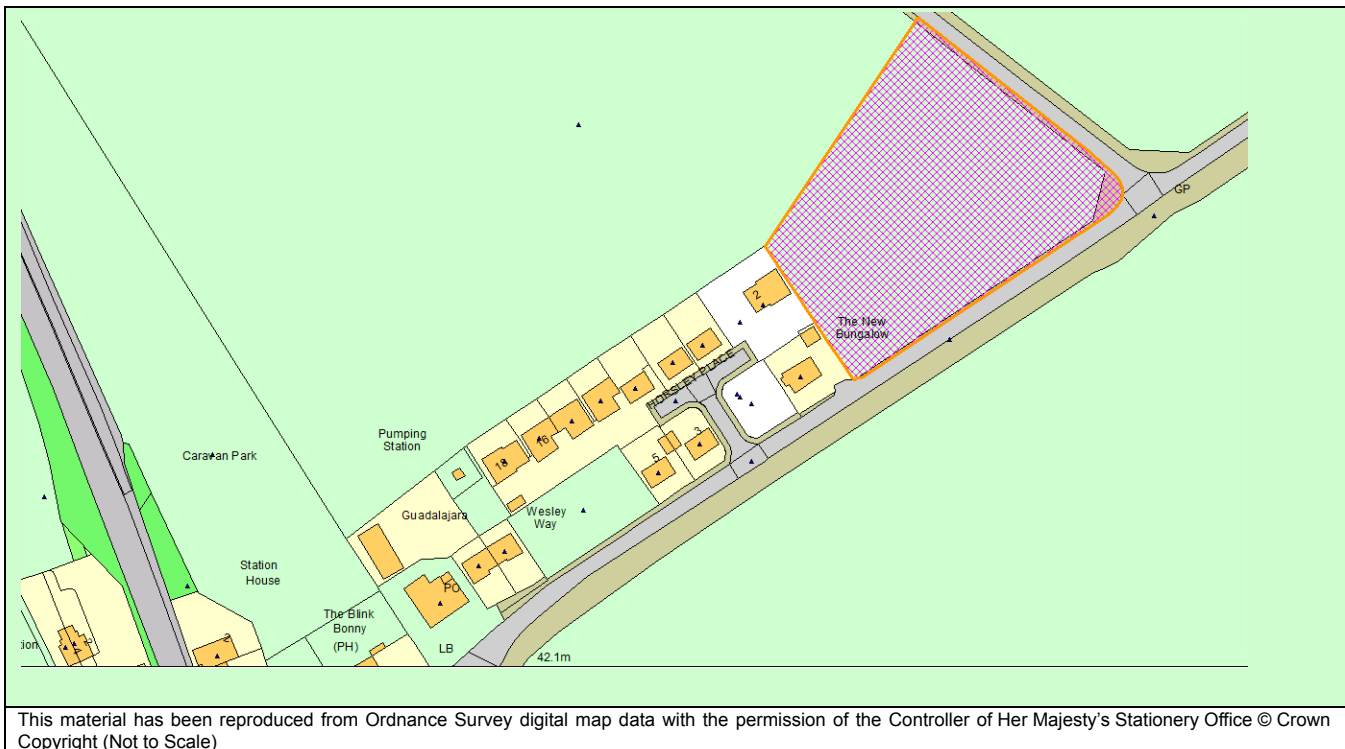


NORTHUMBERLAND

Northumberland County Council

North Northumberland Local Area Council, 23 November 2017

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| Application No: | 16/03510/FUL | | |
| Proposal: | Erection of 13 dwellings | | |
| Site Address | Land North Of Horsley Place, Christon Bank, Northumberland, | | |
| Applicant: | Mr G Grahamslaw C / O George F White | Agent: | Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL, |
| Ward | Longhoughton | Parish | Embleton |
| Valid Date: | 23 September 2016 | Expiry Date: | 27 October 2017 |
| Case Details: | Officer | Name: | Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk |



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, where an objection is raised from a Parish/ Town council, the application is referred to the Head of Service for consideration to be given as to whether the application should be referred to a Planning Committee for determination. The matter was duly considered under these provisions on 10th September 2017 at which time it was confirmed that, the application should be decided by planning committee.

2. Description of the Proposals

2.1 Full planning permission is sought for the construction of 13 dwellings on land located adjacent to Horsley Place, Christon Bank. The application site extends to 0.73 hectares and is currently in agricultural use. Christon Bank has a mix of housing types and scale and this part of the village is predominantly detached units of both 1 and 2 storey, with a mix of external finishes including stone and brick and render.

