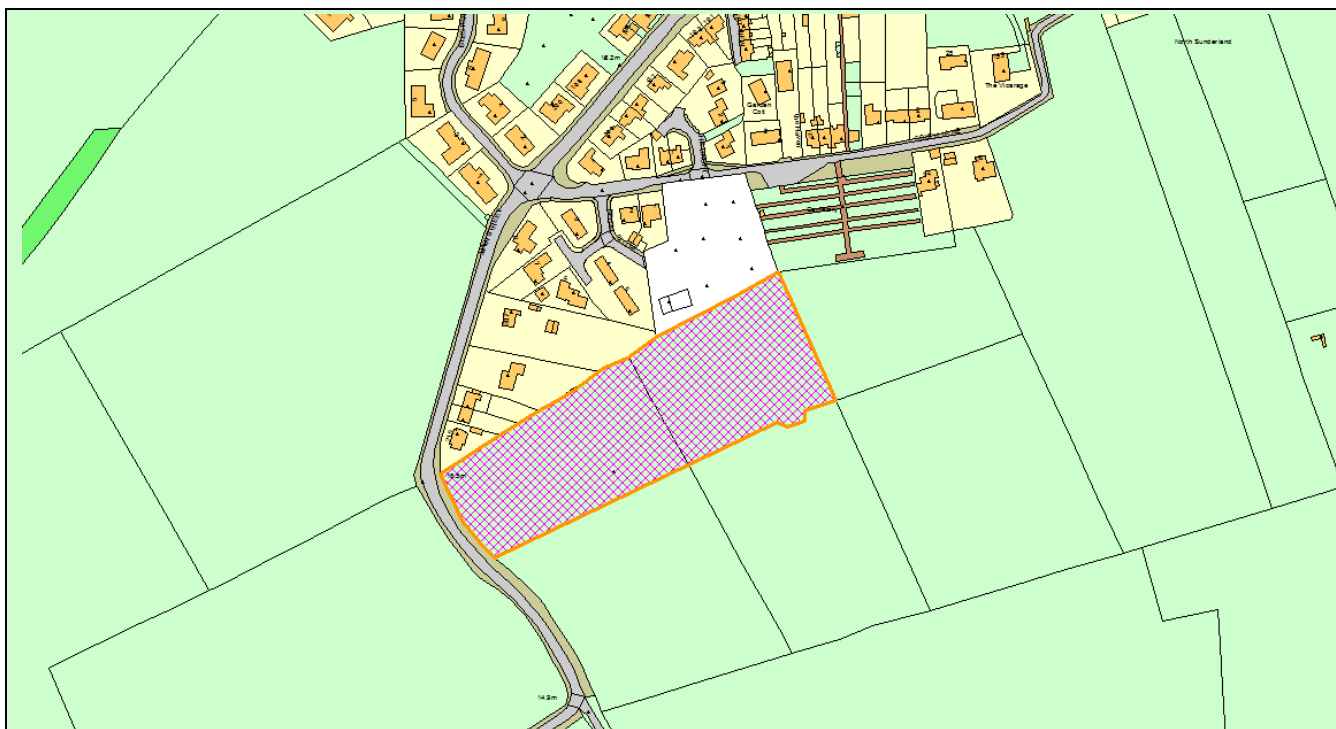




Northumberland County Council

North Northumberland Local Area Council 24th May 2018

Application No:	17/01819/OUT		
Proposal:	Outline Permission with All Matters Reserved; Development of up to 20 dwellings (100% affordable) - Amended 30/04/18		
Site Address	Land South West Of St Cuthbert Close, Main Street, North Sunderland, Northumberland		
Applicant:	Mrs Carr and Mr Dunn C/O Agent	Agent:	Mrs Stephanie Linnell 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Bamburgh	Parish	North Sunderland
Valid Date:	22 May 2017	Expiry Date:	30 June 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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1. Introduction

- 1.1 The application has been called to be heard at Planning Committee by Cllr Renner-Thompson due to the site location outside of the designated settlement boundary for Seahouses & North Sunderland within the emerging North Northumberland Coast Neighbourhood Plan.
- 1.2 Under s.92 of the Town and Country Planning Act 1990 (as amended), an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
- 1.3 The application was amended as follows;
- 30/04/18 - Change of description.
 - 24/04/18 - Change of description and submission of a supplementary planning statement to change the development to be 100% affordable housing.
 - 22/09/17 - Submission of amended location plan.
- 1.4 The application has previously been subject to a committee site visit which was undertaken on 18/12/17.

2. Description of the Proposals

- 2.1 The application site is located to the west end of North Sunderland on land to the south side of Main Street, a main thoroughfare running through the village. The parcel of land is on the edge of the settlement immediately adjacent to existing residential development to the north off South Lane, open fields to the east and south with Main Street to the west onto open countryside beyond.
- 2.2 The land comprises of 1.6 hectares and is currently in agricultural use of a linear form spanning approximately 330m (east-west). The southern edge to the east end of the site is defined by a field boundary which consolidates the form of the overall site which is made up of land from two fields. There are limited defining features within the site other than existing field boundary vegetation with a more substantive boundary hedgerow onto Main Street.
- 2.3 The site is not readily visible within the settlement due to its location to the rear of existing residential properties at South Lane , however there is greater prominence on the approach from the south along Main Street owing to the site's relatively flat topography. Residential development in the vicinity of the site is largely modern, single and two storey dwellings, with a mix of external finishes including brick, render and stone.
- 2.4 The application seeks outline permission with all matters reserved to erect 20 dwellings all of which would be affordable housing, the application proposes an indicative access taken from St Cuthberts Close has been set out in the indicative layout.

2.5 The application site is subject to the following environmental constraints;

- Within the Northumberland Coast Area of Outstanding Natural Beauty (AONB).
- Impact Risk Zone SSSI
- Ecologically designated sites of the Berwickshire and North Northumberland Coast SAC, Northumbria Coast SPA, Northumbria Coast Ramsar Site, Northumberland Marine SPA and Northumberland Shore SSSI (1.6km east).
- High Risk Coal Referral Area (two small areas within the site).

