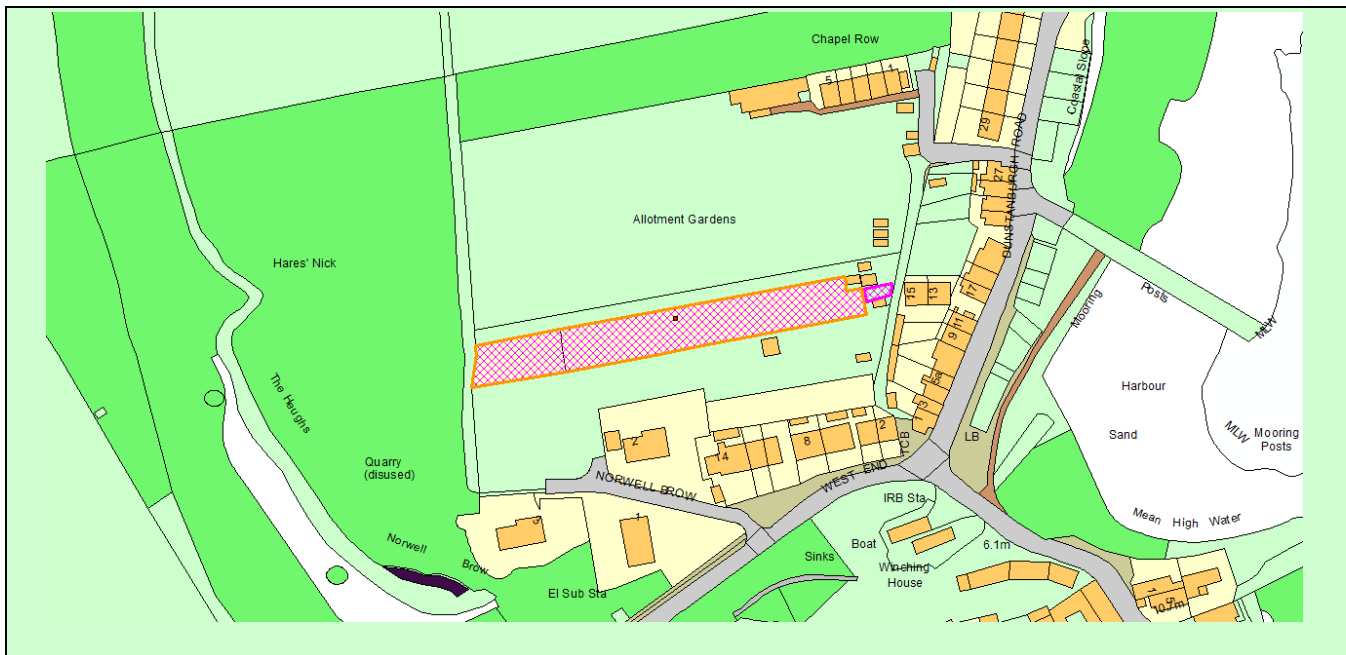




Northumberland County Council

North Northumberland Local Area Council
19th July 2018

Application No:	18/01401/FUL		
Proposal:	Erection of 1 no. residential unit (C3 use)		
Site Address	Land West Of 15 Dunstanburgh Road, Dunstanburgh Road, Craster, Northumberland		
Applicant:	Mr & Mrs Heslop C/O Agent.	Agent:	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB United Kingdom
Ward	Longhoughton	Parish	Craster
Valid Date:	17 May 2018	Expiry Date:	31 July 2018
Case Officer Details:	Name: Mr Chris McDonagh Job Title: Planning Officer Tel No: 01670 622646 Email: Chris.McDonagh@northumberland.gov.uk		



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, due to a valid objection from Craster Parish Council, the application has been referred to the Head of Service and the Planning Chair of the North Northumberland Local Area Council for consideration to be given as to whether the application should be referred to Planning Committee for determination. The decision taken was for the application to be decided before the North Local Area Committee, with a recommendation of refusal based on impacts upon the protected and designated landscape and highway safety.

