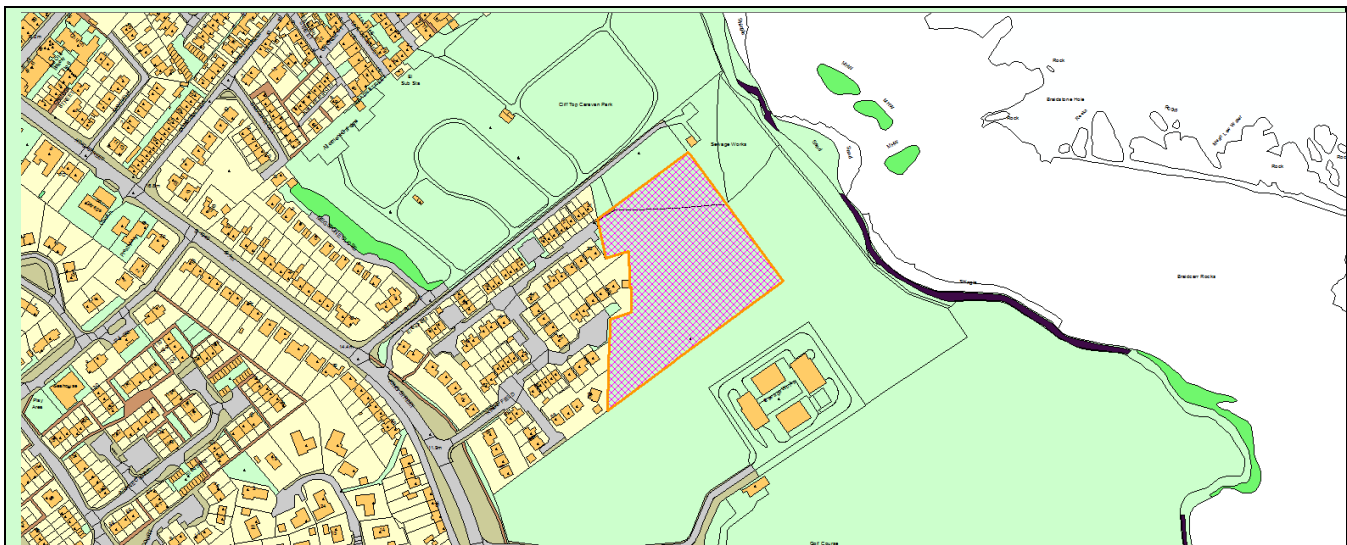




# Northumberland County Council

## North Northumberland Local Area Committee 20<sup>th</sup> September 2018

<b>Application No:</b>	17/00931/FULES		
<b>Proposal:</b>	32 Principal Occupancy Dwellings (100% Affordable) - Amended 16/08/18		
<b>Site Address</b>	Land East Of Kingsfield, King Street, Seahouses, Northumberland		
<b>Applicant:</b>	Mr N Thompson Goldensands Holiday Park, Beach Road, Cresswell, Morpeth Northumberland NE61 5LF	<b>Agent:</b>	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Ind. Est., Ponteland, Newcastle Upon Tyne NE20 9SD
<b>Ward</b>	Bamburgh	<b>Parish</b>	North Sunderland
<b>Valid Date:</b>	13 March 2017	<b>Expiry Date:</b>	21 September 2018
<b>Case Officer Details:</b>	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: <a href="mailto:Ragu.Sittambalam@northumberland.gov.uk">Ragu.Sittambalam@northumberland.gov.uk</a>		



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## 1. Introduction

7.1 Under the provisions of the Council's current Scheme of Delegation, this application has been subject to a material objection from North Sunderland Parish Council and was therefore reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council. It was confirmed that the application should be referred to Planning Committee for determination.

The application is recommended for REFUSAL.

7.2 The application was amended as follows;

- 16/08/18 – Revision to the number of dwellings and for 100% affordable/principal occupation. The site location plan and plans were amended with full re-consultation carried out.

## 2. Description of the Proposals

2.1 The application site is located toward the east side of Seahouses, a village spatially associated with North Sunderland within the North Northumberland Coast. The land is set to the east of the existing Kings Field Estate, a residential development on the approach to Seahouses from the south.

2.2 The land is approximately 1.48ha bound by a caravan park to the north, the coast separated by a path to the east, agricultural land with the Northumbrian Water Sewage Treatment Works to the south and existing residential development to the west. The land is accessed from the existing Kings Field Estate off Kings Street (B1340) a main route into the settlement that converges with the village centre to the north.

2.3 The application seeks planning permission to;

- Extend access from existing estate roads at two points on Kings Field (north and south) onto an extended estate road that would connect.
- Erect 32 dwellings as follows;
- 11 no. 2-bedroom bungalows
- 10 no. 3-bedroom properties (2 x 1.5-storeys and 8 x 2-storeys)
- 11 no. 4-bedroom properties (5 x 1.5-storeys and 6 x 2-storeys)
- The dwellings would be of brick, stone and render with slate roof coverings.
- Introduce soft landscaping to the south-east corner of the site with a continuation of the stone wall to the southern boundary.
- The dwellings are proposed to be 100% affordable with a restriction to only allow occupation as principal residence (sole place of residence).

2.4 The site is subject to the following policy constraints;

- Without allocation within the Berwick-Upon-Tweed Local Plan (white land)
- Outside the Seahouses & North Sunderland Settlement Boundary as set out in the North Northumberland Coast Neighbourhood Plan (NNCNP).
- Within Designated Coastal Strip within the NNCNP.

2.5 The site is subject to the following environmental constraints;

- Within the Northumberland Coast Area of Outstanding Natural Beauty (AONB) and Heritage Coast
- Impact Risk Zone SSSI
- Ecologically designated sites of North Northumberland Dunes Special Area of Conservation.
- High Risk Coal Referral Area - Within the site.

2.6 The proposal was screened under Part 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and found likely to give rise to significant environmental effects. Therefore, the application is EIA development and an Environment Statement has been submitted with the application.

