and in this respect is in accordance with the NPPF and local plan policies. In addition the layout also shows each property would have an acceptable size of amenity space for the size of the dwelling and the layout shows acceptable privacy distances can be achieved which would ensure existing and proposed residents would not have their residential amenity impacted upon.
- 7.18 In terms of developing on the site of the open space however, currently this area of open grassed space which forms part of a larger area of open space, makes a positive contribution to the visual amenity of the surrounding area, and to the open feel of the residential estate. Whilst the new dwellings would be seen in the context of existing in the surrounding area, this area of open space forms an integral part of the layout of the estate, and as such, the Council considers that the loss of this area of amenity space would have a significant adverse impact upon the character and appearance of the

surrounding area. Letters of objection have been received that indicate the parcel of land not only has a functional purpose but also an aesthetic purpose, breaking up the mass of urban form within the estate. So not only does it have a positive functional value, it positively contributes to the visual amenity of the area. Its retention as grassland does have a purpose and contributes to the character of the estate overall. It is considered that the site possesses aesthetic amenity value and in this respect its loss would be considered to be harmful overall, particularly given the prominence of the parcel of land within the street scene and resulting prominence of any development located on the site. When considering the more localised effects of the loss of this open space it is felt that the proposal would result in a visually intrusive form of development. The loss of open space that contributes to the open character of the area would have a harmful impact upon the character and appearance of the site and surrounding area and thus visual amenity. It is therefore felt that the introduction of new dwellings within this area of open space would erode the visual amenity of the estate to the detriment of the character of the area. There would be some additional landscaping, however, any additional landscaping would be very limited and not sufficient to mitigate the impacts.

- 7.19 Furthermore, despite the reduction in scale of development from previous iterations the view remains that the loss of a parcel of open land from within the estate would be harmful to its character and introduce a visually intrusive form of development into this location. This would be contrary to the NPPF which states developments should be sympathetic to local character and add to the overall quality of the area. It is not considered that the benefits arising from the construction of 11 affordable homes in this location would outweigh the loss of this area of open space that contributes to the visual amenity of the area.

Foul and Surface Water

- 7.20 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plan Policy RE5 states that new development shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere. Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Policy H15 also advises that developers must, where proposals are at risk of flooding or may increase flooding elsewhere, demonstrate that the proposal will not cause an unacceptable risk of flooding.
- 7.21 The application site is located within Flood Zone 1, which is the lowest risk for Flooding. Given the scale of the development a Flood Risk Assessment and drainage strategy have been submitted. Foul and surface water is proposed to be disposed of by main pipes and to attenuation basins.
- 7.22 The Lead Local Flood Authority have been consulted and having requested further information to be submitted now have no objection subject to a number of conditions. In addition Northumbrian Water has been consulted and

has no objection to foul and surface water drainage proposals subject to conditions.

- 7.23 As such subject to the suggested conditions/ informative this would ensure a suitable scheme for the disposal of foul and surface water would be achieved and would not potentially increase the risk of flooding to the site and adjacent site, in accordance with Local Plan Policy RE5 Surface water run-off and flood defences and RE6 Service Infrastructure and the flooding section of the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with NLP Policies Inf1, WAT 3 and 4 which deal with Flooding and Sustainable Drainage Systems.

Contamination

- 7.24 Policy RE8 of the Castle Morpeth District Local Plan states that the Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the Council may assess any direct threat to health, safety or the environment and emerging Policy POL1 seeks to ensure that contaminated land and ground stability matters are satisfactorily addressed.
- 7.25 The applicant has submitted a phase 1 report which concludes that the risk is low to medium and recommends that an intrusive investigation is undertaken. As the site is not classified as high risk Public Health Protection have raised no objection to the scheme subject to conditions. Subject to these conditions the proposal is considered to be acceptable and in accordance with Local Plan Policy RE8.

