

1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application raises significant planning issues. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination.

The application is recommended for REFUSAL.

- 1.2 The application was amended as follows;

- 29/05/18 - Amended proposal for the dwellings proposed to be principal occupancy residence.
- 09/02/18 - Submission of revised plans to increase the number of units to 10 and to include the provision of 2 no. on-site affordable dwellings. Re-consultation has taken place.
- 06/02/18 - Submission of a revised Design & Access and Heritage Statements

2. Description of the Proposals

- 2.1 The application site is located to the western edge of Bamburgh, to the south side of the B1342 set between existing development at Friary Farm to the east and The Friars to the west. The land is currently open field with a vehicular access to the Friars that cuts through the site from north-east to west. The land also slopes away to the south which is bordered by a wooded area that extends along the south-west corner with open countryside beyond. The site is bound by a stone wall along the highway and to the east with open post and rail fences to the remaining sides.
- 2.2 To the west of the site is the Friars, a substantial two storey stone built property accessed through the application site with associated curtilage to the front and rear of the building enclosed by well defined hedge boundaries with set back from the highway. To the east of the site is Friary Farm, a development of converted former agricultural buildings with come new build elements comprising single and two storey stone built properties with slate and clay tile covered gable roofs arranged in a typical steading format respective of the typology. Friary Farm is made up of an arrangement to the north and south detached from one another by an access track. The site is separated from Friary Farm by an existing lane that spans from the B1342 to a field access to the south covering the full length of the development.
- 2.3 The site itself has a formalised vehicular access and further field gate along the northern edge. The low stone boundary wall to the east of the site allows an uninterrupted view of the Friary from Friary Farm.
- 2.4 The application seeks planning permission to erect 10 no. dwellings as follows;

- Form a new vehicular access to the west of the site with a shared parking area to plots 8 and 9 to the north of the site with the estate road leading to a courtyard area to access a shared parking area for the development with a vehicular junction to The Friary.
- Convert the existing vehicular access to a pedestrian walkway to access the development and The Friary.
- Plot 1 - Single storey semi-detached 2-bedroom timber clad property (l:7.2m x w:12.6m) with a slate covered gable roof. The property would be set to the south-west corner of the site with curtilage to the front and rear.
- Plot 2 - Two storey mid-terraced 4-bedroom stone built property (l:7.2m x w:10.2m) with a slate covered gable roof with stone water tables. The property would adjoin Plot 1 and have curtilage to the front and rear with a communal service access to the along the west gable.
- Plot 3 - Single storey corner mid-terraced timber clad 3-bedroom property (l:7.2m x w:15.9m) with a slate covered gable roof with a gable end to the southern corner. The property would benefit from curtilage to the front and rear/side. There would be a shared service access with Plot 4 to the north elevation.
- Plot 4 - Single storey corner mid-terraced timber clad 2-bedroom property (l:7.2m x w:12.6m) with a slate covered gable roof with a gable end to the southern corner. The property would benefit from curtilage to the front and rear/side. There would be a shared service access with Plot 4 to the north elevation.
- Plot 5 - Two storey mid-terraced stone built 4-bedroom property (l:7.2m x w:9.0m) with a slate covered gable roof and stone water tables. The property would benefit from curtilage to the front and rear and be set down in height from Plot 6.
- Plot 6 - Two storey mid-terraced stone built 4-bedroom property (l:7.2m x w:9.0m) with a slate covered gable roof and stone water tables. The property would benefit from curtilage to the front and rear. There would be a shared service access with Plot 7 to the north elevation.
- Plot 7 - Two storey mid-terraced stone built 4-bedroom property (l:7.2m x w:9.0m) with a slate covered gable roof and stone water tables. The property would benefit from curtilage to the front and rear. There would be a shared service access with Plot 7 to the north elevation.
- Plot 8 - Single storey semi-detached 3-bedroom timber clad property of an 'L' Plan (l:7.2-9.8m x w:8.0-15.1m) with a slate covered gable roof. The property would be set to the north end of the steading arrangement with curtilage to the front and rear.
- Plot 9 - Single storey semi-detached 2-bedroom timber clad property (l:7.2m x w:9.8m) with a slate covered gable roof. The property would be set to the north end of the site with curtilage to the front and rear. This unit would be put forward as affordable housing.
- Plot 10 - Single storey semi-detached 2-bedroom timber clad property (l:7.2m x w:9.8m) with a slate covered gable roof. The property would be set to the north end of the site with curtilage to the front and rear. This unit would be put forward as affordable housing.
- All the dwellings proposed would be subject to principal occupancy, to be secured by s106 legal agreement.

2.5 The application is subject to the following environmental constraints;

- Northumberland Coast Area of Outstanding Natural Beauty (AONB) - Site lies outside (AONB immediately East of the site)
- Grade II Listed Building; Friary Farm - To the east of the site.
- Grade II Listed Building; Friary Farm - Gatepiers and Garden Wall Circa 15 Yards East of the Friars.
- Grade II Listed Building; The Friars - To the west of the site.
- Grade II Listed Building; The Friars - Cartshed at Friary Farm.
- Impact Risk Zone to various Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA), and Special Areas of Conservation (SAC).

3. Planning History

Reference Number: 14/03277/FUL

Description: Construction of 7 new houses on land to the east of The Friars, form new vehicle and pedestrian access and stop off existing.

