

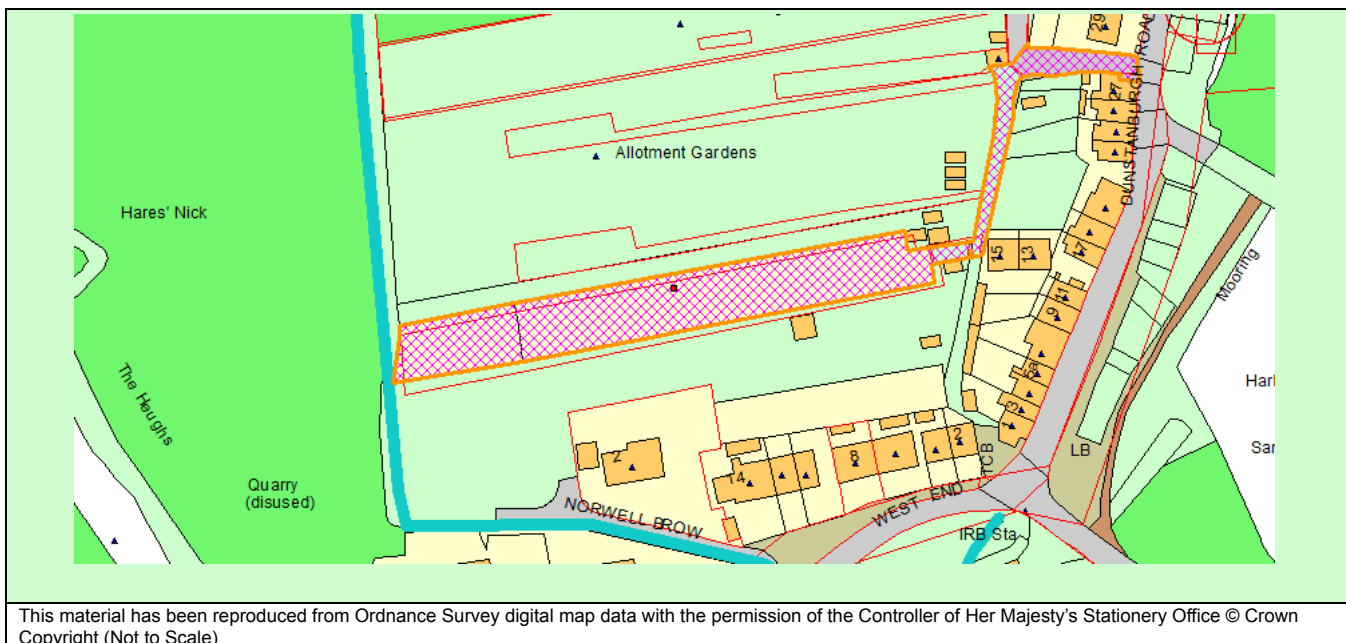


# Northumberland County Council

## North Northumberland Local Area Committee 20th December 2018

<b>Application No:</b>	18/03379/FUL		
<b>Proposal:</b>	Erection of 1 residential unit (C3 use)		
<b>Site Address</b>	Land West Of 15 Dunstanburgh Road, Dunstanburgh Road, Craster, Northumberland		
<b>Applicant:</b>	Mr & Mrs Heslop C/O Agent	<b>Agent:</b>	Mr Richard Sullivan Fourways 2, Dilston Terrace, Amble, Morpeth NE65 0DT
<b>Ward</b>	Longhoughton	<b>Parish</b>	Craster
<b>Valid Date:</b>	2 October 2018	<b>Expiry Date:</b>	21 December 2018
<b>Case Officer Details:</b>	Name: Mr Chris McDonagh Job Title: Planning Officer Tel No: 01670 622646 Email: Chris.McDonagh@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, due to a valid objection from Craster Parish Council, the application has been referred to the Head of Service and the Planning Chair of the North Northumberland Local Area Council for consideration to be given as to whether the application should be referred to Planning Committee for determination. The decision taken was for the application to be decided before the North Local Area Committee, with a recommendation of refusal based on impacts upon the protected and designated landscape and highway safety.

1.2 The application is a resubmission of application 18/01401/FUL, which was refused at the North Local Area Committee (NLAC) on 19th July 2018. That application was refused on the grounds of Highway Safety and Designated Landscape (AONB). This current application is recommended for refusal for the same reasons.

## 2. Description of the Proposals

2.1 Full planning permission is sought for the erection of 1no. dwelling house on land to the west of 15 Dunstanburgh Road, Craster.

2.2 The dwelling would be single storey, utilising the topography of the site to incorporate a split level open plan internal arrangement. The proposed materials include a slate pitched roof, with darkened larch external cladding and aluminium coated windows and doors. The west elevation of the upper level would incorporate full width windows to maximise the open views west across open fields.

