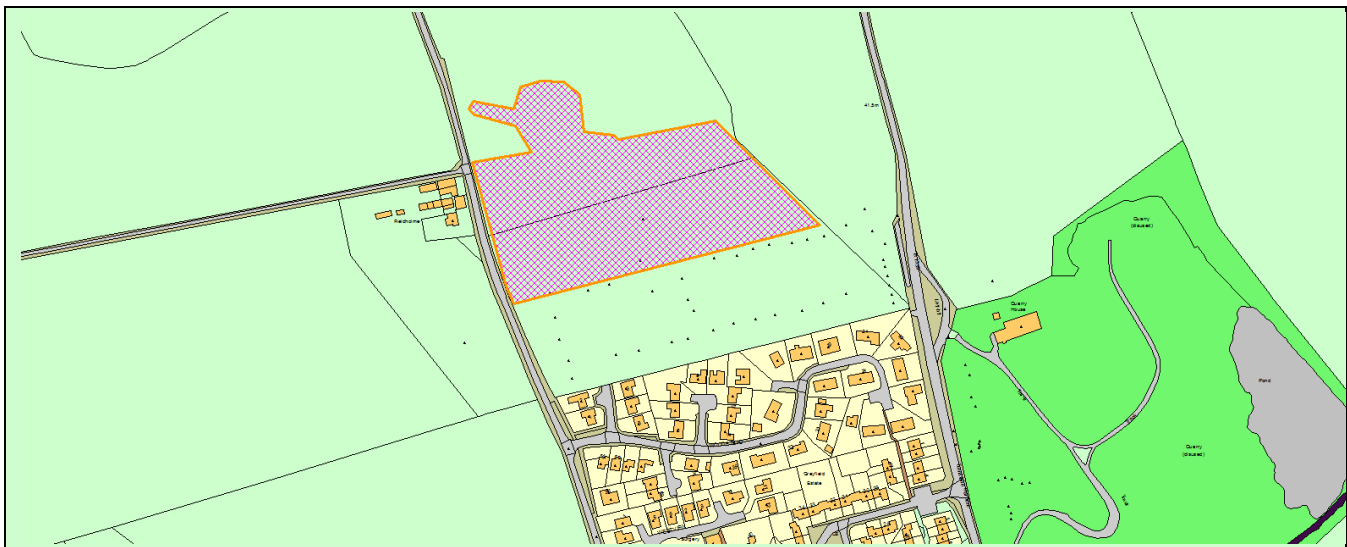




Northumberland County Council

North Northumberland Local Council
20th September 2018

Application No:	18/02583/FUL		
Proposal:	16 Principal Residence Dwellings (25% Affordable) & Landscape Buffer with SuDS Basin - Amended 07/09/18		
Site Address	Land North Of Woodsteads, U3010 Station Road To Embleton Moor Junction, Alnwick, Northumberland		
Applicant:	Mr David Brocklehurst 12 Bondgate Within, Alnwick, Northumberland, NE66 1TD	Agent:	None
Ward	Longhoughton	Parish	Embleton
Valid Date:	7 August 2018	Expiry Date:	6 November 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application is to be recommended for approval contrary to a valid objection from Embleton Parish Council. 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 APPROVAL.

- 1.2 The application was amended as follows;

- 10/08/18 - Submission of a Coal Mining Risk Assessment.
- 05/09/18 - Amendment to red line boundary (21-day re-consultation carried out)
- 07/09/18 - Amendments to plans to address highway issues and revise the site layout along with submission of additional drainage information.

2. Description of the Proposals

- 2.1 The site is located to the northern periphery of Embleton set to the west side of the B1339, a main thoroughfare running through the village. The land to the south is a recently built residential development of two storey properties with the site otherwise bound by open countryside to the north, east and west.

- 2.2 The land to the south was subject to consent under 16/00876/FUL which approved 39 no. dwellings and has been implemented, referred to as Creighton Place. The site is currently in an agricultural use of 1.8ha (area to be developed), set on a level with the aforementioned development which is set down from the wider area and main approach from the road running to the east of the site, which provides a high degree of visibility to existing development.

- 2.3 The application seeks planning permission to;

- Form an access from an existing termination within Creighton Place onto a cul-de-sac spanning east and west onto private driveways with soft landscaping to the northern extent.
- Erect 16 no. dwellings comprising of the following;
- 4 x 4-bedroom two storey dwellings (l:7.3m x w:9.9m) with a gable roof featuring gablets at first floor level
- 6 x 3-bedroom bungalows (l:7.5m x w:12.3m) with a gable roof
- 3 x 2-bedroom bungalows (l:8.2m x w:8.2m) with a gable roof
- The dwellings would be mixed in appearance using a combination of two different bricks and natural stone (stone used to facing elevations)with alternating slate and pantile roof coverings.
- Install an attenuation basin to the north of the site.
- The dwellings have been proposed to be principal residences, meaning that they could only be occupied as an owners sole place of residence.

2.4 The site is subject to the following environmental constraints;

- Northumberland Coast Area of Outstanding Natural Beauty (AONB) 110m East
- Embleton Conservation Area - 150m South-East
- Coal Working Area (High Risk) - North-East corner
- Impact Risk Zone to SSSI

3. Planning History

Reference Number: 14/00372/OUT

Description: Outline application for development of approximately 36 residential dwellings and associated infrastructure (All matters reserved)

Status: Permitted

Reference Number: 16/00119/DISCON

Description: Discharge of condition no. 19(Contamination) of planning permission 14/00372/OUT - Outline application for development of approximately 36 residential dwellings and associated infrastructure (All matters reserved).

Status: Permitted

Reference Number: 16/00559/REM

Description: Reserved Matters relating to 14/00372/OUT - Access, layout, scale, appearance and landscaping for erection of 36 dwellings

Status: Application Returned

Reference Number: 16/00624/REM

Description: Reserved Matters relating to 14/00372/OUT - Access, layout, scale, appearance and landscaping for erection of 36 dwellings

Status: Permitted

Reference Number: 16/00665/DISCON

Description: Discharge of conditions 4 (materials), 5 (landscaping details) & 7 (phasing schedule) of planning application 14/00372/OUT - Outline application for development of approximately 36 residential dwellings and associated infrastructure (All matters reserved)

Status: Permitted

Reference Number: 16/00876/FUL

Description: Erection of 39 dwellings (Use Class C3) including associated access, infrastructure, landscaping & engineering works

Status: Permitted

Reference Number: A/86/A/346

Description: BUNGALOW

Status: Permitted

Reference Number: 16/02379/DISCON

Description: Discharge of Condition 6 (Construction Method Statement) for Planning Permission 16/00876/FUL - Erection of 39 dwellings (Use Class C3) including associated access, infrastructure, landscaping & engineering works

Status: Permitted

Reference Number: 16/02502/DISCON

Description: Discharge of Conditions 7 (Site Levels), 11 (Engineering, Drainage, Street Lighting and Constructional Details of the Streets), 17a & b (Surface Water Drainage Flows) for Planning Permission 16/00876/FUL - Erection of 39 dwellings (Use Class C3) including associated access, infrastructure, landscaping & engineering works

