



Northumberland County Council

Strategic Planning Committee
8th January 2019

ADDENDUM REPORT

Application No: 18/01529/OUT

Proposal:

Outline Permission with Access; 185 Dwellings - Amended 29/06/18

Site Address:

Land South East Of New Hall Farm
Amble

Applicant:

Home Group and Mr I Forsyth %

Ms Stephanie Linnell, George F White LLP,
4-6 Market Street
Alnwick
NE66 1TL

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 legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

1. Introduction

- 1.1 The purpose of this report is to update Members on any implications arising from the publication of the revised National Planning Policy Framework (NPPF) in July 2018. In light of this, there has also been revisions to Planning Practice Guidance (PPG).
- 1.2 This application was previously considered by Strategic Planning Committee on the 3rd of July 2018. Members resolved that planning permission should be granted subject to conditions and resolution of outstanding archaeology issues and legal agreement as follows;

That Members authorise the Head of Service to GRANT permission subject to resolution of outstanding matters and the imposition of additional conditions deemed necessary and relating to:-

- *Archaeology;*

A Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following contributions:

- *Provision of 28 no. affordable dwellings to be provided on site;*
- *Coastal mitigation contribution of £600 per dwelling (£111,000 total);*
- *Education contribution of £495,000;*
- *Health contribution of £112,800; and*

The recommended conditions

- 1.3 The recommendation was modified by update to omit condition 15 within the Committee Report.
- 1.4 Through the submission of further information relating to drainage, the recommendation was modified by update at the committee meeting, to include the the conditions below and which were recommended by the Lead Local Flood Authority:-

Details of Surface Water Drainage to be Submitted

Prior to commencement of development a scheme to dispose of surface water from the development based and adhere to the principles set out in the Drainage Strategy Addendum from Curtins reference "Addendum 067135-CUR-00-XX-RP-C-001 Revision 02" entitled "Flood Risk Assessment and Outline Drainage Strategy Land West of Gloster Meadows, Amble" to include:

- a) Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and the local planning authority. Following the principles of option 1 within the aforementioned drainage strategy;*
- b) In the event that option 1 is not feasible then the drainage strategy shall be implemented in accordance with option 2;*
- c) In the event that option 2 is not feasible then the drainage strategy shall be implemented in accordance with option 3;*
- d) Provide attenuation on site for the 1 in 100 year plus climate change event;*
- e) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment;*
- f) Program of delivery.*

Shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the program of delivery and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development.

Details of Drainage Design to be Submitted

A detailed drainage design shall fully investigate the condition of the downstream watercourses for both the northern and southern catchments as per paragraph 3.12 of the outline drainage strategy amendum 067135-CUR-00-XX-RP-C-001 Revision 02, to include:

- a) Survey the northern watercourse from the sites north east corner through to the culvert inlet on West Drive to ensure it is clear of obstructions and suitable for conveying surface water flows from the site to the culvert;*
- b) Confirm that the northern culvert running from West Drive to The Wynd connection with the NWL public surface water sewer network is in serviceable condition to convey the flows from the site;*
- c) Investigate the ditches to the south east corner to confirm existing conveyance of land drainage run off from the southern site area to the existing culvert inlet;*
- d) Establish the inlet location of the culvert and pipe diameter;*
- e) Trace and map the culvert along Acklington Road to establish where the collected surface water and highway drainage is conveyed to (e.g. a Northumbrian Water sewer in the town, southwards toward the running track unnamed watercourse or continued culvert systems to a seafront outfall;*
- f) Map all of the survey information clearly so it can be shared with the LLFA and NWL and mapped upon their GIS systems;*
- g) Should any issues or obstructions be found that would affect the conveyance of the flows from the site, Inform the Lead Local Flood Authority and where appropriate carry out necessary remedial works; and*
- h) Program of delivery*

Shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the program of delivery and retained thereafter.

Reason: To ensure that flood risk offsite is not increased.

Details of Adoption & Maintenance of SuDS to be Submitted

Prior to first occupation details of the SuDS features hereby approved to include;

- a) Details of Adoption and maintenance of all SuDS features;*
- b) A maintenance schedule and log, which includes details for all SuDS features; and*
- c) Programme of delivery*

Shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery.

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

Details of Surface Water Drainage (Construction Period) to be Submitted

Prior to commencement of the development hereby approved, details of surface water disposal over the construction phase shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented throughout the construction phase.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

Details of Basin Integrity to be Submitted

Prior to first occupation of the development hereby approved, an assessment to include;

- a) Details of the structural integrity of the proposed two SuDS basins;*
- b) Details of the structural integrity of any overland drainage features;*
- c) An assessment to ensure the structural integrity of the drainage system and any adjacent structures or infrastructure under anticipate loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance;*
- d) Program of delivery.*

Shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full across the site in accordance with the program of delivery.

Reason: To ensure the basin is structurally secure, limiting the possibility of any breaching and lowering the risk of flooding elsewhere.

These conditions would supplement those contained within the original Committee Report 3rd July 2018.

- 1.3 During the intervening period archaeology issues have been resolved. Further archaeological work has been undertaken in the form of trial trenching on site. The applicant has submitted an Archaeological Evaluation Report. The County Archaeologist has advised that no further archaeological features or deposits of significance were recorded across the site. As a result no further archaeological work is required on this site.

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.
- 2.17 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 affordable housing, landscape and visual impact, residential amenity impact, transportation matters, drainage/flooding, ecology, archaeology, ground conditions and loss of agricultural land.
- 2.18 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.
- 2.19 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.

- 2.20 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.
- 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. Conclusion

- 3.1 It is considered by officers that in this instance the revisions to the NPPF would not have a material impact on the application's recommendation.
- 3.2 An amendment is made to the recommendation to omit the resolution of drainage and archaeology issues as these have now been resolved.

4. Recommendation

That Members be minded to GRANT permission and delegate authority to the Director of Planning to determine the application, subject to a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:-

- Provision of 28 no. affordable dwellings to be provided on site;
- Coastal mitigation contribution of £600 per dwelling (£111,000 total);
- Education contribution of £495,000;
- Health contribution of £112,800; and

And the conditions set out in the committee report and those modified and supplemented within this addendum.

Author and Contact Details

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Appendix:

Report to Strategic Planning Committee 03 July 2018

Date of Report: 17.12.2018

Background Papers: Planning application file(s) 17/00499/OUT