

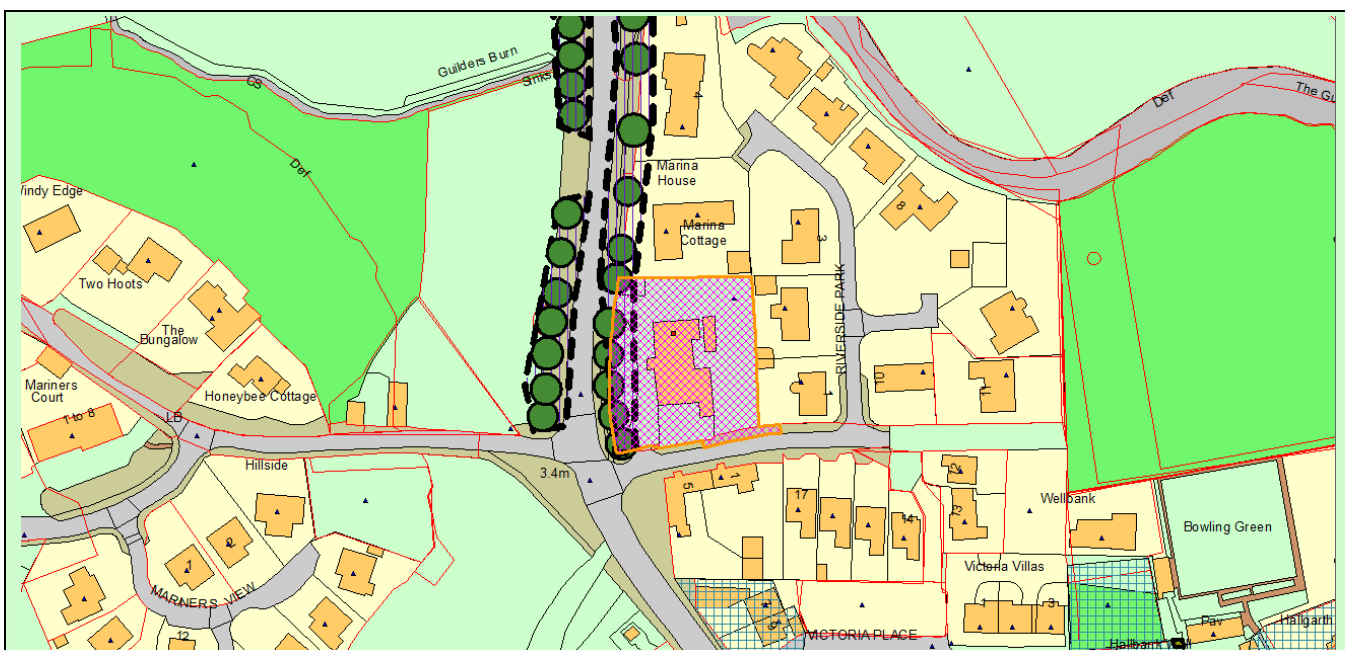


Northumberland County Council

North Northumberland Local Area Council 23 January 2020

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| Application No: | 19/00730/FUL | | |
| Proposal: | Development of high-quality and inherently sustainable development of 7no. dwellings. The existing building on site will be demolished. | | |
| Site Address | Artique At The Marina, Marina Arms, The Wynd, Amble Morpeth Northumberland NE65 0HH | | |
| Applicant: | Mr Paul Hindhaugh Newton Hall | Agent: | Mr Matthew Turnbull Toffee Factory, Lower Steenbergs Yard, Newcastle Upon Tyne, NE1 2DF |
| Ward | Amble West With Warkworth | Parish | Warkworth |
| Valid Date: | 21 March 2019 | Expiry Date: | 31 January 2020 |
| Case Details: | Officer | Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk | |

Recommendation: That Members authorise the Director of Planning to GRANT permission subject to the recommended conditions and a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure a financial contribution to the Coastal Mitigation Service of £600 per unit, a total of £4,200.