### 3. Planning History

**Reference Number:** 13/00124/OUTES

**Description:** Outline: Mixed use development with market housing, affordable housing, new health village and self catering holiday accommodation (access, layout and scale to be considered)

**Status:** Pending Determination

**Reference Number:** N/78/B/0280/P

**Description:** Proposed single storey building to house access stairway, ventilation shaft, control telemetry and gas detection equipment for an underground sewage tank.

**Status:** Permitted

### 4. Consultee Responses

<b>North Sunderland And Seahouses PC</b>	<b>Objection;</b>  1. The North Northumberland Coast Neighbourhood Plan has been brought into legal force and one of its aims to prevent the continuation of contentious developments should be considered.  2. This development is outside the Neighbourhood Boundary which was agreed to prevent urban sprawl.  3. This is a green space area considered highly important to people and is to be protected  4. It is a wildlife habitat  5. It is noted that there is to be no build in front of the cliff top path  6. This amended plan shows entrances through the Kingsfield estate which would allow a substantial increase in traffic through the estate and onto King Street which is now a very busy road with increased visitor numbers. Kingsfield residents are already concerned that emergency vehicles would
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	<p>be unable to access the estate to vehicles parked on both sides of their roads</p> <p>7. The plans showing the access routes remove parking areas for the two houses near the play park</p> <p>8. With the high increase in the number of properties built in the three villages included in the Neighbourhood Plan over the last years, the increase in the volume of waste through the sewerage works in Seahouses means it is unable to cope satisfactorily. There are continuous complaints of the drop in water pressure and frequent visits from Northumbrian Water to Kingsfield and properties in King Street to clear problems with toilets</p> <p>9. The area by, and including the play park, is still under dispute due to confusion in the signing off of the 106 agreement</p> <p>10. This proposed development is far too large. The Neighbourhood Plan states that 9no. dwellings is considered an acceptable amount</p> <p>11. The Parish Council does not agree that large 3 bed and 4 bed dwellings are affordable. These would be unattainable for many residents on low and seasonal wages and there is a need for genuinely affordable dwellings for purchase or rent</p> <p>12. The explosion of dwellings used as holiday lets and second homes has meant lack of year round facilities available locally for people in the community, In order to maintain a sustainable community, houses should be sold/rented for permanent residency in perpetuity</p>
<p><b>Affordable Housing (AH)</b></p>	<p><b>Obligation Required; 5 Units</b></p> <p>Seahouses is considered to be a suitable and sustainable location for a limited number of affordable homes although this application should be balanced against other sites in the area which are likely to meet the identified housing needs.</p> <p>There has been no new affordable homes provided at Seahouses for several years although Karbon and Bernicia(Four Housing) have provided new affordable homes at nearby Beadnell</p> <p>A recent planning application (currently minded to approve) for 20 affordable homes at Land South West Of St Cuthbert Close, Main Street and an application to be submitted by Bernicia for 9 no. new homes are both likely be granted full permission; the latter based on a previous application which is being revised to remove the contentious element.</p> <p>Expressions of interest have been sought from the main local Registered Provider (RP) and other RP's for this scheme and feedback on housing needs in the area from this exercise has helped to inform the conclusions.</p> <p>Although it is clear that there is a need for new rented affordable homes at Seahouses, the number is limited and it will be met by the developments anticipated at St Cuthberts Close and Stone Close in the short to medium term of the next three years. Further rented homes supply could damage the viability of existing RP stock at Seahouses and Beadnell.</p>

	<p>Looking at home ownership options including discount market value (DMV) and shared ownership (SO), these options could work however there is no hard evidence to balance the use of an exception site for this purpose. The recent 2018 SHMA does show evidence of the need for affordable home ownership options on a county wide basis but not a micro level that would justify the use of this exception site. In a non exception site application we have been happy to accept the market research and consequent risk taken by developers when providing DMV and SO homes.</p> <p>Although this application offers 100% affordable homes, it is difficult to reconcile the identified housing need for rented homes with the likely delivery on other current local sites, and the impact an oversupply would have on existing RP stock. There is a lack of hard evidence to assess affordable home ownership options to meet proven local housing needs.</p>
<p><b>Education</b></p>	<p><b>Obligation Required; £70,400</b></p> <p>Primary :</p> <p>The primary school in the catchment area is Seahouses Primary, currently with 88 pupils in a school with a capacity of 115 places (77% occupancy). On this basis no Primary Contribution is sought.</p> <p>Secondary:</p> <p>The secondary school within the catchment area is the Duchess High School Alnwick. Following reorganisation in 2016 this School is close to capacity with 1184 places full of a total capacity of 1250. Furthermore when the calculation is adjusted to include the 94 predicted pupils from the approved 826 new build properties in the wider Alnwick area, there is no surplus capacity. A contribution is therefore required in respect of the likely 4 additional secondary pupils arising from this development, in line with the calculation below. The current spare capacity falls far short of the 5% advocated by the Department for Education.</p> <p>SEND Provision:</p> <p>Due to the relatively low number of units and consequently the reduced chance of SEN pupils, no SEN contribution is requested.</p> <p>A total contribution of £70,400 is requested in respect of this development, on the basis of pressures on secondary places.</p>
<p><b>Health Care CG</b></p>	<p><b>Obligation Required; £19,800</b></p> <p>Once notified of the revised application the CCG considered internally if there was likely to be a need for a contribution. Due to the large numbers of new homes planned for the village and the current capacity pressure on the GP practices, we considered an expansion of infrastructure was highly likely to be needed. We already have confirmation from the GPs serving Seahouses that a scheme consisted of 32 new homes would require a section 106 contribution to provide infrastructure capacity for the new residents.</p> <p>We would request that a single payment of £19,800 is required from the developer. As the sum is so small, and this should be on completion of the first dwelling.</p>

