



# Northumberland County Council

## Strategic Planning Committee 6 November 2018 ADDENDUM REPORT

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**Application No:** 16/04731/OUT

**Proposal:** Outline planning application for the construction of up to 500 new dwellings with associated infrastructure and landscaping with all matters reserved except access to and from the site.

**Site Address:** Land South West of Glebe Farm, Choppington Road, Bedlington, Northumberland

**Applicant:** Mr. Tony Rutherford (c/o GSC Grays)

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**Recommendation:** That committee be minded to grant outline planning permission

### 1. Introduction

- 1.1 This application was previously considered by Strategic Planning Committee on the 6 June and the 5 September 2017. Members resolved that they were minded to grant planning permission subject to resolution of outstanding transportation matters raised by Highways England, ecology mitigation matters, completion of a Section 106 Agreement concerning various infrastructure matters and conditions. The officer reports previously considered by Members at those 2017 committees are appended to this addendum report.
- 1.2 During the intervening period discussions have taken place with the applicant and consultees regarding the various above-mentioned outstanding matters. These 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. These are as follows:
  - 15% affordable housing (comprising 67% affordable rented units and 33% discount market value sale units).
  - £1,331,000 education contribution for primary and special educational needs provision.

- £346,500 healthcare contribution.
  - £229,000 sports contribution.
  - Contribution of between £70,454 and £155,000 for mitigation works at and within the vicinity of the A19/A189 Moor Farm roundabout.
  - Improvement works to footpaths close to the application site to improve dog walking routes in the locality in respect of ecological mitigation.
  - Implementation of Travel Plan including provision of £65 bus voucher for the occupiers of each proposed dwelling.
- 1.3 Due to some uncertainties re abnormal site development costs, the final draft Section 106 Agreement includes a viability review clause which allows the developer to seek from the Council a re-assessment of these contributions once such development costs are clearer. Any decision as to whether or not any reduction in contributions is justified would rest with Strategic Planning Committee or, on appeal, with the Planning Inspectorate.
- 1.4 Notwithstanding the above, on the 24 July this year the Government published its updated National Planning Policy Framework (NPPF). The officer reports previously considered by Strategic Planning Committee in June and September of 2017 made extensive references to the previous version of the NPPF and therefore these may have had a material bearing on the decision of Members that they were minded to grant planning permission.
- 1.5 As such it is considered that this application should be referred back to Strategic Planning Committee so that it may be re-considered by Members in light of the updated NPPF
- 1.6 As per the previous reports to committee, the Development Plan in respect of the application site remains the saved Policies of the Wansbeck District Local Plan 2007. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. As such the saved policies of the Local Plan remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF.
- 1.7 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. Key changes between previous and updated versions of the NPPF**
- 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 As advised in the previous reports to committee, the proposed development would be contrary to Local Plan Policies which seek to restrict development in locations such as this in the countryside outside of defined settlement boundaries and on greenfield sites. Officers remain of the view that these Policies are not wholly consistent with the NPPF, which does not specifically seek to preclude development such as this on land outside of settlement boundaries or development on greenfield sites that have not been allocated for housing in a Development Plan, although paragraph 170 of the NPPF does refer to the need for planning decisions to recognise the intrinsic character and beauty of the countryside and the need to protect and enhance valued landscapes. As such proposals on sites such as this in the open countryside outside of settlement boundaries need to be assessed on their individual merits taking into account all material planning considerations.
- 2.11 In this regard, the NPPF continues to seek to promote sustainable development and a judgement needs to be made as to whether or not overall the proposal amounts to sustainable development.
- 2.12 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.
- 2.13 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. In arriving at this conclusion officers have had regard to the fact that the proposed site is included within the Council's housing land supply for the Plan period of the emerging Local Plan and also within the 5 year housing land supply for the period 2017-2022 and is included within a revised settlement boundary for Bedlington as defined in the Council's emerging Local Plan. In addition, a final draft Section 106 Agreement has been negotiated with the applicant which provides for all of the contributions sought by officers and consultees and the proposals, in the view of officers, remain acceptable in terms of impact on the character and appearance of the area, residential

amenity impact, land contamination/stability, transportation matters, drainage/flooding, ecology, archaeology and loss of agricultural land.

- 2.14 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.
- 2.15 In respect of transportation matters, paragraph 109 of the new NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. This paragraph differs from paragraph 32 of the previous NPPF which did not include specific reference to highway safety as a ground for refusal. However, the Council as Local Highway Authority and Highways England as Strategic Highway Authority for the A1 and A19 raise no objection to the proposals subject to conditions and provision within the Section 106 Agreement, which has been agreed, for mitigation works at and in the vicinity of the A189/A19 Moor Farm roundabout.
- 2.16 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.
- 2.17 Finally in terms of housing mix the social objective in respect of sustainable development at paragraph 8 of the new NPPF refers to developments providing for a sufficient number and range of homes as opposed to the previous NPPF which made reference only to housing supply in respect of the social dimension of sustainable development. The precise mix of housing would be determined at Reserved Matters stage but it is considered that a range of homes can be delivered given the scale of development proposed and the provision of 15% affordable housing which is included in the final draft of the Section 106 Agreement.
- 2.18 In respect of affordable housing, the new NPPF widens the definition of affordable dwellings to include starter homes and other affordable routes to home ownership. Reference is also made to affordable housing for rent being let in accordance with Government Rent Policy at least 20% below market rents and to Discount Market Sale dwellings being sold at a value of at least 20% below open market value. The affordable housing provision contained within the final draft Section 106 Agreement remains as per that specified in previous reports to committee and is considered appropriate and in

accordance with the new NPPF, notwithstanding the new NPPF's wider definition of affordable housing.

- 2.19 Drawing all matters together the proposed development is considered overall to be sustainable development. Furthermore, there are not considered to be 'restrictive' NPPF policies that would provide a clear reason for refusing the development and any adverse impacts arising would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies within the new NPPF as a whole.

### **3. Conclusion**

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

- 3.2 As such, it is considered that the proposed development should continue to be supported.

### **4. Recommendation**

That Members be minded to **GRANT** permission and delegate authority to the Director of Planning to determine the application, subject to conditions as specified in previous reports to committee and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 which secures 15% affordable housing and the various infrastructure contributions as specified earlier in this report.

### **Author and Contact Details**

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Appendices:

Reports to Strategic Planning Committee dated 6 June and 5 September 2017.

**Date of Report:** 23.10.2018

**Background Papers:** Planning application file(s) 16/04731/OUT