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1. Introduction

1.1 Due to the type of application and the level of local interests the application is referred to committee for determination

1.2 A committee site visit will take place on 20 January 2020.

2. Description of the Proposals

2.1 The site is approximately 0.24ha in area on the northern side of Amble, adjacent to A1068 (the Wynd). Currently in use as the "Artique at the Marina" Café, it is bounded to the north south and east by residential development (Riverside Park), with a mature hedgerow along the north boundary and to the west by The Wynd and a mature tree line protected by TPO, with open land beyond and with residential development along Gloster Hill. The site is approximately 40m north of, but outwith the Amble conservation area, with the boundary of the Northumberland Coast Area of Outstanding Natural Beauty and Heritage Coast (AONB), approximately 400m to the north west at its closest point.

2.2 The site is generally rectangular in shape, relatively level, with a small fall from west to east, with a large building set in the centre of the site (the Café), with vehicle parking adjacent and vehicular access from both The Wynd and Riverside Park. Existing residential development in the immediate area is a mix of single, two and three storey dwellings, with a mix of external finishes including stone, brick and render.

2.3 The application involves the demolition of the existing café building and the construction of 7no. residential dwellings of two terraces, both along the line of and adjacent to The Wynd; one terrace of 3no. units and one of 4no. units. On the front (west) elevation submitted details show a balcony and relatively large areas of glazing; with garaging, car parking and bin storage are all intended to the rear (east), of the units with vehicular access intended from Riverside Park on the southern boundary, leading to this area.

2.4 Each unit is proposed as a 3 storey, 4 bedroom terraced dwelling with garage and parking. Submitted details indicate the external finish as buff brick, with slate pitched roof over, with aluminium framed windows and doors.

3. Relevant Planning History

Reference Number: 12/01663/FUL

Description: Previous description changed by agent 13.08.12 to: Extended front entrance porch, small pillars as per drawing erected on parapet. Front elevation and porch to be rendered (painted cream). north face elevation to be timber clad (stained brown) except kitchen area to be rendered. Rear and south facing elevations rendered and timber clad as per drawings originally provided.

Status: PER

Reference Number: 13/01001/COU

Description: Change of use of public house/restaurant to antiques centre/craft centre and cafe

Status: PER

Reference Number: A/2005/0288

Description: Renewal of planning permission A/2000/0113 - extension to provide managers flat, conservatory & 8 bedrooms

Status: PER

Reference Number: A/2005/0151

Description: Replacement windows & 1 no. window altered to form door (retrospective).

Status: PER

Reference Number: A/2000/0113

Description: Extension to provide managers flat, conservatory and 8 bedrooms

Status: PER

4. Consultee Responses

| | |
|--------------------------|---|
| Warkworth Parish Council | No objection |
| Highways | Following the submission of revised information, no objection subject to condition |
| Northumbrian Water Ltd | No objection, subject to condition set out in the report |
| Natural England | <p>INTERNATIONALLY AND NATIONALLY DESIGNATED SITES - NO OBJECTION SUBJECT TO APPROPRIATE MITIGATION</p> <p>This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.</p> <p>Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.</p> <p>Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.</p> <p>Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).</p> |

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| Amble Town Council | <p>Whilst Amble Town Council not object to the principal of residential dwellings on this site, we feel the design should more appropriately reflect and consider the heights of the surrounding properties rather than the highest property across the road from the proposed development.</p> <p>We will be sad to see a popular and valuable tourist retail outlet disappear from one of the entrances to Amble</p> <p>We appreciate the developer has tried to minimise the 'overlooking' factor by placing garages at the rear of the properties but the terrace area of the second storey and the glass areas in the third storey still give that feeling of an element of lack of privacy and enjoyment of the surrounding properties garden areas.</p> <p>We are pleased to note the extensive Highways response which in the main addresses our concerns about the visitor parking within the site, access, egress, sightlines and footways. However in view of the increased traffic anticipated when the Gloster Hill development is completed and occupied, and the already acknowledged speeding problem at this point on the A1068, we feel the idea of a mini roundabout, access lanes, traffic control measures, safe pedestrian crossing points should be given more serious consideration as this will become a very busy crossroads.</p> <p>We note Northumbrian Water's response which addresses our concerns about adding to the potential for flooding in this particular area.</p> <p>It is important that the site mitigation measures to prevent damage to the preservation order trees are adhered to.</p> <p>We would also expect the usual conditions to protect the adjacent residents- restrictions on working hours, storage of materials, contractors' vehicle parking on site, dust mitigation, wheel washing facilities etc. to be applied to any successful application.</p> |
| County Ecologist | Following the submission of additional information, no objection subject to the conditions set out in the report and a financial contribution to the Coastal Mitigation Service. |
| Lead Local Flood Authority (LLFA) | Following the submission of additional documentation the LLFA has no objections subject to conditions set out in the report |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 10 |
| Number of Objections | 3 |
| Number of Support | 0 |
| Number of General Comments | 0 |

