



Northumberland County Council

**Strategic Planning Committee
4 December 2018**

ADDENDUM REPORT

Application No: 16/04305/OUT

Proposal: Application for outline planning permission with some matters reserved for construction of residential development of up to 500 dwellings (including affordable homes), public open space, access to an existing highway and associated works

Site Address: Land south and south-east of James Calvert Spence College, Acklington Road, Amble

Applicant: Mr Hindhaugh / Farmer, Hindhaugh Homes, Newton Hall, Newton on the Moor, Morpeth, NE65 9JU

RECOMMENDATION: THAT MEMBERS BE MINDED TO GRANT PERMISSION AND DELEGATE AUTHORITY TO THE DIRECTOR OF PLANNING TO DETERMINE THE APPLICATION SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT.

1. Introduction

- 1.1 The purpose of this report is to seek approval from Strategic Planning Committee for a change to the resolution and conditions following discussions with the applicant and consultees, which differs from that previously approved by the Strategic Planning Committee. It is also proposed to update Members on any implications arising from the publication of the new National Planning Policy Framework (NPPF) in July 2018.
- 1.2 This application was previously considered by Strategic Planning Committee on the 5 September 2017 following the deferral of the application by Committee in July 2017 so that a site inspection could be undertaken. The resolution of the Committee as recorded in the Minutes is as follows:

RESOLVED that the Committee be minded to GRANT permission subject to the resolution of outstanding matters in respect of archaeology, and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure 15% affordable housing provision;

education contribution; healthcare contribution; sport and play contribution; highway infrastructure contribution; provision of ecological mitigation, and subject to the conditions set out in the report with an additional condition regarding the link road and others deemed necessary and delegated to officers following further responses.

- 1.3 The officer report previously considered by Members at the September 2017 meeting is appended to this addendum report.

2. NPPF Changes - July 2018

- 2.1 On the 24 July this year the Government published its updated National Planning Policy Framework (NPPF). The officer report previously considered by Strategic Planning Committee in September 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.
- 2.2 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.
- 2.3 As per the previous report to committee, the Development Plan in respect of the application site remains the former Alnwick District LDF Core Strategy and the saved policies of the former Alnwick District Wide Local Plan. 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 development plan policies referred to in the previous report to committee 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.
- 2.4 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.
- 2.5 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'.
- 2.6 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'.

- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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. The proposals are considered acceptable in respect of the Housing Delivery Test at the present time.

- 2.12 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.
- 2.13 As per the previous report to committee, Officers remain of the view that the application site is an acceptable location in principle for the proposed development due to its close proximity to existing built development and local services in Amble which is identified in Policy S1 of the Alnwick LDF Core Strategy as a Main Rural Service Centre. The proposals also continue to satisfy the sustainability criteria outlined in Policy S3. Whilst Policy S2 gives preference to the development of previously developed land over green field sites such as the application site, this Policy remains inconsistent with the updated NPPF and therefore cannot be afforded significant weight. Likewise, in terms of the former Alnwick District Wide Local Plan, the location of the site outside of the settlement boundary for Amble, cannot be afforded weight as Policies relating to settlement boundaries in that Plan were not saved. Notwithstanding this, the new NPPF, as did the previous version, 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 need to be assessed on their individual merits taking into account all material planning considerations.
- 2.14 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.
- 2.15 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.
- 2.16 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 Amble as defined in the Council's emerging Local Plan. A draft Section 106 Agreement will be negotiated with the applicant that would provide for all of the contributions sought by officers and consultees and the proposals, in the view of officers, remain acceptable in terms of housing mix and affordable housing, landscape and visual impact, residential amenity

impact, transportation matters, drainage/flooding, ecology, archaeology (subject to the applicant addressing this outstanding matter to the satisfaction of the Conservation Team), ground conditions and loss of agricultural land.