Status: Withdrawn

Reference Number: 15/03011/FUL

Description: Construction of 5 new houses on land to the east of The Friars, widen existing access and introduce new footpath (as amended 22/02/17)

Status: Withdrawn

Reference Number: N/96/B/0212/P

Description: Erection of 3 loose boxes.

Status: Permitted

4. Consultee Responses

<p>Bamburgh Parish Council</p>	<p>Objects;</p> <p>The site is currently a greenfield meadow/pasture which lies between the Friars Farm Steading and the redeveloped farm outbuildings now known as the Friary, on Radcliffe Road. The Farm itself is one of a number of original farm buildings around the boundary of the Village of Bamburgh and is a grade II listed property dating from around 1820. Together, the Friary and the Friars Farm provide an aesthetically pleasing approach into Bamburgh from the west and we feel that this would be disrupted were the proposed development to be given approval. The development would effectively introduce a new design housing estate into a setting between the two closely linked historical listed farm properties using a greenfield meadow. This would ultimately completely change what is a historical vista and be detrimental to an otherwise un-spoilt area.</p> <p>Whilst this proposal sits outside the settlement boundary in Bamburgh, we would like to refer to the North Northumberland Coast Neighbourhood Plan 2017 Policy 9 – Sustainable Development outside the Settlement Boundaries which states ‘outside the settlement boundaries as defined on the Polices Map development will be restricted to appropriate development in the open countryside. Particular support will be given to:-</p> <ul style="list-style-type: none"> • Single dwelling principal residences in the hamlets defined in Policy 15; • Rural business and economic development proposals • Sensitively designed car parking proposals on the edge of settlements with pedestrian links to town or village centres • Proposals for ‘exception sites’ of affordable housing provision where they do not have a negative impact on sensitive settlement edges;
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	<ul style="list-style-type: none"> • Conversion of redundant buildings for use as Principal Residences where these buildings were originally of substantial construction <p>We do not feel that this development falls under any of these points and therefore should not be supported.</p> <p>Policy 14 of the North Northumberland Coast Neighbourhood Plan 2017 Principal Residence Housing, we would like to refer to the plan and state:-</p> <ul style="list-style-type: none"> • Proposals for all new housing excluding replacement dwellings will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied as a Principal Residence. • Principal Residence housing is that which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not working away from home. • These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations created and enforceable under Section 106 of the Town and Country Planning Act 1990 or any subsequent successor legislation. <p>Bamburgh Parish Council strongly oppose this development however, if NCC were to grant planning permission we would like to see this policy enforced.</p> <p>Contrary to the statement made in the application regarding the flood risk assessment, after consultation with the residents of the Friary development, there is a very definite risk of an escalation of flooding problems in the vicinity of the proposed development. The burn running adjacent to the site is liable to flooding during periods of heavy rainfall which often results in flooding to the main highway (Radcliffe Road) to the south east of the site. Also, a number of residents within the Friars report that during these periods their properties suffer flood damage. As a result they organise regular mechanical excavation of said burn to attempt to negate these occurrences. We feel development of this site would result in further and speedier "run-off" during times of heavy rainfall increasing the chances of damage to surrounding properties further downstream. We would also support the objections raised by the Local Flood Authority.</p> <p>The development will have a negative impact on the ecology of the site resulting in the destruction of an otherwise untouched natural habitat for many varieties of both flora and fauna. There is a study carried out over many years by a local resident in the area recording the multitude of inhabitants using the site and this would be taken away completely.</p> <p>Bamburgh Parish Council also would like to comment that it is felt the Building materials are not sympathetic with the architectural vernacular of the neighbouring buildings. Also the height of the houses in the new development next to the wall both overpower and overlook the row of terraced listed buildings in the Friary.</p> <p>Bamburgh Parish Council would also like to support all of the objections raised by the residents of Bamburgh.</p> <p>Based on the above Bamburgh Parish Council strongly object to this development.</p>
Housing Department	<p>No Objection; No Contribution Sought</p> <p>The application site is not considered to be a suitable location for affordable homes due its specific location and the executive nature and layout of the proposed development.</p> <p>National Planning guidance states that 'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'</p>

	<p>It is understood that the site lies just outside the AONB and as such contributions are not normally required for sites delivering 10 units or less. In addition, the gross floor area would not exceed 1000 sqm.</p> <p>Therefore no contribution in respect of affordable housing is sought for this development.</p>
Education	<p>No Obligation Sought;</p> <p>Given the scale of the development and nature of the housing, no education contribution is required in respect of this development.</p>
Northumberland Coast AONB	<p>No Objection;</p> <p>The Partnership notes that the proposal is now for 10 houses as opposed to the previous 7 (14/03277/FUL) and then 5 (15/03011/FUL). This is a disappointing increase which will have wider impacts in terms of increased vehicles and domestic clutter.</p> <p>We note that the scheme now includes the provision of two on-site affordable houses, this is welcome change.</p> <p>The Partnership is pleased to note that this proposal retains the original sweep of drive albeit as a pedestrian walkway rather than for its original form and function. The Partnership maintains that the sweeping drive is an integral element of the setting of Grade II the Friars House (1232752) and Grade II Gate piers And Garden Wall (1276782).</p> <p>The scheme will undoubtedly impact on the Listed heritage assets. It is the opinion of the Partnership that the proposed scale and mass together with the palette of traditional materials, topography and landscaping will help to ameliorate some of the setting issues. The Partnership is pleased to note that there are no rooflights included in the design. In relation to dark sky quality protection the Partnership are seeking detail on external lighting as opposed to this being a reserved matter. The Partnership suggests that external lighting should be restricted, kept to a minimum and be cowled.</p> <p>The Partnership has concerns in relation to the Hard landscaping - it is the opinion of the Partnership that the formalised car parking and landscaping is too urban and formalised for this sensitive rural setting on the boundary of the AONB</p> <p>Archaeology - The Partnership wish to stress the archaeological sensitivity of this site. It is therefore essential the views of the County Archaeologist are sought prior to determination.</p>
Natural England	<p>No Objection;</p> <p>The following information is required:</p> <ul style="list-style-type: none"> ● Details of a strategy to mitigate against Recreational Disturbance on the special interest features of the above named designated sites. <p>Without this information, Natural England may need to object to the proposal.</p> <p>This has now been provided and has been progressed to the preparation of the HRA.</p>