Notices

General site notice, 4th April 2019
No Press Notice Required.

Summary of Responses:

During the consultation period, 3 objections, including a petition (382 signatures) have been received. The reasons for objection include;

Impact on residential amenity (size (height), depth and massing) and impact on privacy;
Over development of the site;
Design;
Car parking;
Impact on the existing drainage system;

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=PNN5WQQSMCR00>

6. Planning Policy

6.1 Development Plan Policy

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

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

S14 Development in the open countryside - Alnwick LDF Core Strategy

S15 Protecting the built and historic environment - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

S23 Planning obligations - Alnwick LDF Core Strategy

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

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

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

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

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

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

6.4 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019 (NLP); relevant policies would include:

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy TCS 1 Hierarchy of centres (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 4 Housing development site allocations (Strategic Policy)

Policy HOU 5 Housing types and mix

Policy HOU 6 Affordable housing provision (Strategic Policy)

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 6 Delivering well-designed places

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ENV 2 Biodiversity and geodiversity

Policy WAT 2 Water supply and sewerage

Policy WAT 3 Flooding

Policy WAT 4 Sustainable Drainage Systems

Policy INF 6 Planning obligations

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 National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material

considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a proposal requires an Appropriate Assessment to be undertaken this presumption does not apply.

7.2 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS).

7.3 Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, was submitted for examination on 29 May 2019 (NLP). In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration.

The main issues for consideration include:

Principle of development;
Housing Land Supply;
Design;
Residential amenity;
Character and setting;
Ecology;
Highways;
Water Management;

Principle:

7.4 The NPPF seeks to promote sustainable development with paragraph 11 providing the starting point against which the sustainability of a development proposal should be assessed. NPPF paragraph 8 identifies three objectives to sustainable development - an economic element, a social element and an environmental element.

7.5 Policy S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District. It identifies Amble as a Main Rural Service Centre, which should be the main focus for new development in the plan area. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement. 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. However, limited weight can be attached to this policy as the NPPF, whilst encouraging the reuse of previously developed land, does not require a sequential test for this development type.

7.6 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 but also states that it may be

necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts. ACS Policy S5 sets out minimum housing density requirements for new build housing of a minimum of 30 dwellings per hectare however, in rural areas, particularly on settlements edges, lower densities may be acceptable.

7.7 Paragraph 78 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. NLP policy STP 1 sets out a spatial strategy for development seeking to provide development that will enhance the vitality of communities across Northumberland and identifies Amble in the first tier as a Main Town and a main focus for development. Policy STP2 sets out the presumption in favour of sustainable development with STP3 setting out the principles of sustainable development.

7.8 The site is located within, but on the edge of Amble, a Main Rural Service Centre, which acts as one of the main focuses of development in the county. The site is previously developed land, past uses include public house, antiques and café, with existing access and utility connections. The site is located within the proposed settlement boundary of the town, bordering existing residential development and would be accessible to services. The proposal could deliver economic benefits through the provision of new housing and provide some support for existing services and, in social terms, it would deliver market housing in a location within the town with the potential to add to its vitality and viability, without increasing its 'urban footprint'.

7.9 Given the existing and proposed settlement hierarchy, set out in policy, the site is set within a sustainable location and the principle of some form of residential development is accepted. It is considered that the proposed location of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing in the area and in social terms would deliver market housing in an appropriate location, within the proposed settlement boundary for the town. The principle of residential development is therefore considered acceptable in accordance with policies, S1, S5 and S6 and the provisions and intentions of the NPPF.