2.3 Access to the site is taken from Dunstanburgh Road to the east, using an existing track which passes between terraced housing. The site itself is currently utilised as a residential garden, having been the subject of planning approval to change its use under A/99/A/231. Historically it served as a burgage plot, with the linear form of the plots still evident in that location.

2.4 The site is located within the Northumberland Coast Area of Outstanding Natural Beauty (AONB), the Impact Risk Zone (IRZ) of the Northumberland Shore Site of Special Scientific Interest (SSSI) and is located circa 95m from the Northumberland Coast Special Protection Area (SPA).

## 3. Planning History

**Reference Number:** 18/01401/FUL

**Description:** Erection of 1 no. residential unit (C3 use)

**Status:** Refused at the North Local Area Committee (NLAC) on 19th July 2018.

**Reference Number:** A/99/A/231

**Description:** Change of Use Allotment to Domestic Garden,

**Status:** Permitted

## 4. Consultee Responses

Highways	<p><b>Objection</b></p> <p>Severe impact contrary to Paragraphs 108 &amp; 109 of the NPPF</p>
Craster Parish Council	<p><b>Objection</b></p> <p><i>The Parish Council objects to this application. As the applicants have made no material changes to resolve the issues we objected to in their previous application 18/01401/FUL, the Parish Council can only repeat the same concerns expressed in their response to 18/01401/FUL. The Parish Council agrees with the comments raised by Highways.</i></p> <p><i>We have real concern about the safety implications such a scheme would have on road users and nearby residents.</i></p>
Northumbrian Water Ltd	<p><b>No comment</b></p> <p><i>Northumbrian Water actively promotes sustainable surface water management across the region.</i></p> <p><i>The Developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:</i></p> <ul style="list-style-type: none"> <li>• <i>Discharge into ground (infiltration); or where not reasonably practicable;</i></li> <li>• <i>Discharge to a surface water body; or where not reasonably practicable;</i></li> <li>• <i>Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable;</i></li> <li>• <i>Discharge to a combined sewer.</i></li> </ul>
Northumberland Coast AONB	<p><b>Objection</b></p> <p><i>Further to the comments provided on 25th October the Partnership has reviewed the Photomontage Study which was uploaded on 29th October. As noted in the response on 25th October, the Partnership acknowledged that moving the dwelling to a slightly less elevated position had ameliorated some of the initial landscape concerns raised with the previous application (18/01401/FUL).</i></p> <p><i>The Photomontage Study illustrates how the dwelling would appear from a set of viewpoints and at a set point in time seasonally and the Partnership agree that the new location, a little further down slope, and the slight reduction in scale has helped to lessen some of the visual impact from very far reaching views. However the proposal remains development of a rural location within the AONB. The study illustrates that allotments are undeveloped and rural, the dwelling would still be at a considerable distance from the built form of the village and the coloured cladding is particularly incongruous in this location.</i></p> <p><i>It remains the opinion of the Partnership that the proposal would result an increase in the presence of suburban type development in a rural location. The cumulative impact of the location, associated domestic clutter, light pollution and engineering solution to the currently insurmountable access issue would be to the detriment of the character of the area. Accordingly, the proposal would have a materially adverse effect on the character and appearance of the area contrary to the purpose of conserving and enhancing the AONB.</i></p>

County Ecologist	<b>No objection</b> Subject to Coastal Mitigation contribution of £600 and completion of Habitat Regulations Assessment (HRA) if approved.
Countryside/ Rights Of Way	<b>No objection</b> Subject to the protection of Public Footpath no.18 throughout the development process.
Natural England	<b>No objection</b> Subject to Coastal Mitigation and completion of HRA if approved.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	32
Number of Objections	14
Number of Support	0
Number of General Comments	0

### Notices

Site notice - Public Right of Way, posted 10th October 2018.

Press notice - Northumberland Gazette 11th October 2018

### Summary of Responses:

14no public objections received on the following grounds;

- Access/Highway Safety;
- Impact on Landscape Character/AONB.

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=PFCXQZQSJ6M00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*ALP - Alnwick District Wide Local Plan (1997)*

BE8 Design in New Residential Developments and Extensions Appendix A Design and Layout of New Dwellings  
TT5 Controlling Car Parking Provision

Appendix E Car Parking Standards for Development  
CD32 Controlling Development that is Detrimental to the Environment and  
Residential Amenity

*ACS - Alnwick Core Strategy (2007)*

S1 Location and Scale of New Development  
S2 The Sequential Approach to Development  
S3 Sustainability Criteria  
S11 Locating Development to Maximise Accessibility and Minimise Impact from  
Travel  
S12 Protecting and Enhancing Biodiversity and Geodiversity  
S15 Protecting the Built and Historic Environment  
S16 General Design Principles

6.2 National Planning Policy

NPPF - National Planning Policy Framework (NPPF) (2018)  
NPPG - National Planning Practice Guidance (NPPG) (2018)

6.3 Emerging Planning Policy

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

## **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

7.2 In accordance with paragraph 48 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. 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 appraisal of planning applications.