<p>Highways Development Management (HDM)</p>	<p>No Objections; Conditions & Informatives Advised</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. It is considered that the proposal is in accordance with the NPPF in highways terms, and the principle of development acceptable. The imposition of conditions and informatives with regards to street lighting, extension of the 30 mph speed limit zone, car and cycle parking, surface water drainage, refuse storage and servicing, highway works and the impacts during the construction phase will address any concerns with the proposed development.</p> <p>The proposed development site is located on the B1342, Radcliffe Road, in Bamburgh, with a proposed 2 metre wide footway connection from within the site access leading to the existing access point. This footway will require extending along the B1342 to the existing footway network to the east of the site as shown on the submitted proposed site plan 13005-A03-RevA.</p> <p>The proposed development site is to be accessed from a new priority junction on the B1342, Radcliffe Road, with a 6 metre entry width, 6 metre radii and visibility splays of 2.4 by 90 metres. It is noted that the speed limit changes from 30 mph to 60 mph at the proposed access location, and the applicant is advised that in the interests of highway safety the 30 mph zone will require extending to the west of the site.</p> <p>In accordance with communal parking standards, 20 car parking spaces are required with an additional two visitor parking spaces. Details of 24 car parking spaces have been given as part of the application and have been shown on the submitted proposed site layout plan 13005-A03-RevA and 13005-A06.</p>
<p>Northumbrian Water Ltd (NWL)</p>	<p>No Objection; Condition Advised</p> <p>The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore a condition relating to the disposal of foul and surface water.</p> <p>We can inform you that a trunk main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.</p>
<p>County Ecologist</p>	<p>No Objection; Conditions Advised</p> <p>This site lies within an Impact Risk Zone for the Berwickshire and North Northumberland Coast SAC, Northumbria Coast Ramsar and SPA, Lindisfarne National Nature Reserve, SPA, Ramsar and SSSI, Brada Hill SSSI, Bamburgh Coast and Hills SSSI, Bamburgh Dunes SSSI, Spindlestone Heughs SSSI, Bradford Kames SSSI, and the Northumberland Shore SSSI.</p> <p>However, as this is a proposed residential development within 10km of the coast, consideration will need to be 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.</p>

	<p>When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA 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. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, NCC is introducing a scheme whereby developers pay a contribution of £600 per unit into a strategic mitigation service (paid on occupation of the first unit) that will manage recreational impacts on the coast. Proposed developments that contribute to the mitigation service can be screened out of having adverse effects on the coastal SSSIs and European sites, without the developer having to commission any survey or mitigation work.</p>
<p>County Archaeologist</p>	<p>No Objection; Condition Advised</p> <p>The proposed development site was subject to a programme of archaeological assessment including a programme of archaeological evaluation in advance of a previous application in 2015. No significant archaeological features were identified. However, given the proximity of the proposed development site to the former Dominican Friary, there is potential for archaeological features associated with the Friary to occur on site. The potential impact of the proposed development could be mitigated by a programme of archaeological monitoring.</p> <p>This work could be secured by condition. I have enclosed a mitigation brief and a recommended condition.</p>
<p>Building Conservation</p>	<p>Less than Substantial Harm</p> <p>The main issues to consider are the indirect impacts that the proposed development of 10 new dwellings would have on the significance and setting of the identified listed buildings. The application contains existing and proposed plans, accompanied by a heritage statement, and a design and access statement. These have been considered in this assessment.</p> <p>It is considered that the application represents harm to the setting of the listed buildings resulting in a negative impact on their special character. The degree of harm is less than substantial. Having regard to the NPPF we consider that great weight should be given to the heritage assets conservation and refer the decision maker to the test as outlined in the NPPF (Paragraphs 131-134).</p>
<p>Lead Local Flood Authority (LLFA)</p>	<p>Objects;</p> <p>After reviewing the submitted documents we object to the proposed development on flood risk and drainage grounds.</p> <p>The flood risk assessment (FRA) submitted with the application makes reference to a different development. Whilst some of the information in this document is relevant and applicable, it makes to analysis on the impact of fluvial flooding to the layout proposed by this development. Therefore the FRA needs to be updated to reflect the revised layout as per this planning application.</p> <p>There are no details with regards to the disposal of surface water from the development site. Full details, with associated drawings and calculations are required. We ask that disposal of surface water follows the hierarchy of preference (as detailed in the PPG and part H of the Building Regs), allowable discharge rates are the same as existing pre-development greenfield runoff rates,</p>

	attenuation is required for the 1 in 100 year plus climate change event and that preference is given to the use of sustainable drainage systems.
Historic England	<p>No Comment;</p> <p>On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.</p>
Public Health Protection (PHP)	<p>No Objection; Condition & Informative Advised</p> <p>Public Health Protection had previously commented on a similar application and as such would ask that a condition should contaminated land be found, applied If members are minded to grant planning permission.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	22
Number of Support	0
Number of General Comments	1