3. Planning History

No relevant Planning History

4. Consultee Responses

North Sunderland And Seahouses PC (3 rd Consultation)	To be provided as an update at Committee
North Sunderland And Seahouses PC (2 nd Consultation)	No Objection; No objection to the extension of the footpath to proposed development.
North Sunderland And Seahouses PC (1 st Consultation)	Comments; North Sunderland Parish Council will only agree to the outline proposal if the following concerns are met: 1. South Lane to be widened prior to any work commencing on site. The additional vehicles for building work, combined with the latest increase in traffic from the recently occupied St, Cuthbert Close ,will cause an unacceptable impact on this small lane. 2. Properties will be for permanent residency not for holiday lets or second homes. 3. An acceptable proportion of the properties will be affordable for rent only. The Parish Council wish to advise that at the original consultation on the outline proposal with George F White they stated that 30% (6no.) of houses would be affordable but this application only states 15% (3no.) only will be affordable.
Housing Department	Comments; It is understood that this site will be viewed as an exception site and therefore developed for affordable housing to meet local need only. The interest and evidence from Bernicia and the interest from another major RP is deemed sufficient to support this site being developed for affordable homes. The only issue to factor in is other current applications in the area which may deliver affordable homes as there is an upper limit to the number of affordable rented homes in particular which are required at this particular

	<p>point in time. A variety of affordable tenures are considered possible which will offset this and at the same time provide valuable forms of affordable housing. Rent to Buy, shared ownership and discount market value homes would be supported.</p> <p>It is understood that there are issues with the other current sites across the coastal area which may prevent progress. The failure of other sites to deliver affordable homes will make this site more important in helping to meet identified need.</p> <p>The application offers 20 no. affordable homes on the site at 100% affordable housing which compares very favourably with SHMA based evidence at 15%.</p> <p>We normally suggest a split of 67% affordable rent and 33% DMV/Shared ownership. DMV values may be towards the high end of the affordable spectrum but are unlikely to be the highest we have seen in Northumberland, all of which have been successfully sold to people who have been assessed as qualifying.</p> <p>The suggested way forward is for the applicant to work with an RP to identify the final housing mix , tenures and viability. Homes for single people, families and older people have all been supported by the available evidence. The affordable rented homes and shared ownership homes should be transferred to an RP.</p>
<p>Northumberland Coast AONB (2nd Consultation)</p>	<p>No Objection;</p> <p>Thank you for reconsulting the Northumberland Coast AONB Partnership about the planning application detailed above. I note that the application is now for 100% affordable development and so have the following comments about the application.</p> <p>Given that the proposed development is unlikely to adversely affect the special qualities of the AONB, if the need for this level of affordable housing in this location can be demonstrated this proposal will accord with relevant AONB Management Policies.</p>
<p>Northumberland Coast AONB (1st Consultation)</p>	<p>No Objection;</p> <p>The site is located at the western end of a settlement edge identified in the 'Northumberland Coast AONB Landscape Sensitivity and Capacity Study' as being sensitive to new housing development. Accordingly very careful consideration has been given to the impact of this proposal on the special qualities of the AONB.</p> <p>This proposed development will be visible from the southern approach to North Sunderland, including from the B1340, the Northumberland Coast path and more inland paths. However, it will be viewed against the backdrop of the existing built form of the western end of North Sunderland and the relatively unremarkable landscape of the coastal plain running inland beyond that. It too far inland to intrude into any views of the coast.</p> <p>A rigorously worded planning condition is required to control the form, design and materials of this development, because they are all matters that can affect the impact of the built form on the special qualities of the AONB; however, subject to that, a proposal in this location will not have a significant effect on the special qualities of the AONB and should not be regarded as major development in terms of paragraph 116 of the NPPF.</p>

Lead Local Flood Authority (LLFA)	<p>No Objection; Conditions Advised</p> <p>After a comprehensive review of the flood risk assessment and drainage strategy undertaken by M Design we have no objection to the proposed development. We recommend that the requested conditions are appended onto any granted planning permission.</p>
Northumbrian Water Ltd	<p>No Objection, Condition Advised</p> <p>The foul water flows from the proposed development will ultimately discharge to Seahouses Wastewater Treatment Works (WWTW) which serves Seahouses, North Sunderland, Beadnell and Bamburgh. Following internal consultation with our operational teams regarding the whole of the drainage catchment, they have identified a potential capacity shortfall at the treatment works and at some of the associated pumping stations which we need to consider in greater detail.</p> <p>We have launched an integrated hydraulic study to identify appropriate solutions to ensure sustainable management of future flows in the drainage catchment, which includes this and other sites in the Seahouses catchment.</p> <p>Depending upon the results of this study, we will either be able to agree to accept the flows or to agree a phasing plan for acceptance of the flows to align with any infrastructure upgrades.</p> <p>Therefore the recommended condition should be included within any future grant of planning permission.</p>
Public Health Protection	<p>No Objection; Conditions Advised</p>
Northumbrian Water Ltd	<p>No Objection, Condition Advised</p> <p>The foul water flows from the proposed development will ultimately discharge to Seahouses Wastewater Treatment Works (WWTW) which serves Seahouses, North Sunderland, Beadnell and Bamburgh. Following internal consultation with our operational teams regarding the whole of the drainage catchment, they have identified a potential capacity shortfall at the treatment works and at some of the associated pumping stations which we need to consider in greater detail.</p> <p>We have launched an integrated hydraulic study to identify appropriate solutions to ensure sustainable management of future flows in the drainage catchment, which includes this and other sites in the Seahouses catchment.</p> <p>Depending upon the results of this study, we will either be able to agree to accept the flows or to agree a phasing plan for acceptance of the flows to align with any infrastructure upgrades.</p> <p>Therefore the recommended condition should be included within any future grant of planning permission.</p>
Highways	<p>No Objection; Conditions & Informatives Advised</p> <p>When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.</p> <p>The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals.</p>

	<p>It is considered that the proposal is in accordance with the NPPF in highways terms and the principle of development acceptable.</p> <p>The application is for outline consent, with all matters reserved, and therefore this assessment considered the principle of the development at this location. Exact details of the internal arrangements of the development site will be sought through planning conditions at the subsequent Reserved Matters application.</p> <p>The imposition of conditions and informatives with regards to site levels, boundary treatments, access, lighting, highway works, cycle parking, surface water drainage, refuse storage and servicing, car parking and the impacts during the construction phase will address any concerns with the proposed development.</p> <p>It is a requirement that the proposed development is served by a proposed footway from South Lane. Since St Cuthberts Close was constructed as a shared surface development, it will be necessary, due to the increased density of development, associated with this phase of development that a footway be provided from the St Cuthberts Close/South Lane junction up to plot 1 within the proposed development area in order to segregate pedestrians from vehicles on the carriageway. The detail of this matter will be addressed at the subsequent Reserved Matters planning application stage.</p>
<p>Natural England</p>	<p>No Objection; Obligation Required</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> • have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) • damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest (SSSI) has been notified. <p>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:</p> <ul style="list-style-type: none"> • Mitigation measures that include interpretation and a contribution to the strategic management of the designated sites, with more details to be supplied to Natural England <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p>
<p>County Archaeologist</p>	<p>No Objection</p> <p>The application is supported by an archaeological desk-based assessment. With the exception of some extant ridge and furrow earthworks, no archaeological features or deposits are recorded within the application site. Where they survive the ridge and furrow earthworks are characteristic of late, post-medieval cultivation and are indicative of steam ploughing of the site. These features are therefore of no more than local interest.</p> <p>Although a medieval settlement site is known to have existing in the North Sunderland area, the form of settlement is likely to be based on a dispersed layout of farms and granges rather than an urban settlement. The presence of ridge and furrow earthworks within the application area demonstrates that the site was under cultivation during the later post-medieval period.</p>