Status: Permitted

Reference Number: 16/02907/DISCON

Description: Discharge of Conditions 4 (Energy Conservation Scheme) and 20 (Ground Gas) for Planning Permission 16/00876/FUL - Erection of 39 dwellings (Use Class C3) including associated access, infrastructure, landscaping & engineering works

Status: Permitted

Reference Number: 16/04132/DISCON

Description: Discharge of Conditions 17c (Timetable for implementation of agreed surface water drainage scheme) and 17d (Management and Maintenance Plan re surface water drainage) in relation to planning application 16/00876/FUL - (Erection of 39 dwellings (Use Class C3) including associated access, infrastructure, landscaping and engineering works)

Status: Permitted

4. Consultee Responses

Embleton Parish Council 2 nd Response	To be Updated at Committee
Embleton Parish Council 1 st Response	Objection; Embleton Parish Council objects to the planning application 18/02583/FUL Erection of 16 principal residence residential dwellings comprising of 9 bungalows (including 4 affordable bungalows) and 7 houses together with associated infrastructure including new access to a highway and extension to existing sustainable urban drainage system (SUDS). The reason for this objection is lack of access for construction traffic. When Creighton Place was granted planning permission the builders were refused access to the site from Station Road and forced to access from the B1339 through their site. The reason for this was that Station Road was unsuitable to carry construction traffic. If it was unsuitable then it is unsuitable now and

	<p>therefore all construction traffic would have to pass through Creighton Place which would be dangerous and difficult.</p> <p>We feel that unless a suitable site access can be offered by the applicant the application should be refused.</p>
<p>Affordable Housing (AH)</p>	<p>Obligation Required; 2 Affordable Units</p> <p>Embleton is a desirable and sustainable location for a limited number of affordable home for rent, affordable discount market value homes and homes for market sale with reasonable local amenities and transport links.</p> <p>The updated SHMA, helped inform the 20% affordable homes requirement in the draft Northumberland Local Plan. Until the implications of the updated SHMA have been considered further, the Council will not normally seek an affordable housing contribution in excess of 15% unless other up to date evidence indicates a higher contribution is required to meet local need.</p> <p>In this case the applicant is offering 4 AH homes which equates to 25% which exceeds the requirement. The application site is considered to be a suitable location for affordable homes with good access to reasonable local services.</p> <p>The tenure split suggested by the SHMA is 50% affordable rent and 50% home ownership options.</p> <p>It is unlikely that an RP would be interested in taking only 2 homes for rent in this location. Also given the number of rented homes recently developed by the council at Whinstone View, together with the success of DMV homes by the same developer on the adjacent site, the offer of 4 no. DMV bungalows will provide further balance to the AH offer in the village.</p> <p>The inclusion of 4 no. affordable DMV bungalows is supported by the Affordable Housing Team. The homes should be sold at a discount of 30% from OMV. The council has a suitable suite of clauses for inclusion in s106 agreements.</p>
<p>Education - Schools</p>	<p>Obligation Required; £48,000</p> <p>Primary: The first school in the catchment area is Embleton Vincent Edwards C of E Primary. Its current roll is 25 of a total capacity of 75, it is therefore 33% full, and so no Primary Contribution is requested.</p> <p>Secondary: The high school within the catchment area is the Duchess School Alnwick. Its current role is 1184 of a total capacity of 1200, it is therefore 98.6% full, so a contribution in requested in relation to the 2 additional pupils generated.</p> <p>This is before any consideration is given to the 826 properties for which Planning Permission has been given in the Duchess High School catchment area, which are forecast to yield a further 94 secondary age pupils.</p> <p>SEND Provision: Due to the relatively small size of the development and consequently the relatively low probability of an impact on SEN pupil numbers, no SEN contribution is requested.</p> <p>Summary and Conclusion</p>

	<p>A total contribution of £48,000 is requested in respect of this development, on the basis of secondary school places.</p>
<p>Northumberland Coast AONB (NCAONB)</p>	<p>No Objection;</p> <p>The B1339 road which runs along the east side of the proposal site is the boundary to the Northumberland Coast Area of Outstanding Natural beauty and therefore the site is immediately adjacent to the nationally designated landscape and has the potential to impact on the special qualities.</p> <p>The Northumberland Coast AONB Partnership acknowledges the proposal is 100% principal residency and with some affordable needs provision. It is the opinion of the Partnership that this accords with policies within the Northumberland Coast AONB Management Plan. In addition the development is outside of the AONB and therefore aligns with advice in the AONB Landscape Sensitivity and Capacity Study (August 2013) which states "This study supports a presumption that sites which fall outside the AONB parts of Embleton should be prioritised for development of new housing before sites in the AONB are considered." (page 78).</p> <p>The Partnership welcomes the revised landscaping and increased buffering to the north of the proposal site - this will lessen the impact of the proposal on the approach to the village from the north.</p>
<p>County Archaeologist (CA)</p>	<p>No Objection;</p> <p>The proposed development is located at some distance from the known medieval settlement at Embleton. While stray find of medieval and later prehistoric date may have been found in the wider area, the nearest potential archaeological site is an ill-defined signal ditched enclosure which may be of prehistoric date and is located over 700m to the north-west.</p> <p>Based on the scale and the location of the proposed development, the limited archaeological potential of the site and the previous planning history of the site, I have no objections to this application and no archaeological work will be required in this particular instance.</p>
<p>Building Conservation (BC)</p>	<p>No Objection; No Harm</p> <p>The proposed development area is an extension on the northern side of the 20th century development, and there will be no views from the historic core of the settlement. The designated historic assets in the area are all situated within the original village and similarly not intervisible with the development. The setting of the historic core of Embleton will therefore not be affected, and there will be effect on its significance.</p> <p>It is considered that based on submitted plans, statements and site visit that there would be no harm to the character and appearance of the main part of the Conservation Area, nor the setting of any listed buildings in Embleton.</p> <p>Building Conservation raise no objection to the proposal, subject to plans provided. Although the proposed development site is located adjacent to the Embleton Conservation Area, it is considered that the proposal would not impact or harm the setting of the Conservation Area or listed buildings within the vicinity.</p>