2.2 Vehicular access to the site is proposed directly from the B1640, which is the main road that runs west to east from Denwick/ Alnwick to Beadnell, through the village. The access would be located on the western side of the site, close to the residential dwellings on Horsley Place. The Northern boundary of the site is adjoined by agricultural fields, the eastern and southern boundaries by public road (U3001 and B1640 respectively), with agricultural fields beyond and the western boundary by residential dwellings Horsley Place. There are existing hedgerows and trees to the eastern and southern boundaries.

2.3 The site and neighbouring land was subject to a pre-application enquiry for residential development, planning reference 15/00875/PREAPP refers, with the advice supportive of residential development on the site. The proposed housing mix is:

- 10no. detached, 4 bedroom, 2 storey dwellings with integral garage;
- 1no. detached, 5 bedroom, 2 storey dwelling, with integral garage;
- 2no. semi-detached, 3 bedroom dwellings - to be provided as affordable housing (Approx. 15%);

2.4 Amended drawings indicate the proposed finish will be of mixed fairface brick and render with cast stone cills and lintels and uPVC framed fenestration, with slate roofs over.

3. Planning History

N/A

4. Consultee Responses

| | |
|-------------------------|---|
| Embleton Parish Council | <p>Embleton Parish Council has concerns regarding the effect of 13 new houses on surface water drainage and also sewage handling within the village of Christon Bank.</p> <p>Over many years there have been instances of flooding in front of the village shop and of raw sewage discharging into gardens and despite cleaning and clearing of the drainage and sewage systems there are still concerns that even without additional housing the problems will re occur. As a Parish Council we would seek reassurance that the planning department is satisfied that the additional building will not cause the situation to deteriorate further.</p> <p>The Council is also surprised, and disappointed, that there does not appear to be any provision of low cost houses within a development of 13 residences</p> |
| County Archaeologist | No archaeological work will be required. |

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| Northumbrian Water Ltd | 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 and Drainage Assessment". In this document it states that foul flows from the proposed development will discharge to manhole 5202, whilst a restricted surface water discharge of 5l/sec will connect to the existing surface water sewer system within Horsley Place. |
| Environment Agency | No response received. |
| Highways | No objection, subject to conditions set out in the report |
| County Ecologist | No objection subject to condition set out in the report |
| Public Protection | No objection, subject to condition set out in the report |
| Lead Local Flood Authority (LLFA) | Following the submission of additional information no objection is raised, subject to a condition set out in the report |
| Education - Schools | A total contribution of £17,600 is requested in respect of this development, on the basis of pressures on secondary places. |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 12 |
| Number of Objections | 11 |
| Number of Support | 0 |
| Number of General Comments | 1 |

Notices

General site notice, 13th October 2016

Northumberland Gazette 20th October 2016

Summary of Responses:

Through consultation and re-consultation a total of 11 objections and 1 general comment have been received. The main issues that have been raised include:

- o Ecology Impact;
- o Lack of services, employment, public transport and impacts on village infrastructure;
- o Highway access and safety from/ on the B1340;
- o Flooding, drainage and sewage;
- o Effects on residential amenity;
- o Lack of need for market housing;

- o Lack of affordable homes;
- o Use of greenfield site;
- o Disturbance during construction;
- o Loss of a private view;

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=ODT5WQQSK0W00>

6. Planning Policy

6.1 Development Plan Policy

BE2 Regional and local archaeological significance - Alnwick District Wide Local Plan

BE8 Design in new residential developments and extensions (and Appendix A and B) - Alnwick District Wide Local Plan

TT5 Controlling car parking provision (and Appendix E) - Alnwick District Wide Local Plan

CD18 Children's playspace - Alnwick District Wide Local Plan

CD32 Controlling development that is detrimental to the environment and residential amenity - Alnwick District Wide Local Plan

APPENDIX A Design and layout of new dwellings - Alnwick District Wide Local Plan

APPENDIX E Car parking standards for development - Alnwick District Wide Local Plan