2. Description of the Proposals

2.1 Full planning permission is sought for the erection of 1no. dwelling house on land to the west of No.15 Dunstanburgh Road, Craster. The dwelling would be single storey, utilising the topography of the site to incorporate a split level open plan internal arrangement. The proposed materials include a slate pitched roof, with cream external clad walls and a mixture of uPVC and powder coated fenestration. The west elevation of the upper level would incorporate full length and width windows to maximise the open views west across open fields.

2.2 Access to the site is taken from Dunstanburgh Road to the east, using an existing track which passes between terraced housing. The site itself is currently utilised as a residential garden, having been the subject of planning approval to change its use under A/99/A/231.

2.3 The site is located within the Northumberland Coast Area of Outstanding Natural Beauty (AONB), the Impact Risk Zone (IRZ) of the Northumberland Shore Site of Special Scientific Interest (SSSI) and is located circa 95m from the Northumberland Coast Special Protection Area (SPA).

3. Planning History

Reference Number: A/99/A/231

Description: Change of Use Allotment to Domestic Garden,

Status: Permitted

4. Consultee Responses

Craster Parish Council	<p>Objection –</p> <p><i>Craster Parish Council wish to recommend that this application be refused.</i></p> <p><i>The Parish Council share all of the concerns highlighted in the response by the Highways Development Management Team.</i></p> <p><i>Firstly, access to and from the proposed site is via an unadopted track which is of a very poor condition. The Council feel therefore that this does not represent a safe or suitable means of access as required by the National Planning Policy Framework.</i></p>
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	<p><i>The restricted width of the access, caused by the position of the one neighbouring dwelling and the boundary wall of another, is such that at no point could two vehicles travel to and from the site on the same track simultaneously. An increase in traffic would increase the potential for a vehicle having to be reversed back onto Dunstanburgh Road, in conditions of substandard visibility, whilst another emerged, to the detriment of highway safety. The junction of the access track with Dunstanburgh Road is substandard and would cause a danger to oncoming motorists and pedestrians. The introduction of further vehicles coming into and out of the proposed site would further prejudice the best interests of highway safety.</i></p> <p><i>The position of the dwelling and the boundary structure limits visibility for drivers emerging onto Dunstanburgh Road - an issue that will only become more dangerous during our peak tourist season where Dunstanburgh Road is very well used by (predominantly) tourists and visitors to our coastal community.</i></p> <p><i>Whilst the Council acknowledge that each application must be determined on its own individual merit, it should be noted that similar such schemes have been refused in the past. Furthermore, approval of this scheme would likely set an unwanted precedent for further new build development in the area, which would further add to concerns about highways safety.</i></p> <p><i>In addition, the proposed site is currently used for parking by the current landowner, i.e. not the applicant and the Council is concerned that additional parking provision would be required should this scheme be approved. If vehicles are parked on the proposed land then there would be an incremental increase in the number of cars being parked and having access. The fact that the applicants are referred to as retired and their car usage is limited in this application holds no bearing as it is impossible to say that any future resident of the proposed dwelling will have similar such car usage.</i></p> <p><i>The Council would also like to express concern about the materials to be used on this proposed development and how they would blend in with the existing buildings.</i></p>
Highways	<p>Refuse –</p> <p><i>When assessing applications for planning permission the Highway Authority checks that the proposal will not result in an adverse impact on the safety of users of the highway, the highway network or highway assets. The information submitted has been checked against this context.</i></p> <p><i>In the case of the application proposals the site would be accessed from a narrow, poorly constructed track. The junction of the access track with Dunstanburgh Road is also narrow, little more than single vehicle width, and severely restricted in terms of visibility for emerging drivers. In these circumstances the introduction of additional vehicle movements would be prejudicial to highway safety interests and the Highway Authority considers that the means of access to the development is not safe or suitable as required by the National Planning Policy Framework. It is therefore recommended that permission is refused for the following reason -</i></p> <p><i>Access to the site is substandard in terms of width at the junction with Dunstanburgh Road preventing vehicles being able to pass, resulting in the potential for vehicles having to be reversed onto the highway. Further, visibility for drivers emerging from the access onto Dunstanburgh Road is restricted, contrary to the best interests of highway safety. It is therefore considered that a safe and suitable access could not</i></p>