<p>County Ecologist (CE)</p>	<p>No Objection; Conditions & Obligation Required £9600 (£600 per dwelling)</p> <p>The ecological report notes that great crested newts are recorded in the nearby Local Wildlife Site. Whilst they consider it unlikely that this species will utilise the site, given the distance from the site, an amphibian method statement is required to ensure legislative compliance.</p> <p>There are a number of mature trees that run along the western edge of the site. These were considered to have potential to support roosting bats, however, given that these will remain no further survey was required provided adequate avoidance and mitigation measures are carried out to ensure that bats will continue to use these trees and the surrounding hedgerows.</p> <p>It was considered that nesting birds may use the hedgerows and trees on site, but that wading birds from the coastal sites were unlikely to use the site given the disturbed nature of the ground.</p> <p>Species of Principal Importance were noted from the record search in the area, and the site is considered likely to support hedgehog.</p> <p>The site lies within 7km of the coast and the designated sites associated with this area. It is understood that in order to mitigate for any increases in recreational disturbance to these sites the applicant would like to contribute towards the Coastal Mitigation Service at a rate of £600 per dwelling. This will need to be secured by the appropriate legal means. A copy of the HRA will be forwarded on to you.</p> <p>Subject to securing mitigation for the designated sites on the coast, I raise no objections on ecological grounds, on condition that the avoidance, mitigation and enhancement measures detailed in the recommended conditions.</p>
<p>Natural England (NE)</p>	<p>No Objection; Obligation Required</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> - have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar Site - damage or destroy the interest features for which Northumberland Shore <p>Site of Special Scientific Interest has been notified In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:</p> <ul style="list-style-type: none"> - an appropriate contribution to a strategic management scheme for the management of the designated site <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p>
<p>The Coal Authority (TCA)</p>	<p>No Objection; Condition Advised</p> <p>The planning application is now accompanied by a Coal Mining Risk Assessment prepared for the proposed development by Fairhurst ref: 99938 (dated August 2018), which has been informed by an appropriate range of sources of information.</p>

	<p>Based on this review of existing geological, historical and coal mining information, the report author considers that there is a very low risk from unrecorded shallow workings as there is only a single coal seam within an estimated seam thickness of 0.75m below the site (inferred 25 to 30m below rock head) which, if worked, is unlikely to cause instability at the surface. However Section 5.3 concludes that there is a potential risk from the recorded mine entry and that the mine entry will need to be located and the condition of the mine shaft / depth to rock head is to be determined.</p> <p>Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out (as required by the NPPF paragraph 178 - 179). Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed you may wish to consider the imposition of a planning condition.</p> <p>The Coal Authority withdraws its objection to the proposed development, subject to the imposition of a planning condition.</p>
<p>Public Health Protection (PHP)</p>	<p>Objects; Further Information Required</p> <p>The applicant has submitted a number of contaminated land report in support of the application. These reports predominantly relate to the neighbouring site which has previously been considered by the Council and is not specific to this development site</p> <p>Officers had considered using the previous report as indicative of the ground conditions on the neighbouring site, however, the previous intrusive investigation found elevated levels of contamination on the site which required remediation.</p> <p>This increases the risk of the proposed development site to high risk. As such the applicant will need to undertake further intrusive in relation to the actual application site and forward the results to the Council prior to determination</p> <p>Public Health Protection would wish to be re-consulted should additional information be received.</p>
<p>Highways Development Management (HDM)</p>	<p>No Objection; 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, providing suitable mitigation measures are accommodated, through the imposition of appropriate planning conditions. Therefore, no objections in principle are raised to the proposals. It is considered that the proposal is in accordance with the NPPF (2018) in highways terms, and the principle of development acceptable.</p> <p>An amended plan, numbered PL-02-Rev.'D', has been provided with the reconsultation dated 7th September 2018, which is considered acceptable and addresses the minor revisions requested in the earlier HDM response.</p>
<p>Northumbrian Water Ltd (NWL)</p>	<p>No Objection; Conditions Advised</p>

	<p>Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:</p> <p>We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Statement". In this document it states Both foul and surface water will discharge via the existing on site private drainage. Foul water will discharge indirectly to the foul water sewer via manhole 7902 and surface water will discharge indirectly to the surface water sewer via manhole 6103 at a restricted rate of 16.6 l/s as agreed under previous planning application 16/00876/FUL.</p> <p>It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.</p>
<p>Lead Local Flood Authority (LLFA)</p>	<p>No Objection; Conditions Advised</p> <p>Following the submission of further information we are now in a position to remove our objection to the proposed development as long as the recommended conditions are appended to any granted planning permission.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	18
Number of Objections	46
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Conservation 22nd August 2018

Press Notice - Northumberland Gazette 16th August 2018

Summary of Responses:

5.1 46 Objections were received raising the following issues;

- Potential conflict with emerging policy including the Embleton Neighbourhood Plan
- Unsustainable location.
- New development not necessary given housing land supply position.
- Site is outside of previous settlement boundary.

- Issues with potential second home ownership.
 - Enforcement of principal occupancy.
 - Development within the open countryside.
 - Adverse landscape impact
 - Adverse impact on AONB
 - Archaeological impact
 - Impact on residential amenity.
 - Highway issues due to access
 - Impact on ecology.
 - Adverse flooding and drainage issues.
- 5.2 Issues arising during construction and loss of view were also raised but are no material in the determination of this application.
- 5.3 Further issues such as the construction access which is reflected in Embleton Parish Council's response have also been raised and have been responded to accordingly within the report.
- 5.4 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=PC2F49QSHWQ00>

6. Planning Policy

6.1 Development Plan Policy

ACS - Alnwick LDF Core Strategy (2007)

- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria
- S5 Housing density
- S6 Provision of affordable housing
- S11 Locating development to maximise accessibility and minimise impact from travel
- S12 Protecting and enhancing biodiversity and geodiversity
- S13 Landscape character
- S15 Protecting the built and historic environment
- S16 General design principles
- S23 Planning obligations

ALP - Alnwick District Wide Local Plan (1997)

- BE2 Regional and local archaeological significance
- BE8/Appendix B Design in New Dwellings
- CD32 Controlling development that is detrimental to the environment and residential amenity
- RE16 Protection of the AONB
- TT5 Controlling car parking provision (and Appendix E)
- Appendix E Car parking standards for development

6.2 National Policy

NPPF - National Planning Policy Framework (2018)
PPG - Planning Practice Guidance (201 - as updated)

6.3 Other Documents/Strategies

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)
SHMA - Northumberland Strategic Housing Market Assessment (2018)
Alnwick Landscape Character Assessment Supplementary Planning Document
Northumberland Coast AONB Management Plan (2014 - 2019)
Northumberland Coast AONB Landscape Sensitivity and Capacity Study (2013)

6.4 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)
ENP - Embleton Neighbourhood Plan (2018)

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.
- 7.2 The adopted Development Plan where the site is located, comprises the saved policies of the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).
- 7.3 The Embleton Neighbourhood Plan is not yet at a stage where weight can be assigned in accordance with Paragraph 48 of the NPPF and therefore does not form a material policy consideration in the appraisal of this application.
- 7.4 The Northumberland Local Plan was published in draft for consultation on 04/07/18, in accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry minimal weight in the determination of planning applications.
- 7.5 The main issues in the consideration of this application are;
- Principle of Development
 - Sustainability
 - Housing Land Supply
 - Summary
 - Planning Obligations
 - Affordable Housing
 - Coastal Mitigation
 - Education

- Principal Occupancy
- Landscape Buffer
- Visual Impact
 - Community Involvement
 - AONB
 - Landscape
 - Design
 - Summary
- Historic Environment
 - Archaeology
 - Conservation Area
- Amenity
- Natural Environment
 - Ecology
 - Coal Legacy
 - Contaminated Land
- Transport
- Water Management
- Other Matters
 - Public Consultation
 - Conditions
- Procedural Matters

Principle of Development

Sustainability

7.6 The NPPF seeks to promote sustainable development with paragraph 8 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 environmental elements which are interdependent and need to be pursued in mutually supportive ways. The application seeks residential development on land immediately adjoining the built up area of Embleton to its northern edge. Embleton has a strong service base with further access 1.9 miles west at Christon Bank which also has a good service base with further smaller settlements such as Craster and Rock in the wider area to which Embleton is a service centre for. In-principle issues raised over the consultation period have been appraised in this section.