	<p>Overall, the potential for significant archaeological remains dating the to medieval and post-medieval periods is considered to be low.</p> <p>Based on the available information, I believe that in this particular instance the proposed development is unlikely to adversely affect significant archaeological remains. I therefore have no objections to the proposed development and no archaeological work will be required.</p>
County Ecologist	<p>No Objection; Conditions Advised & Obligation Required (£600 per unit)</p> <p>The application documents and ecological survey report indicate that the site is of generally low ecological conservation value comprising the northern section of an agricultural field (grazed by sheep at the time of survey) bounded by existing housing (with stone wall and hedge boundaries) to the north, a well established hedgerow to the west (with highway beyond) and further open farmland to the south and east. A remnant hedge with some mature standard trees (assessed as having negligible risk of accommodating roosting bats) runs north 'south across the centre of the site. Bats and birds are, however, likely to commute and forage along the hedgelines with the established western hedge in particular providing suitable nesting habitat for a variety of bird species. There are some common lizard records locally and the stone walls may provide some limited habitat for this species.</p> <p>Terrestrial animals such as brown hare and hedgehog are likely to commute and forage across the site from time to time. No setts or evidence of badgers was recorded on the site though they are likely to be present locally and may also commute and forage across the site on occasion.</p> <p>The site lies within the Impact Risk Zone (IRZ) for the Northumberland Shore SSSI and within 1.5km of the internationally protected Natura 2000 sites (Northumberland Marine SPA, Northumberland Coast SPA/Ramsar site and the Berwickshire & North Northumberland Coast SAC). The response from Natural England dated 13th October is noted.</p> <p>No other protected, threatened or notable habitats and/or species are likely to be affected by the proposals though the presence of a watercourse was noted.</p> <p>No objections to the proposals on ecological grounds are raised on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full and the recommended conditions are included.</p>
Education - Schools	<p>Obligation Required; £35,200</p> <p>Primary: The primary school in the catchment area is Seahouses Row, currently with 88 pupils in a school with a capacity of 115 places (77% occupancy). On this basis no Primary Contribution is sought.</p> <p>Secondary: The secondary school within the catchment area is the Duchess High School Alnwick. Following reorganisation in 2016 this School is close to capacity with 1184 places full of a total capacity of 1200. A contribution is sought in respect of the likely 2 pupils arising from the development.</p> <p>Summary and Conclusion: A total contribution of £35,200 is requested in respect of this development, on the basis of pressures on secondary places.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	30
Number of Objections	24 / 12 following re-consultation
Number of Support	1 / 0 following re-consultation
Number of General Comments	0 / 0 following re-consultation

Notices

General site notice - 14th June 2017

Press notice - Berwick Advertiser 8th June 2017

Summary of Responses:

During the consultation period for the originally submitted application, 24 no. objections were received on the following grounds;

- Outside of settlement boundaries
- Impact on neighbourhood Plan Policies
- Impact of more holiday homes
- Impact on the AONB/local area and including paragraph 116 of the NPPF
- Impact on highways, including access, safety and construction traffic
- Impact on residential amenity, including privacy and overlooking
- Foul and surface water drainage issues
- Impact on ecology/ loss of Greenfield space
- The need for housing

Following revisions to the application to a proposal for affordable housing 12 no. objections (from five properties) were received on the following grounds;

- Application proposes major development in the AONB
- Requesting that further consultation be carried out
- Impact of referendum for Neighbourhood Plan
- Affordable Homes are readily available within North Sunderland/Seahouses
- Potential for developer to argue viability to prevent delivery of affordable units
- Development would not be 'small scale' for the purposes of Policy 1 of the NNCNP.
- There is no need for the development in accordance with the housing paper in support of the NNCNP
- Layout submitted does not appear to show affordable properties.
- Highway safety
- There is currently an application for affordable housing in Seahouses under 18/00887/FUL

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=OQ786VQSH1G00>

6. Planning Policy

6.1 Neighbourhood Plan Policy

NNCNP - North Northumberland Coast Neighbourhood Plan (2017)

Policy 1 Sustainable Development

Policy 2 Landscapes and Seascapes

Policy 3 Habitats and Species

Policy 5 Design in New Development

Policy 9 Sustainable Development Outside the Settlement Boundaries

Policy 14 Principal Residence Housing

6.2 Local Plan Policy

BLP - Berwick-upon-Tweed Local Plan (1999)

F1 Environmental Wealth

F5 Berwick-Upon-Tweed

F6 Special Protection Areas, Special Areas of Conservation & Ramsar Sites

F7 National Nature Reserves and Sites of Scientific Interest

F9 Wildlife

F10 Protected Species

F12 Trees and Woodlands

F30 Planning Obligation

F31 Social and Economic Welfare

M14 Car Parking Standards

S2 Five Year Housing Land Supply

S6 Affordable Housing

6.3 National Planning Policy

NPPF - National Planning Policy Framework (2012)

PPG - Planning Practice Guidance (2014)

Natural Environment Guidance (2016)

6.4 Other Documents

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)

Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

Northumberland Landscape Character Assessment (2010)

Northumberland Coast AONB Management Plan (2014 - 2019)

Northumberland Coast AONB Design Guide for the Built Environment

Northumberland Coast AONB Landscape Sensitivity and Capacity Study (2013)

7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the

development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999).

The North Northumberland Coast Neighbourhood Plan passed the formal examination process and is subject to referendum on 24/05/18. In accordance with Paragraph 216 of the NPPF, the neighbourhood plan carries significant weight in the appraisal of this application.