APPENDIX F Open space standards - Alnwick District Wide Local Plan

S1 Location and scale of new development - Alnwick LDF Core Strategy

S2 The sequential approach to development - Alnwick LDF Core Strategy

S3 Sustainability criteria - Alnwick LDF Core Strategy

S4 The phased release of housing land - Alnwick LDF Core Strategy

S5 Housing density - Alnwick LDF Core Strategy

S6 Provision of affordable housing - Alnwick LDF Core Strategy

S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy

S12 Protecting and enhancing biodiversity and geodiversity - Alnwick LDF Core Strategy

S13 Landscape character - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

S20 Providing for open space, sport and recreation - Alnwick LDF Core Strategy

S23 Planning obligations -Alnwick LDF Core Strategy

6.2 Emerging Policy

In accordance with paragraph 216 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF: and the extent of unresolved objections to the emerging plan. In accordance with paragraph 216 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF: and the extent of unresolved objections to the emerging plan. However, the weight that can be given may vary, depending on how much consultation has been undertaken on the policies, the nature of the unresolved objections and how consistent the policies are with the NPPF. The Embleton Neighbourhood Plan is at an early stage of its development and is afforded only limited weight, at this time.

6.3 National Planning Policy

National Planning Policy Framework (2012) (NPPF)

National Planning Practice Guidance (2014, as updated)

6.4 Other Documents

Alnwick Landscape Character Assessment (2010)

Northumberland Landscape Character Assessment (2010)

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:-

- o Principle of development
- o Housing land supply
- o Affordable housing
- o Landscape and visual impact
- o Residential amenity
- o Highways impact
- o Flood risk and drainage
- o Ecology
- o Education
- o Equality Duty

- o Crime & Disorder Implications
- o Human Rights Act
- o Other Matters

Principle

7.2 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 development plan for this site is comprised of the "saved" policies of the Alnwick District Wide Local Plan (1997) and the Alnwick District LDF Core Strategy (2007) (ACS) and therefore remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF. Furthermore, paragraph 14 of the NPPF provides definitive guidance on how applications should be determined by stating:

"At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay;*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted."*

7.3 The NPPF operates under a presumption in favour of sustainable development and identifies there are three dimensions to sustainable development; economic, social and environmental. Any application will need to be assessed on the basis of whether it achieves a sustainable form of development having regard to relevant policies of the development plan, and particularly the sustainable development objectives of the NPPF in respect of social, economic and environmental considerations. Whilst a scheme may be able to demonstrate social and economic benefits, to be sustainable development the proposal should also be acceptable in terms of environmental impacts.

7.4 Christon Bank is identified in Policy S1 of the ACS as a local needs centre, which are settlements with limited services or, which are peripherally located in relation to employment and transport. Development in these centres is restricted to that satisfying local needs. This policy is not in full accordance with the NPPF, which limits the level of 'weight' that can be attached to it. Christon Bank remains a sustainable location for appropriate development.

7.5 The site in question is greenfield in nature and adjacent to the settlement. In ACS policy S2 the site is identified as being within the 4th tier in the sequential approach to development. The NPPF does encourage the effective use of land by reusing previously developed sites, it does not set out a strict sequential approach to site selection, such as that set out in policy S2, thereby limiting the amount of weight that can be attached to this policy in the decision making process, given that the

policy is considered not to be wholly consistent with the NPPF. The site is considered to be a suitable location in relation to the village.

7.6 Policy S3 of the ACS sets out sustainability criteria for new development that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, shops, services the transport network and modes of transport other than the private car; that there is adequate existing or, planned capacity in the physical and community infrastructure; environmental constraints can be mitigated; potential implications of flood risk have been assessed; and there would be no significant adverse effects on the environment. It also refers to new development helping to build communities by sustaining or, providing community services and facilities or, through the provision of affordable housing to meet identified local need.

7.7 Christon Bank benefits from some local facilities and services that are within reasonable walking distance of the site, which include a village shop, public transport links and a public house. Development in this location would help sustain the existing facilities in the village and those in neighbouring villages. The proposed scale of development is not considered to be so significant, that it would result in an unacceptable impact upon the local infrastructure.

Housing land supply

7.8 Paragraph 47 of the NPPF aims to significantly boost the supply of housing, with paragraph 49 then advising that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated.

7.9 Given the above, officers consider that at the present time a significant supply of housing land can be demonstrated across the County as a whole with much of this supply benefitting from planning permission. In this regard, as of the 31 March 2017 there were extant planning permissions for approximately 12,400 dwellings. Furthermore, housing completions have accelerated in recent years. 1,531 new housing completions were achieved during 2016-17 with an average of 1,323 dwelling completions per annum over the last 3 years. Therefore in the context of paragraph 49 of the NPPF, the tilted balance in paragraph 14 is not engaged on the grounds of housing land supply. However given Policy S4 of the ACS for the supply of housing is out of date, the NPPF paragraph 14 presumption in favour of sustainable development nevertheless applies. Due to the level of supply, officers are confident that the strong delivery that has been achieved recently will continue.