7.3 The main issues for consideration in this application are as follows;

- Principle of Development
- Design
- AONB/Landscape Impact
- Amenity
- Ecology
- Highway Safety

## Principle of Development

7.4 Policy S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District.

7.5 Craster is identified as a local needs centre where development is restricted to those that satisfy local needs although it is acknowledged that this is not wholly in accordance with the NPPF, which seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Craster supports a number of services, including shops, pubs and a small fishing industry. When taken together with other nearby settlements such as Embleton and Longhoughton can be seen to provide a range of services, including churches, pubs, a post office and convenience stores. Notwithstanding this, Craster does have a service provision with other settlements reasonably located in relation to the site.

7.6 Policy S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements which applies in this case. However limited weight can be attached to this policy as the NPPF does not require a sequential test in residential development.

7.7 Policy S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/legal agreement.

7.8 As previously mentioned there is a limited service provision within Craster. However, the range of services present within the village are supplemented by further services are available within satellite settlements. Development within Craster would generally have good access to local services and public transport links, and can be considered a sustainable location for small scale development. The proposed site would be located with suitable access to public transport, local services and amenities and in this sense would be an appropriate area in which to site new development. In this context it is therefore considered that the principle of the proposal is acceptable.

7.9 Paragraph 8 of the NPPF seeks to promote sustainable development, 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 an environmental element.

7.10 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing and in social terms would deliver housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. The development environmental impact is discussed in the relevant chapters of this report.

7.11 The application is therefore considered in accordance in principle with the relevant policies of the ACS and provisions of the NPPF.

## Design

7.12 Policy S16 of ACS sets out that all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials.

7.13 Paragraph 127 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments;

- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*

7.14 The proposed dwelling is a resubmission of planning application 18/01401/FUL. The design was subject to two pre-submission meetings between the applicants and NCC officers. It is comprised of two distinct sections; an upper level which houses the main living area and is the smaller structure located to the north of the site, and a larger but lower southern section which hosts the bedrooms and utility spaces. The two sections are offset and split level, with the site sloping from west to east and north to south, with a difference of circa 1.5m between the western eastern elevations.

7.15 The resubmission includes several changes to the design refused at NLAC in July 2018, including a lower overall height of the development, lower roof pitch and the removal of the gabion basket support structures. Additional changes were sought post-submission, including changing the feature windows upon the front and rear elevations from uPVC to coated aluminium and the green, composite external cladding to darker, natural timber. This was to integrate the dwelling with the scattering of outbuildings and sheds in the area whilst imitating the fishing sheds nearby with their dark clad appearance. This use of incongruous cladding formed one of the reasons for refusal under 18/01401/FUL but given its resolution, the materials are now considered acceptable.

7.16 The layout and form of the dwelling largely respects the form of the burgage plot and its size, while large, is acceptable given the height reduction. The positioning of the dwelling within the site was a previous point of contention, with the AONB Partnership seeking to move the structure further east, down the slope. The applicants have moved the dwelling, but not as far as was originally sought. Although this compromise was not reached, the reduction in height coupled with the movement down slope has served to reduce the building's prominence in the immediate vicinity.

7.17 On balance, the design is considered acceptable given the changes, in accordance with Policy S16 of the ACS and provisions of the NPPF.

#### AONB/Landscape Impact

7.18 Policy RE17 of the ALP states that planning permission will not normally be granted for developments which would adversely affect the Area of Outstanding Natural Beauty or Heritage Coast

7.19 Policy S13 of the ACS stipulates the need to protect and enhance the distinctive landscape character of the district. All proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area

7.20 Paragraph 172 of the NPPF states that great weight should be given to conserving 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 landscape and scenic beauty.

7.21 The Northumberland AONB Partnership has raised objection to the proposal on the basis that the building would cause unacceptable impacts upon the character of the area, given the sub-urbanising effect of a dwelling within the rural nature of the garden plots. Associated ancillary development such as improvements to access and domestic clutter would exacerbate this.

7.22 The Partnership did comment on the lessening of impacts from the reduced height of the building and the lower elevation from the movement down-slope, but on balance the proposal is not in line with the aims of conserving and enhancing the AONB. This is also consistent with the refused application for 2no dwellings on land to the north of the application site under reference 17/04293/FUL. It is therefore considered the application is contrary to Policy S13 of the ACS, RE17 of the ALP and aims of the NPPF.

#### Amenity

7.23 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.24 Paragraph 127 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.