Housing Land Supply:

7.10 Extant development plan policy is provided by the Alnwick LDF Core Strategy (adopted 2007) and 'saved' policies of the earlier Alnwick District-Wide Local Plan (adopted 1997), insofar as they remain consistent with the new NPPF (Feb 2019) and PPG which are also material considerations. The site is on the edge of and within the proposed NLP Settlement Boundary for Amble.

7.11 NPPF para.11 advises that where the existing policies that are most important to determining the application are out-of-date, the presumption in favour of sustainable development should generally apply. For housing applications, footnote 7 further advises that the consideration of whether relevant existing policies are out-of-date include where the Council cannot demonstrate a 5-year supply of 'deliverable' housing sites, or where the Housing Delivery Test shows that housing delivery was substantially below the requirement of the previous three years.

7.12 Following the Government's updated NPPF and PPG in February 2019 and the release of the new affordability ratios in March 2019, Northumberland's five-year deliverable housing land supply calculation for 2018-2023 has changed. Using the 2014-based household projections for the 2018-2028 period, together with the latest 2018 affordability ratio, gives a minimum Local Housing Need of 694 dwellings per annum. Allowing for the 5% buffer therefore means that the identified 9,113 dwellings supply would equate to a 12.5 years housing land supply.

7.13 The NLP has now been submitted for examination, in terms of housing, the publication draft Local Plan (Table 7.2) identifies no need for any further significant housing development in Northumberland or the North Delivery Area over-and-above existing planning permissions and minded to approve applications, since completions over the past two years and outstanding commitments already exceed the area's identified minimum requirements for the 2016-2036 plan period. Northumberland has already more than satisfied the NPPF requirement to significantly boost the supply of housing (para.59). The NLP does allocate a few sites for housing development in Policy HOU3 to help meet residual locally-distributed parish-based needs (Table 7.1), but otherwise there is no need for any further major housing development to meet the Plan's evidenced minimum requirements. However, these figures do not constitute a 'Cap' on housing numbers, but rather the minimum requirements to meet the objectives of the NLP.

7.14 In particular, the draft NLP has been informed by much more up-to-date evidence than the extant district plan and previous 'saved' plan policies, with that evidence base also being a material consideration of reasonable weight in itself. The draft NLP's integral Policies Map identifies that the site in question is set on previously developed land (café). In addition the site is within the proposed settlement boundary in the NLP for Amble.

Affordable Housing:

7.15 Policy S6 of the ACS seeks to ensure that an appropriate level of Affordable Housing (AH) is provided, to meet identified community needs. On all housing sites for 10 or more units or, in Alnwick and Amble on more than 0.33 has, developers are expected to provide an appropriate level of AH within the site, where need exists. Paragraph 64 of the NPPF identifies that on all major development a minimum of 10% AH should be sought with annex 2 Glossary identifying that this includes sites of 0.5has or larger. To meet this identified need, Policy HOU6 of the NLP sets out the emerging policy position, with different affordable housing requirements based on housing viability value areas.

7.16 In this instance the necessary thresholds have not been triggered and an AH contribution cannot be sought.

Design:

7.17 Design considers the appearance of the development independently and as part of the immediate streetscene. The application has been submitted in Full and seeks consent of 3 storey, 4 bedroom terraced dwellings, with garage and parking. Submitted details indicate the external finish as buff brick, with slate pitched roof over, with aluminium framed windows and doors. Development would front onto The

Wynd along the western boundary, set within two terraces. Access is proposed from the existing, but improved, access onto Riverside Park, with the properties 'serviced' from this side where the bins, garaging and parking are to be located. The landscaped grass verge will be kept on the western boundary abutting The Wynd, with the protected trees retained.

7.18 Policy S5 of the ACS sets out housing densities to be achieved, requiring 30 dwellings per ha to be achieved, but also acknowledges that a lower density in more rural locations and edge of settlement areas can be considered. 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. BE8 of the ADLP specifies the relevant appendix to assess proposals for new dwellings and extensions (in this case Appendix A). Appendix A covers criteria relating to layout, access, car parking, design, materials and landscaping. It is acknowledged that this policy in part is not fully compliant with the NPPF in terms of its prescriptive nature.