Notices

Site Notice - Affecting Listed Building, 15th January 2018

Site Notice - Statutory Publicity & Affecting Listed Building, 11th February 2018

Press Notice - Berwick Advertiser 18th January 2018

Press Notice - Berwick Advertiser - Statutory Publicity & Affecting Listed Building

Summary of Responses:

During the consultation period, 22 no. objections and 1 no. representation was received raising the following issues;

- Outside of the settlement boundary identified in the NNCNP.
- Proposed dwellings have not been put forward as Principal Residence.
- Loss of agricultural land.
- Development would lead to more holiday homes.
- Impact on setting of Bamburgh
- Adverse impact on the AONB.
- Light pollution from development.
- Design not in keeping with the area.
- Overdevelopment of the site.

- Impact on the setting of Grade II Listed Buildings.
- Impact on privacy.
- Loss of light.
- Highway safety issues at junction.
- Insufficient archaeological information.
- Insufficient ecological information.
- Incorrect drainage assessment/flooding issues.

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=P192AGQSLAR00>

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 Development Plan Policy

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

F1 Environmental Wealth

F2 Coastal Zone

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

F10 Protected Species

F30 Planning Obligation

F31 Social and Economic Welfare

M14 Car Parking Standards

6.3 National Planning Policy

NPPF - National Planning Policy Framework (2012)

NPPG - National Planning Practice Guidance (2014, as updated)

6.4 Other Documents/Strategies

Northumberland Coast AONB Management Plan 2014-2019

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

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 primarily of the North Northumberland Coast Neighbourhood Plan (2018) with the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999).

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

- Principle of Development
 - Housing Land Supply
 - Settlement Boundary
 - Summary
- Planning Obligations
 - Affordable Housing
 - Education
 - Coastal Mitigation
- Visual Impact
 - Landscape
 - AONB
 - Design
- Heritage Assets
 - Archaeology
 - Listed Building
 - Harm & Public Benefit
- Amenity
- Highway Safety
- Environment
 - Contaminated Land
 - Ecology
- Water Management
- Further Consultation Issues
- Procedural Matters

Principle of Development

7.4 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 seeks to site residential development on an area of land set on the periphery of the settlement but that is bound by existing development to both the east and west.

7.5 *F1 of the BLP gives primary importance 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.

7.6 *Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. For examples, where there are groups of smaller settlements, development in one village may support services in a village nearby.*

7.7 The application of F2 relates to the features or needs of Bamburgh or Holy Island however Paragraph 55 of the NPPF promotes housing where it will enhance or maintain the vitality of rural communities. To restrict development to 'particular features or needs' neither of which are specified within the context of the policy would not be in the spirit of Paragraph 55 and so F2 is not considered fully compliant with the NPPF.

7.8 Bamburgh benefits from a limited service provision within the settlement which is readily accessible from the site but has access to a wider service bases at Seahouses (3.5 miles south-east) and Belford (5.4 miles west) as well as at smaller settlements such as Lucker.

7.9 Whilst there is no presumption in favour of sustainable development in this location, as development within Bamburgh, the application of local plan policy in the context of the NPPF should not resist all development and having regard to Paragraph 55 is considered to contribute to both the vitality of the host settlement as part of a group of smaller settlements.

7.10 *Policies 1 and 14 of the NNCNP seeks for all new residential development that is not a replacement dwelling 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).*

7.11 Following amendment to the proposal, the applicant has agreed as part of a s106 legal agreement for the dwellings to be restricted to principal occupancy in line with the provisions of Policies 1 and 14 of the NNCNP.

Housing Land Supply

7.12 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.

- 7.13 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.
- 7.14 The NNCNP sets out that settlement boundaries have been defined for the three settlements supported by a methodology. The housing figure references the now withdrawn Northumberland Local Plan Core Strategy for 230 dwellings with 110 built at the time of submission (with further sites with extant consent). Whilst no site allocations for housing have been made, the settlement boundaries have been drawn to spatially accommodate 'at least this amount of housing'.

Settlement Boundary

- 7.15 The application site is located outside the defined settlement boundary for Bamburgh set immediately adjacent to the eastern edge. This forms the sole issue of the proposal.
- 7.16 *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. The criteria that could be applied to provide support is as follows:*

- b) rural business and economic development proposals;*
- c) sensitively designed car parking proposals on the edge of settlements with pedestrian links to town or village centres;*
- d) proposals for 'exception' sites of affordable housing provision where they do not have a negative impact on sensitive settlement edges.*

The supporting text of Policy 9 in 4.54 sets out that;

Settlement boundaries have been created in the Plan having regard to the planning principles established in NPPF...The settlement boundaries are not intended to stifle development which could still make a positive contribution to sustainable communities in the Neighbourhood Area.