7.7 *S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement.*

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. However limited weight can be attached to this policy as the NPPF does not require a sequential test for this development type.

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 but also states that it may be necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts.

- 7.8 The site is located to the northern edge of Embleton, a 'Sustainable Village Centre' where development is permitted that is well-related to the settlement as per S1 which states that there is a 'strong service base'. Development in this location should accord with the hierarchy and reflect the services present and accessibility. The site is located to an already extended village edge but would be accessible to services within the settlement.
- 7.9 *Paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- 7.10 Whilst there is a strong service base within the settlement, there would be access to services from other smaller settlements nearby defined as Local Needs Centres (within the ACS) to which Embleton is a main base for. Notwithstanding the village's standing within the ACS, having regard to other settlements nearby, residential development in this location is considered permissible through its potential to access services in the neighbouring village which in turn would contribute to the vitality of one another.
- 7.11 From this, the site is considered to be a suitable location to support new residential development.

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 requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.13 *Paragraph 73 of the NPPF sets out that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.*

Paragraph 74 of the NPPF clarifies what is required to demonstrate a five year supply of deliverable housing sites.

- 7.14 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.
- 7.15 This supply position updates that presented in the Council's Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.
- 7.16 The housing land supply figure is a minimum and not a maximum, new development on sites that would alter or extend settlement limits are subject to a balanced assessment to consider whether development is sustainable having regard to Paragraph 8 of the NPPF.

Summary

- 7.17 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 in the area and in social terms would deliver market housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.
- 7.18 It is therefore considered that the principle of development is acceptable and in accordance with S1 and S3 of the ACS and the NPPF.

Planning Obligations

- 7.19 *S23 of the ACS sets out that where a planning obligation is necessary to make an application acceptable in planning terms, the district council will request a developer to sign a legal agreement to provide in kind and / or make a contribution towards the provision or improvement of physical or social infrastructure or local environmental improvements necessitated by the development or to provide affordable housing to meet housing need.*
- 7.20 *Paragraphs 54 and 56 of the NPPF sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address*

unacceptable impacts through a planning condition. Obligations must meet all of the following tests;

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

7.21 The following planning obligations have been assessed in respect of this application which are to be secured by legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

Affordable Housing

7.22 The application has put forward that 25% of dwellings proposed would be on-site affordable housing to be delivered on site (4 dwellings). The application has been subject to consultation with Affordable Housing (AH). Representations raising issues of affordable housing have been considered in this section.

7.23 *S6 of the ACS seeks a appropriate level of affordable housing within the site on all housing sites of 10 units or more or 0.33 hectares or more in Alnwick and Amble. The policy had stated a need for 35% however this is no considered up-to-date.*

7.24 *Paragraph 64 of the NPPF stipulates that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.*

7.25 The Northumberland SHMA Update (June 2018) provides detailed market analysis of housing needs at the County level, and across local Housing market sub-areas. It also provides up-to-date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that 50% of affordable homes are provided for rent, and 50% provided as affordable home ownership products.

7.26 The updated SHMA, helped inform the 20% affordable homes requirement in the draft Northumberland Local Plan. Until the implications of the updated SHMA have been considered further, the Council will not normally seek an affordable housing contribution in excess of 15% unless other up to date evidence indicates a higher contribution is required to meet local need.

7.27 However, pending Cabinet ratification, at the present time of writing 15% of new homes will continue to be suggested to be provided as affordable housing products in line with the evidence from the previous 2015 SHMA.

7.28 AH have set out that the provision put forward is considered acceptable, being in excess of what would normally be required for a development of this scale providing a residual benefit in support of the proposal. AH have set out that all

the affordable units would be of a discount market value tenure given the low number, location of and previous delivery in other developments.

Coastal Mitigation

- 7.29 When developers apply for planning permission for new residential or tourism 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. The County Ecologist has been consulted in conjunction with Natural England.
- 7.30 *Paragraph 175 of the NPPF states that in determining planning applications, local planning authorities should apply the following principles;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest*
- 7.31 *Paragraph 176 of the NPPF affords the same protection as habitat sites to;*
- a) potential Special Protection Areas and possible Special Areas of Conservation;*
b) listed or proposed Ramsar sites; and
c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
- 7.32 *Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*
- 7.33 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.
- 7.34 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.

7.35 The applicant has agreed to pay £9,600 toward the Council's coastal mitigation scheme based on £600 per unit which to be secured by legal agreement. From this, the Council has completed a Habitats Regulations Screening Assessment and Appropriate 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.

7.36 From this, the off-site ecological impacts of the development can be suitably mitigated.

Education

7.37 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements. Issues raised during consultation are addressed in this section.

7.38 *Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities going on to;*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

7.39 The consultation response from Education sets out that there is surplus capacity in the catchment primary school however there are capacity at the secondary level. Pupil numbers at Duchess High School in Alnwick are at capacity and therefore a contribution has been sought, based on the pupil yield from the development (two pupils) to calculate a contribution of £48,000 which has been agreed by the applicant.

Principal Occupancy

7.40 The applicant has responded to concerns raised over the pre-submission consultation over the occupancy of new dwellings as second homes. The emerging NLP seeks to manage the occupation of new dwellings on the provision that census data indicates second home ownership at over 20%. It is understood that the emerging ENP also seeks to consider occupancy restrictions on new dwellings within the plan area.

7.41 However, both the NLP and the ENP are at a stage where very limited or minimal weight can be applied and therefore carries no weight to impose this

as a restriction. Notwithstanding this, there are aspects of the proposal that are considered detrimental as an expansion of an already expanded settlement limit and therefore the occupancy restriction proposed (which is documented in the ENP public engagement and vision) is considered to provide benefit for new development.

7.42 This issue is further addressed in the planning balance.

Landscape Buffer

7.43 The application was amended to increase the site area to allow for the incorporation of landscaping as part of the proposal. Alongside this is the requirement to commit to the management and maintenance ensuring a future scheme is delivered and maintained for a suitable period of time to secure the benefits for which it was originally requested both from a visual and ecological point of view.

7.44 The applicant has agreed to the inclusion of this as part of a legal agreement should the application be approved and is considered significant due to the necessity for the successful implementation of this aspect of the proposal.