Highways Issues- Access and Parking

- 7.26 Castle Morpeth District Local Plan Policy H15 in respect of new housing developments refers to the need for adequate off-street parking, for pedestrians and cyclists to be given priority through layouts that are not highways dominated and for traffic calming measures to be designed into layouts. NPPF paragraph 109 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Policies TRA1 and TRA2 of the emerging Local Plan reflect the above planning policies.
- 7.27 The proposal includes direct access to 4 parking bays in front of the 4 flats that front Simonside Crescent. In addition to the east of this access is proposed to 8 parking bays and to the west access access is proposed to a new estate layout which will lead to parking for each of the proposed buildings within the estate.
- 7.28 The Highway Authority has been consulted and has assessed the submitted documentation and plans. This includes an assessment of matters such as the accessibility of the development; trip generation; highway safety; highways works necessary to facilitate the development ; parking; and if the

proposed development will be satisfactorily accommodated on the local highway network without resulting in any severe impacts on the free flow of traffic.

- 7.29 The Highways Authority has sought further information from the applicant and now comment that this development would not have a severe impact on highway safety, and there are no objections in principle to the proposal and the imposition of conditions and informatives as outlined will address any concerns with the site, which includes Section 184 / Section 278 Agreement works with the site layout considered to be acceptable for adoption under a Section 38 Agreement. Subject to these conditions it is therefore considered the proposal is acceptable in terms of proposed access and other highways matters, in accordance with Local Plan Policies H15. Whilst only limited weight can be given to the emerging plan the proposal would also accord with Policies TRA1 and TRA2.

Ecology

- 7.30 The County Ecologist has examined the submitted Ecological Assessment, and has raised no objections to the scheme subject to conditions which would ensure mitigation is incorporated into the scheme in relation to bats, birds and mammals, ensure hedges and trees are protected, the lighting scheme is adequate and landscaping scheme is submitted. Subject to these the proposal would accord with Local Plan Policy C11, which is designed to safeguard protected species from harm and disturbance. This aligns with the NPPF at chapter 11 in terms of minimising impacts on biodiversity and providing net gains where possible. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

Planning Obligations

- 7.31 When considering the use of planning obligation under Section 106 of the Town & Country Planning Act regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 7.32 The NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Furthermore Castle Morpeth Local Plan Saved Policy 12 relates to Planning Obligations and the need for Major development to make provision for infrastructure and community facilities. Whilst limited weight can be given to Policy INF 6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) this equally seeks to secure planning obligations in relation to any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Affordable Housing

- 7.33 Northumberland County Council's Corporate Plan and Housing Strategy both identify the delivery of affordable housing as a key strategic priority.
- 7.34 Policies H6-7 and H8-9 of the 'saved' Castle Morpeth Plan together with their supporting text, provide the current adopted development plan basis for considering housing mix and affordable housing matters in the area concerned. These are supported by the NPPF (February 2019) - affordable housing is defined in accordance with the NPPF Glossary - and relevant Planning Practice Guidance (including Housing Needs of Different Groups which provides advice on different types of housing, affordable housing and rural housing, and Housing for Older and Disabled People).
- 7.35 However, given how long ago the former district Plan was prepared and adopted, in accordance with national policy it is now more appropriate to take account of more recent up-to-date evidence and emerging policies as material considerations in the assessment of planning applications.
- 7.36 The emerging new Northumberland Local Plan (Regulation 19 publication draft, January 2019) is currently progressing through its examination stages, so has some weight in decision-making in accordance with NPPF paragraph 48. The Plan's requirements could therefore change during the time that a planning application is being assessed and a decision made. Draft Policies HOU5 (Housing types and mix) and HOU6 (Affordable housing provision) require that development proposals should be assessed in terms of how well they meet the housing needs and aspirations identified in the most up-to-date Strategic Housing Market Assessment (SHMA) or local housing needs assessment.
- 7.37 The draft Local Plan notes at paragraph 7.35 that the latest SHMA Update (June 2018) identifies a countywide net affordable housing need shortfall of 151 dwellings per annum over the period 2017-2022, which equates to a residual 17% affordable housing need in terms of the draft Plan's overall average annual housing requirement for the plan period 2016-2036. However, it should be noted that, due to the ongoing independent examination, the draft Policy HOU6 approach to breaking down this affordable housing needs requirement according to viability value areas only has limited weight at this stage and is therefore not currently being applied for decision-making purposes. So pending adoption of the new Local Plan, the minimum affordable housing requirement being applied countywide is currently 17%. The proposed development would provide for 100% of the total dwellings as affordable homes, and thus would satisfy the requirements of 'saved' and emerging planning policies and the latest evidence base.
- 7.38 As regards the tenure split of the affordable housing to be provided, as noted at paragraph 7.38 of the draft Local Plan, the SHMA Update recommends a 50:50 split between affordable/social rented and affordable home ownership products. This takes into consideration the Government's drive towards enabling home ownership. However, given the NPPF paragraph 64 requirement for at least 10% of the total number of dwellings on major