<p><b>Northumberland Coast AONB Partnership</b> (NCAONB)</p>	<p><b>No Objection;</b></p> <p>The Northumberland Coast AONB Partnership is pleased to note that the applicant has responded positively to the landscape assessment commissioned by the Council, specifically by ensuring that access to the site is through the existing Kingsfield estate, by reducing numbers and by stepping down roof heights from two story to one and half storey to single storey towards the north-east boundary of the site.</p> <p>As a result given the findings of the landscape assessment and the way that the applicant has responded to its recommendations, and given the location of the site adjacent to the existing Kingsfield development and the caravan park, the Partnership does not consider this to be major development within the meaning of paragraphs 172-173 of the revised NPPF because it will not have a significant impact on the special qualities of the AONB.</p> <p>The Partnership welcomes the fact that the development is restricted to principal occupancy and is for 100% affordable housing as this now accords with Northumberland Coast AONB Management Plan policies above CE5 and LT1.</p> <p>However, the development is outside of the settlement edge and inside the coastal zone as defined in the North Northumberland Coast Neighbourhood Plan; on this basis the AONB Partnership remains unable to support this proposal.</p>
<p><b>County Archaeologist</b> (CA)</p>	<p><b>No Objection;</b></p> <p>In summary, this site falls within an area subject to a programme of archaeological evaluation undertaken to inform a previous planning application in 2013. A copy of the evaluation report has been submitted with this application.</p> <p>Although the evaluation did identify some archaeological features that will require mitigation, these features were located south of the present application and do not extend into the area of the proposed development.</p>
<p><b>County Ecologist</b> (CE)</p>	<p><b>No Objection;</b></p> <p>Thank you for consulting me about this revised application. I am pleased to note that the applicants are going to address recreational impacts on coastal designated sites through a contribution of £600 per unit to the Northumberland Coastal Mitigation Service, to be secured through a S.106 Agreement and to be payable on first occupation. A Habitats Regulations Assessment has been undertaken on this basis and is currently with Natural England for sign-off.</p>
<p><b>Natural England</b> (NE)</p>	<p><b>Further Information Required;</b> (Addressed by Agreement of Coastal Mitigation Contribution)</p> <p>As submitted, the application could have potential significant effects on the North Northumberland Dunes Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Without this information, Natural England may need to object to the proposal.</p>

<p><b>Public Health Protection (PHP)</b></p>	<p><b>Objects; Insufficient Information</b></p> <p>The Phase 1 (preliminary risk assessment - desk top) report provided with this application fails to assess the previous potentially contaminative use of the land. The applicant has undertaken a Phase 2 (Instability intrusive investigation), But this only relates to structural issues and not physical contamination or the potential impact of ground gases.</p> <p>The NPPF is clear in that a contaminated land assessment should be undertaken by a competent person taking into account the relevant British Standard. In addition to this, Northumberland County Council subscribe to the YALPAG Technical Guidance for Developers, Landowners and Consultants for Development on Land Affected by Contamination. As such this department is only able to accept reports that meet the standards set by this document. The reports submitted with this document do not meet this requirement and therefore Public Health Protection (PHP) are unable to adequately assess this application.</p> <p>Of particular concern is the presence of a mine shaft on the site which the applicant has not fully assess. The report claims that the shaft is outside the constraints of the site, however, the information the Council holds shows that the shaft is contained within the development. It would appear that the proposed location of this shaft will be either in very close proximity to a proposed dwelling, or perhaps even under it. Whilst it is possible to develop residential properties in close proximity to former mine shafts, an intrusive investigation is required to establish the actual location of the shaft, if any treatment is present and to formally identify an appropriate stand-off distance.</p>
<p><b>The Coal Authority (TCA)</b></p>	<p><b>No Objection; Condition Advised</b></p> <p>The Coal Authority concurs with the recommendations of the submitted Environmental and Mining Risk Assessment Desk Study - Phase 1 and Intrusive Site Investigation - Phase 2 Report (August 2017, prepared by North Point Consulting); that probable shallow mine workings potentially pose a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.</p> <p>The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.</p> <p>In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified are undertaken prior to commencement of the development.</p>
<p><b>Lead Local Flood Authority (LLFA)</b></p>	<p><b>No Objection; Conditions &amp; Informative Advised</b></p> <p>Reviewing the latest documents submitted we are now in a position to remove our objection to the development. We ask that the recommended conditions are appended to any granted planning permission.</p>
<p><b>Northumbrian Water Ltd</b></p>	<p><b>No Objection; Condition Advised</b></p>

(NWL)	<p>In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.</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 "Proposed Drainage Layout- N204". In this document it states Foul water will discharge to the foul water sewer at a new manhole downstream of existing manhole 3802 and at existing manhole 3803. Surface water will discharge to the water course.</p> <p>We would therefore request that the requested condition be attached to any planning approval, so that the development is implemented in accordance with this document.</p>
<b>Environment Agency</b> (EA)	<p><b>No Objection;</b></p> <p>We recommend that the 'Homeowners Pack' contains information regarding pollution prevention to stop contaminants entering the surface water drainage, and subsequently causing deterioration in Water Framework Directive (WFD) classification. In addition, we recommend this includes details of how to prevent misconnections.</p>
<b>National Planning Casework Unit</b>	<p><b>No Comment;</b></p> <p>I acknowledge receipt of the environmental statement relating to the above proposal.</p> <p>I confirm that we have no comments to make on the environmental statement.</p>
<b>Architectural Liaison Officer - Police</b>	<p><b>No Objection;</b></p> <p>In considering this application I have looked at the documents , in particular the Design &amp; Access and the proposed site layout. Having looked at the layout I can see some positive moves to help with preventing crime i.e. where possible the rear gardens have been set back to back, parking in general is either in garages or in curtilage and the units have been aligned so that streets are overlooked. It is also good that there is only one way in and one way out for vehicles.</p>
<b>Fire &amp; Rescue Service</b>	<p><b>No Objection;</b></p> <p>Further to your request the Fire Service have no objection in principle to the above proposals.</p> <p>More detailed comment can be given at Building Regulation Consultation stage.</p> <p>The Fire Authority would welcome details of the proposed water supply scheme in order to assess fire hydrant provision</p>



## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	53
Number of Objections	50
Number of Support	0
Number of General Comments	0

### Notices

Site notice - Departure & EIA 3<sup>rd</sup> April 2017

Press notice - Berwick Advertiser 21st December 2017

### Summary of Responses:

- 5.1 31 objections were received raising the following issues:
- No need for additional housing or holiday homes
  - Development will destroy the character and scenic beauty of the area
  - Impact on sewage and drainage
  - Development of greenfield land
  - Scale of development
  - Loss of habitat/impact on wildlife
  - Impact on residential amenity
  - Impact on highways
- 5.2 Following amendment of the application a further 16 objections raised the following additional issues;
- Highway impact on Kingsfield Estate
  - Conflict with the North Northumberland Coast Neighbourhood Plan
  - No exceptional need to develop outside the settlement boundary.
  - Sufficient land within the settlement to accommodate affordable housing.
  - Potential for the properties to be affordable.
- 5.3 Further issues relating to land ownership, issues arising during construction and loss of view were also raised but are not considered material in the determination of this application.
- 5.4 Issues have been raised in relation to an outstanding matter relating to a s106, however the implications of this following revision to the site boundary would not have a material impact on the proposal.
- 5.5 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=OMT6XIQS0J000>

## **6. Planning Policy**

### 6.1 Neighbourhood Plan Policy

NNCNP - North Northumberland Coast Neighbourhood Plan (2017)

Policy 1 Sustainable Development

Policy 2 Landscapes and Seascapes

Policy 3 Habitats and Species

Policy 4 Coastal Management and the Coastal Strip

Policy 5 Design in New Development

Policy 9 Sustainable Development Outside the Settlement Boundaries

Policy 14 Principal Residence Housing

### 6.2 Local Plan Policy

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

F1 Environmental Wealth

F5 Berwick-Upon-Tweed

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

F7 National Nature Reserves and Sites of Scientific Interest

F9 Wildlife

F10 Protected Species

F12 Trees and Woodlands

F30 Planning Obligation

F31 Social and Economic Welfare

M14 Car Parking Standards

S2 Five Year Housing Land Supply

S6 Affordable Housing

### 6.3 National Planning Policy

NPPF - National Planning Policy Framework (2018)

PPG - Planning Practice Guidance (2014)

Natural Environment Guidance (2016)

### 6.4 Other Documents

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

Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

Northumberland Landscape Character Assessment (2010)

Northumberland Coast AONB Management Plan (2014 - 2019)

Northumberland Coast AONB Design Guide for the Built Environment

Northumberland Coast AONB Landscape Sensitivity and Capacity Study (2013)

## **7. Appraisal**

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

development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay.

7.2 The adopted Development Plan where the site is located comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999) but is primarily lead by policies within the North Northumberland Coast Neighbourhood Plan (2018).

7.3 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.

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

- Principle of Development
  - Sustainability
  - Housing Land Supply
  - Rural Exception Site
  - Major Development in AONB
  - Summary
- Planning Obligations
  - Affordable Housing
  - Coastal Mitigation
  - Education
  - Health
- Visual Impact
  - AONB
  - Landscape
  - Design
- Archaeology
- Amenity
- Natural Environment
  - Ecology
  - Coal Legacy
  - Contaminated Land
- Transport
  - Highway Safety
  - Rights of Way
- Water Management
- Other Matters
  - Public Consultation
  - Conditions
- Procedural Matters

#### Principle of Development

##### *Sustainability*

7.5 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 is located within the Northumberland Coast Area of Outstanding Natural Beauty (AONB) immediately adjacent to the settlement of Seahouses which, once spatially separate from North Sunderland is now joined by development. The site sits next to existing residential development and would be readily accessible to a strong service base from the village that supports the settlement as well as smaller villages and hamlets in and around the North Northumberland Coast Area.

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

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

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

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

7.7 The application site is located outwith the defined settlement boundary for Seahouses and North Sunderland. The proposal was amended to be considered as an exception site of 100% affordable housing. This aspect has been appraised in *Rural Exception Site* which is fundamental to permitting development outside the settlement boundary in the absence of any further attributes that would support new development in this location.

7.8 The applicant has set out that the dwellings will be occupied as principal residence to be secured by way of legal agreement in accordance with Policy 1 and 14 of the NNCNP.

7.9 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*

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

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

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

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

- 7.10 The application seeks residential development on an area of land set to the edge of Seahouses but would spatially be bound by existing development. The site is not subject to any saved Local Plan allocation and therefore is considered white land. It is considered that development in this location would contribute to the vitality of North Sunderland and Seahouses based on BLP policy alone. Notwithstanding the Local Plan position, the Neighbourhood Plan has primacy in the determination of applications in accordance with Paragraph 21 of the NPPF whereby this matter is more appropriately dealt with as a strategic policy through the Neighbourhood Plan.
- 7.11 *Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*
- 7.12 The NPPF does not provide a definition of major development in the context of Paragraph 172. Case law has shown that major development is not quantifiable; and is therefore a matter of planning judgement in respect of the proposal put forward and context of the site. This aspect has been appraised in *Major Development in the AONB* and is intrinsic to the principle of development.

#### *Housing Land Supply*

- 7.13 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.
- 7.14 *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.*
- 7.15 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.

- 7.16 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.
- 7.17 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.