- 7.17 The NNCNP sets out a clear position on the type of development that would be considered acceptable outside of the settlement boundary. The application puts forward residential development with 20% affordable housing, which by virtue of the policy and acceptable development in the open countryside as defined by the NPPF would not comply.

Summary

- 7.18 It is considered that the proposed location and scale of development would be sustainable in relation to economic terms, delivering economic benefits

through new housing. However in social terms and environmental terms would deliver housing which would sit outside of the adopted settlement boundary which forms a strong and defensible limit to development for the plan period to ensure sustainable development and contribute to the conservation of the rural countryside. The environmental role is further subject to assessment of Landscape, Design, and the setting of Listed Buildings.

- 7.19 As development outside of the settlement boundary, the application does not put forward development that would comply with development types that are attributed support within Policy 9 of the NNCNP or as development that is appropriate in the open countryside. The economic benefits of the proposal are thought to be limited and would not outweigh the social and environmental considerations of sustainable development.
- 7.20 The principle of development is therefore not considered acceptable, conflicting with Policy 9 of the NNCNP and F1 of the BLP forming the basis for refusal of the application.

Planning Obligations

- 7.21 *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.*

- 7.22 The following planning obligations have been assessed in respect of this application;

Affordable Housing

- 7.23 Paragraph 31 of the NPPG 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 (AH).
- 7.26 *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.*
- 7.27 *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.

- 7.28 The application is located outside of the AONB and is therefore not subject to the lower threshold set out in the NPPG and the development would be less than 10,000sqm gross internal floor area. Therefore an affordable housing provision is not required in this application; however the developer has made amendments to the originally submitted scheme to provide on-site affordable housing.
- 7.29 AH had set out that the site is not suitable for on-site affordable housing, this is due to the land and property values in Bamburgh being high limiting the ability to deliver on-site affordable units in an effective way, that it would be difficult to secure a Registered Provider (RP) for one unit in this location and due to the style of the properties proposed. An opportunity was however identified in the originally proposed detached bungalow to the north of the site.
- 7.30 To improve the offer in light of AH comments, the RPs were approached with a proposal to form 2 no. semi-detached 2-bedroom bungalows of a 60sqm internal footprint (in line with AH guidance). The RPs and Seahouses Development Trust all expressed an interest highlighting the need for on-site affordable housing in this location. Once it was established that an RP would be able to take on the units the proposal was put to the applicant who agreed and amended the proposal accordingly with relevant consultation carried out.
- 7.31 The tenure would be agreed with the RP but is likely to be on the basis of shared-ownership for the elderly. The main issue would be ensuring that the properties remain affordable in perpetuity but would be subject to the execution by the RP and clauses in a legal agreement.

Education

- 7.32 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.
- 7.33 *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.*
- 7.34 Education has responded to formal consultation with no contribution sought due to the small scope of the proposal and implications relating to pooling restrictions. An obligation in respect of education has therefore not been sought.

Coastal Mitigation

- 7.35 This site lies within an Impact Risk Zone for the Berwickshire and North Northumberland Coast SAC, Northumbria Coast Ramsar and SPA,

Lindisfarne National Nature Reserve SPA, Ramsar and SSSI, Brada Hill SSSI, Bamburgh Coast and Hills SSSI, Bamburgh Dunes SSSI, Spindleston Heughs SSSI, Bradford Kames SSSI, and the Northumberland Shore SSSI.

- 7.36 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.
- 7.37 *Policy 3 of the NNCNP states that planning permission will only be granted if it can be demonstrated that there will be no adverse effect on the integrity of any European site, either alone or in combination with any other relevant plans or projects.*
- 7.38 *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.*
- 7.39 *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.*
- 7.40 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.
- 7.41 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.
- 7.42 The applicant has agreed to pay a contribution of £600 per unit for coastal wardening work, 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.

- 7.43 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

- 7.44 Whilst the application is located outside the Northumberland Coast AONB the site sits immediately adjacent to it. Local authorities have a statutory duty under S.85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in exercising or performing any of their functions. As such the application has been subject to consultation with Northumberland Coast AONB Partnership (NCAONB).
- 7.45 *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.*
- 7.46 *F2 of the BLP is an area based policy that prevents development that would not adversely affect the integrity of the internationally important nature and conservation interests of the coast.*
- 7.47 *Paragraph 115 of the NPPF places great weight on conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations.*
- 7.48 NCAONB have set out that there are potential issues through 'domestic clutter' associated with residential development which serves to increase the potential impact of development in this location. To respond to this point specifically, a landscaping plan condition could secure site specific details such as the refuse container enclosures, landscaping of the parking courtyard area, details of bay marking, etc. As a site specific issue in a sensitive location such as this, the condition is considered reasonable to ensure that development is delivered in a considered way, respective of the location that also feeds into setting issues.
- 7.49 NCAONB notes positive features of the proposal such as the retention of the original sweep of the drive repurposed as a footway as an integral element in the setting of the Friars House and Gates Piers that are both Grade II Listed. With further reference to setting NCAONB notes that the scale and mass along with the use of traditional materials, topography and landscaping will help to reduce the overall impact on the setting of the nearby Friary. In addition, the simplicity of the roofscape with no openings, prevent an impact on dark skies. NCAONB has raised concern over external lighting and the finish of the courtyard area which could also be addressed through the aforementioned condition.