Visual Impact

Community Involvement

7.45 *Paragraph 128 of the NPPF encourages that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

7.46 The application has been submitted with a Statement of Community Engagement following consultation in the form of information leaflets, a consultation event, drop-in event and correspondence with Embleton Parish Council. The main points relating to planning that have informed the development are as follows;

- Proposal would be restricted for occupancy as principal residence.
- Expansion of existing SuDS basin to be fully detailed
- Investigations into Northumbrian Water network with regard to foul drainage.
- Introduction of buffer between development and Creighton Place.
- Consideration of alternative construction access at implementation stage.

AONB

- 7.47 Whilst not within the AONB, the land is viewed adjacent to it. Sections 84(4) and 85(1) of the Countryside and Rights of Way Act 2000 set out that a planning authority must take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any function in relation to, or affecting land in, an AONB. This is done in consultation with the Northumberland Coast AONB Partnership (NCAONB). Objections received relating to this has been addressed within this section.
- 7.48 *RE16 of the ALP sets out that planning permission will not normally be granted for developments which would adversely affect the Area of Outstanding Natural Beauty or the Heritage Coast except in circumstances of overriding national need, where no suitable alternative locations for development can be found.*
- 7.49 *Paragraph 172 of the NPPF sets out that Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*
- 7.50 NCAONB have acknowledged that the development is in a location which has potential to affect the landscape and scenic beauty of the AONB but have noted that the development as principal residences and location would conform to the AONB Management Plan and Landscape Capacity Study respectively. In addition, the amendment to form a landscape buffer would serve to mitigate the imposition of new and existing development in this location.
- 7.51 The impact on the AONB is therefore considered acceptable in accordance with RE16 of the ALP and the NPPF.

Landscape

- 7.52 The site sits to the northern edge of Embleton to the west side of a main route into the village from the north. The existing development at Creighton Place is prominent in the landscape and sits adjacent to open agricultural fields at a lower level to that of the highway. The appraisal of Landscape considers the physical mass and character impact of a development proposal; the application has been submitted with a Design and Access Statement. Objections received on this issue have been considered in this section.
- 7.53 *S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district.*
- 7.54 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services -

including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 7.55 The existing development at Creighton Place impacts from its northern edge which is readily visible where there are two storey dwellings of varying appearance with no intermediary treatment before the open countryside beyond.
- 7.56 The application proposes further dwellings that would be two storey (but lower in height than the existing) fronted by bungalows onto a landscaped area. Whilst there would be further physical intervention into the open countryside there is considered to be a net benefit to the character, appearance and setting of Embleton which, from the north, is the only development that can be viewed (with the remaining setting as open countryside/agricultural fields),
- 7.57 Setting has been defined through APP/N1730/W/15/3127962;
- In a conventional interpretation of the word this would mean the surroundings or environment of something or object. By my interpretation, particularly in a planning context, the term should express some element of experiential understanding or...the surroundings in which a settlement, or part of a settlement, is experienced..."*
- 7.58 From this, the setting of Embleton including this site and beyond is characterised by the land around it that reads as open countryside with the exception of Creighton Place which has introduced a more suburban form to the village that is not offset by design or structural/ soft landscaping. The expansion at this point is not considered to have a negative impact on the setting as this has already been impacted through previous development but is considered capable to improve the setting as well as character and appearance.
- 7.59 *S5 of the ACS sets out the density required for new build housing, at 30 dwellings per hectare as a minimum. In rural areas and elsewhere where there is a need to preserve or enhance the character of the area, particularly on settlement edges, lower densities may be considered.*
- S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.*
- 7.60 In considering the density of the proposal, the net area for development (1.8ha) have been used which would result in a density of 9 dwellings per hectare which is of a lower number than set out in S5 but is appropriate given the edge of settlement location.
- 7.61 The landscape impact of the proposal is therefore considered acceptable in accordance with S5, S13 and S16 of the ACS and the NPPF.

Design

- 7.62 The application is for full planning permission including details of site levels and materials as part of the proposal. Design considers the appearance of the development independently and as part of the immediate streetscene. Issues raised over the consultation period have been addressed in this section.
- 7.63 *S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.*
- 7.64 *BE8 of the ALP specifies the relevant appendix to assess proposals for new dwellings and extensions (in this case Appendix A). Appendix A covers criteria relating to layout, access, car parking, design, materials and landscaping. It is acknowledged that this policy in part is not fully compliant with the NPPF in terms of its prescriptive nature.*
- 7.65 *Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:*
- a) 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;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*
- 7.66 The existing development at Creighton Place whilst of a high quality has deviated somewhat from the local vernacular although this is present in other development north of the historic core particularly to the west. The proposal would retain elements of continuity through the proportions, materials and opening styles with Creighton Place but would reduce in height as the development would border the open countryside the appearance of which would be further mitigated through the landscape buffer.
- 7.67 Overall the design of the development is considered acceptable and in accordance with S16 of the ACS and the NPPF.

Summary

- 7.68 Whilst the visual impact is largely considered acceptable, the introduction of development to this location as incursion into the open countryside is considered to have an impact on the character of the area. The implications of this have been addressed further in Planning Balance.

Amenity

- 7.69 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 received on this issue have been considered below.

- 7.70 *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.*
- 7.71 *Paragraph 127 of the NPPF states that planning decisions should;*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 7.72 As part of the consultation response from Highways Development Management (HDM), a construction method statement has been approved that secures 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. Alongside this would be measures to manage surface water drainage as set out by the Lead Local Flood Authority (LLFA) over the construction period.
- 7.73 Given the open aspect of the development to the north, east and west; impact would be limited to properties south of the development site. The separation distances and reduced height and scale of the dwellings are such that the development would not have an overbearing impact or cause significant loss of privacy.
- 7.74 Within the dwellings again, the development would provide sufficient space between properties and allowing for reasonably sized curtilage space that would not have an adverse impact on properties within the site.
- 7.75 The impact on amenity is therefore considered acceptable in accordance with CD32 of the ALP and the NPPF.

Historic Environment

- 7.76 *S15 of the ACS sets out that the District Council will conserve and enhance a strong sense of place by conserving the district's built and historic environment.*
- 7.77 *Paragraph 184 of the NPPF sets out that Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation*

Archaeology

- 7.78 The proposed development is located in wilder landscape that was previously considered to have potential for undiscovered archaeological features. The application has been submitted with a Heritage Statement with an

archaeological desk-based assessment which has been reviewed by the County Archaeologist (CA).

- 7.79 *BE2 of the ALP sets out that planning permission will not be granted for development detrimental to sites of regional or local archaeological importance, unless there is an overriding need for the development and no alternative location can be found. Where the impact of the development is not clear, the developer will be required to provide an archaeological assessment.*
- 7.80 *Paragraph 189 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*
- 7.81 The CA has reviewed the submitted information concluding that, whilst a desk-based assessment has been submitted, there has been previous archaeological evaluation at part of the development to the south which resulted in no significant discoveries. The CA has concluded that no further work is required with no conditions recommended.
- 7.82 The recommendation is therefore subject to this aspect of the development proposal to ensure accordance with BE2 of the ALP, S15 of the ACS and the NPPF.