7.2 The main issues in the consideration of this application are;

- Principle of Development
 - Housing Land Supply
 - Rural Exception Site
 - Major Development in the AONB
 - Summary
- Planning Obligations
 - Affordable Housing
 - Education
 - Coastal Mitigation
- Visual Impact
 - AONB
 - Landscape
 - Design
- Amenity
- Archaeology
- Environment
 - Ecology
 - Coal Legacy Issues
 - Contaminated Land
- Highway Safety
- Water Management
- Procedural Matters
- Other Matters

Principle of Development

7.3 The NPPF seeks to promote sustainable development with paragraph 7 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element. The application is located within the Northumberland Coast Area of Outstanding Natural Beauty (AONB) immediately adjacent to the settlement of North Sunderland which, once spatially separate from Seahouses is now joined by development. The site is readily accessible to a strong service base from the village that supports the settlement as well as smaller villages and hamlets in and around the North Northumberland Coast Area.

- 7.4 *Policy 1 and 14 of the NNCNP seeks for all new residential development that is not a replacement dwelling within the plan area to be restricted to principal occupancy only (secured through a legal agreement) whereby the dwellings would be occupied solely permanent basis (not a second home).*

Policy 9 of the NNCNP sets out that outside the settlement boundaries as defined in the Policies Map, development will be restricted to appropriate development in the open countryside. Particular support will be given to:

d) proposals for 'exception' sites of affordable housing provision where they do not have a negative impact on sensitive settlement edges.

Policy 9 is supported in its preceding text at 4.54 to be accepting of development that would benefit the local population such as proposals offering 100% affordable housing provision.

- 7.5 The application site is located outwith the defined settlement boundary for Seahouses and North Sunderland. The proposal was amended to be considered as an exception site of affordable housing. This aspect of the proposal has been appraised in *Rural Exception Site* which is fundamental to allowing development outside the settlement boundary.
- 7.6 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*

F2 of the BLP is underpinned by F1 as an area based policy that supports development that;

i) it is located in the villages of Seahouses, North Sunderland or Beadnell, or in exceptional cases relating to their particular features or needs, the villages of Bamburgh or Holy Island.

v) that it accords with policies elsewhere within the plan.

Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

- 7.7 The application seeks to site residential development on an area of land set on the periphery of North Sunderland bound by existing residential development to the north. It is considered that development in this location would contribute to the vitality of North Sunderland and Seahouses.
- 7.8 *Paragraph 116 of the NPPF states that planning permission should be refused for major development in designated areas (such as the AONB) except in exceptional circumstances.*
- 7.9 The NPPF does not provide a definition of major development. Case law has shown that major development is not quantifiable; and is therefore a matter of planning judgement in respect of the proposal put forward and context of the site. This aspect has been appraised in *Major Development in the AONB* and is intrinsic to the principle of development.

Housing Land Supply

- 7.10 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements. The five year housing land supply position is pertinent to proposals for residential development in that paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the presumption in favour of sustainable development, as stated in paragraph 14 of the NPPF will be engaged.
- 7.11 For details of the five year housing land supply assessment, the Council's Five Year Supply of Deliverable Sites 2017 to 2022 report, published in November 2017 should be referred to. This report identifies housing land equivalent to a 6.5 years supply. Therefore, in the context of paragraph 49, policies for the supply of housing should not be considered out of date.

Rural Exception Site

- 7.12 The application proposes residential development of affordable housing to be considered as a rural exception site. This is supported by a statement and an expression of interest from a Registered Provider. In assessing the need for such a site, the application has been subject to consultation with Affordable Housing (AH).
- 7.13 *S6 of the BLP sets out that land which would not otherwise be released under the terms of the Plan, may be released, provided the Council is satisfied;*
- iii) that needs arising are not met by other provisions; and,*
iv) that the development is not detrimental to the area's character and appearance.

Where affordable housing is provided under the terms of this policy, the developer will be required to enter into binding agreements, to ensure that the affordable dwellings are provided and that they are occupied, and remain available for occupation, only by persons within particular categories of need for such housing

- 7.14 *Paragraph 54 of the NPPF states that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. Particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant affordable housing to meet local needs.*

Annex 2 of the NPPF defines rural exception sites as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market

homes may be allowed at the local authority's discretion, for example where essential to enable delivery of affordable units without grant funding.

- 7.15 From the policy framework of the NNCNP, BLP and NPPF; in order to be considered as a rural exception site, the development;
- should be located where housing would not normally be approved,
 - where there is an identified local need;
 - that new affordable homes are provided in perpetuity; and
 - that there would not be an adverse impact on the landscape.
- 7.16 Affordable Housing has reviewed the submitted information and consulted with Registered Providers; this has provided an overview of Homefinder statistics highlighting that there has been substantive demand for affordable properties in the area and that there is more than one provider that is willing to commit to this development as demonstrated by the applicant and verified by AH. From this, AH has agreed that there is sufficient local demand to support a development of this number whereby the tenure is flexible.
- 7.17 There is regard to application ref:18/00887/FUL which at the time of writing has not yet been determined for 15 no. affordable homes in Seahouses (potential net gain of 9 no. homes) part of which is on land designated as open green space (5 no homes) within the NNCNP. There is also application ref:17/00931/FULES for 39 dwellings in Seahouses (of which 6 are affordable) but is on land designated as coastal strip within the NNCNP which has also not yet been determined. Having regard to the above, there could be potential oversupply of affordable homes in the event that all the applications be approved. However, based on the research undertaken by AH, providers have indicated that there would be sufficient demand within a three year period which, given that this application is at outline stage, is reasonable to assume that an approved scheme would be delivered within a timeframe to satisfy demand.
- 7.18 The affordable housing provision is subject to conditions setting out the proposed tenure of the dwellings which would sit alongside definitions within a legal agreement to secure the properties as affordable houses and a condition removing permitted development rights to ensure that properties are not altered in such a way to compromise their affordability. This aspect is key to the acceptance of the application as the dwellings subject to this test should remain affordable in perpetuity which has been agreed by the applicant prior to determination. In addition, the clauses of the legal agreement would include restrictions to ensure principal occupancy which would accord with Policy 1 and 14 of the NNCNP.
- 7.19 Issues of landscape impact are detailed within the Visual Impact section; however it is considered that the development could be accommodated without significant adverse impact.
- 7.20 The proposal is therefore accepted as an exception site and is therefore in accordance with Policy 9 of the NNCNP; S6 of the BLP and the NPPF.