7.25 The dwelling would be set towards the western extent of the former burgage plot, with a distance of circa 25m to the nearest dwelling to the south. The surrounding area is open to the west and north, with houses located to the south and east. Given the distances between residences and the development site, it is not considered there will be any discernible impacts upon amenity regarding overlooking, massing and privacy, in accordance with the ALP and NPPF.

### Ecology

7.26 Policy S12 of the ACS stipulates that all development proposals will be considered against the need for sustaining and enhancing the District's native biodiversity and geodiversity.

7.27 Paragraph 170 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.

7.28 Formal consultation was undertaken with the county ecologist and Natural England on the proposals, with NCC ecology raising no objection subject to condition to mitigate impacts on-site.

7.29 In addition, this development falls within the 7 km 'zone of influence' for the Northumbria Coast Special Protection Area (SPA) and Ramsar site. It is anticipated that new housing and leisure development in this area is 'likely to have a significant effect' upon the interest features of the SPA, when considered in combination, as a result of increased recreational pressure. As such, Natural England advises that a suitable contribution to Northumberland County Council's coastal mitigation fund be sought from this development to reach a conclusion of no likely significant effect. The applicants have accepted the charge should permission be granted.

7.30 The application is therefore in accordance with Policy S12 of the ACS and NPPF in terms of ecology.

### Highway Safety

7.31 Policy S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.

7.32 Paragraph 108 of the NPPF seeks to ensure safe and suitable access for all developments. Paragraph 109 sets out the considerations of decisions with regard to highways issues, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.33 Access to the site would be taken from the nearest adopted highway at Dunstanburgh Road to the east, utilising an existing track leading south behind the row of terraced houses fronting the highway. The Highways Development Management (HDM) team has responded to formal consultation, stating the application is likely to lead to severe impacts upon the highway network with regards to the junction of the unadopted track and Dunstanburgh Road.

7.34 The statement forwards the following; In the case of the application proposals the site would be accessed from a narrow, poorly constructed track. The junction of

the access track with Dunstanburgh Road is also narrow, little more than single vehicle width, and severely restricted in terms of visibility for emerging drivers. In these circumstances the introduction of additional vehicle movements would be prejudicial to highway safety interests and the Highway Authority considers that the means of access to the development is not safe or suitable as required by the National Planning Policy Framework.

7.35 Access to the site is substandard in terms of width at the junction with Dunstanburgh Road preventing vehicles being able to pass, resulting in the potential for vehicles having to be reversed onto the highway. Further, visibility for drivers emerging from the access onto Dunstanburgh Road is restricted, contrary to the best interests of highway safety. It is therefore considered that a safe and suitable access could not be achieved, and as such the proposal would be contrary to the provisions of the National Planning Policy Framework

7.36 An application was also refused for this reason under 17/04293/FUL for a similar development in the plots to the north. It is therefore considered that the application is contrary to Policy S11 of the ACS and provisions of the NPPF regarding highway safety.

### Equality Duty

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

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

### Human Rights Act Implications

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.

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.

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**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development 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.

8.2 The introduction of residential development to this location would compromise the setting of the area and have a wider impact on the Area of Outstanding Natural Beauty and undeveloped Heritage Coast. The landscape and impact on character resulting from the proposal is therefore considered unacceptable, contrary to Policies S13 & S16 respectively of the Alnwick Core Strategy, RE16 of the ALP and the National Planning Policy Framework.

8.3 The application would not have safe access and cause severe impacts upon the safety of the nearby adopted Highway at Dunstanburgh Road, in conflict with Paragraphs 108 & 109 of the National Planning Policy Framework.

8.4 The application therefore conflicts with development plan and national policy and is recommended for refusal

8.5 Should members be minded to overturn officer recommendation, a Section 106 agreement should be sought to secure a contribution of £600 towards the Council's Coastal Mitigation Fund.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Reasons

#### 01. Highway Safety

Access to the site is substandard in terms of width at the junction with Dunstanburgh Road preventing vehicles being able to pass, resulting in the potential for vehicles having to be reversed onto the highway. Further, visibility for drivers emerging from the access onto Dunstanburgh Road is restricted, contrary to the best interests of highway safety. It is therefore considered that a safe and suitable access for all

people could not be achieved, and as such the proposal would be contrary to Paragraphs 108 and 109 of the National Planning Policy Framework.

## 02. Landscape Impact/Character of Area of Outstanding Natural Beauty

The proposal would introduce development which would compromise the character of the village and the Northumberland Coast Area of Outstanding Natural Beauty. The landscape and character impact of the proposal is therefore considered unacceptable, contrary to Policies S13 and S16 of the Alnwick LDF Core Strategy, saved policy RE16 of the ALP and the National Planning Policy Framework.

**Date of Report: 04.12.2018**

**Background Papers:** Planning application file(s) 18/03379/FUL