7.10 Whilst the development of the site would add to the existing supply of housing land, and there is a five year supply in the county, the need to ensure a 5 year housing supply is a minimum and not a maximum, and therefore additional housing can be permitted providing it is sustainable. The key consideration is whether the proposed development is considered sustainable development, in line with the ACS and the NPPF.

7.11 In addition, the application site is currently in use as agricultural land. However, the land is categorised Grade 3 (Good/Moderate). The NPPF states that local planning authorities should take into account the economic and other benefits

of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Given its grading, the land is not considered to be of high quality, and as such the loss of this agricultural land to development is considered acceptable in principle.

7.12 The principle of development on the site of the proposal is supported by policies of the ACS. The scale of development proposed at this site is considered acceptable in principle. As a sustainable location it is considered that the principle of new dwellings within Christon Bank would be generally acceptable at the proposed scale and it is considered that there would be no adverse effects on housing land supply should permission be granted. The principle of development on the site is therefore considered to be acceptable and the site would be a suitable location for new housing development, subject to other elements of the development..

Affordable housing

7.13 Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.

7.14 Policy S6 of the ACS seeks an appropriate level of affordable housing (AH) provision on all sites of three units or more or, with an area of 0.1 hectares or more in settlements below 3000 population; the proportion of AH and its type sought on each site will depend on the assessment of affordable housing need in the housing market area and in the local area. The policy refers to a target proportion of 35% based on the extent of need at the time between 2005 – 2010, however this is now clearly out of date.

7.15 The Northumberland Strategic Housing Market Assessment (SHMA - October 2015) includes up to date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 191 dwellings per annum over the period 2014 to 2019. To address this, an affordable housing contribution will continue to be sought on all proposals involving residential development except in the circumstances set out in Planning Practice Guidance paragraph 031. This will be expected to be delivered on-site.

7.16 The application has been submitted with proposals to develop 2no. dwellings as AH. This would result in approximately 15% affordable housing on the site, which is considered in line with identified requirements. The council's affordable housing officers have provided advice that there is a local housing Need and they would support the principle of this level of provision, with AH units to be 3 bedroom semi-detached available for 'Discount Market Value'. In light of the other, recent affordable housing delivered in Embleton, where demand for this type of unit was very strong these types of units are seen as appropriate to meet the local Need.

Landscape and visual impact

7.17 In regard to its scale and location; the proposal will have an impact upon the character and appearance of the site and wider area. New development is required to satisfy Policy BE8/Appendix A of the Local Plan, policies S5, S13 and S16 of the ACS, and the provisions of the NPPF in terms of achieving a high quality of design that would be appropriate to the site and surrounding area. The Government attaches great importance to the design of the built environment and, through Part 7 of the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.18 Policy 13 of the ACS states all proposals will be considered against the need to protect and enhance the distinctive landscape character of the district, and will be assessed on their impact on the landscape. Policy S16 of the ACS advises that all development would be expected to achieve a high standard of design reflecting local character and distinctiveness, proposals should take full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping.

7.19 The site occupies a fairly prominent position at the eastern side of Christon Bank. Neighbouring development along the B1640 is characterised by modern, less dense, detached units of both single and 2 storey scale. Given the site's location set along the B1640 and adjacent to existing development, it would be seen in the context of the existing built form and whilst extending the building line along the B1640, the impact would not be such that it would constitute grounds for refusal.

7.20 Policy S5 of the ACS seeks a minimum site density of 30 dwellings per hectare (dph), although it does go on to state that in rural areas where there is a need to preserve or, enhance the character of the area, particularly on settlement edges, lower densities may be considered. The overall gross density of development on the site equates to approximately 18dph, this is considered acceptable given this edge of settlement location and in the context of its relationship to surrounding development.