Major Development in the AONB

- 7.21 As previously set out, major development in the AONB is not defined and is a matter of planning judgement. Representations have made reference to the proposal as being major development in line with the provisions of Paragraph 116. The way in which this has been addressed is through the scope of the development and site context.
- 7.22 *Paragraph 5 of Natural Environment Guidance within the PPG sets out that whether a proposal should be treated as major development will be a matter for the relevant decision taker, taking into account the proposal in question and local context.*
- 7.23 The site comprises of existing agricultural land of a relatively flat gradient immediately adjacent to existing residential development. The western edge of the settlement is identified within the Northumberland Coast AONB Landscape Sensitivity and Capacity Study as being sensitive to new housing development but in commentary sets out that housing development should be directed away from the immediate coastal strip focusing development toward inland areas of the settlement. Northumberland Coast AONB Partnership (NCAONB) have set out in their consultation response that whilst the site is visible on the approach to North Sunderland, that the land is too far inland to intrude into any views of the coast.
- 7.24 *Policy LT1 of the AONB Management Plan relates to community vitality identifying that the loss of housing stock from the residential market to the holiday letting market, the economic and social impacts resulting from a high proportion of the houses within a settlement lacking permanent residents and the combination of high house prices and often comparatively low wages all affect local communities.*
- 7.25 The local context of the AONB Management Plan is echoed in the intentions of the NNCNP particularly with regard to principal occupancy and in accepting affordable housing outside of the settlement boundary. From this there is considered to be in-principle policy support as a development type.
- 7.26 NCAONB have set out in their response that the proposal would not constitute major development. Having further regard to the local context of the proposal, it is considered that the support for this type of development being on land that; would not have an adverse impact on the wider area and has an identifiable need for affordable housing, does not put forward development that is considered to be major.
- 7.27 Therefore it is concluded that the proposal would not constitute major development in the AONB.

Summary

- 7.28 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing to the area and in social terms would deliver affordable housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able

to contribute to improvements to existing services. Its environmental role is in-part accepted as a rural exception site but is subject to assessment of further considerations.

- 7.29 The principle of development is therefore considered acceptable and in accordance with Policy 1; 9 and 14 of the NNCNP; F1, F2, F31 and S6 of the BLP; and the NPPF

Planning Obligations

- 7.30 *F30 of the BLP seeks where necessary to secure a planning obligation to ensure that due regard is given to the environment and the interests of the local community. Developers will be required to provide appropriate infrastructure, or other consequential educational, social, recreational, sporting or community facilities and nature conservation benefits commensurate with the scale of the development.*

- 7.31 The following planning obligations have been assessed in respect of this application.

Affordable Housing

- 7.32 Paragraph 31 of the PPG sets out that there are specific circumstances where contributions for affordable housing and tariff style planning obligations on developments of more than 10 units; or where the combined gross floorspace is greater than 1,000 square metres (gross internal area). The way in which this is delivered is in consultation with Affordable Housing.
- 7.33 *Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.*
- 7.34 The Northumberland Strategic Housing Market Assessment (SHMA - October 2015) includes up to date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 191 dwellings per annum over the period 2014 to 2019. To address this, an affordable housing contribution will continue to be sought on all proposals involving residential development except in the circumstances set out in Planning Practice Guidance paragraph 31. This will be expected to be delivered on-site.
- 7.35 *S6 of the BLP states that the development of affordable housing to meet an identified community need will be permitted on sites which are suitable in terms of proximity to local services and facilities and access to public transport.*
- 7.36 The application proposes for all dwellings to be affordable which would be secured by a s106 legal agreement. To allow flexibility and given that the application is submitted with all matters reserved, an affordable housing

strategy is to be provided to secure the method of delivery, in accepting the proposal as a rural exception site; affordable housing will only be accepted on site.

Education

- 7.37 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements. Issues raised during consultation are addressed in this section.
- 7.38 *Paragraph 72 of the NPPF states that Local Planning Authorities should take a proactive, positive approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. This includes giving great weight to the need to create, expand or alter schools.*
- 7.39 Education has responded to formal consultation requesting a contribution of £35,200 for provision of secondary school funding. This has been agreed by the applicant and would be secured through a S106 legal agreement.

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 *F6 of the BLP only permits development that would not adversely affect the integrity of the internationally important nature conservation interest of the site, either directly or indirectly. Where such development does proceed, it may be subject to Planning Conditions and Obligations to secure all compensatory measures necessary.*
- 7.42 *Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.*
- 7.43 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.

- 7.44 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.
- 7.45 The applicant has agreed to pay a contribution of £600 per unit for coastal wardening work, to be secured by s106 legal agreement. On this basis the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any designated sites. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.
- 7.46 From this, the development can successfully mitigate for recreational disturbance on protected sites in accordance with F6 of the BLP and the NPPF.

Visual Impact

AONB

- 7.47 Sections 84(4) and 85(1) of the Countryside and Rights of Way Act 2000 set out that a planning authority must take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any function in relation to, or affecting land in, an AONB. This is done in consultation with the Northumberland Coast AONB Partnership (NCAONB).
- 7.48 *Policy 2 of the NNCNP seeks places great weight on the conservation of local landscapes, the Heritage Coast and the scenic beauty of the coast including view into and out of the Northumberland Coast AONB.*
- 7.49 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*
- 7.50 *Paragraph 114 of the NPPF states that Local Planning Authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.*
- 7.51 The NPPF is clear that the onus is on Local Planning Authorities to maintain the character of the undeveloped coast. The site therefore must be considered in the context of Paragraph 114 as to whether it provides a significant contribution to the character of the undeveloped coast or whether it forms a distinctive landscape.

- 7.52 NCAONB have set out that from a visual point of view, that the landscape does not make a significant contribution to the landscape or scenic beauty of the area or wider AONB in a location that would not intrude upon views of the coast. A condition to secure design details of the development would ensure that the proposal was delivered in such a way so as not to adversely impact the scenic quality of the area.
- 7.53 The visual impact on the AONB is therefore considered acceptable and in accordance with F1 of the BLP,

Landscape

- 7.54 The site is agricultural land with no built form upon them of a toward existing development to the west end of North Sunderland. The appraisal of Landscape considers the physical mass and character impact of a development proposal. Objections raised in respect of landscape and character have been considered within this section.
- 7.55 *Paragraph 17 of the NPPF sets out its core planning principles to be applied in plan-making and decision-taking, taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- 7.56 The land is adjoined to its northern boundary by existing residential development, physically constrained by the highway to the west with open countryside to the remaining sides. The topography of the site and land to the north is such that it is visible upon the approach from Main Street and the wider area alongside existing properties.
- 7.57 The addition of further residential development would add to a pre-existing visual impact from properties that are set to the south side of Main Street/South Lane. The density of the site (13 dwellings per hectare) would be such that the dwellings can have a generous space provision with layout to be further considered at the reserved matters stage.
- 7.58 From this, it is considered that the development can be accommodated without adverse landscape impact in accordance with Policy 2 of the NNCNP, F1 of the BLP and the NPPF.