Conservation Area

- 7.83 The site is located north of the Embleton Conservation Area however, due to the scale of the development there is considered potential to affect its setting. The application has been submitted with a heritage statement which has been subject to consultation with Building Conservation (BC).
- 7.84 *Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of conservation areas.*
- 7.85 *Annex 2 of the NPPF sets out that the setting of a heritage asset is The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
- 7.86 Despite the location of the site, the development would serve as an extension to a modern development. BC has set out that the proposal would not affect views into or out of the Conservation area given the fully implemented development at Creighton Place. No objections and a position of no harm has been stated for this application.
- 7.87 The impact on the Conservation Area is therefore considered acceptable in accordance with S15 of the ACS and the NPPF.

Natural Environment

Ecology

- 7.88 Due to the site bordering the open countryside to the north and its undeveloped state, there is considered to be potential for the development to have on-site ecological impacts. The application has been submitted with an Ecological Assessment which has been reviewed by the County Ecologist (CE).
- 7.89 *S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity.*
- S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.*
- 7.90 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.91 The CE has set out that there are no issues arising from the proposal subject to the avoidance, mitigation and enhancement measures set out in the report. A further condition has been set out to secure details of the Landscape Environmental Management Plan which would serve alongside the legal agreement for the management of the landscape buffer.
- 7.92 Therefore the ecological impact of the proposal can be suitably mitigated in accordance with S3 and S12 of the ACS and the NPPF.

Contaminated Land

- 7.93 Part of the site to the east is within the high risk coal referral area, the site has also been subject to previous agricultural uses. The application has been submitted with Phase 1 and 2 ground investigation reports as well as a Coal Mining Risk Assessment (CMRA) which have been assessed by Public Health Protection (PHP).
- 7.94 *S3 of the ACS sets out within its sustainability criteria that any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated.*
- 7.95 *Paragraph 178 of the NPPF states that decisions should ensure that;*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities*

such as mining, and any proposals for mitigation including land remediation.

Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 7.96 PHP have objected to the proposal due to the reports only covering part of the site (as they were used for the application at Creighton Place) with the Phase 2 monitoring yielding results to the north of the investigation area that would require further assessment of the wider site. The applicant is currently preparing the required report for submission however, this issue must be addressed prior to issue of a future decision which is reflected in the recommendation. Overall, given the recent development to the south, it is considered reasonable to progress the application to committee.
- 7.97 The site to the south has demonstrated that the ground gas/contamination issues are not substantial to prevent the imposition of development in this location. However the requisite information is required prior to determination before matters can be conditioned.
- 7.98 The determination of the application is therefore subject to addressing this matter prior to issue of a future decision.

Coal Legacy

- 7.99 The site is partially within the high risk coal referral area, the application has been submitted with a CMRA to address matters relating to previous coal mining on the site.
- 7.100 The Coal Authority has set out that their records indicate that there is potentially a mine entry, recommending a condition to secure intrusive site investigations to ascertain its location and any implications this may have on stability which has been included in the recommendation.
- 7.101 The coal legacy issues of the site have therefore been suitably addressed in accordance with the NPPF.

Transport

- 7.102 Transport considers the impact the development would have in terms of vehicle movements, the internal layout of development and pedestrian connectivity. The site would be accessed from an existing residential road within Creighton Place onto a cul-de-sac arrangement. The application has been assessed by Highways Development Management (HDM). Objections received relating to this issue has been considered in this section.
- 7.103 *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.*
- 7.104 *Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable*

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.105 HDM have raised no objection to the principle of new development in this location or with issues of highway capacity relating to the existing route into the estate. The proposal would utilise the existing main access into Creighton Place onto an estate road/cul-de-sac leading to shared surface areas to the east/west. The adoptable elements of the road would be limited to the main access into the site. The requested conditions have been set out in the recommendation and would secure the delivery of a gateway feature to the north end of the settlement which preliminarily has been agreed to be an interactive speed sign and associated works subject to agreement from Embleton Parish Council to take on future management/maintenance.
- 7.106 The Parish Council has raised issue in their objection over the construction being through the existing estate. Whilst this is acceptable as a temporary measure the applicant is exploring the option of forming an access from Station Road. Whilst this would also be acceptable as an arrangement to HDM, further details would be required including the inclusion of passing places which would be part of a future Construction Method Statement (required by condition). A further condition has been added to ensure that a possible future construction access does not become a secondary entrance into the site. Notwithstanding this, the primary issue from Embleton Parish Council, could be addressed but is not necessary or evidenced to make the development acceptable.
- 7.107 The transport impact is therefore considered acceptable; neither causing an unacceptable impact on highway safety or cumulatively leading to a severe impact, in accordance with S11 of the ACS and the NPPF.

Water Management

- 7.108 The application is for major development and has been accompanied by a drainage strategy. The development would dispose of foul water to the mains and surface water via Sustainable Drainage System (SuDS) which has been subject to consultation with the Lead Local Flood Authority (LLFA) and Northumbrian Water (NWL). Objections received relating to this have been considered in this section.
- 7.109 *Paragraph 165 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 7.110 NWL has raised no objection subject to secure measures outlined within the drainage strategy. The LLFA have also raised no objection with conditions to secure further details particularly relating to the operation and detailing of the SuDS basin.
- 7.111 Therefore water management can be successfully undertaken on site in accordance with the NPPF.

Other Issues

Public Consultation

In response to issues raised over the consultation period that have not been addressed in the main body of the report;

7.112 *Potential conflict with emerging policy including the Embleton Neighbourhood Plan*

The ENP is not at a stage where weight can be attached. Notwithstanding this, at the time of writing the ENP website shows a settlement boundary that includes this site.

7.113 *Site is outside of previous settlement boundary*

This policy from the ALP is no longer saved and carries no weight.

7.114 *Issues with potential second home ownership/ enforcement of principal occupancy.*

The development proposes dwellings as principal residence, the LPA has existing approved development with such a restriction which has been tested through case law (elsewhere in the country).

Conditions

7.115 *Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*

7.116 Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation. Pre-commencement conditions have been imposed as part of this permission which are considered necessary.