#### *Rural Exception Site*

- 7.18 The application proposes residential development of affordable housing to be considered as a rural exception site. In assessing the need for such a site, the application has been subject to consultation with Affordable Housing (AH).
- 7.19 This has been supported by a submission from the agent setting out the rationale for the housing mix proposed referring to details contained within the Northumberland Strategic Housing Market Assessment (2018). From this the agent sets out;
- 7.20 *“The North Delivery Area is divided into various Housing Market Areas and Seahouses falls into Housing Market Area 3 which relates to Wooler and the North Cheviots. The key features of this area is that it is a visitor destination with many second homes (this is also underlined by the Second and Holiday Homes Technical Paper), and it is highly attractive to incomers. It also highlights the fact that there is little new build and there is identified lack of market rental 3 bed roomed properties; the private rented sector is small and there is no suitable housing for young single people. The re-sale houses are attractive to incomers resulting in the proportion of older people growing in this area. Overall, this results in a gap for local up-sizers who have young families and want to take the next step on the property ladder.*
- 7.21 *Overall, it is clear that the area in which the application is sited (Wooler and North Cheviots) that there is a demand for accommodation for young single people and up-sizers. There is also a demand by the older population to move into properties between 1 and 3 bedrooms in size. It is considered that this proposed development that includes a mix of house types between 2 and 4 bedroomed properties can meet the demand of single young people, older people looking to downsize but also the up-sizers who are looking for family*

*accommodation. It is out view that if a town like Seahouses is to attract a permanent residential population then there must be a mix of new housing and that this must include 3 and 4 bedroomed properties for families.”*

7.22 *S6 of the BLP sets out that land which would not otherwise be released under the terms of the Plan, may be released, provided the Council is satisfied;*

- iii) that needs arising are not met by other provisions; and,*
- iv) that the development is not detrimental to the area's character and appearance.*

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

7.24 *Paragraph 77 of the NPPF states that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*

7.25 *Annex 2 of the NPPF defines rural exception sites as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.*

7.26 From the policy framework of the NNCNP, BLP and NPPF; in order to be considered as a rural exception site, the development;

- should be located where housing would not normally be approved,
- where there is an identified local need;
- that new affordable homes are provided in perpetuity; and
- that there would not be an adverse impact on the landscape.

7.27 The AH has reviewed the submitted information and consulted with Registered Providers; this has provided an overview of Homefinder statistics highlighting that whilst there has been substantive demand for affordable properties in the area the RP feedback is that the demand would likely be catered for in the short-medium term from existing/committed development. From this, AH has agreed that there is insufficient local demand to support an affordable housing proposal of this number as a rural exception site.

7.28 There is regard to application ref:17/01819/OUT which at the time of writing has a recommendation that is minded to approve subject to the making of a legal agreement for 20 affordable dwellings. This is considered to be a

committed development for the purposes of the appraisal and would provide a significant boost to the affordable housing supply in the area. In addition, there is a now withdrawn application under 18/00887/FUL which has been withdrawn but is understood to be resubmitted to deliver up to four additional affordable homes within the settlement. Having regard to the above, there could be potential oversupply of affordable homes from the implementation of applications and so would not meet the aims of the NPPF to satisfy an identified need in the absence of robust justification from the applicant or the Local Planning Authority.

- 7.29 Irrespective of this, the agent has identified the potential of development of this kind to address aspects of the SHMA but given the affordable housing supply position is not considered to substantially outweigh the land allocation as development outside of the settlement boundary. Nor is there considered to be supporting evidence within the NNCNP to demonstrate an identified need for affordable housing in Seahouses.
- 7.30 Issues of landscape impact are detailed within the Visual Impact section; however it is considered that the development could be accommodated without significant adverse impact.
- 7.31 The proposal is not accepted as an exception site due to insufficient and undemonstrated need. Therefore the application proposes inappropriate development outside of the settlement boundary and would conflict with Policy 9 of the NNCNP; S6 of the BLP and the NPPF.

#### *Major Development in the AONB*

- 7.32 As previously set out, major development in the AONB is not defined and is a matter of planning judgement. The way in which this has been addressed is through the scope of the development and site context.
- 7.33 *Paragraph 5 of Natural Environment Guidance within the PPG sets out that whether a proposal should be treated as major development will be a matter for the relevant decision taker, taking into account the proposal in question and local context.*
- 7.34 The site comprises of open field of a relatively flat gradient extending from existing housing at Kings Field toward the coast. As part of the application the Local Planning Authority commissioned a Landscape Visual Impact Assessment (LVIA) to provide an independent assessment of the development as an extension to the settlement, within the Northumberland Coast Area of Outstanding Natural Beauty and within an area that is considered a sensitive edge for the imposition of new development.
- 7.35 The LVIA has identified a number of recommendations within its conclusion. This has resulted in changes to the proposal to reduce the number of dwellings (from 39 to 32) and to change the house types with bungalows to the eastern edge, offset by one and a half storey properties and then two storey properties in line with those within Kings Field to the west. Further bungalows would sit to the southern edge with an extension of the stone boundary wall and soft landscaping to the south-west corner. This has allowed



Northumberland Coast AONB Partnership (NCAONB) to raise no objection on visual impact grounds. The development in its revised form would provide a layering to the existing streetscene that would taper respecting the landform.

7.36 *Policy LT1 of the AONB Management Plan relates to community vitality identifying that the loss of housing stock from the residential market to the holiday letting market, the economic and social impacts resulting from a high proportion of the houses within a settlement lacking permanent residents and the combination of high house prices and often comparatively low wages all affect local communities.*

7.37 The local context of the AONB Management Plan is echoed in the intentions of the NNCNP particularly with regard to principal occupancy and in accepting affordable housing outside of the settlement boundary. From this there is considered to be policy support as a development type.

7.38 NCAONB have set out in their response that the proposal would not constitute major development. Having further regard to the local context of the proposal, it is considered that the amendments made to the proposal would positively address the landscape issues in a positive way and provide a visually appropriate development on the settlement edge.

7.39 Therefore it is concluded that the proposal would not constitute major development in the AONB.

#### *Coastal Strip*

7.40 The application site is located within land designated as 'Coastal Strip' within the NNCNP and presents residential development.