- 7.50 Therefore the impact on the special qualities is not considered to be compromised through the introduction of development immediately adjacent to the AONB. The proposal therefore accords with Policy 2 of the NNCNP, F1 of the BLP and the NPPF.

Landscape

- 7.51 The site is open field with no built structures, enclosed by low stone boundary walls and a wooded area to the south that extends to the west. The site when viewed from the wider area appears as an area of open space between the Friars and the Friary but is physically and associatively related to The Friars. The appraisal of Landscape considers the physical mass and character impact of a development proposal.
- 7.52 *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.*
- 7.53 The introduction of development in this location would affect the openness of the site and the contribution it makes as part of the entrance into the settlement particularly on the approach from the west. The main aspect for accepting development is through the extents of the site area being bound by existing development (notwithstanding Listed Building setting issues). It should be noted that there is screening from the wider approach that limits the experience of this openness to where the site is in immediate view.
- 7.54 It is acknowledged that the introduction of residential properties to this location would change the character of the site however there should be cognisance to how the development would sit within its context, being compatible with the development pattern of Friary Farm to the east and through its separation, retaining the punctuation provided by the Friars to the west, with a wooded area to the south that would assist in spatially constraining the development area so as not to substantially alter the openness on the approach to the village.
- 7.55 In terms of the mass of the proposal, the development would comprise mainly of single storey dwellings with the topography of the site raised at a slight incline relative to Friary Farm. The massing of the two storey elements of the proposal in part has been done so as to correspond with the higher built form of Friary Farm but would provide some screening of it. Through the way in which the site is experienced, limited to immediate views as opposed the long range, the addition of dwellings contributes to an existing layering of the site primarily fronted by the Friary and incrementally progressed to Friary Farm, the development would sit in the middle and contribute to the layering as opposed to jarring with the existing grain of built form.
- 7.56 Notwithstanding settlement boundary issues, overall it is considered that the development could be accommodated without having a significant adverse landscape impact in accordance with F1 of the BLP and the NPPF.

Design

- 7.57 Design considers the appearance of the development independently and as part of the immediate streetscene. Objections were raised over design issues which have been considered below.
- 7.58 *Policy 5 of the NNCNP seeks to incorporate high quality design for all new development in the plan area.*
- 7.59 *F2 of the BLP permits development that accord 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.*
- 7.60 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in developments.*

Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is however proposer to seek to promote or reinforce local distinctiveness.

- 7.61 The development comprises of a main steading style arrangement incorporating single and two storey dwellings that are timber clad and stone built respectively with a further detached bungalow to the north of the site. The dwellings are accessed off a main estate road with a shared parking area. The roofscape of the development would be slate covered with no openings, extensions or protrusions proposed that further commits to the precedent of an agricultural style of building, with features such as the end gable and hipped junctions that takes precedent fro Friary Farm. The positioning of the larger elements of the proposal be focussed to certain sections of the development, particularly where there is overlap with larger elements of Friary Farm and to the south, where the two storey dwelling forms a break between the larger width single storey dwellings to either side.
- 7.62 The material use in the development focuses stone to the larger elements with horizontal hung timber cladding to the single storey units. This provides a clear differentiation that works to the benefit of the development overall to allow the offshoots of the more substantial two storey stone dwellings to appear lightweight by comparison but in a congruous manner tied by roof design that is uniform throughout but punctuated by stone water tables. Whilst there are clear design elements drawn from Friary Farm there are also contemporary elements that complement the scheme; the use of timber has already been mentioned but the style of opening treatment places an emphasis on the area of glazing as opposed to the heaviness of framing to show that the character of the development is of its time as opposed to a pastiche solution.
- 7.63 A challenge in designing properties in this way is how curtilage is defined and service space incorporated into the design so as not to cause clutter within the development, or disrupt the design concept of the proposal that forms a contemporary response to the existing new build/listed development at Friary Farm. This has been dealt with through the introduction of the shared access

points between properties and through the division of the private external space and the public open space which assists the development in appearing spacious and open.

- 7.64 The appearance of the dwellings whilst departing from the immediately established vernacular in-part is considered to provide a site-specific solution addressed through design that complements the wider setting. A strict materials condition alongside the landscaping condition could secure specific details relating to how the dwellings will appear to ensure that as new development, it is complementary to the wider area.
- 7.65 The visual impact of the proposal is therefore considered acceptable and in accordance with Policy 5 of the NNCNP, F2 of the BLP and the NPPF.

Heritage Assets

Listed Building

- 7.66 The application site sits immediately adjacent to the Grade II Listed Friars and independently listed Gatepiers and Garden Wall to the west and is separated by an access lane to the Grade II Listed Farmbuildings at Friary Farm and Cartshed (which has been subject to extension) to the east. Development in this location is considered to affect the setting of these designated heritage assets. The application has been submitted with a Heritage Statement and has been subject to Building Conservation (BC) and Historic England. Objections in respect of this have been taken into account within this section.
- 7.67 *Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which advise that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving any listed building and its setting or any features of special architectural or historic interest which it possesses.*
- 7.68 *Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be.*
- 7.69 Historic England has returned consultation without comment. There are listed buildings that would be affected in terms of their setting; however their designation is not at a level where that would fall within Historic England's remit to comment.
- 7.70 Building Conservation has set out the significance of the site in relation to the historical use of the Friars as a wider development and the functional and associative ties held between the heritage assets. BC confirm that the site as open space positively contributes to the setting of the listed buildings and that the introduction of built form would sever the relationship between the listed buildings. The development would be focused to the east side of the site so as to allow for a stronger level of separation between the Friary than Friary Farm which does reinforce the spatial characteristics of the site's relation to listed buildings albeit in a lessened state.