7.21 Submitted details indicate that the use of fairfaced brick and render, with slate over and uPVC framed doors and fenestration; the use of cast stone detailing to the cills and lintels is also intended. Whilst there would clearly be an impact upon the character and appearance of the area, the proposed layout and design are considered to be acceptable, whilst the overall scale of development is not considered to result in significant adverse impacts on the character and appearance of the area. On balance, the proposed external finish is considered acceptable for the site. Submitted details indicate that existing hedges on the northern and western boundaries will be retained or, re-laid to suit sight lines along with some tree planting throughout the site. This would assist in retaining the more rural character of the site and mitigate impacts from public viewpoints.

7.22 The proposed development would not result in significant or, unacceptable harmful impacts on the character and appearance of the site and surrounding area.

The proposed development would not have any significant or harmful effects in relation to landscape impact and would not be so visually intrusive as to justify a refusal of the application. Any change to the character and appearance of the area is also felt to be outweighed by the benefits arising from the development in relation to the delivery of new housing and affordable housing in a sustainable location. The proposal would therefore be in accordance with Policy BE8/ Appendix A of the Local Plan, Policies S3, S5, S12, S13 and S16 of the ACS and the provisions of the NPPF.

Residential amenity

7.23 The proposed development has the potential to impact upon the amenity of residents in the vicinity of the site given its proximity adjacent to existing development. This would primarily be in relation to occupants of dwellings set back in Horsley Place adjacent to the site access, as well as those properties along the B1640. The development would also potentially impact upon amenity further afield due to the increase of associated traffic from the site, as well as visual amenity, although more direct impacts would be in respect of those immediately adjacent to the site.

7.24 The main impact upon Horsley Place will be the location of the new access road from the B1640 to the new housing and visitor parking. The properties adjacent to the site boundary have relatively small side gardens/ amenity space. The proposed access road would be located approximately 5m off, with visitor parking within 2m off the boundaries with these properties. A footpath leading from the B1640, along the access road to the development is proposed and would be located for the most part on the west side of the road. The impact on amenity is not considered such that the proposed scale of development would result in significant, harmful impacts.

7.25 Due to the proposed separation distances and orientation of the proposed and existing, neighbouring dwellings, the layout and scale of the proposed new dwellings would not have any adverse effects on the amenity of neighbours that could reasonably justify refusal. There are not considered to be any significant or, adverse effects given the existing boundary fencing and landscaping between the sites and proposed new fencing and landscaping. In addition, the closer proposed dwellings are sited with their side gables facing towards the existing dwellings, with a minimum separation distance of approximately 19m. Given the scale of the proposed dwellings the outlook of existing dwellings would not be adversely affected.

7.26 The proposal has been assessed by the council's Public Health Protection Unit which, following the submission of additional information on noise, has no objection subject to a condition relating to land contamination. Having regard to the proposed scale of development, it is not considered to result in any significant or, unacceptable impacts on residential amenity in the wider area. The proposal is considered to accord with ACS policy S5, S16 and the provisions of the NPPF

Highways Impact

7.27 Policy TT5/ Appendix E of the Local Plan relates to car parking provision within development, and Policy S11 of the ACS relates to accessibility principles and the impacts of travel from new development. Paragraph 32 of the NPPF advises that development should only be prevented or, refused on transport grounds where

the residual cumulative impacts of development are severe. A number of the objections received raise concerns in respect of the effects of the proposed development on highway safety, suitability of the access on to and additional traffic on the B1640.

7.28 The application has been assessed by the Highway Authority, which has no objection to the proposal, subject to conditions. It is acknowledged that the development would create additional traffic flows to and from the site, and it is considered that the existing local road network can accommodate this. There are existing pedestrian footways on the B1640, and proposed footways within the development site and the nearest local facilities are to the west, within 190m of the site access. Christon Bank has a limited bus service providing links to Alnwick and Ellingham and cyclists are able to utilise the existing highway. In order to maintain pedestrian connectivity to and from the site, footway connections including a footway which extends around the new access junction radii and dropped kerb pedestrian crossing points have been proposed as part of the development.

7.29 The Highway Authority response indicates that the existing highway network is adequate to cope with any additional traffic resulting from the development and the proposed arrangements for access/ egress will allow for the safe and efficient movement of vehicles, for this scale of development. The Highway Authority has no objection, subject to conditions relating to access, parking, construction method statement, lighting and drainage. It is therefore considered that the proposed development is in accordance with Policy S11 of the ACS and will not have a severe impact upon highway safety having regard to the NPPF.