7.41 *Policy 4 of the NNCNP states that Proposals for development along the Coastal Strip as defined on the Policies Map must comply with the principles for coastal management of this part of the Plan area in the most recent version of the Shoreline Management Plan and must demonstrate positive alignment with any current North East Marine Plan. New development will not be supported along this Coastal Strip unless it is*

*a) necessary for the management of the protected natural habitats along the Coastal Strip;*

*or*

*b) for coastal management purposes as identified in the Shoreline Management Plan; or*

*c) where specific proposals are identified elsewhere in this Plan.*

7.42 The preceding text of Policy 4 sets out that the aims of the policy is to ensure that development along the coastal strip comply with the principles set out in the Shoreline Management Plan which seeks to ensure new development does not take place in locations where they are likely to require sea defences in future. This policy was written in accordance with Paragraph 105 of the NPPF (2012).

7.43 *Paragraph 166 of the NPPF states that in coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.*

7.44 The Flood and Coastal Erosion Risk Management Team have reviewed the application raising no objection to the proposal which is reflected in the comments from the Lead Local Flood Authority. Whilst the supporting text of Policy 4 sets out the aims, the wording of the policy explicitly sets out development types that are supported within the Coastal Strip. As development that would not fall within the exceptions, there is considered to be an in-principle conflict.

7.45 Therefore the proposed development within the Coastal Strip is unacceptable.

#### *Summary*

7.46 The application proposes local plan compliant development that would not be considered major development within the AONB following amendments to the proposal in line with recommendations made through an independent LVIA. The application would also provide dwellings to be occupied as principal residence which would comply with the aims of the NNCNP.

7.47 However it is considered that the application would not present sustainable development. The proposal would be located outside of the Seahouses settlement boundary and has not demonstrated that the development is able to satisfy identified local need as a rural exception site. In addition, the proposal would not comply with the exceptions to allow development within the Coastal Strip.

7.48 The Local Planning Authority is able to demonstrate a 5-year supply and there is no presumption in favour of sustainable development due to the site's location within the AONB.

7.49 Overall the principle of development is unacceptable; contrary to S6 of the BLP, Policy 4 and 9 of the NNCNP and the NPPF.

#### Planning Obligations

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

7.51 *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.*

7.52 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*

7.53 The application has put forward that 100% of dwellings proposed would be on-site affordable housing. The application has been subject to consultation with Affordable Housing (AH).

7.54 *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.*

7.55 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.

7.56 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.

7.57 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.

7.58 As a rural exception site, there is policy support notwithstanding the affordable housing supply in the area. AH consider that based on the committed development and existing supply that a mix of shared ownership/discount market value properties would suitably service the needs of the village.

#### *Coastal Mitigation*

7.59 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.

- 7.60 *Policy 3 of the NNCNP states that planning permission for development that would result in an increase in temporary or permanent residents or an increase in recreational pressure on the European sites will require project-level Habitats Regulations Assessment. Planning permission will only be granted if it can be demonstrated that there will be no adverse effect on the integrity of any European site, either alone or in combination with any other relevant plans or projects.*
- 7.61 *F6 of the BLP only permits development that would not adversely affect the integrity of the internationally important nature conservation interest of the site, either directly or indirectly. Where such development does proceed, it may be subject to Planning Conditions and Obligations to secure all compensatory measures necessary.*
- 7.62
- 7.63 *Paragraph 175 of the NPPF states that in determining planning applications, local planning authorities should apply the following principles;*
- 7.64
- 7.65 *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*
- 7.66 *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.*
- 7.67 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.
- 7.68 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.

7.69 The applicant has agreed to pay £19,200 toward the Council's coastal mitigation scheme based on £600 per dwelling 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. From this, the off-site ecological impacts of the development can be suitably addressed.

#### *Education*

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

7.71 *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.*

7.72 Education has responded to consultation setting out that the primary catchment school is under capacity so no contribution has been sought, however secondary education which is close to capacity requires contribution for the provision of 4 pupils to be funded based on a designated amount of floorspace and build cost to derive a figure of £70,400 which has been agreed by the applicant.

#### *Health*

7.73 Where major applications propose residential development of 30 units or above, the application is subject to consultation with the Northumberland Clinical Commissioning Group (NCCG). Contributions are based on the cost of space required from the total number of people that would accommodate the development taken in the context of GP capacity at catchment practices.

7.74 *Paragraph 8 of the NPPF sets out, the social role of sustainable development is to support strong, vibrant and healthy communities with accessible local services that reflect the community's needs and supports its health, social and cultural well-being.*

7.75 NCCG have responded consultation requesting a figure of £19,800 which has been agreed by the applicant.

## Visual Impact

### AONB

- 7.76 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 have been addressed within this section.
- 7.77 *Policy 2 of the NNCNP seeks places great weight on the conservation of local landscapes, the Heritage Coast and the scenic beauty of the coast including view into and out of the Northumberland Coast AONB.*
- 7.78 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*
- 7.79 *Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate*
- 7.80 *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.*
- 7.81 The NPPF is clear that the onus is on Local Planning Authorities to maintain the character of the undeveloped coast. The site therefore must be considered in the context of Paragraph 170 as to whether it provides a significant contribution to the character of the undeveloped coast.
- 7.82 The AONB Landscape Sensitivity & Capacity Study sets out that Accommodating necessary community expansion without further erosion of landscape character suggests that housing development should be directed away from the immediate coastal strip. Despite historical growth of the town along the seafront, the dunes and beaches remain as one of Seahouses' principal and distinctive landscape assets (along with vistas to the Farne Islands and the harbour area) and remain highly sensitive to further encroachment. In order to safeguard the recognised special landscape qualities of the AONB in this area, further development along the town's northern or southern coastal strips should be strictly controlled.
- 7.83 Despite the NNCNP allocation, the land is not considered to be within the 'immediate coastal strip' as demonstrated by its spatial separation and landscape character. NCAONB have set out that following amendments to the proposal, as a proposal that would appear as an extension to the existing

Kings Field development; that from a visual point of view, that there would not be a significant impact on the character of the undeveloped coast due to the relative separation from the shore.

- 7.84 The visual impact on the AONB is therefore considered acceptable and in accordance with Policy 2 of the NNCNP and F1 of the BLP,

#### *Landscape*

- 7.85 The site is field set between existing development and the coast toward the edge of the settlement constrained to the southern end of Seahouses by agricultural field. The appraisal of Landscape considers the physical mass and character impact of a development proposal. Objections raised in respect of landscape and character have been considered within this section.