- 2.17 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 as set out within the original committee report.
- 2.18 In respect of transportation matters, paragraph 109 of the new NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. This paragraph differs from paragraph 32 of the previous NPPF which did not include specific reference to highway safety as a ground for refusal. However, the Council as Local Highway Authority raise no objection to the proposals subject to conditions.
- 2.19 The new NPPF provides greater detail in respect of high quality design than its predecessor and also refers to the need to make effective use of land. The social and environmental objectives of sustainable development at paragraph 8 of the new NPPF are expanded to reflect this with detailed policy provided from paragraphs 117-132. Officers consider the proposed development to accord with these provisions in the new NPPF for the reasons specified in the previous report to committee, although the detail in respect of layout, scale and appearance of the development would be resolved at Reserved Matters stage.
- 2.20 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 to be secured in the Section 106 Agreement.
- 2.21 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 to be secured within the Section 106 Agreement remains at 15% of the total number of dwellings as per the previous report to committee. Discussions are ongoing with the applicant regarding the precise tenure mix of that affordable housing.

Overall, the proposed affordable housing provision is considered appropriate and in accordance with the new NPPF, notwithstanding the new NPPF's wider definition of affordable housing.

- 2.22 The original assessment of the application considered that, subject to conditions and planning obligations to be secured by a Section 106 Agreement, 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 market and affordable 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. In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area and the development could be assimilated into this location, subject to further consideration of the final layout and appearance of the dwellings.
- 2.23 Other potential effects were also considered where there were not considered to be any harmful impacts, or effects could be mitigated where necessary. It was therefore considered that sustainable development would be achieved in this case having regard to the relevant policies of the development plan and the NPPF. The identified development plan policies were considered to be consistent with the NPPF, and the scheme was therefore felt to represent sustainable development.
- 2.24 The changes to the NPPF have been considered in the context of the previous assessment of the application and the resolution from the Strategic Planning Committee, and it is not considered that there would be any material change in the original assessment or conclusions of the officer report. The proposed development is still considered to achieve a sustainable form of development that would be in accordance with the relevant development plan policies and the NPPF 2018.

3. Link Road

- 3.1 The officer recommendation within the original report was the same as the above Committee resolution set out in paragraph 1.2 of this addendum report, but without reference to an additional condition regarding a link road. This is a matter that was discussed by Members at the September 2017 meeting following representations raised by the local Ward Member, which is minuted as follows:

He asked that the Committee provide a strong recommendation to officers to do their very best to provide a link road to the A1068 to relieve the pressure on Acklington Road.

- 3.2 The minutes of the meeting also highlight the following points as discussed by Members:
- *Whilst the applicant had submitted a further connectivity plan and it would be an improvement, the application had been assessed on the*

current plan which was only indicative at the current time and would be finalised as part of a conditioned reserved matters. Due to ecological and land ownership issues it would not be possible to approve a new access road at this meeting but seeking to provide construction of a road up to the site boundary could possibly be conditioned as part of the layout and which also might help when considering the other proposed developments.

- *The benefit of providing the link road was recognised by all, however the Committee must decide the application on what was provided at this time and this could help to deliver the link road to the A1068 in the future following discussions between the respective landowners and developers. If the Committee was minded to approve this application then a condition could be added to ensure that the link road was provided up to the boundary of this application site.*

3.3 A Member subsequently proposed acceptance of the recommendation to be minded to approve the application as outlined in the report with a condition to be attached that the link road be provided to the edge of the application site and that officers be encouraged to work with the other developers to form the rest of the link road to the A1068.

3.4 The reference to 'other developers' relates to an outline planning application for a proposed development of up to 175 dwellings on adjacent land to the east of the site and north-west of Hauxley Moor House (17/01675/OUT). That application was considered by the Strategic Planning Committee at its meeting on 7 November 2017, with a resolution to approve subject to conditions and completion of a Section 106 Agreement securing necessary infrastructure requirements and obligations, and the following condition regarding the link road:

The reserved matters to be submitted under condition 1 in respect of the layout of the development hereby permitted shall make provision for the construction of a road through the application site from the western boundary of the site to the A1068 highway to facilitate the provision of a link road between Acklington Road and the A1068 highway. Thereafter the section of this link road through the application site shall be constructed in accordance with the approved details to a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of good planning and to assist in facilitating improved strategic transport links between Acklington Road and the A1068 highway, in accordance with Policies S3 and S11 of the Alnwick District LDF Core Strategy and the National Planning Policy Framework.