Design

- 7.59 Design considers the appearance of the development independently and as part of the immediate streetscene.
- 7.60 *Policy 5 of the NNCNP seeks to incorporate high quality design for all new development in the plan area.*
- 7.61 *F2 of the BLP permits development that accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access.*

7.62 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in developments.*

7.63 Whilst a detailed assessment of the visual impact can only be carried out at the reserved matters stage, it is considered that the provision of a design guide to secure principles of design would guide the appearance of the development to be designed without adverse visual impact. Notwithstanding this, based on the submitted indicative plan, a residential development could be accommodated on site without causing significant adverse visual impact.

Amenity

7.64 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Objections on this issue have been noted but can only be robustly assessed at reserved matters.

7.65 *Paragraph 17 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

7.66 As part of the consultation response from Highways Development Management (HDM), a construction method statement is to be discharged from the outset of development to secure details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.

7.67 A detailed assessment of amenity can only be done at the reserved matters stage. However given the proximity of neighbouring properties to the application site relative to the indicative layout, it is considered that the development could be accommodated without having a significant adverse impact on amenity in terms of privacy, mass and land use.

Archaeology

7.68 The application has been submitted with an Archaeological Desk-Based Assessment which has been subject to assessment by the County Archaeologist.

7.69 *Paragraph 126 of the NPPF requires Local planning authorities to adopt a positive strategy for the conservation and enjoyment of the historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.*

7.70 The desk based assessment sets out that whilst there are some ridge and furrow earthworks, that there are no archaeological features or deposits recorded within the application site with the ridge and furrow earthworks, of no more than local interest.

7.71 The County Archaeologist has set out in their response that the risk of significant unrecorded archaeological features being impacted by the proposed development is considered to be low raising no objection with no conditions proposed.

7.72 The archaeological impact of the proposal is therefore acceptable and in accordance with F1 of the BLP and the NPPF.

Environment

Ecology

7.72 The site is currently open agricultural fields with hedgerows as boundary treatments. There are considered to be potential on-site ecological impacts arising from the development. In addition, the site is located within close proximity to a number of designated sites including the Berwickshire and North Northumberland Coast SAC, Northumbria Coast SPA, Northumbria Coast Ramsar Site, Northumberland Marine SPA and Northumberland Shore SSSI. The application has been submitted with a Preliminary Ecological Appraisal which has been subject to assessment in consultation with the County Ecologist and Natural England. Objections relating to ecological impact have been addressed in this section.

7.73 *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.*

7.74 *Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.*

7.75 The County Ecologist has raised no objection on issues relating to on-site impacts subject to conditions to secure works in accordance with the submitted ecological appraisal, restrict timings of works, to secure a tree and hedgerow protection plan and to provide a landscaping plan. Natural England have also raised no objection regarding on-site impacts. Further issues would be revisited at the reserved matters stage, from this however the on-site impacts can be suitably addressed.

7.76 It is considered that the ecological impacts arising from the proposal can be suitably mitigated in accordance with F6, F10, and F30 of the BLP and the NPPF.

Land Stability - Coal Mining Legacy

7.77 Parts of the application site to the east end of the site falls within the defined Development High Risk Area; therefore within the application site and surrounding area, there are coal mining features and hazards which need to be considered. The application has been accompanied by a Preliminary Investigation Report and Coal Mining Risk Assessment and has been subject to consultation with the Coal Authority as a statutory consultee.

- 7.77 The Coal Authority has set out that their records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. From this, there is potential risk posed to the development by past coal mining activity and therefore the Coal Authority has recommended conditions to secure intrusive site investigations to provide more detail on the activities and inform any remedial works that may be required as set out in the recommendation.
- 7.78 The coal legacy issues of the site have therefore been suitably addressed in accordance with the NPPF.

Contaminated Land

- 7.79 As set out above, the site is partially affected by a high risk area of previous coal mining activity which is considered to have potential impacts in terms of land contamination. The submission includes a ground investigation report which has been subject to review by the Council's Public Health Protection team (PHP).
- 7.80 *Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.*
- 7.81 PHP has raised no objection to the proposal subject to conditions requiring further site investigation and/or remedial measures as required. There has been concern raised over potential ground gas ingress, as such a further condition to secure ground gas mitigation has been included.
- 7.82 From this, it is considered that the contaminated land issues can be successfully mitigated in accordance with the NPPF.

Highway Safety

- 7.83 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The application has set out an indicative access from St Cuthberts Way to the east of the site. Layout and access are reserved matters and would be addressed in a future application. There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles, pedestrians and the delivery of appropriate off-site works. Objections made in regarding highways issues have been addressed below.
- 7.84 *Paragraph 32 of the NPPF sets out the considerations of decisions with regard to highways impacts, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 7.85 HDM has reviewed the application setting out in their response that following amendment of the red line boundary to accommodate footway improvements, that there are no objections to the proposal subject to the conditions set out in the recommendation. Due to the existing point of access off St Cuthberts being a shared surface, the footway provision is necessary as off-site highway works. In addition HDM have raised no concern over the capacity of the highway network to accommodate the new development with aspects to be considered in detail at the reserved matters stage.
- 7.86 The impact on highway safety in-principle is considered acceptable and in accordance with the NPPF

Water Management

- 7.87 The site is located within Flood Zone 1 and proposes foul water disposal via mains drainage subject to consultation with Northumbrian Water (NWL). The application is for major development to which the Lead Local Flood Authority (LLFA) is a statutory consultee to ensure that water management can be successfully undertaken on site and that there will not be an increased chance of flooding elsewhere. There will be on site impacts of the development and off-site impacts in terms of water displacement. The application has been submitted with a Flood Risk and Drainage Assessment which sets out principles of drainage pertaining to the site. Objections raised in respect of this issue have been considered in this section.
- 7.88 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.89 The report identifies that there is some overland surface water flow to the centre of the site due to a ditch that runs from north-south. The LLFA have raised no objection to the proposal subject to conditions to secure details of surface water drainage based on the information within the submitted report, details of the overland surface flow on site and details of adoption/maintenance of sustainable drainage systems.
- 7.90 NWL has set out that due to capacity issues at the respective treatment works that is subject to investigation by NWL. No objection has been raised with a condition has been imposed to ensure that the foul flows of the development can be accommodated by the infrastructure or that works are appropriately phased to accommodate for any future improvement works.
- 7.91 Overall it is considered that water management can be successfully be undertaken on site in accordance with the NPPF.