Procedural Matters

Equality Duty

7.117 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

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

Human Rights Act Implications

- 7.119 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.
- 7.120 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.121 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

Planning Balance

- 8.1 The location of development is considered a suitable location for new residential properties. It is acknowledged that there will be an environmental impact resulting from the introduction of development to the area that can only partially be mitigated through the design of the proposal as the main issue is a matter of character through the introduction of development outside of the main built form of Embleton.
- 8.2 *Paragraph 8 of the NPPF sets out the three overarching objectives (economic, social and environmental) stating that they are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure gains across each of the different objectives).*

Paragraph 9 of the NPPF sets out that the objectives are not criteria which every decision can or should be judged and that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 8.3 Whilst there are no saved restrictive policies to prevent development adjacent to the settlement, the proposal would introduce development into the open countryside. As a result a balance of the benefits is required if the environmental impact of the development is to be overcome.
- 8.4 The application was submitted as 100% principal residence dwellings which, although not within development plan policy, is an issue to be addressed in the emerging NLP and ENP. Whilst there would be support through emerging policy the evidence base that supports them holds very limited weight and therefore the provision of this, whilst in the spirit of emerging policy, can only carry limited weight as a social benefit.
- 8.5 The proposal would put forward 25% of dwellings as affordable which is in excess of the sought amount, 15% at the time of writing, to be uplifted to 20% in future (in line with the SHMA). This is considered to carry further, but limited social benefit.
- 8.6 The application was revised to extend the boundary to provide a landscape buffer to the development. The rationale is to further soften the impact of the proposed and existing developments and improve the setting of Embleton from the northern approach. This has taken the form of a large area with a landscaping scheme submitted, alongside this would be a management plan for a period of ten years to ensure establishment as part of the proposal. In addition to the visual improvements, this would also provide an ecological enhancement as part of the scheme. This is considered to again provide net benefits to the scheme and provide a sensitive settlement edge to prevent future development to the north.
- 8.7 Overall, the benefits provided as part of the scheme are considered to outweigh the harm to the open countryside and development outside of the main settlement envelope to provide a scheme that would better integrate and resolve the wider context visually through its obligations whilst socially providing benefits to the village.
- 8.8 The proposal is therefore considered sustainable development in the context of the NPPF.

Summary

- 8.9 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Neighbourhood Plan and Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

- 8.10 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.
- 8.11 A legal agreement to secure the obligations/contributions is set out in the recommendation.
- 8.12 The technical issues affecting the proposal have been suitably addressed to progress the application committee. However there are outstanding contaminated land matters which are to be resolved prior to a decision being issued.
- 8.13 Subject to resolution of the outstanding matter, the application would have addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to the expiry of consultation period, resolution of outstanding matters and the imposition of additional conditions deemed necessary and relating to;

- Public Health Protection - Contaminated Land Issues;

A Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:

- Principal Occupancy Restriction;
- 10-year Management Plan for the Landscape Buffer;
- 4 Units of Affordable housing (25%);
- £48,000 Education contribution;
- £9,600 Coastal Mitigation contribution; and

The following conditions;

Conditions

01. Time to Commence Development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02. Approved Plans

Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number;

Layout Plans

Red Line Plan CPT-251 PL01 rev B
Proposed Site Plan CPT251 PL02 rev D
Adoptions Plan CPT251 PL05 Rev C

Garage Plans

G101-1 - Detached Sgl Garage

G101-3 - Single Garage

G201-2 - Detached Dble Garage

House Plans

PL-TF-P9_P10-1 - B201 & B301 Plots 9 & 10

PL-TF-P9_P10-2 - B201 & B301 Plots 9 & 10

PL-TF-B201-1 - B201 2 Bed / 3 Person

PL-TF-H301-1 - B301 3 Bed / 5 Person

PL-TF-H405-1 Rev A - H405 4 Bed / 8 Person

PL-TF-H405-2 - H405 4 Bed / 8 Person

Reason: To ensure the development is carried out in accordance with the approved plans

Development Management

03. Details of Material Finishes to be Submitted

Notwithstanding any description of the materials in the application, no development above damp proof course level (or 150mm above ground level) shall be commenced on dwellings until;

- a) Precise details, to include samples, of the materials to be used in the construction of the external walls, to include details of fixing, coursing, pointing and texture (where applicable);
- b) Precise details, to include samples, of the materials to be used in the construction of the roof surfaces and rainwater goods to be used on the dwellings; and
- c) Details of the materials proposed to the boundary treatments.

Have been submitted to, and approved in writing by, the Local Planning Authority. All approved details to be used in the construction of the development shall conform to the materials approved.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with the provisions of Policy S16 of the Alnwick LDF Core Strategy.

04. Details of Site Levels to be Submitted

Notwithstanding details contained within the approved documents, prior to the construction of the development hereby approved, details to include;

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy S16 of the Alwick LDF Core Strategy.

05. Approved Materials & Boundary Treatments

Notwithstanding details contained within the approved documents, the materials and boundary treatments for the development hereby approved shall be in accordance with those set out in the following documents;

1. PL-03 Rev C - Materials Plan
2. PL-04 Rev C - Boundary Treatments Plan

Reason: To ensure that the visual impact of the development is acceptable in accordance with Policy S16 of the Alwick LDF Core Strategy.

County Ecologist

06. In Accordance with Ecological Report

No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Extended Phase 1 Habitat Survey and Update 2018. Land north of Creighton Place, Embleton, Northumberland. AES Ltd.') and this condition, including, but not restricted to;

- a) Adherence to 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2009' top ensure no light spill onto existing hedgerows, trees, new areas of woodland and scrub.
- b) Adherence to landscaping plan (drawing number 823-01 B) with the following alterations:
 - Removal of the use of non-native species to Northumberland from the planting scheme
 - The production of a revised planting scheme, that includes the species of bulb to be used. Species of spring bulb will be native to Northumberland. The revised planting scheme will be submitted to and agreed in writing with the LPA prior to construction commencing. To be fully implemented during the first full planting season (November - March inclusive).
 - The approved scheme shall be implemented in full prior to the dwelling being occupied.
- c) Production and implementation of a pollution prevention management plan. To be submitted to and agreed in writing with the LPA prior to construction commencing and fully implemented as approved.
- d) Any deep (in excess of 300mm) excavations left open overnight to be either securely covered, fenced or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.
- e) No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

- f) Root protection zones will be implemented around all retained trees and hedgerows in accordance with the guidance given in BS5837.
- g) Gaps of 13cm x 13cm arched holes are provided in every boundary fence for houses to allow for free movement of hedgehogs.

Reasons: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the NPPF.

07. Details of Bat & Bird Boxes to be Submitted

Prior to construction of the development hereby approved, details for the Installation of;

- a) Provision of integrated bat boxes for the development;
- b) Provision of integrated bird boxes for the development;
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority to be of types as specified in drawing number 823-01 B. The approved scheme shall be implemented in accordance with the program of delivery unless the requirement is otherwise dispensed of in writing by the Local Planning Authority.

Reason: In the interests of protected species in accordance with the National Planning Policy Framework.

08. Amphibian Method Statement to be Submitted

Notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved the production of

- a) An amphibian method statement;

Shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be implemented during the construction period.

Reason: In the interests of protected species in accordance with the National Planning Policy Framework.

09. Landscape & Ecological Management Plan (LEMP) to be Submitted

Notwithstanding details contained within the application. Prior to construction of the development hereby approved, a landscape and ecological management plan (LEMP) for the area as set out in 'INSERT PLAN HERE' to include;

- a) Description and evaluation of features to be established and managed.
- b) Aims and objectives of management.
- c) Appropriate management options for achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- f) Details of the body or organisation responsible for implementation of the plan.