development sites to be for affordable home ownership (subject to certain exceptions), a 50:50 split of the current 17% affordable housing ask is not possible, unless a scheme proposes 20% or more of the total dwellings to be affordable. The guideline tenure breakdown in draft Policy HOU6 seeks to address this, but due to the limited weight able to be given to the viability value area provisions at this stage it is not currently being applied, so for the time-being the tenure split should be negotiated as appropriate taking the NPPF requirement into consideration. In terms of housing mix, types and sizes, paragraphs 7.28 and 7.39 of the draft Local Plan summarise the SHMA Update's identified predominant overall and affordable housing needs respectively.

Identifying Local Housing Needs and Demand

- 7.39 The proposed housing development should seek to reflect the latest evidence based needs for housing mix, tenure and affordable housing, which are material considerations in the assessment of planning applications. The latest available information on local housing needs is informed by a combination of: the Strategic Housing Market Assessment (SHMA); relevant Local Housing Needs studies and assessments, including evidence papers prepared to inform the preparation of neighbourhood plans; Northumberland Homefinder statistics (the Council's choice-based lettings system); and information from Registered Providers.

Strategic Housing Market Assessment

- 7.40 The SHMA for the county-wide strategic housing market area is generally reviewed and updated every 3-5 years. The latest Northumberland SHMA Update (June 2018) identified the county's strategic housing mix and affordable housing needs, as reflected in the draft Local Plan (see above).

Local Housing Needs Assessments

- 7.41 Local assessments of housing needs have been carried out for various parts of the county, albeit it is impractical to undertake and keep up-to-date locally-specific housing needs studies for every part of the county.

There is no recent local housing needs assessment covering the location of this planning application.

Northumberland Homefinder

- 7.42 Northumberland Homefinder is the Council's choice-based lettings policy for allocating the majority of affordable rented properties in the county in partnership with other local affordable housing providers. While providing a reasonably up-to-date indication of the scale of affordable rented housing needs only in different parts of the county to help supplement the housing needs information set out above, it should not be regarded as a definitive register for identifying local housing need at the parish or neighbourhood area level. Applicants can live both within and beyond the county, with a local connection determined on a countywide basis (including employment/business in the county) and additional rural allocations criteria

prioritisation applying for parishes with less than 3,000 population, while it is known that some households in housing need may only register when they see that a development of affordable homes in their area is nearing completion. Once registered, applicants can bid on up to three properties a week all across the county.

- 7.43 Analysis of Homefinder data received for the period Feb 2019 to Feb 2020 indicates that there were 29 affordable rented properties advertised in Hadston, receiving 318 bids from 82 applicants at an average 11 valid bids per property (some properties may have age-related restrictions). However, adverts for 3 properties were advertised multiple times, albeit with different applicants bidding for them, meaning 26 unique properties were advertised in the area. 50% (41) of the bidders were from Hadston and (50%) 41 were from adjoining parishes, of which 30 (22 from Hadston) were categorised in Bands P, 1, 2 and 2R (those in Band 3 are regarded as adequately housed and so not technically in housing need, although some may have hidden housing needs).
- 7.44 Hence this indicates an identified need for at least 4 affordable rented homes (across all dwelling types) in the area over this period. However, with the lack of 1 bedroom units in Hadston the 18 applicants in housing need for 1 bedroom accommodation is currently not being met. The number of 1 bedroom accommodation advertised is 6 x 1 bedroom bungalows, which suggests there is a need for at least 12 x 1 bedroom units. Finally, the number of applicants identified as 55 years of age or over from Hadston is 14, which under Homefinder policy allows them to bid on bungalows, which provides an identified need for bungalows within Hadston. Therefore, there is considered to be an overall need for up to 14 affordable rented homes in Hadston, with a focus on 1-bedroom dwellings and bungalows. The proposed housing mix and tenure breakdown is therefore broadly in line the county's identified needs and local and national policy requirements. The proposed development meets the identified housing need in the SHMA for more smaller 1 and 2 bedroom dwellings needed across the county. The developer has also taken into consideration the need for dwellings to have the ability to be adapted to meet the person's needs which with the ageing population within Northumberland is very important. Homefinder data supports the applicants' housing mix for affordable rented accommodation with a minimum potential need for up to 14 affordable homes in Hadston, including up to 12 x 1 bedroom units and also 14 applicants able to have their housing need met by the 2 bedroom bungalows. The proposal is therefore considered to be in line with the County's identified need in Hadston and appropriately the section 106 should ensure all the dwellings are affordable and it allows for changes in tenure types to allow the Registered Provider to change tenures if the market changes if requested.

