



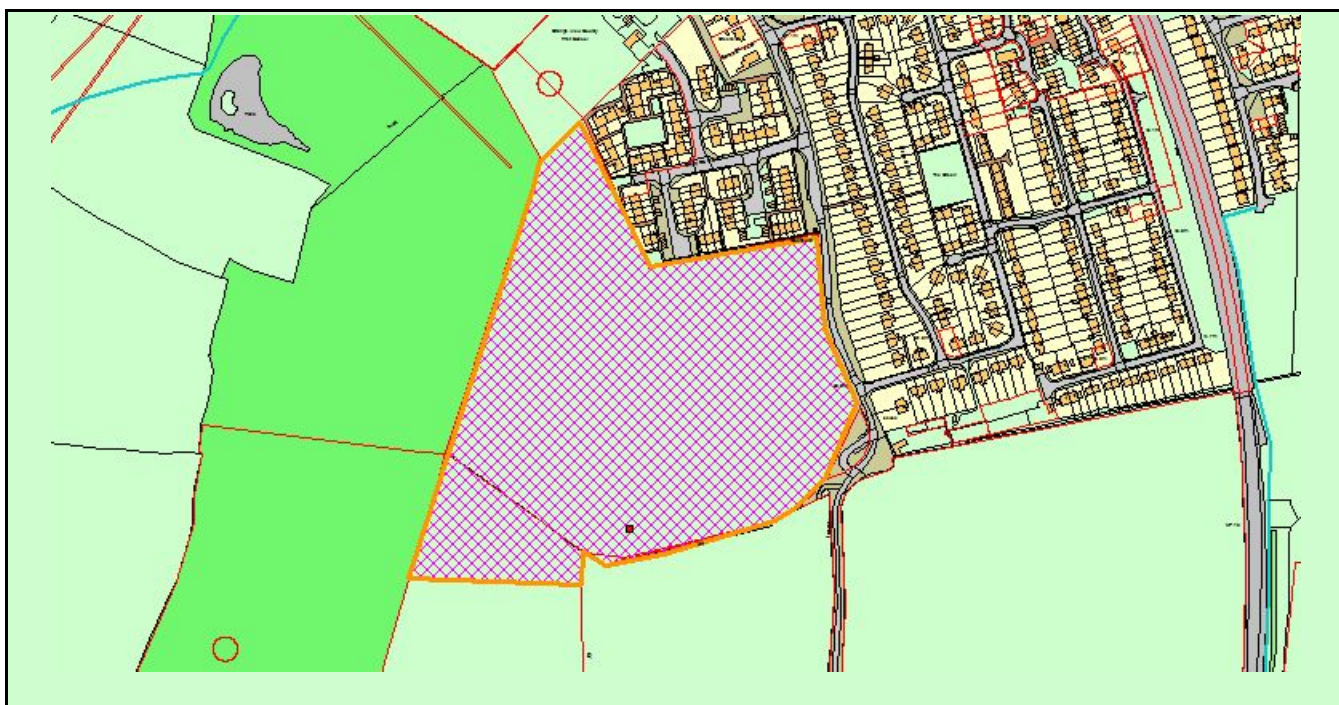
Northumberland

County Council

STRATEGIC PLANNING COMMITTEE 1 OCTOBER 2019

Application No:	17/04618/OUT		
Proposal:	Outline Planning Permission for up to 167 residential dwellings with associated infrastructure and areas of public open space (with all matters reserved except access).		
Site Address	Land South Of Grange Court, Grange Road, Widdrington Station, Northumberland		
Applicant:	Mr Eddie Peat Harworth Estates, Advantage House, Poplar Way, Rotherham	Agent:	Mr. James Cullingford, Lambert Smith Hampton, 41-51 Grey Street, Newcastle upon Tyne, NE1 6EE
Ward	Druridge Bay	Parish	Widdrington Station And Stobswood
Valid Date:	9 January 2018	Expiry Date:	31 May 2018
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		

Recommendation: That this application be REFUSED.



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1. Introduction

- 1.1 This application is being referred to Strategic Planning Committee because it is a major development of significant scale.