7.19 Paragraph 124 of the NPPF identifies that high quality buildings and places are fundamental to what the planning and development process should achieve and paragraph 130 advises that permission should be refused for developments of poor design. Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:

"a) 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;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"

7.20 NLP policies HOU9 and QOP1 reflect these requirements, with QOP2 requiring a high standard of amenity for current and future users of a development. QOP5 seeks to ensure sustainable design and construction, include passive design measures to respond existing and anticipated climatic conditions and improve the efficiency of heating and cooling etc. QOP6 seeks to ensure well designed places.

7.21 In terms of scale the proposed development is of a slightly lower density prescribed by ACS policy S5 with the proposed dwellings standing 3 storeys tall; which in terms of height will be broadly consistent with the height of the building immediately south at 5 the Wynd, but would be taller than the single storey dwellings immediately to the north at Marina House. Whilst the height difference remains with existing development to the north the proposed units do not include window openings to this elevation; which will lessen adverse amenity impacts including privacy and overlooking. Given the site location and the design of the proposed and the orientation of the existing and proposed dwellings, in this instance this height difference is considered to be acceptable in amenity terms. The design of development is therefore considered acceptable in accordance with policies, S1, S5 and S6 and the provisions and intentions of the NPPF, subject to conditions an AH provision.

7.22 The design and materials proposed are contemporary in appearance but would appear complementary to neighbouring residential development. As part of the recommendation, a condition to secure materials has been set out in the recommendation which is considered necessary to ensure some control over the quality of the development.

7.23 Overall the design of the development is considered, to be acceptable and in accordance with S16 of the ACS and the NPPF.

Residential amenity

7.24 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.

7.25 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.

7.26 Paragraph 127 of the NPPF states that planning decisions should;

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.27 As part of the consultation response from Highways Development Management (HDM), a demolition/ construction method statement has been requested that will secure details of on site operations during these periods. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development. Alongside this would be measures to manage surface water drainage as set out by the Lead Local Flood Authority (LLFA) over the construction period.

7.28 The closest existing residential dwelling is to the north at Marina House, within a wall to wall separation distance of approximately 9.3m, outlined in paragraph 7.20 above. Other nearby residential receptors include dwellings to the east, along Riverside Park with a wall to wall separation distance of approximately 32m at its closest point.

7.29 Submitted details indicate that the mature hedgerow, along the north boundary, will be retained and will help screen and 'visually soften' this part of the site as well as continue to provide privacy screening. No window openings are indicated on the northern gable of the northernmost terrace however, it is reasonable to include a planning condition restricting permitted development rights for new openings, to prevent future amenity concerns. The separation distance to other neighbouring dwellings is considered to be acceptable. Within the development and given the terrace style of development proposed there would be sufficient space to provide for some form of external amenity for residents, so that it would not have an adverse impact on properties within the site.

7.30 The impact on amenity is therefore considered acceptable in accordance with CD32 of the ADLP and the provisions and intentions of the NPPF.

Character and Setting

7.31 The site land use is as café and bound on three sides by existing residential development, located on the boundary of Amble, a Main Rural Service Centre and it remains spatially connected to the surrounding built up area. S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment. Policy S5 of the ACS sets out the density required for new build housing, at 30 dwellings per hectare as a minimum. In rural areas and elsewhere where there is a need to preserve or enhance the character of the area, particularly on settlement edges, lower densities may be considered

7.32 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance, the natural and local environment.

7.33 In terms of scale the proposed development is of an acceptable density; in terms of height it generally accords some other properties within local area, although remains taller than the residential property to the north. The principle of development is therefore considered acceptable in accordance with policies, S1, S5 and S16 and the provisions and intentions of the NPPF, subject to conditions an AH provision.

7.34 The character of this part of Amble has evolved through the construction of more modern residential developments, whilst retaining some older looking individual buildings/ dwellings, set along The Wynd. Set adjacent to and viewed in the context of, the development along The Wynd and Riverside Park the proposed development will not have an adverse visual impact on the character and setting of Amble or, the wider area.

7.35 Through the application the proposal would provide a landscaping scheme, that would be required by planning condition with the protected trees on the western boundary and the existing hedgerow, along the northern boundary, retained. This requirement would be intended to soften the visual impact of the development, as well as support/ enhance the local ecology.