Procedural Matters

Equality Duty

- 7.92 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

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

Human Rights Act Implications

- 7.94 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.
- 7.95 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.
- 7.96 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.

Other Matters

- 7.97 Other issues raised over the consultation period that have not been addressed in the main body of the report have been appraised as follows;
- Request that further consultation be carried out
The amendments to the application involved no changes to the site area or the amount of development proposed, the change is to the future tenure of the

dwellings. The use of the properties as affordable housing as opposed to open market dwellings is not considered to materially affect the proposal. As such a 14-day re-consultation was considered commensurate to the changes involved.

- Impact of referendum for Neighbourhood Plan
Whilst the NNCNP has not been through referendum at the time of writing. The policies of the NNCNP have been given full weight in the assessment of this application with particular regard to those that apply to development outside of the settlement boundary and principal residence. Therefore the policy position and recommendation would be unaffected by the neighbourhood plan passing referendum.
- Affordable Homes are readily available within North Sunderland/Seahouses
Objections made reference to the availability of affordable homes using a search facility on the Bernicia website stating that there were seventeen affordable homes available. Having reviewed the site, the search results show the housing stock controlled (not necessarily those that area available) which has been confirmed by Bernicia.
- Potential for developer to argue viability to prevent delivery of affordable units
Should Members be minded to grant approval, the allowance of this application would strictly be on the basis that the development is for affordable housing only in perpetuity. Any changes to the proposal would be subject to a future application.
- Development would not be 'small scale' for the purposes of Policy 1 of the NNCNP
Policy 1 of the NNCNP sets out that 'small-scale development will be supported', providing clarification in the glossary that small scale refers to residential developments of 1-9 units 'which is the preferred means by which housing will be delivered in the plan area'. It then goes onto say that major development in the AONB will not be supported with major development defined in the glossary in line with PPG with no specified criteria in terms of number. It is not considered in accordance with the NPPF to prevent what would procedurally be referred to as 'major development' and this is not explicitly stated within NNCNP Policy; therefore whilst not conforming to either definitions of 'small-scale development' or 'major development in the AONB' it is considered rationale that the application progress in-principle (with major development in the AONB discussed in the relevant section of the appraisal).
- There is no need for the development in accordance with the housing paper in support of the NNCNP

The North Northumberland Coast Neighbourhood Plan - Housing Evidence Paper (October 2016) sets out in it's conclusions and recommendation;

7.34 As the data has not been weighted or grossed up, the scale of need for affordable rented and discounted market value accommodation may be higher than indicated above. However, the level of potential need identified by a simple grossing of the survey data to the number of household spaces across the neighbourhood plan, indicates that a policy intervention to bring forward

affordable housing beyond the level required by the emerging Northumberland Core strategy, is not required.

With regard to affordable housing, the preceding text of Policy 14 in 5.4 sets out the following;

It is expected that affordable housing will be provided as necessary in line with the most up to date development plan policy concerning affordable housing, and in line with up-to-date evidence of affordable housing need. There is an issue with affordability of housing to buy in the Neighbourhood Area, as prices are above average compared to Northumberland. There is also a lower than average availability of affordable rented properties in the area.

The exception for allowing development outside the settlement boundary is through the proposal putting forward 100% affordable housing which is offered 'support' through Policy 9. The NNCNP does not stipulate within policy or supporting text that there is not a need for affordable housing outside what would ordinarily be secured. From this, the application has been robustly assessed by the Council's Affordable Housing team in conjunction with Registered Providers that operate in the area to not only verify the information put forward but also assess relevant information relating to Home Finder.

- Layout submitted does not appear to show affordable properties. The application is submitted at outline stage with all matters reserved, the purposes of the layout is indicative only to show that the proposal can be accommodated within the site area without significant adverse impact. The layout, scale and appearance of the properties would be addressed in a future reserved matters application.
- There is currently an application for affordable housing in Seahouses under 18/00887/FUL. This is referenced in the Rural Exception Site section of the report but for further detail; the application is not yet determined, proposing 15 no. affordable dwellings to replace an existing stock of 6 no. dwellings but with 5 no. dwellings on land designated as open green space. Without pre-determining the application, the net gain in units would be up to nine dwellings, however the open green space designation would be a significant material consideration that could have an affect. Notwithstanding this, there is still considered to be sufficient need to accept the proposal as an exception site.

8. Conclusion

- 8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Neighbourhood Plan and Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.
- 8.3 A s106 Legal Agreement is to secure the obligations as set out in the recommendation.

9. Recommendation

That Members authorise the Director of Place to GRANT permission subject to the planning conditions set out below and a S106 Legal Agreement to secure the following obligations:-

- Provision of 20 no. affordable dwellings to be provided on site in perpetuity
- Financial contribution towards Education provision of £35,200.
- Financial contribution towards Coastal mitigation of £600 per dwelling (£12,000 total)

And the following conditions:

Conditions

01. Reserved Matters

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Notwithstanding details contained within the approved plans, approval of the details of;

- Access;
- Appearance;
- Landscaping; and
- Scale

hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

02. Commence Development

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

03. Approved Outline Site

The development hereby permitted at outline stage shall be in complete accordance with the approved plan. The approved plan for this development is:-

1. Amended Location Plan V2 - land South of St Cuthberts Close, North Sunderland

Reason: To provide the site extents of the outline permission.

Development Management

04. Remove Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no;

- a) Extensions;
- b) Outbuildings;
- c) Porches;
- d) Roof Openings;
- e) Cladding/Rendering; or
- f) Roof extensions.

Shall be added to or constructed within the curtilage of the resulting property hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the dwellings would be affordable in perpetuity in accordance with the National Planning Policy Framework.

05. Design Guide to be Submitted

Prior to submission of the reserved matters a Design Strategy Document shall be submitted to and approved in writing by the Local Planning Authority. The document shall;

- a) Make clear reference to the location of the site as within but on the edge of North Sunderland, the local built vernacular and Area of Outstanding Natural Beauty (AONB) status of the local area and compliance with the Northumberland Coast AONB Design Guide for the Built Environment and the

need for any developer to have regard to relevant design guidance pertaining at the time to this area, including the North Northumberland Coastal Neighbourhood Plan.

b) The document shall provide specific guidance on the scale of the new dwellings and the appropriate use of materials for the site.

c) The document shall also make clear the requirement for developer(s) of the individual plots to provide details of existing and proposed finished ground and floor levels of the site and new dwellings.