The minutes of the Committee meeting that considered application 17/01675/OUT state that further discussions had been held between the developers of both of the sites, who were agreeable to the provision of a link road with the caveat that the additional costs associated with the provision of such would be compensated for by a reduction in the Section 106 contributions that would normally have been expected to be provided for the scale of developments as proposed.

- 3.5 Since consideration of the two applications Officers have been in discussion with the applicants and Highways officers regarding the design and costs associated with the construction of a link road through the sites and the practicalities of being able to achieve this aspiration. The developers have also had joint discussions between themselves on the matter of costs and being able to facilitate the link road across the two sites. No decision has yet been issued on either application whilst consideration has been given to these ongoing matters and as the Section 106 Agreements are still to be completed.
- 3.6 With regard to the proposed development the subject of this report Officers have held further discussions with the applicant and have received additional recent information in relation to the current situation following investigation by them and their discussions with relevant Officers of the Council. The comments received in a note from the applicant highlight the following issues:

Need – the potential provision of the link road was raised through consultation responses during the consideration of the planning application. It was agreed by Hindhaugh Homes and Northumberland County Council that the road was not necessary to mitigate the impact of the proposed development. The link road was proposed as a long term solution to alleviate perceived existing congestion in Amble but the impact of the proposed development would not justify a requirement to provide the road.

On-site Impacts – Discussions have been held between Hindhaugh Homes and Northumberland County Council regarding the implications of including the link road within the proposed development. It has become clear that the road would have a substantial impact on the layout of the site, with the area available for development decreasing and properties close to the road being devalued. Noise mitigation could also be required along with other detailed urban design alterations. Combined, the road would have a significant negative impact upon the Section 106 contributions which have already been agreed as necessary through discussions with NCC. To quantify this a detailed theoretical viability assessment would need to be undertaken by Hindhaugh Homes based on a detailed layout. This would need to be scrutinised and agreed by NCC. Agreement would then need to be reached on which S106 contributions would be reduced to offset the impact of the road. Given that the S106 contributions have been proven to be necessary but the road is not this approach would not be consistent with a sound planning approach, notwithstanding the time and financial expenditure required to undertake this process.

Adjoining land – The land through which the link road would pass to connect with the A1068 is subject to a separate outline planning permission for residential development (Cheviot Homes). There is therefore uncertainty regarding whether this party would agree to deliver its portion of the link road and on which alignment. This uncertainty has a significant impact on the delivery of the Hindhaugh Homes scheme and would prevent the construction of the homes beyond a certain point.

Replacement Roundabout – The existing roundabout on the A1068 to the south of Amble would require substantial improvement and realignment to

allow for the link road to connect. These improvements have been calculated by NCC to cost in the region of £800,000. This cost would need to be absorbed by the developers which would have a further significant impact on the viability of each site as well as uncertainty regarding the timing of the payments.