	<i>be achieved, and as such the proposal would be contrary to the provisions of the National Planning Policy Framework</i>
Countryside/ Rights Of Way	<p>No objection –</p> <p><i>I have no objection to the application on the condition that the Public Footpath No.1 & No.18 are protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.</i></p>
County Archaeologist	<p>No objection –</p> <p><i>The Northumberland coastal strip is considered to retain a high potential significant unrecorded archaeological remains, especially in relation to the prehistoric period.</i></p> <p><i>However, in this instance, given the relatively small footprint of both the application area and the proposed construction footprint, the risk of significant unrecorded archaeological features being impacted by the proposed development is considered to be low.</i></p> <p><i>There are therefore no objections to this application on archaeological grounds and no archaeological work will be required.</i></p>
County Ecologist	No objection subject to condition and coastal mitigation contribution.
Public Protection	Below risk threshold – no comment.
Waste Management - North	No response received.
Northumberland Coast AONB	<p>Objection –</p> <p><i>It is the opinion of the Partnership that any development on the previous allotment sites to the west of Dunstanburgh Road would not maintain the character of the village and would neither conserve nor enhance the scenic beauty or historic character of the area. The proposed development would result in over-urbanisation of an area which at presents boasts a wealth of nature conversation benefit. The proposal does not consider the additional urban clutter associated with domestic dwellings and the nature of the sites dictates that this would be concentrated at the front of the dwellings again eroding the rural landscape character.</i></p> <p><i>The topography of the site coupled with the raised/levelling gabion baskets feature would result in the building being visually prominent when viewed from most vantage points but particularly from the nationally promoted coast path. The design and materials are incongruous to the general vernacular of Craster and would not necessarily enhance the village scape.</i></p> <p><i>The extended apex window in the front and rear elevations would be detrimental to the dark sky quality - a special quality of the AONB that he Partnership seeks to protect. Whilst set back within the site from the properties on Dunstanburgh Road - it is the opinion of the Partnership that the large front elevation window would result in loss of amenity for these properties in terms of overlooking, The addition of eleven rooflights would also result in unacceptable light pollution.</i></p> <p><i>Northumberland County Council Highway have comprehensively addressed the access issues.</i></p>

	<i>The Partnership wish to highlight that any improvement to the track would be unacceptable in terms of increasing urbanisation of the rural setting and therefore contrary to the guidance contained with the NPPF and the AONB management plan.</i>
Northumbrian Water Ltd	No comment
Natural England	No objection subject to coastal mitigation.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	31
Number of Objections	9
Number of Support	0
Number of General Comments	1

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

Site notice - Public Right of Way, posted 30th May 2018.

Newspaper – published in Northumberland Gazette 24th May 2018.

Summary of Responses:

9no. public objections and 1no general comment based on the following grounds;

- *Highway Safety;*
- *Landscape/Visual impact.*

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=P7FR0YQSG0100>

6. Planning Policy

6.1 Development Plan Policy

ALP - Alnwick District Wide Local Plan (1997)

BE8 Design in New Residential Developments and Extensions Appendix A Design and Layout of New Dwellings
 TT5 Controlling Car Parking Provision
 Appendix E Car Parking Standards for Development
 CD32 Controlling Development that is Detrimental to the Environment and Residential Amenity

ACS - Alnwick Core Strategy (2007)

S1 Location and Scale of New Development

S2 The Sequential Approach to Development

S3 Sustainability Criteria

S11 Locating Development to Maximise Accessibility and Minimise Impact from Travel

S12 Protecting and Enhancing Biodiversity and Geodiversity

S15 Protecting the Built and Historic Environment

S16 General Design Principles

6.2 National Planning Policy

NPPF - National Planning Policy Framework (NPPF) (2012)

NPPG - National Planning Practice Guidance (NPPG) (2014)

7. Appraisal

7.1 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 for the area within which the application site is located, comprises the saved policies of the Alnwick Local Plan (1997) and the Alnwick Core Strategy (2007).