- g) Ongoing monitoring and remedial measures.
- h) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- i) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved LEMP shall be implemented in accordance with the program of delivery and managed accordingly.

Reason: to conserve and enhance the natural environment in accordance with the National Planning Policy Framework.

Coal Authority

10. Details of Intrusive Site Investigations to be Submitted

Prior to construction of the development hereby approved, details of site investigations to include;

- a) The undertaking of the scheme of intrusive site investigations as identified within Section 6 of the Coal Mining Risk Assessment prepared by Fairhurst ref: 99938 (dated August 2018 in order to establish the risks posed to the by past coal mining activity;
- b) The submission of a report of findings arising from the intrusive site investigations and any remedial works / migratory measures considered necessary, including the submission of a layout plan which identifies the location of the mine shaft together with identified zones of influence of the mine entry;
- c) Implementation of the remedial works and/or mitigation measures;
- d) Program of delivery (in the event that remedial works are required).

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery.

Reason: To ensure that there are no adverse impacts arising from development in the high risk coal referral area.

Highways Development Management

11. Construction Method Statement (including Plan) to be Submitted

Prior to commencement of the development hereby approved a Construction Method Statement where applicable, to provide for:

- a) Details of temporary traffic management measures, temporary access, routes and vehicles;
- b) Vehicle cleaning facilities;
- c) The parking of vehicles of site operatives and visitors;
- d) The loading and unloading of plant and materials;

- e) Storage of plant and materials used in constructing the development; and
- f) Measures to control the emission of dust and dirt.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction/demolition period.

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

12. Details of Adoptable Streets to be Submitted

Prior to occupation of the development hereby approved, details for the streets proposed for adoption to include;

- a) Full engineering;
- b) Drainage;
- c) Street lighting; and
- d) Constructional details

Shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework

13. Management and Maintenance of Estate Streets

Prior to commencement (but excluding demolition) of the development hereby approved details of;

- a) Proposed arrangements for future management of streets;
- b) Details of maintenance of the proposed streets.

Shall be submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

14. Details of Off-Site Highway Works to be Submitted

Notwithstanding the details provided, prior to construction of dwellings on the development hereby approved, schemes to provide:

- a) A traffic calming/gateway feature within highway limits on the B1339 to the north of Embleton Village; and

b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be delivered in accordance with the programme of delivery which will be expected to be prior to occupation.

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

15. Highway Site Levels to be Submitted

The development as hereby approved shall not commence until details of the existing and proposed site levels to include;

- a) Existing Ground Levels;
- b) Proposed Road levels; and
- c) Proposed verge/open space levels; and
- d) Proposed footway/cycleway levels.

Have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

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

16. Details of Surface Water Drainage From Private Land to be Submitted

Prior to occupation of the development hereby approved, a scheme for surface water to include;

- a) Details to manage run off from private land;
- b) Details of maintenance;
- c) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the programme of delivery and thereafter maintained in accordance with the approved details.

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

17. Road Construction for Occupation

Prior to occupation of the development hereby approved, the proposed roads, including footpaths and turning spaces where applicable, shall Be constructed in such a manner as to ensure that each dwelling before it is occupied and be served by a properly consolidated and surfaced carriageway and footpath to at least binder course level, with operational street lighting, between the dwelling and existing highway. All manhole covers and gulley frames shall be set to the level of the

temporary running surface until immediately prior to the laying of the final wearing course.

Reason: To ensure that development is served by a satisfactory means of access.

18. Restrict Access Route

No vehicular through-route shall be permitted to the western boundary of the development site (Station Road), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

Northumbrian Water / Lead Local Flood Authority

19. In Accordance with Drainage Statement (Discharge Rate to be Submitted)

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Statement" dated "12/07/2018". The drainage scheme shall;

- a) Ensure that foul flows discharge to the foul sewer at manhole 7902
- b) Ensure that surface water discharges to the surface water sewer at manhole 6103.
- c) The surface water discharge rate shall not exceed the available capacity of 16.6 l/s which has been identified in this sewer.
- d) The final surface water discharge rate shall be approved in writing by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework.

Lead Local Flood Authority

20. Surface Water Drainage Scheme to be Submitted

Prior to commencement of development a scheme to dispose of surface water from the development that shall;

- a) Be in general accordance of the Flood Risk Assessment Drainage Strategy from Coast Consulting, reference 1850-01 Rev P2;
- b) Include full updated drawings for the revised upsized SuDS basin;
- c) Include details of the base of the basin and whether this is to be dry channel;
- d) Include details of any headwalls and grilles within the basin;
- e) Provide a program of delivery;
- f) Be supported by a health and safety assessment;
- g) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the program of delivery.

Reason: To ensure the effective disposal of surface water from the development.

21. Details of Adoption & Maintenance of Sustainable Drainage Systems (SuDS) to be Submitted

Prior to first occupation details of SuDS management to include details of;

- a) The adoption of all SuDS features;
- b) Maintenance schedule and log; and
- c) Programme of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme for SuDS management shall be implemented in accordance with the programme of delivery and the approved details.

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

22. Details of Overland Surface Water Management to be Submitted

Prior to construction of the development hereby approved a scheme to include details of;

- a) Mitigate any overland surface water flows into the development and the SuDS Basin; and
- b) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme for overland surface water management shall be implemented in accordance with the programme of delivery and the approved details.

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

23. Details of Surface Water Disposal over Construction Phase to be Submitted

Prior to commencement of development, details to include;

- a) Measures for the disposal of surface water from the development through the construction phase.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction phase until such time that the approved surface water drainage scheme (of this permission) has been fully implemented.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

1. Protected Species

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

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

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

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

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

2. Trees

Where trees/shrubs are to be planted, following link advises on species appropriate to Northumberland:

<https://www.nwt.org.uk/sites/northumberland.live.wt.precedenthost.co.uk/files/files/Notes%20on%20Tree%20Planting%20And%20The%20Use%20of%20Native%20Species%20In%20North%20East%20England.pdf>

3. In built bird and bat boxes

Bat and bird boxes should be installed within the structure of the new building/s i.e. be integrated within the building. This ensures the longevity of the feature. A web search for 'integrated bird boxes' or 'integrated bat boxes' will provide information about designs and suppliers.

Further information on bats in buildings can be found at;

http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html
http://www.bats.org.uk/pages/bat_boxes.html#Integrated%20bat%20boxes

4. Native species

Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife, and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties, and will bring a sense of local distinctiveness to planting schemes.

Suppliers of these species can easily be found on the internet, but an especially good resource is the Flora Locale website; this provides extensive advice but also has a list of suppliers that have signed up to its code of conduct for the growing and supply of native plants.

<http://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

Date of Report: 11.09.2018

Background Papers: Planning application file(s) 18/02583/FUL