7.36 Viewed in the context of the existing development the proposal will not have an adverse impact on the character and setting of Amble and is considered to accord with policies S5 and S16 of the ACS and the provisions and intentions of the NPPF.

Ecology

7.37 Whilst the site is overall of low ecological value, due to its proximity to the nearby designated areas along the Northumberland Coast/ River Coquet the proposal does have the potential to increase disturbance to these areas. The application has been reviewed by the County Ecologist (CE) and, given the site's location within an Impact Risk Zone, Natural England (NE) have also been consulted to assess off-site impacts. Over recent years the council has concerns about the effectiveness of mitigation, that does not include direct management of the protected areas themselves. The council has now introduced a scheme whereby developers can pay a contribution into a Coastal Mitigation Service (CMS), which will be used to

fund coastal wardens who will provide the necessary mitigation. In this instance a contribution of £600 per unit would be required (total £4,200), to which the applicant has agreed.

7.38 Policy S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity. Policy S12 stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.

7.39 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.40 NLP policy ENV2 and ENV3 seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity and the character of the landscape. Policy QOP4(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development. Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance, the local environment by;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

7.41 NE have responded raising no objection, subject to appropriate mitigation being secured.

7.42 Following the submission of further information the CE has no objection to the proposal, subject to conditions and a contribution to the CMS.

7.43 Where a planning obligation is necessary an application acceptable in planning terms, policy S23 of the ACS seeks to ensure developers are requested so sign a legal agreement to provide in kind/ or make contribution towards the provision or improvement of physical or, social infrastructure.

7.44 Paragraphs 54 to 56 of the NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Obligations should be kept to a minimum and must meet all of the following tests;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Therefore, subject to conditions and a CMS contribution the proposal will accord with policies S3 and S12 of the ACS and the provisions and intentions of the NPPF.

Highways

7.45 Highway safety considers the impact the development would have in terms of vehicle movements, the internal layout of development and pedestrian connectivity. The site would be accessed directly from the existing, but improved vehicle access leading from Riverside Park. The application has been assessed by Highways Development Management (HDM).

7.46 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.

7.47 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.48 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA4 requiring an appropriate level of off street parking to be provided.

7.49 The proposed development site is located along the The Wynd, but will be accessed from Riverside Park. The proposal has been subject to detailed assessment by HDM and following the submission of revised footway and access details no objection is raised subject to conditions.

7.50 The impact on highway safety is therefore considered acceptable in terms of highway safety and convenience; neither causing an unacceptable impact on highway safety nor cumulatively leading to a severe impact. The proposal will accord with policy S11 of the ACS and the provisions and intentions of the NPPF.

Water Management

7.51 Paragraph 163 of the NPPF states that when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and paragraph 165 requires that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

7.52 NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure proposals provide appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively.

7.53 The site is located within Flood Zone 2, as identified by the Environment Agency Flood Maps, the proposal has set out a mains connection for foul and surface water drainage. The application has been accompanied by a Flood Risk Assessment (FRA) with Drainage Strategy which has been subject to consultation with the Lead Local Flood Authority (LLFA) and Northumbrian Water (NWL).

7.54 NWL has no objection subject to condition and following the submission of revised details the LLFA has no objection, subject to conditions to secure details of drainage and set out in this report. Subject to the proposed conditions the proposal will accord with the provisions and intentions of the NPPF

Other issues

7.54 Objections have been received regarding the proposal, the issues raised are considered to be addressed within the report.

Equality Duty

7.55 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

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

Human Rights Act Implications

7.57 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.

7.58 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.59 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 ACS identifies Amble as a Main Rural Service Centre. In general terms it is considered that the principle of new housing in this location would be in accordance with the economic, social and environmental objectives of sustainable development.

8.2 Whilst the proposed housing is not needed to enable the council to meet the minimum needs of the NLP, these figures do not represent a 'cap' for housing development and the site already benefits from consent for residential development and is set within a sustainable location. The proposed design, layout and density are, on balance, considered to be acceptable.

8.3 The internal roads are not being considered for adoption at this stage, but this may be re-visited at a later date. HDM has no objection, subject to conditions.

