



Northumberland County Council

North Northumberland Local Area Committee
22nd November 2018

ADDENDUM REPORT

Application No: 18/01036/FUL

Proposal:

Re-submission of proposed two new residential properties on undeveloped land which is currently under construction (the primary occupancy now changed to C3 use dwelling, not holiday lets) on land East of 21 Bernicia Way, Beadnell (amended 20th June 2018)

Site Address:

Land East of 21 Bernicia Way, Beadnell

Applicant:

Mr. Colin Barnes
Northumberland Estates
Estates Office
Alwick Castle
Alwick
NE66 1NQ

RECOMMENDATION:

That Members be minded to grant permission and delegate authority to officers to determine the application subject to the conditions set out below and completion of a legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

1. Introduction

- 1.1 The purpose of this report is to update Members on any implications arising from the publication of the revised National Planning Policy Framework (NPPF) in July 2018. In light of this, there has also been revisions to Planning Practice Guidance (PPG).
- 1.2 This application was originally considered by the North Northumberland Local Area Committee (NLAC) on the 19th of July 2018. Members resolved that planning permission should be granted subject a legal agreement as follows;

That this application be GRANTED permission subject to the planning conditions set out below and a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:-

- In principle occupancy in perpetuity of the dwellings
- The financial contribution towards the Council's Coastal Mitigation Scheme (£1,200).

1.3 Notwithstanding the above, on the 24 July this year the Government published its updated National Planning Policy Framework (NPPF). The officer reports previously considered by the NLAC in July made extensive references to the previous version of the NPPF and therefore these may have had a material bearing on the decision of Members that they were minded to grant planning permission.

1.4 As such it is considered that this application should be referred back to NLAC so that it may be re-considered by Members in light of the updated NPPF

1.5 As per the previous reports to committee, the Development Plan in respect of the application site remains the saved Policies of the Berwick Local Plan (BLP) - 1999. 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. As such the saved policies of the Local Plan 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.

1.6 This short addendum report seeks to advise Members on key changes between the previous and updated versions of the NPPF which are of relevance to determination of this application.

2. Appraisal

- 2.1 In terms of the acceptability in principle of the proposed development reference was made in previous officer reports to the presumption in favour of sustainable development outlined in paragraph 14 of the previous NPPF. The updated NPPF, at paragraph 11, retains this presumption but some changes of wording within that presumption have been made.
- 2.2 Firstly, the previous NPPF presumption in favour of sustainable development stated that Local Planning Authorities should approve development proposals that accord with the Development Plan. The new NPPF qualifies this by stating that the Development Plan in question should be 'up-to-date'.
- 2.3 Secondly, where the scenario identified in the above paragraph does not apply, both the previous NPPF and the new NPPF provide for a 'tilted balance' in favour of a grant of planning permission unless restrictive policies preclude this or any adverse impacts arising would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Policies in the NPPF as a whole. Under the previous NPPF that tilted balance applied 'where the development plan is absent, silent or relevant policies are out-of-date'. Under the new NPPF that tilted balance applies

'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date'.

- 2.4 In terms of the NPPF presumption in favour of sustainable development, the previous NPPF adopted a broader definition regarding 'restrictive policies' that could justify a refusal of planning permission even if the tilted balance was applicable. The new NPPF is more prescriptive as to the definition of 'restrictive policies' limiting these to specified policies in the NPPF only concerning certain designated ecological and heritage assets, Green Belt and areas at risk of flooding or coastal change.
- 2.5 Furthermore in terms of the principle of development, the previous NPPF included a number of Core Planning Principles. These are no longer included in the new NPPF.
- 2.6 In this regard, the NPPF continues to seek to promote sustainable development and a judgement needs to be made as to whether or not overall the proposal amounts to sustainable development.
- 2.7 Paragraph 7 of the previous NPPF identified three dimensions to sustainable development – an economic element, a social element and an environmental element. Paragraph 8 of the new NPPF continues to refer to these 3 subject areas, although they are now referred to as objectives and some changes have been made to detailed wording in respect of the specification of these objectives (as outlined later in this report) which in the view of officers does not have implications for the acceptability in principle of the proposed development.
- 2.8 In terms of the overall planning balance, having regard to the new NPPF economic, social and environmental sustainability objectives, officers remain of the view that the proposed development overall is acceptable in principle.
- 2.9 Moving onto elements of the new NPPF related to specific aspects of development which differ from the previous NPPF, paragraph 55 of the new NPPF states that planning conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. Some pre-commencement conditions are proposed in this instance but these are considered justified and the wording of all conditions has been agreed with the applicant. The proposed conditions as previously specified are therefore considered acceptable.
- 2.10 In respect of transportation matters, paragraph 109 of the new NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. This paragraph differs from paragraph 32 of the previous NPPF which did not include specific reference to highway safety as a ground for refusal. However, the Council as Local Highway Authority raise no objection to the proposals subject to conditions.
- 2.11 The new NPPF provides greater detail in respect of high quality design than its predecessor and also refers to the need to make effective use of land. The

social and environmental objectives of sustainable development at paragraph 8 of the new NPPF are expanded to reflect this with detailed policy provided from paragraphs 117-132. Officers consider the proposed development to accord with these provisions in the new NPPF for the reasons specified in the previous report to committee given the design is the same as those already approved and built within the Bernicia Way development as a whole.

- 2.12 The new NPPF updates its approach to minimising impacts on and providing net gains for biodiversity and ecology in Paragraph 170. The development proposed has provided off-site biodiversity gains in the form of wetland scrapes which have been agreed with NCCs ecology team, and subject to condition the NPPF update does not conflict with the development.
- 2.13 Similarly, Paragraph 172 of the updated NPPF affords protection to the landscape and scenic beauty of the AONB, within which the application site sits. Again, this has been assessed by the AONB partnership in terms of the landscape impact but given its location within an existing housing development it is not considered substantive and no alternate recommendation has been put forth.
- 2.14 Drawing all matters together the proposed development is considered overall to be sustainable development. Furthermore, there are not considered to be 'restrictive' NPPF policies that would provide a clear reason for refusing the development and any adverse impacts arising would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies within the new NPPF as a whole.

3. Conclusion

- 3.1 Bearing in mind all of the above it is considered that the proposed development accords with the provisions of the new NPPF, and is overall in planning policy terms acceptable, subject to the conditions previously specified and agreed with the applicant and the applicant completing the Section 106 Agreement with the Council which covers the matters highlighted earlier and below in this report.
- 3.2 As such, it is considered that the proposed development should continue to be supported.

4. Recommendation

4.1 That this application be GRANTED permission subject to the planning conditions set out below and a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:-

- In principle occupancy in perpetuity of the dwellings
- The financial contribution towards the Council's Coastal Mitigation Scheme (£1,200); and

The recommended Committee Report conditions.

Author and Contact Details

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Appendix:

Report to North Northumberland Local Area Committee 19 July 2018

Date of Report: 08.11.2018

Background Papers: Planning application file(s) 18/01036/FUL