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

- *Principle of Development*
- *Design*
- *AONB/Landscape Impact*
- *Amenity*
- *Ecology*
- *Highway Safety*

Principle of Development

7.2 Policy S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District.

7.3 Craster is identified as a Local Needs Centre where development is restricted to those that satisfy local needs although it is acknowledged that this is not wholly in accordance with the NPPF, which seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Craster supports a number of services, including shops, pubs and a small fishing industry. When taken together with other nearby settlements such as Embleton and Longhoughton can be seen to provide a range of services, including churches, pubs, a post office and convenience stores. Notwithstanding this, Craster does have a service provision with other settlements reasonably located in relation to the site.

7.4 Policy S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements which applies in this case. However limited

weight can be attached to this policy as the NPPF does not require a sequential test in residential development.

7.5 Policy S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/legal agreement.

7.6 As previously mentioned, there is a limited service provision within Craster. However, the range of services present within the village are supplemented by further services available within satellite settlements. Development within Craster would generally have good access to local services and public transport links, and can be considered a sustainable location for small scale development. The proposed site would be located with suitable access to public transport, local services and amenities and in this sense would be an appropriate area in which to site new development. In this context it is therefore considered that the principle of the proposal is acceptable.

7.7 Paragraph 7 of the NPPF seeks to promote sustainable development, 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.

7.8 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 and in social terms would deliver 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.

7.9 It's environmental role is subject to assessment of further considerations. This is further explored via the landscape impacts upon the AONB in this report.

7.10 The application is therefore considered acceptable in principle, in accordance with ACS Policies S1 & S3 as well as the aims of the NPPF.

Design

7.11 Policy S16 of ACS sets out that all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials.

7.12 Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments;

- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*

- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*

7.13 The proposed dwelling is comprised of two distinct sections; an upper level which houses the main living area and is the smaller structure located to the north of the site, and a larger but lower southern section which hosts the bedrooms and utility space. The two sections are offset and split level, with the site sloping from west to east and north to south, with a difference of circa 1.5m between the western eastern elevations. To compensate for this, gabion baskets are used to level the bulk of the house, with a smaller section to the eastern extent of the structure stepped down.

7.14 The dwelling is somewhat large but does respect the layout of the site through its linear arrangement. However, the use of gabion baskets does serve to increase the total height of the dwelling, which would result in it being prominent in views from the north and west.

7.15 The design of the dwelling does largely integrate with the local vernacular in terms of the various shed and outbuildings, while also paying homage to the villages fishing history. However the use of cream cladding externally would be incongruent and better served with a darker or weathered material.

7.16 Having regards to the above and on balance, it is considered that the design is unacceptable for the area due to the prominence owing to the height of the building, as well as using a colour palette which is incongruous to the area, contrary to Policy S16 of the ACS and the NPPF.

AONB/Landscape Impact

7.17 Policy RE17 of the ALP states that planning permission will not normally be granted for developments which would adversely affect the Area of Outstanding Natural Beauty or Heritage Coast.

7.18 Policy S13 of the ACS stipulates the need to protect and enhance the distinctive landscape character of the district. All proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area

7.19 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

7.20 The Northumberland AONB Partnership has raised objection to the proposal on the basis that the building would cause unacceptable impacts upon the character of the area. This was also acknowledged in several public objections owing to the height of the building and natural topography features, the dwelling being overly

prominent, particularly in views from the coastal path to the north, as well as the proliferation of fenestration causing impacts upon the dark sky aims of the area.

7.21 On this basis, the proposal is considered to have an adverse impact on the AONB, in conflict with the policy aims of the ALP, ACS and NPPF in this regard.

Amenity

7.22 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.23 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.

7.24 The dwelling would be set towards the western extent of the former burgage plot, with a distance of circa 25m to the nearest dwelling to the south. The surrounding area is open to the west and north, with houses located to the south and east. Given the distances between residences and the development site, it is not considered there will be any discernible impacts upon amenity regarding overlooking, massing and privacy, in accordance with the ALP and NPPF.

Ecology

7.25 Policy S12 of the ACS stipulates that all development proposals will be considered against the need for sustaining and enhancing the District's native biodiversity and geodiversity, while the NPPF states in paragraph 118 that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.