The development shall thereafter be carried out in accordance with the principles of the approved document.

Reason: To achieve a satisfactory form of development in the interests of visual amenity and in accordance with the provisions of Policy F2 of The Berwick-upon-Tweed Borough Local Plan and the provisions of the National Planning Policy Framework.

06. Affordable Housing Strategy to be Submitted

Notwithstanding details contained within the application, prior to commencement of development, an affordable housing strategy incorporating all dwellings approved within this permission to include;

- a) The tenure of the affordable units proposed;
- b) Details of who will manage the properties; and
- c) Means by which to maintain the affordability of units in perpetuity.

Shall be submitted to and approved in writing by the Local Planning Authority. The delivery of affordable housing shall then be carried out in accordance with the approved strategy and retained in accordance with the terms of the Section 106 Legal Agreement alongside this permission.

The affordable housing provision shall only be delivered on site.

Reason: To allow for flexibility in the provision of affordable housing relative to local need as an exception site.

07. Details of Site Levels to be Submitted

Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework.

Highways Development Management

08. Construction Method Statement to be Submitted

Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- a) details of temporary traffic management measures, temporary access, routes and vehicles;
- b) vehicle cleaning facilities;
- c) the parking of vehicles of site operatives and visitors;
- d) the loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) measures to control the emission of dust and dirt;

Reason : To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

09. Refuse Strategy to be Submitted

No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason : To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning policy Framework.

10. Details of Footway Connections to be Submitted

Development shall not commence until details of a proposed footway, to be provided from the existing footway network at the junction with South Lane, leading through St Cuthberts Close to the first development plot, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be provided in accordance with the approved details prior to the occupation of the fifth dwelling.

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

11. Details of Surface Water Drainage (Private Land) to be Submitted

Prior to occupation, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

12. Details of Boundary Treatments to be Submitted

The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented no later than the first full planting season (November - March inclusive) following the first occupation of the development.

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

13. Details of Cycle Parking to be Submitted

No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

14. Details of External Lighting to be Submitted

The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

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

15. Details of Car Parking to be Submitted

No dwelling shall be occupied until details of car parking area associated with that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details

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

Northumbrian Water

16. Details of Foul Drainage to be Submitted

No development shall commence until full details of the works for the disposal of sewage have been agreed with Northumbrian Water following the completion of the integrated hydraulic study for the Seahouses WWTW catchment or unless otherwise agreed in writing by the Local Planning Authority. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory means of foul drainage is provided on site due to the potential restriction in capacity of the Seahouses Wastewater Treatment works drainage catchment which requires further investigation.

Lead Local Flood Authority

17. Details of Surface Water Drainage to be Submitted

Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. This scheme shall;

- a) Restrict discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and the local planning authority.
- b) Adhere to the principles as set out in the drainage strategy from M Design reference MD1111/rep/001.
- c) Provide attenuation on site for the 1 in 100 year plus climate change event (currently +40%) and an allowance for urban creep.
- d) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

Reason: To ensure the effective disposal of surface water from the development in accordance with the National Planning Policy Framework.

18. Investigation of Overland Surface Water Flow to be Submitted

Prior to commencement of development, the existing overland surface water flow route through the development shall be investigated further and where appropriate and necessary mitigation works carried out and implemented throughout the development in a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved scheme and retained thereafter.

Should no works be required, a statement outlining the investigation and findings shall be submitted to the Local Planning Authority to be approved in writing to discharge the condition.

Reason: To ensure the risk of flooding does not increase on and off-site site in accordance with the National Planning Policy Framework.

19. Details of Adoption & Maintenance of SuDS to be Submitted

Prior to first occupation details of the adoption and maintenance of all Sustainable Drainage System (SuDS) features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

Coal Authority

20. Details of Intrusive Site Investigations to be Submitted

Notwithstanding the submitted details, prior to the commencement of development a scheme for intrusive site investigations shall be undertaken, submitted to and approved in writing by, the local planning authority. Thereafter the approved scheme shall be undertaken.

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

21. Details of Site Investigation and/or Remedial Works to be Submitted

Following the completion of the approved scheme of intrusive site investigation, a report detailing its findings, to include any remedial works required shall be submitted to and approved in writing by the local planning authority. Thereafter the approved remedial works shall be implemented prior to any further development on the site.

Reason: In the interests of public safety in accordance with the National Planning Policy Framework

Public Health Protection

22. Further Details of Contaminated Land to be Submitted

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include

all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

23. Details of Further Contamination to be Submitted

If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

24. Details of Ground Gas Protection to be Submitted

No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standards required in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases

for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties

Ecology

25. Detailed Landscape Planting Plan to be Submitted

No development shall commence until the applicant has submitted a detailed landscape planting plan including the planting of locally native species of local provenance and 'gapping up' of retained hedges to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

26. Tree & Hedge Protection Plan to be Submitted

No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012: Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012 and a Tree & Hedge Protection Plan to be submitted to and agreed in writing with the Local Planning Authority before works commence. The approved plan shall be implemented in full throughout the construction phase.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

27. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Assessment North Sunderland, May 2017, Final', E3 Ecology Ltd., Version R02, 9.5.17) including, but not restricted to;

- a) retention and protection of existing hedges and trees;
- b) incorporation of 6No. integral bat roost features and 8No. nesting bird features into the fabric of the new buildings;
- c) adherence to timing restrictions;
- d) adherence to precautionary working methods and reptile Method Statement;

e) adherence to external lighting recommendations and in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2008;

f) any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;

g) an updating ecological survey to be carried out in the event that development works do not commence before the end of June 2019 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.

Reason: To maintain the favourable conservation status of protected species.

28. Restrict Removal of Vegetation

No removal of vegetation, felling of trees or hedges shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.'

Reason: To protect nesting birds, all species of which are protected by law.

Informatives

1. Surface Water Drainage

Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found here -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

2. Protected Species

The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low providing the conditions are strictly adhered to, but there remains a small residual risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy them, their nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0845 1300 228.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

3. No Materials on Highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

4. No Debris on Highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

5. Refuse Containers

For new individual properties the following will be required to be provided:

240 litre wheeled bin for residual refuse

240 litre wheeled bin for recycling

Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme. However it is assumed that provision for garden waste is not required for flats

Date of Report: 14.05.2018

Background Papers: Planning application file(s) 17/01819/OUT