- 7.86 *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*

- 7.87 The scheme has been designed and it located in such a way to appear as an extension to the existing Kings Field Estate. The east end of the site is considered to be a sensitive edge and following amendments to the scheme from the LVIA, the development would focus single storey development to the east increasing in height to one and a half and then two storeys from east-west. In addition the landscaping and boundary treatments would ensure a degree of consistency between the existing and proposed developments.

- 7.88 Whilst there would be a change in character given the existing appearance, the development would be in keeping with the surrounding context and of a site area that would not compromise the existing spatial boundaries of development nor would the density of development at 22 dwellings per hectare present an overdevelopment of the site.

- 7.89 From this, it is considered that the development can be accommodated without adverse landscape impact in accordance with Policy 2 of the NNCNP, F1 of the BLP and the NPPF.

#### *Design*

- 7.90 Design considers the appearance of the development independently and as part of the immediate streetscene.

- 7.91 *Policy 5 of the NNCNP seeks to incorporate high quality design for all new development in the plan area.*

- 7.92 *F2 of the BLP permits development that accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access.*

7.93 *Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:*

*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)*

7.94 The application proposes a series of gable units with slate roof coverings and varying façade treatments that have not been fully detailed although it is anticipated that this could be managed by way of condition. The design would be appropriate for the location and through the mix of housetypes, would provide positive variety in appearance across the development.

7.95 The design of the proposal is therefore considered acceptable in accordance with Policy 5 of the NNCNP, F2 of the BLP and the NPPF.

#### Archaeology

7.96 The site is considered to retain potential for unrecorded archaeological features of significance. The site has been subject to previous archaeological evaluation in 2013 with the application has been submitted with an archaeological desk-based assessment which has been reviewed by the County Archaeologist (CA).

7.97 *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.*

7.98 The CA has raised no objection to the proposal requiring no further work. The archaeological impact of the proposal is therefore not considered significant in accordance with F1 of the BLP and the NPPF.

#### Amenity

7.99 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. Issues raised over the consultation period in respect of this have been considered in this section.

7.100 *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.*

- 7.101 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.
- 7.102 Given the density of development, location relative to existing development and detailed layout, there are not considered to be significant issues arising in terms of amenity in this application in terms of privacy impacts or from buildings appearing overbearing.
- 7.103 The impact on amenity is therefore considered acceptable in accordance with the NPPF.

### Natural Environment

#### *Ecology*

- 7.104 The site is open fields within close proximity to ecologically designated sites. The application has been submitted with a preliminary ecological appraisal which has been reviewed by the County Ecologist (CE). Objections received relating to this have been addressed in this section of the report.
- 7.105 *F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species-protection provisions which apply.*
- 7.106 *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*

- 7.107 The CE has reviewed the submitted information and raised no objection the proposal subject to conditions and suitable mitigation to manage the off-site impacts of the proposal in accordance with Natural England.
- 7.108 From this, it is considered that the ecological impact of the proposal is acceptable in accordance with F10 of the BLP and the NPPF.

#### *Coal Legacy*

- 7.109 The site is covered by the high risk coal referral area; the application has been submitted with a Coal Mining Risk Assessment to address matters relating to previous coal mining on the site.
- 7.110 The Coal Authority has set out that their records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow

depth. From this, there is potential risk posed to the development by past coal mining activity and therefore the Coal Authority has recommended conditions to secure intrusive site investigations to provide more detail on the activities and inform any remedial works that may be required.

- 7.111 The coal legacy issues of the site have therefore been suitably addressed in accordance with the NPPF.

*Contaminated Land*

- 7.112 As set out above, the site is partially affected by a high risk area of previous coal mining activity which is considered to have potential impacts in terms of land contamination as well as potential historic agricultural use. The submission includes a contamination risk assessment report (Phase 1 and 2) which has been subject to review by the Council's Public Health Protection team (PHP).

- 7.113 *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.*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessment.*

*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.*

- 7.114 PHP has raised issues with the submission put forward as part of this application setting out that the contaminated land assessment should be undertaken by a competent person taking into account the relevant British Standard and that the submission does not meet this standard and therefore is not suitable as an assessment of this issue for PHP to conclusively determine that the site is suitable for development.

- 7.115 Particular concerns relate to the presence of a mine shaft of which details within the report are in conflict with information held by the Council. This is of particular relevance due to possible presence of ground gases from mining activity with no assessment of the potential hazards from the risk, referring to a case in Gorbridge, Midlothian (2014) which resulted in the demolition of a significant number of residential properties.

- 7.116 This is considered to be a significant issue that cannot be conclusively conditioned and therefore forms a reason for refusal. The applicant has been made aware of this prior to determination.

## Transport

### *Highway Safety*

- 7.117 The site would be accessed from two points along the existing Kings Field Estate which would lead onto an estate road forming a loop with further access roads to residential properties within the development. The application has been subject to consultation with Highways Development Management (HDM). Objections received on this issue have been considered within this section.
- 7.118 *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.*
- 7.119 HDM have raised no objection to the proposal setting out that there are not considered to be significant issues of highway capacity arising from the introduction of the development to this location. The internal layout is considered acceptable but not suitable for adoption with sufficient car parking for the dwellings.
- 7.120 As a result the development is not considered to have an unacceptable impact on highway safety nor result in a severe impact on the road network. The highway impact of the proposal is therefore considered acceptable.

### *Rights of Way*

- 7.121 There is a Public Right of Way running to the south of the application site that following amendment to the application, is now outside of the site area. Development that would affect Rights of Way is subject to assessment by Public Rights of Way (PRW).
- 7.122 *Paragraph 98 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*
- 7.123 PRW have raised no issues in respect of this application, therefore the impact on Rights of Way is therefore considered acceptable in accordance with the NPPF.