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

7.27 Formal consultation was undertaken with the County Ecologist and Natural England on the proposals, with an initial request for further information pertaining to a record search for the local area as per section 2.2 in the Guidelines for Preliminary Ecological Appraisal 2nd edition. Following receipt of the information, the County Ecologist is in agreement with the proposals.

7.28 In addition, this development falls within the 7 km 'zone of influence' for the Northumbria Coast Special Protection Area (SPA) and Ramsar Site. It is anticipated that new housing and leisure development in this area is 'likely to have a significant effect' upon the interest features of the SPA, when considered in combination, as a result of increased recreational pressure. As such, Natural England advises that a suitable financial contribution to Northumberland County Council's Coastal Mitigation Scheme be sought from this development to reach a conclusion of no likely significant effect. The applicant is currently considering the request for a financial contribution. Should Members be minded to approve the application the financial contribution would need to be secured by way of a S106 Legal Agreement.

7.29 The application is therefore in accordance with Policy S12 of the ACS and NPPF in terms of ecology.

Highway Safety

7.30 Policy S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.

7.31 Paragraph 32 of the NPPF sets out the considerations of decisions with regard to highways issues, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.32 Access to the site would be taken from the nearest adopted highway at Dunstanburgh Road to the east, utilising an existing track leading south behind the row of terraced houses fronting the highway. Several public objections and Craster Parish Council have highlighted this issue, which has been assessed by the Highways Development Management (HDM) team.

7.33 The HDM Team advise within their consultation response that the site would be accessed from a narrow, poorly constructed track. The junction of the access track with Dunstanburgh Road is also narrow, little more than single vehicle width, and severely restricted in terms of visibility for emerging drivers. In these circumstances the introduction of additional vehicle movements would be prejudicial to highway safety interests and the Highway Authority considers that the means of access to the development is not safe or suitable as required by the National Planning Policy Framework. It is therefore recommended that permission is refused for the reason set out below.

7.34 Access to the site is substandard in terms of width at the junction with Dunstanburgh Road preventing vehicles being able to pass, resulting in the potential for vehicles having to be reversed onto the highway. Further, visibility for drivers emerging from the access onto Dunstanburgh Road is restricted, contrary to the best interests of highway safety. It is therefore considered that a safe and suitable access could not be achieved, and as such the proposal would be contrary to the provisions of the National Planning Policy Framework

7.35 It is therefore considered that the application is contrary to Policy S11 of the ACS and provisions of the NPPF regarding highway safety.

Equality Duty

7.36 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

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

Human Rights Act Implications

7.38 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.

7.39 or 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.

7.40 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The 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 The introduction of residential development to this location would compromise the character of the area and have a wider impact on the Area of Outstanding Natural Beauty and undeveloped Heritage Coast. The landscape impact and impact on character resulting from the proposal is therefore considered unacceptable, contrary to Policies S13 & S16 respectively of the Alnwick Core Strategy and the National Planning Policy Framework.

8.3 The application would cause severe impacts upon the safety of the nearby adopted Highway at Dunstanburgh Road, in conflict with Paragraph 32 of the National Planning Policy Framework.

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

8.5 Should members be minded to overturn officer recommendation, a Section 106 agreement should be sought to secure a contribution of £600 towards the Council's Coastal Mitigation Fund.

9. Recommendation

That this application be REFUSED permission for the following reasons;

01. Design and Landscape impact upon the AONB

The proposal would introduce development which would compromise the character of the village and the Northumberland Coast Area of Outstanding Natural Beauty by virtue of its height, design and prominent location. The landscape and character impact of the proposal is therefore considered unacceptable, contrary to Policies S13 and S16 of the Alnwick LDF Core Strategy and the National Planning Policy Framework.

02. Highway Safety

The application has the potential to cause severe impacts upon the safety of Dunstanburgh Road. It is considered that a safe and suitable access cannot be achieved, contrary to the provisions of Paragraph 32 of the National Planning Policy Framework.

Date of Report: 26.06.2018

Background Papers: Planning application file(s) 18/01401/FUL