Education

- 7.45 Education have confirmed that no contribution is sought.

Children's play/ sport/ open space

- 7.46 The Castle Morpeth Local Plan Policy H15 states that open spaces and

children's play area must be included in all residential of 10 or more dwellings. Local Plan Policy R4 also requires childrens play areas to be developed on sites where the development area is over 1 hectare in size. It further states for developments totalling under 1.0 hectares it may be more appropriate for developers to make a financial contribution towards the provision of play areas and in those circumstances the council will require an agreement under section 106 of the town and country planning act, 1990. In this instance the applicant has agreed to make a contribution of £768 per dwelling towards play. However as the Section 106 has not yet been entered into on this basis the application is not in accordance with Local Plan Policies R4 and H15.

- 7.47 In addition the Parish Council and Council have not sought any contributions towards sports in the area.

Coastal Mitigation

- 7.48 As this is a proposed residential development within 10km of the coast, consideration has been given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.
- 7.49 When developers apply for planning permission for new residential development within the coastal zone of influence, the Local Planning Authority has 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. 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.
- 7.50 Contribution to the Coastal Mitigation Service (CMS) enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £600 per unit within 7km of the coast and £300 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £600 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements. In this particular case the application is a major development and as such £600 per unit is sought.
- 7.51 The applicant has agreed in writing to contribute towards the coastal mitigation scheme as the site is within 7km of the coast. Based on this proposed mitigation, the County Ecologist has no objections to the scheme. However, a legal agreement securing the contribution has not as yet been entered into and therefore the Council is unable to conclude at this time that there will be no adverse effect on site integrity in respect of this issue when undertaking the Habitats Regulations Assessment for this development. On

this basis the application is not in accordance the NPPF or Local Plan Policy C11. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity. In terms of the NPPF, in the absence of secured mitigation, paragraph 177 is of relevance which states that the presumption in favour of sustainable development does not apply in such circumstances. It is important to note that Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that planning permission can only be granted when it has been concluded that a proposal will not have an adverse effect on the integrity of any European sites, and therefore it would be unlawful to grant planning permission in this instance.

Other Matters

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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. Recommendation

That this application be REFUSED permission subject to the following:

Reasons

1. The proposed development would result in the loss of a good quality area of open space which provides a valuable amenity function for local residents. The applicant has not submitted information which shows the open space to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and the development is not for alternative sports and recreational provision. As such the proposal has not been demonstrated to comply with any of the criteria set out in para 97 of the NPPF. It would have a harmful impact on the amenity provided to local residents and there is no justification for its loss, contrary to the NPPF.

2. That part of the application site which forms the public open space contributes towards the open character and visual amenity of the area. The proposal would introduce permanent buildings that would look obtrusive and would be detrimental to the open character and appearance of the site and area it is in. This would be contrary to the NPPF which states developments should be sympathetic to local character and add to the overall quality of the area.

3. In the absence of a completed planning obligation securing a financial contribution to the Council's Coastal Mitigation Service or any other satisfactory alternative mitigation the proposed development will have an adverse effect on the integrity of the Northumbria Coast SPA and therefore approval of this application would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017. Similarly it will have an adverse effect on the interest features of the Northumberland Shore SSSI and therefore approval of the application would be inconsistent with the LPA's duties under S.28G of the Wildlife and Countryside Act 1981 as amended. Overall the proposals would therefore be contrary to saved Policy C11 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF).

4. In the absence of a completed planning obligation securing a financial contribution towards play, the proposed development is contrary to Local Plan Policies R4 and H15.

Date of Report: 24th February 2020

Background Papers: Planning application file(s) 19/01714/FUL