8.4 A contribution to the coastal mitigation service should be sought through a legal obligation.

8.5 Other impacts can be satisfactorily mitigated by planning conditions.

9. Recommendation

That Members authorise the Director of Planning to GRANT permission subject to the recommended conditions and a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the a financial contribution to the Coastal Mitigation Service of £600 per unit, a total of £4,200.

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 and documents. The approved plans/ documents for this development are:-

Drawing No. SD10.06, Proposed Surface Treatment Plan;
Drawing No. SD10.02 Rev E, Proposed Site Layout;
Drawing No. SD30. 02, Front Western Streetscene;
Drawing No. SD20.08, Rear Eastern Streetscene;
Drawing No. SD40.01, Site Sections;
Drawing No. SD10.05, Visibility Splays;
Drawing No. SD20.01, Ground Floor Plans;
Drawing No. SD20.03, First Floor Plans (plots 1-4);
Drawing No. SD 20.05, Second Floor Plans (plots 1-4);
Drawing No. SD20.07, Roof Plans (plots 1-4);
Drawing No. SD20.02, Ground Floor (plots 5-7);
Drawing No. SD20.03 First Floor Plans (plots 5-7);
Drawing No. SD20.06, Second Floor Plans (plots 5-7);
Drawing No. SD20.08 Roof Plans (plots 5-7);

Flood Risk Assessment And Surface Water Management Strategy, For A Proposed Development, At The Marina Arms, Amble Rev E Ref 4990/FRA01E Dat :02.10.19
Produced by ID CIVILS Design Consulting Engineers;
Outline drainage strategy Ref 4990-C-D9-01 Rev C produced by ID CIVILS Design Consulting Engineers 02.10.19;

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 form. 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 local plan policy S16

04. The development shall not be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. 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.

05. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans and the highway including roads, kerbs and footway has been reinstated.

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

06. Notwithstanding the details provided, the development shall not be brought into use until details of new 2.0m wide footway along the northern side of Riverside Park and the eastern side of the A1068, extending along the site boundary including closure of redundant vehicular access to the development from these roads, together with street lighting, drainage and associated works, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of highways and pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

07. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

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

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development

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

09. Prior to occupation, details of surface water drainage to manage run off from private land 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.

10. Prior to commencement of development details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority to ensure that there are no loose or unbound materials within 6.0m of the edge of carriageway. The development shall be carried out in accordance with the approved details.

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

11. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
Construction details (component drawings, materials, vegetation);
Health and Safety file;

Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards.

13. Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. No development shall commence until the applicant has submitted a detailed landscape planting plan including the planting/sowing of locally native trees, shrubs (including hedges), wildflowers and grasses of local provenance to be agreed in writing with the LPA and to be fully implemented during the first full planting season (November March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

15. No development shall be carried out other than in accordance with the Tree Protection Plan (Elliott Consultancy Ltd., March 2019) and guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

16. All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species.

17. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Appraisal - Land at Marina Arms, The Wynd, Amble, Northumberland', ajt Environmental Consultants, August 2019') including, but not restricted to, inclusion of 2No. Integrated bat boxes (as specified) on units 1 & 4; adherence to timing restrictions; adherence to precautionary working methods and Method Statement; adherence to external lighting recommendations and in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2018; use of 'bat friendly' timber treatments (as specified); use of traditional bitumen felt or timber sarking and no use of breathable roofing membranes in areas as specified; erection of bird nesting features for sparrow and starling with types, numbers and locations to be agreed in writing with the LPA; any water tanks in roof spaces to be covered; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;

checking survey for hedgehogs immediately prior to works commencing on site; updating ecological, active season bat and bird nesting survey to be carried out in the event that demolition works do not commence before the end of August 2021 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.'

Reason: To maintain the favourable conservation status of protected species.

18. All residual materials resulting from the demolition works hereby approved shall be removed from the site within the calendar month of the date of completion of the demolition.

Reason: In the interests of amenity and in accordance with local plan policy CD32

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the northern elevation/ gable of the northernmost terrace unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with local plan policy CD32 and S16.

Background Papers: Planning application file(s) 19/00730/FUL