Northumberland
County Council

North Northumberland Local Area Committee
22nd November 2018

ADDENDUM REPORT

Application No: 18/00828/OUT

Proposal:
Outline Permission with All Matters Reserved: 30 dwellings - Amended 21/08/18

Site Address:
Land North and West of Hillcrest, East Ord

Applicant:
Mr. & Mrs. John and Margaret Robertson
C/o Ferguson Planning
54 Island Street
Galashiels
Scotland
TD1 3NS

RECOMMENDATION:

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 previously considered by the North Northumberland Local Area Committee on the 19th of April 2018. Members resolved that planning permission should be granted subject to conditions and legal agreement as follows;

That Members authorise the Head of Service to GRANT permission subject to the resolution of the LLFA and County Archaeologist's objections, a s106 Legal Agreement to secure the following contributions:

- Coastal mitigation contribution of £600 per dwelling (£18,000 total)
- Affordable Housing contribution of 15% to be provided on site.
- Education contribution of £39,600.
- Health contribution of £17,400.

1.3 During the intervening period discussions have taken place with the applicant and consultees regarding the various above-mentioned outstanding matters, with further information submitted to assist consultees. These matters have now been resolved to the satisfaction of officers and consultees and a final draft Section 106 Agreement has been negotiated which provides for all of the contributions sought by officers and consultees. Following the submission of further information relating to Highways requirements, the Highway Authority have recommended planning conditions to enable them to address their concerns..

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

1.5 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

1.6 The development plan for this site is comprised of the "saved" policies of the Berwick-upon-Tweed Borough Local Plan 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. Therefore 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.

1.7 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 Footnote 7 to paragraph 11 of the new NPPF states that the situations where the tilted balance applies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

2.6 Paragraph 73 of the new NPPF states that where strategic planning policies relating to housing land supply 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 tilted balance in the presumption in favour of sustainable development is not engaged on the basis of housing land supply matters.

2.7 The supply position updates that were 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, are informed by superseded evidence. While the emerging 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.

2.8 Paragraph 215 of the new NPPF states that the provisions in Footnote 7 of new NPPF paragraph 11 relating to the Housing Delivery Test do not apply in full until November 2020, with transitional percentages of 25% and 45% applying from November 2018 and 2019 respectively. As such the Housing Delivery Test is not applicable to determination of this application at the present time.

2.9 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.

2.10 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.

211 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.

2.12 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 highway 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 reports to committee although the detail in respect of design would be resolved at Reserved Matters stage.

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 will provide a Coastal Mitigation contribution via a legal agreement which have been agreed with NCCs ecology team and, subject to conditions including mitigation/ biodiversity enhancement and landscaping, the NPPF update does not conflict with the development.

2.13 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 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 completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)to secure:

- Coastal mitigation contribution of £600 per dwelling (£18,000 total)
- Affordable Housing contribution of 15% to be provided on site.
- Education contribution of £39,600.
- Health contribution of £17,400;

and;

The conditions recommended in the Committee Report

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Appendix:

Report to North Northumberland Local Area Committee 19th April 2018

Date of Report: 12/11/18

Background Papers: Planning application file(s) 18/00828/OUT