Harm & Public Benefit

- 7.71 *Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be.*

Paragraph 133 and 134 set out how the basis for dealing with developments that result in substantial and less than substantial harm respectively. Where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 7.72 The position of BC is that the level of harm afforded by this development is less than substantial. In line with the framework above, this harm must be balanced against the public benefit of the proposal.
- 7.73 To balance this issue, consideration must given to ‘significance’, a quantification of the special qualities that cumulatively ‘make’ a heritage asset. BC is clear their assessment of the site and how new development serves to affect the setting of listed buildings. This is robustly justified in their response and concurs with earlier appraisal within the landscape section.
- 7.74 In terms of the public benefit realised by the development, there would be an increase in housing supply within a location that is considered to contribute to the vitality of other small settlements in the spirit of Paragraph 55 of the NPPF. These aspects however only provide a minor benefit when read against the severity of the harm afforded. The main public benefit is through the delivery of on-site affordable housing for a development proposal which has no obligation (through policy justification) to do so. In addition, when taken in context of Bamburgh as a whole where there is a low level of affordable housing, limited scope for sizeable new residential development and a strong demand for affordable housing in the area (qualified by Registered Providers); offering a 20% provision through bungalows as part of a high quality new development is considered to bring about significant public benefit. This alongside the other aforementioned minor benefits is substantive to override the level of harm afforded to the setting of listed buildings.
- 7.75 From this there is strong public benefit that is considered sufficient to overcome the less than substantial harm afforded by the development. The impact on the setting of listed buildings is considered acceptable, in accordance with the NPPF.

Archaeology

- 7.76 The site is located east of the Grade II Listed Friars, and a residential development that partially incorporates surviving remains of the former Dominican Friary founded in 1265. Through the historic context of the site, there is considered to be potential for archaeological disturbance through its development. The application has been submitted with an Archaeological Desk-Based Assessment with details of an Archaeological Evaluation undertaken involving trenching works. This has been subject to consideration

by the County Archaeologist. This section takes into account objections received in relation to archaeology.

- 7.77 *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.*
- 7.78 The submitted evaluation report states that the potential susceptibility of the parts of the site to flooding may have limited the attractiveness of the site and therefore led to a lack of archaeological material; of importance is that no archaeologically significant organic remains were identified. Whilst the background work was undertaken in relation to the previously submitted scheme, the County Archaeologist finds that the design changes do not materially affect the potential impact of the proposal on archaeological features. A condition has been recommended securing a programme of archaeological monitoring during the initial phases of site clearance with a provision to record any archaeological features present before they are impacted by the proposed development. The condition is informed by a brief setting out the scope of works which has been uploaded as part of the application.
- 7.79 On this basis the archaeological impact of the proposal is therefore acceptable and in accordance with and the NPPF.

Amenity

- 7.80 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 that were received relating to this aspect have been taken into account in the appraisal.
- 7.81 *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.*
- 7.82 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.
- 7.83 The development would be arranged in a 'U' shape varying between single and two storeys in height, set toward the eastern end of the site. The main receptors to be affected by amenity are properties at Friary Farm, a conversion/development made up of a number of residential properties, some of which overlook the site.

- 7.84 The development would be separated from Friary Farm by the existing access that spans the length of the site along with the rear curtilage afforded to Plots 3-9 that sit along the boundary. Plots 5-7 are of a two storey height, although it should be noted that Plot 5 is at a lower height. In considering this to the corresponding units at Friary Farm, the stepping of the heights of dwellings partially correspond the larger elements of Friary Farm which, coupled with the length of the rear curtilage (12m-15m) and further separation afforded by the access lane and grass verge to Friary Farm (25m minimum), allows for a good level of separation allowed to mitigate issues of the proposed development appearing overbearing or causing a significant loss of privacy that is considered significant to warrant refusal. The proposed use as residential is would be compatible with the immediate context and therefore would not have substantive disturbance issues on nearby neighbours.
- 7.85 The impact on amenity is therefore considered acceptable and in accordance with the NPPF.

Highway Safety

- 7.86 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The application has been submitted with a Highways Plan positioning a new vehicular access to the west of the site with the current drive converted to a pedestrian link, the proposed estate road would terminate at a courtyard space with a shared parking/turning area. 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 have raised highway safety issues over the consultation period which has been considered in full below.
- 7.87 *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.*
- 7.88 HDM has reviewed the application setting out in their response that there are no objections in principle to the proposals subject to conditions and informatives as set out in the recommendation. The proposed parking provision as a shared parking arrangement for the whole development is considered acceptable. There is no provision shown for cycle parking which informs a condition set out in the recommendation. In addition, whilst refuse storage provision has been set out in the proposed site plan, details of the refuse strategy should be submitted. Subject to the resolution of these issues, the on-site impacts of the development are therefore considered acceptable.
- 7.89 In terms of off-site impacts HDM have requested that beyond the proposed footpath within the site there should be pedestrian connectivity with to the existing footway of the B1342 with associated street lighting to link in with existing lighting columns which would follow the same spacing as already established to minimise light pollution. Whilst the submitted access is considered acceptable, the current speed limit of the B1342 at entry to the site is at 60mph, therefore there is a request to move the 30mph limit signage to

ensure that vehicular traffic approaching from the west is at an acceptable level and that the visibility available is adequate to address concerns over safety when making a right turn from the development. These works would be covered as part of the s278 process as a technical approval outside of the planning process with works to form the new access, reinstatement of the existing highway and pedestrian access would be subject to a s184 agreement.