- 3.7 In light of the above matters the applicant considers that the inclusion of the link road within the proposed development has been thoroughly investigated by both the Council and Hindhaugh Homes but it has proven to be unnecessary and likely to cause significant delay and uncertainty. As a result, the applicant is of the view that the condition suggested to be attached to the recommendation at the September 2017 Strategic Planning Committee meeting should not be included on the decision notice for this application.
- 3.8 In considering the proposed removal of the condition from resolution to grant planning permission, Members are advised that paragraph 54 of the National Planning Policy Framework (NPPF - 2018) states that *“local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations”*. Paragraph 55 goes on to state that *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*.
- 3.9 Having regard to the above there is a requirement to consider whether any proposed condition is necessary to make the proposed development acceptable and if imposing the condition is reasonable. Paragraphs 7.35 - 7.45 of the original committee report cover Transport Matters and considers the impact of the proposed development, including the comments and assessment of Highways Development Management (HDM).
- 3.10 As set out in the original report, the development proposes a new priority junction to Acklington Road, with associated localised widening, in order to provide a protected right turn lane. Additional bus stops, shared footway/cycleway links, crossing points etc., will all form part of a Section 278 Agreement, pursuant to the Highways Act 1980. HDM had therefore assessed the application on the basis of a single point of access onto Acklington Road and with no proposal to provide a link road to the A1068.
- 3.11 HDM raise no objection to the proposed development, subject to relevant conditions that are set out within the committee report. This assessment has been undertaken on the basis of the proposed single point of access, and it was not considered necessary to require a link road from Acklington Road through the application site to the A1068 in order to mitigate the impacts of the development and associated additional traffic. On this basis it is considered that the provision of the link road is not necessary to make the development acceptable in terms of mitigating impacts upon highway safety as HDM considered that the existing road network could accommodate the proposed traffic that would be generated, subject to conditions as set out in the report. If the proposed condition is not deemed to be necessary to make the development acceptable in terms of highway safety and the transport implications of the proposals, then it could be said that such a condition may

not also be reasonable to impose on any permission granted. As such, imposing this condition would effectively be contrary to paragraph 55 of the NPPF.

- 3.12 It should be noted that the applicant has been actively involved in discussions with Officers in seeking to facilitate the link road as part of the development, however as set out earlier they consider that this has not been able to progress satisfactorily and there is uncertainty in being able to deliver the scheme. There has been a willingness to engage in the process and seek to facilitate the provision of the link road as part of the development, whilst acknowledging that this would likely have some implications upon the full extent of planning obligations and contributions that would be expected, and would need to be reported back to Planning Committee where there would be reductions to these.
- 3.13 However, given the delays and ongoing uncertainty over the delivery of the link road, which the applicant suggests is unnecessary and impractical for the reasons highlighted, the applicant's preferred approach is to have a permission issued and Section 106 Agreement completed on the basis of the previous Committee resolution, but without the proposed condition. Recent discussions have indicated that the applicant would design and construct the access onto Acklington Road so that it could accommodate traffic associated with a link road, with a view to allowing further discussion and consideration of the provision of this.
- 3.14 Condition 14 as set out in the original Committee report requires further details to be submitted for approval, including the construction of the access from Acklington Road, notwithstanding details that have already been provided. On this basis further approval will need to be given to this element, along with details of the internal layout that will need to be submitted for approval as a reserved matter. Officers would therefore expect that there would be further discussion about the design of the access and internal road layout at the reserved matters stage. If there were to be any reduction to the planning obligations and contributions secured through the Section 106 Agreement, then this would need to be done through prior agreement with the Council.
- 3.15 The removal of a condition as currently proposed by the Strategic Planning Committee requiring the reserved matters to make provision for, and construction of, a link road up to the boundary with the adjacent site would not place any subsequent obligation upon the applicant or a future developer to make this provision. However, this would not prevent further discussion with the relevant parties on making provision for this. Furthermore, whilst the benefits of such a link are acknowledged, it is Officer opinion that the provision of the link road is not, in effect, necessary to make the development acceptable in terms of mitigating the impacts of the development and as an infrastructure requirement to accommodate the scale of housing that is proposed. As a result it is felt that the condition could therefore be said to be unreasonable having regard to the tests set out at paragraph 55 of the NPPF on the use of planning conditions.
- 3.16 It is therefore considered that the proposed development without the link road condition would remain in accordance with the development plan and the new

NPPF, and the proposal would represent a sustainable form of development in this location.

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 the previous report to the Strategic Planning Committee in September 2017, subject to the resolution of outstanding matters in respect of archaeology with any additional conditions as deemed necessary, and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure 15% affordable housing provision; education contribution; healthcare contribution; sport and play contribution; highway infrastructure contribution; and provision of ecological mitigation

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Appendices:

Appendix 1 - Report to Strategic Planning Committee dated 5 September 2017.

Background Papers: Planning application file(s) 16/04305/OUT