## Water Management

- 7.124 The site is located within Flood Zone 1 and proposes foul water disposal via mains drainage subject to consultation with Northumbrian Water (NWL). The application is for major development to which the Lead Local Flood Authority (LLFA) is a statutory consultee to ensure that water management can be successfully undertaken on site and that there will not be an increased chance of flooding elsewhere. There will be on site impacts of the development and off-site impacts in terms of water displacement. The application has been

submitted with a Flood Risk and Drainage Assessment which sets out principles of drainage pertaining to the site.

- 7.125 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.126 Both NWL and the LLFA have raised no objection to the proposal with the LLFA recommending conditions relating to further details of drainage matter to be submitted at the outset of development.
- 7.127 Overall it is considered that water management can be successfully be undertaken on site in accordance with the NPPF.

#### *Flood Risk*

- 7.128 The site is located outwith of designated Flood Zones which lie to the east (toward the coast) but has potential to be affected by changes to the coast over time. The application has been submitted with a Flood Risk and Coastal Vulnerability Assessment and has been subject to consultation with the Council's Flood and Coastal Erosion Risk Management (FCERM) team and the Environment Agency (EA).
- 7.129 *Paragraph 149 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.*
- 7.130 The EA has raised no objection to the proposal with the FCERM raising no issues which is reflected in the response from the LLFA.
- 7.131 Therefore issues relating to flood risk and coastal erosion are considered acceptable in accordance with the NPPF.

#### Other Matters

##### *Public Consultation*

In response to issues raised by North Sunderland Parish Council that have not been addressed in the main body of the report;

- 7.132 *This is a green space area considered highly important to people and is to be protected*
- The site is not allocated as open space although it is appreciated that it may be used informally by the public.
- 7.133 *The area by, and including the play park, is still under dispute due to confusion in the signing off of the 106 agreement*

This is a civil matter and not a material consideration in the determination of this application.

- 7.134 *This proposed development is far too large. The Neighbourhood Plan states that 9no. dwellings is considered an acceptable amount*

Whilst the Neighbourhood specifies that small scale development will be supported, it is not considered policy or procedurally complaint to preclude all major development within the NNCNP plan area.

- 7.135 *The Parish Council does not agree that large 3 bed and 4 bed dwellings are affordable. These would be unattainable for many residents on low and seasonal wages and there is a need for genuinely affordable dwellings for purchase or rent*

It is considered that through shared ownership, appropriate discounting, or management by a registered provider that the properties could be affordable dwellings.

### Procedural Matters

#### *Equality Duty*

- 7.136 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*

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

#### *Human Rights Act Implications*

- 7.138 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.
- 7.139 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.

- 7.140 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 application proposes development outside of the settlement boundary and within the designated coastal strip. 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.
- 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).*
- 8.3 *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.*
- 8.4 Whilst the development is outside of the settlement boundary its relationship with existing development is such that the land is not considered to be within the open countryside. Notwithstanding this, Policy 9 of the NNCNP requires development outside of the settlement boundary to be restricted to appropriate development in the open countryside setting out that 'exception' sites will be afforded support. The preceding text of Policy 9 sets out that 'exception' sites for 100% affordable housing provision with the basis of the principles founded on national policy and guidance.
- 8.5 The application is proposed as a rural exception site, which within the NPPF is required to satisfy an identified need. There is limited supporting information to justify the need given committed development in the immediate area. Furthermore based on research carried out by the Council's Affordable Housing team, there is not considered to be significant demand from Registered Providers for a development of this scale.

- 8.6 Having regard to Policy 4, the exceptions to permit development in this location are restrictive but is on the basis of landscape and ecological grounds; technical matters that have been overcome in this application. However there is a clear policy conflict and whilst there is not considered to be a negative impact onto the coastal strip, the development would be in direct contravention of the policy exceptions with no significant overriding justification or benefit to overcome the issue.
- 8.7 Overall, the benefits provided as part of the scheme are not considered to outweigh the harm or reflect the intentions of the development plan.
- 8.8 The proposal is therefore not considered sustainable development in the context of the NPPF and the NNCNP.

### 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 with the exception of contaminated land whereby insufficient information has been provided to conclusively address the environmental issues of the site. This is considered a significant issue to warrant refusal of the application, the applicant has been notified of this prior to the preparation of this report.
- 8.11 The application proposes development outside of the settlement boundary and within the Coastal Strip to which the dwellings have been put forward as 100% affordable. However insufficient justification has been demonstrated to show the need for a development of this size outside the settlement boundary, which therefore would not provide substantive benefit to override the failure to comply with exceptions as development within the Coastal Strip. The development is therefore considered to be inappropriate in respect of the North Northumberland Coast Neighbourhood Plan's spatial allocations.
- 8.12 Notwithstanding the recommendation, the applicant had agreed to the following obligations by way of legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) for;
- Provision of 32 no. affordable dwellings to be provided on site in perpetuity;
  - Occupancy of the dwelling as Principal Residences;
  - £19,200 Coastal mitigation contribution;
  - £70,400 Education contribution;
  - £19,800 Health contribution.

## **9. Recommendation**

That this application be REFUSED for the following:

### Reasons

#### 01. Development Outside of the Settlement Boundary

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

#### 02. Development Within the Coastal Strip

The application presents development within the Coastal Strip as defined within the Policies Map of the North Northumberland Coast Neighbourhood Plan that would not comply with the exceptions set out within Policy 4. The proposal is therefore considered unacceptable.

#### 03. Insufficient Information - Contaminated Land

The application has been submitted with insufficient issues to address matters relating to contaminated land. The Phase 1 report fails to assess previous potentially contaminative uses of the land. In addition, the Phase 2 investigation does not address physical contamination or the potential impact of ground gases. The application therefore cannot conclusively demonstrate accordance with Paragraph 178 of the National Planning Policy Framework and it is not considered capable based on the information submitted, for this matter to be addressed by way of condition.

**Date of Report:** 11.09.2018

**Background Papers:** Planning application file(s) 17/00931/FULES