- 7.90 The impact on highway safety is considered acceptable and in accordance with the NPPF.

Environment

Contaminated Land

- 7.91 The application has been submitted with a Desk Study (Phase 1) Report which has been subject to assessment by the Council's Public Health Protection team (PHP).
- 7.92 *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.*
- 7.93 PHP has concluded that from the Phase 1 contaminated land desk study, that no contamination is expected to be found on site. PHP have requested the imposition of a condition in the event that ground contamination is encountered with a verification element in the event that no contaminants are found so that the condition can be discharged in future.
- 7.94 It is therefore considered that mitigation of contamination issues can be successfully undertaken, in accordance with the NPPF.

Ecology

- 7.95 The application is located on the edge of the main built area of the settlement bordering onto the open countryside. The land is currently a field with a well established wooded area to the southern boundary extending along the south-west corner. 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 with the proposal as residential development having potential to affect them. The application has been submitted with an Extended Phase 1 Survey which has been subject to assessment in consultation with the County Ecologist and Natural England. Objections on ecological grounds are considered within this section.

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.

- 7.96 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. It is noted that from the consultation response that the submitted report is in relation to the previous application on this site, which was considered acceptable. The applicant is in the process of obtaining an updated report which may inform further conditions or modifications to the County Ecologist's recommendation as part of this application which would address objections raised in respect of ecology. However it is reasonable to assume given the ecological position for the previous application and the limited on-site changes that have occurred in the interim, that the on-site issues can be successfully mitigated. The current position as set out by the County Ecologist is that the submitted details are acceptable subject to a condition to seek that the works are in accordance with the submitted report.
- 7.97 Therefore the ecological impacts arising from the proposal can be suitably mitigated in accordance with F6, F10 and F30 of the BLP and the NPPF.

Water Management

- 7.98 There will be on-site impacts through the introduction of built form and off-site impacts in terms of water displacement. The application has been submitted with a Flood Risk Assessment (FRA). Objections relating to this issue are addressed below. The application is for major development which is subject to consultation with the Local Lead Flood Authority (LLFA) has taken an interest due to the legacy flooding issues of the site as well as sustainable drainage systems proposed for disposal of surface water. Northumbrian Water (NWL) has also been consulted as mains foul drainage is proposed.
- 7.99 *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.*
- 7.100 The LLFA have reviewed the submitted information raising no objection to the proposal concluding that surface water can be managed on site subject to the imposition of conditions.
- 7.101 NWL have considered the application and have requested a condition to secure details of surface and foul water disposal prior to commencement of development which has been set out in the recommendation. NWL have also identified in their consultation response that a trunk main crosses the site that may be affected by the proposal. NWL have set out that they will contact the developer directly in respect of this issue.
- 7.102 Water management has been assessed to successfully be undertaken on site in accordance with the NPPF.

Further Consultation Issues

7.103 In response to other issues raised over the consultation period;

- Loss of agricultural land.
Whilst the application could be classified as 'agricultural' it has not been in an agricultural use for a number of years and therefore would not be considered 'best and most versatile' in the context of the NPPF.
- Development would lead to more holiday homes.
The proposal has been put forward as restricted C3 dwellings to be secured through s106 legal agreement.
- Light pollution from development.
The design of the properties is such that there would be no roof openings (with permitted development rights removed to manage future development). On-site lighting has been conditioned to address both lighting of communal spaces and highway/footway.
- Insufficient ecological information.
The information has been deemed acceptable by the County Ecologist subject to recommended conditions.
- Incorrect drainage assessment/flooding issues.
The assessment has been updated with no objection from the LLFA and NWL.

Procedural Matters

Equality Duty

7.104 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

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

Human Rights Act Implications

7.106 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.

7.107 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.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development 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 A s106 Legal Agreement has been agreed by the applicant to secure the following;

- Coastal mitigation strategy/contribution (£6,000)
- Affordable Housing provision of 2 no. on-site dwellings (Plots 9 and 10)
- Principal Occupancy clauses.

Should Members be minded to overturn officer recommendation, this aspect should be resolved prior to determination.

8.3 Notwithstanding the above and main considerations; the application proposes an inappropriate form of development outside of the settlement boundary for Bamburgh. The proposal would not represent appropriate development in the open countryside nor would it be of a nature to be applied as set out in Policy 9 of the NNCNP.

8.4 The application therefore conflicts with development plan and national policy and is therefore recommended for refusal

9. Recommendation

That this application be REFUSED for the following:

Reason

01. Development Outside of the Settlement Boundary

The application proposes inappropriate development outside of the settlement boundary for Bamburgh; failing to present acceptable development in the open countryside as per the National Planning Policy Framework and without substantive conformity to provide in-principle policy support for development in this location. The application is therefore contrary to Policy 9 of the North Northumberland Coast Neighbourhood Plan.

Date of Report: 06.06.2018

Background Papers: Planning application file(s) 17/04605/FUL