Flood risk and drainage

7.30 Part 10 of the NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. A Flood Risk Assessment (FRA) has been submitted and states that foul flows will be directed to a manhole in Horsley Place and surface water will discharge to a surface water sewer system at a rate restricted to 5l/s

7.31 Northumbrian Water Ltd (NWL) has raised no objection to the development and the proposals for foul and surface water drainage, subject to a condition requiring development to be undertaken in accordance with the submitted FRA. Following the submission of further information the Lead Local Flood Authority (LLFA) has commented in respect of the surface water drainage and raises no objection, subject to a condition relating to the discharge of surface water. Subject to the conditions requested by the LLFA and NWL, it is considered that the proposal is acceptable in relation to drainage and flood risk, in accordance with Policies S3 and S16 of the Alnwick Core Strategy and Part 10 of the NPPF.

Ecology

7.32 Policies S3 and S12 of the ACS are relevant in relation to assessing the potential effects on protected species, ecology and biodiversity whilst paragraph 118 of the NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.

7.33 Following the submission of a revised Ecology Assessment, and detailed assessment by the county ecologist, the setting of the site is considered ecologically very sensitive, particularly to increased disturbance to nearby designated sites. The adjacent designated ecologically important sites are:

- o Northumbria Coast Ramsar and SPA
- o Berwickshire and North Northumberland Coast SAC
- o North Northumberland Dunes SAC
- o Northumberland Shore SSSI
- o Northumberland Marine SPA

7.34 As such, and in order to achieve the mitigation recommendations set out in the Ecology Assessment, the county ecologist recommends a Biodiversity Enhancement Plan be requested via condition, with a clearly detailed site/landscaping plan and Method Statement. Therefore subject to imposition of this condition, it is considered that the proposed development would be acceptable from an ecological perspective. The development of the site would not be likely to result in significant impacts and would be in accordance with policy S12 of the Alwick Core Strategy and Part 11 of the NPPF.

Education

7.35 The proposal has been examined by the Education Authority which has advised that there is sufficient capacity within the Catchment area Primary School, which is Embleton Vincent Edwards C of E. Regarding secondary schooling this development falls in the Catchment area for Duchess High School, Alwick. The School is currently close to capacity with 1198 places full, of a total capacity of 1200.

7.36 Given the relatively small scale of the development the Education Authority have confirmed that, based on the proposed housing numbers a financial contribution of £17,600 should be sought. It is therefore recommended that this financial contribution should be sought within the terms of a s.106 agreement.

Equality Duty

7.37 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

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

Human Rights Act Implications

7.39 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.

7.40 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.

Other matters

7.41 Following assessment by the County Archaeologist no archaeological works are required.

7.42 A number of issues have been raised by Embleton Parish Council and objectors; in addition to those issues addressed earlier within the report it should be noted that:

- o There is no right to a private view and in this instance, given the site/ area characteristics the loss of view is not considered to pertain to planning;
- o Some element of disturbance through noise/ dust/ traffic is considered an inevitable part of the development process, but will be restricted to the construction period. If a statutory nuisance is caused then the issues can still be addressed via the provisions of the Environmental Protection Act;
- o A number of the objections refer to concerns in respect of the lack services and facilities. It is acknowledged that there are no large scale employment opportunities in villages such as Christon Bank however, it is identified as a local needs centre within the ACS and as such is considered to be a sustainable location for appropriately sized development. The proposed scale of development is not considered to be out of scale with the village, either on its own or, cumulatively with other fairly recent development in Horsley Place. The development would assist in sustaining existing services, facilities and public transport links within the village, as well as supporting services in other settlements, as set out within paragraph 55 of the NPPF;

8. Conclusion

8.1 The ACS identifies Christon Bank as a local needs centre and the application site is considered to be a suitable location for new housing delivery. The proposal would satisfy the NPPF presumption in favour of sustainable development in relation to the three dimensions: social (supporting and sustaining the local community and provision of new housing, including the provision of affordable housing); economic (delivery of new housing and increasing employment opportunities); and environmental (the proposal is not considered to have any significant or adverse

effects upon the site and wider environment, subject to relevant conditions where appropriate).

8.2 Given the government's intention to boost the supply of housing and that the site is free of constraint, including flood risk, the proposal is considered to result in an acceptable and sustainable form of development, in a suitable location that would deliver an acceptable mix of new housing well related to existing development in the village. The proposed development is not considered to result in any significant or, unacceptable impacts upon the character and appearance of the site, immediate locality or the wider environment, or the amenity of adjoining residents and land uses that would reasonably justify refusal.

8.3 Following consultation with the relevant consultees the application has demonstrated that it is possible to satisfactorily address and mitigate issues in relation to highway safety, foul and surface water drainage and flood risk, ecology, and ground conditions. The proposal would therefore result in a sustainable form of development that would be in accordance with policies BE8 / Appendix A, TT5/ Appendix E of the Local Plan, policies S1, S3, S5, S6, S11, S12, S13, S16 and S23 of the ACS and the provisions of the NPPF.

9. Recommendation

9.1 That Members are minded to GRANT permission subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to:

1. Secure the provision of two on-site dwellings at a Discount Market Value affordable housing provision (15% AH);
2. A financial contribution towards education of £17,600;

And subject to the following conditions:

Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans/ documents. The approved plans for this development are:-

1. Flood Risk and Drainage Assessment report Number: MD1092/rep/001/ Rev B;
2. DJD/594/11, Rev B Courtyard Elevations dated 15/06/16;
3. DJD/594/10, Rev B, Site Plan, dated 12/06/16;
4. DJD/594/12, Street Elevations, Rev B, dated 15/06/16;
5. DJD/594/22, Plot 1&2 dated 15/06/16;
6. DJD/594/23, Plot 12, dated 17/02/17;
7. DJD/594/21, Plot 13, Rev B, dated 15/06/16;

8. DJD/594/15, Plot 3, Rev B, dated 15/06/16;
9. DJD/594/20, Plot 4&10, Rev B, dated 15/06/16;
10. DJD/594/14, Plot 5&11, Rev B, dated 15/06/16;
11. DJD/594/17, Plot 6, Rev B, dated 15/06/16;
12. DJD/594/18, Plot 7, Rev B, dated 15/06/16;
13. DJD/594/16, Plot 8, Rev B, dated 15/06/16;
14. DJD/594/19, Plot 9, Rev B, dated 15/06/16;
15. Location Plan;

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Alnwick Core Strategy policy S16 and the provisions of the NPPF.

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

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

05. Development shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

06. No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been 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.

Reasons: 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.

07. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been 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 Planning 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.

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

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

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

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. measures to control the emission of dust and dirt;

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

10. The development shall not be occupied until the approved refuse storage area has been formed in accordance with the approved plans. The approved refuse storage area shall thereafter be retained for the storage of refuse at all times.

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

11. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

12. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not

be used for any purpose other than the parking of vehicles associated with the development.

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

13. Development shall not commence until details of the implementation, maintenance and management of a scheme for surface water using a sustainable drainage scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be in broad accordance with drawing No MD1092_0100 (July 2017) 'Proposed Drainage Layout' and designed to dispose and attenuate surface water up to the 1 in 100 year plus climate change event from the development and shall limit discharge from the development to 5l/s, for all rainfall events. The scheme shall be implemented in accordance with the approved details, which shall include:

- i. A timetable for its implementation; and,
- ii. A management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or the other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

14. If during re-development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

15. No development shall commence until a Biodiversity Enhancement Plan has been submitted to, and approved in writing by, the Local Planning Authority. This will include the key mitigation recommendations of the report Ecological Impact Assessment Land At Christon Bank, E3 Ecology, December 2016 (detailed below) with details of hedgerow and tree protection, boundary gaps, planting scheme and in-built nest provision detailed on a site plan. The plan will include a Method Statement for construction which includes pollution prevention and measures to prevent harm to wildlife.

- i. Hedgerows at the site boundaries will be retained, where possible.
- ii. Lighting along the hedgerows will be kept to a minimum.
- iii. Vegetation clearance, including grassland and arable habitats and tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

- iv. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- v. The roots and crowns of retained hedgerows will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.
- vi. The creation of small gaps (13cm by 13cm) in fencing to allow small mammals, such as hedgehogs, to move between gardens.
- vii. Bat roosting opportunities will be included within two of the new build properties on site.
- viii. Three nest boxes suitable for use by house sparrow will be installed on the new properties.
- ix. The provision of an information pack for new residents to inform them of the importance of the habitats at the coast and highlight potential walking routes within close proximity to the site.

Reason: To prevent harm to species protected by law and to provide ecological enhancement, in accordance with paragraphs 9 and 118 of the NPPF and S.40 of the Natural Environment and Rural Communities Act 2006.

Date of Report: 08.11.2017

Background Papers: Planning application file(s) 16/03510/FUL