2. Description of the Application Site & Proposal

- 2.1 The application site comprises agricultural land to the immediate south west of the village of Widdrington Station and outside of the village settlement boundary as defined by the Castle Morpeth District Local Plan. The site covers an area of 8.5 hectares. There is currently no vehicle access into the site other than field gate access for agricultural vehicles.
- 2.2 The site is bounded to the north by dwellings and the playing field to Grange View First School and to the west by Grange Road and further dwellings beyond this. To the south is further agricultural land and to the west a plantation of coniferous woodland which comprises part of an opencast coal mining reclamation scheme. The boundaries of the site comprise a mix of fencing and hedgerows.
- 2.3 Outline planning permission is sought for the erection of up to 167 dwellings with associated infrastructure and open space. All detailed matters other than access to the site from Grange Road are reserved for subsequent approval.
- 2.4 A single site access is proposed to Grange Road which would comprise a priority junction.
- 2.5 The applicant has confirmed that they are agreeable to the Section 106 contributions sought in respect of this proposed development. These are as follows:
- a) 17% affordable housing (i.e. 28 dwellings) comprising 17 DMV or shared ownership units and 11 affordable rented units.
 - b) Primary Healthcare contribution of £116,400
 - c) Parish Council contribution of £142,500 for community centre and play provision
 - d) Ecology coastal mitigation contribution of £100,200 (i.e. £600 per unit).
- 2.6 Given the location of the application site within a Coal Authority High Risk area in respect of ground stability matters associated with coal mining legacy issues, it is proposed that the Section 106 Agreement includes a viability review clause which would allow for a review of the above contributions if intrusive site investigation work subsequent to any grant of planning permission led to the discovery of unstable ground conditions that gave rise to abnormal costs concerning ground stability mitigation and/or the provision of dwelling foundations.

3. Planning History

Reference Number: 17/04536/SCREEN

Description: Request for a screening opinion in respect of the proposal for a residential development

Status: EIANR

4. Consultee Responses

Widdrington Station & Stobswood Parish Council	They advise that the agent has met with the Parish Council and that the applicant obtained the views of local residents as part of a pre-application community consultation event. 15% affordable housing should be provided together with contributions of £82500 for Community Benefit such as enhancement of the existing community centre in the village plus a further £60000 for enhanced play provision in the village Community Park. They do not consider that play provision is required on site given the proximity of existing facilities to the site. The above contributions should be paid upon completion and occupation of 10 dwellings. Concerns expressed regarding the increase in traffic on Grange Road and safety problems at the crossing point to the First School on Grange Road and the junction of Grange Road with the B1337 to the north of the site.
Highways	No objection subject to conditions.
County Archaeologist	Archaeological evaluation involving trial trenching is required prior to determination of the application.
County Ecologist	The application site itself appears to comprise a largely arable field with very little value to protected species or habitats. Landscaping, appropriate buffers to hedgerows and woodland, wildlife corridors and ecological enhancement included in the recommendations of the applicant's ecology report submitted with their application can be the subject of conditions for agreement of details at Reserved Matters stage. A Section 106 contribution of £600 per dwelling is suggested in respect of ecology coastal mitigation.
SE Tree And Woodland Officer	No objections.
Housing Department	17% affordable housing sought (i.e. 28 dwellings for a scheme of 167 units). This would need to comprise at least 17 units of accommodation for affordable home ownership (i.e. DMV or shared ownership) to accord with the NPPF. The remaining 11 units should be affordable rented.
Public Protection	Object due to the absence of gas protection measures for the dwellings.
Waste Management - South East	No response received.
Education - Schools	No education contributions are sought as there is considered to be sufficient capacity within the catchment primary and secondary schools to accommodate children from the development.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Environment Agency	No response received.
Natural England	Ecology coastal mitigation satisfactorily provided for.
Highways England	No objection.

The Coal Authority	No objection subject to conditions regarding ground stability and gas protection.
Northumbrian Water Ltd	No objections subject to a condition.
Northumberland Clinical Commissioning Group	Section 106 contribution of £116,400 sought for the enhancement of GP facilities in Widdrington Station.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	111
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

General site notice, 29th January 2018

Morpeth Herald 18th January 2018

Summary of Responses:

2 objections received from local residents raising the following concerns:

- Bearing in mind the 121 dwellings already approved on the land west of the GP surgery and the 149 dwellings approved on the former Stobswood Brickworks site local services such as the first school, GP surgery/dentist and shops would have insufficient capacity to accommodate this further development.
- Concerns re highway safety and congestion on Grange Road from increased traffic.
- Increased risk of surface water flooding.
- Harm to visual amenity from the loss of countryside.
- Loss of agricultural land.
- Lack of affordable housing.
- Priority should be given to previously developed land over Greenfield sites such as this.

The above is a summary of the comments. The full written text is available on our website.

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

RE6 – Service Infrastructure

RE8 – Contaminated Land

RE9 – Ground Stability
C1 – Settlement Boundaries
C11 – Protected Species
C15 – Trees in the Countryside and Urban Areas
H1 – Housing Land Supply
H9 – Affordable Housing in Rural Areas
H15 – New Housing Developments
R4 – Children’s Play
WSC1 – Widdrington Station Settlement Boundary

6.2 National Planning Policy

NPPF
NPPG

6.3 Other Planning Policy Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

STP 1 – Spatial strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
HOU 2 – Provision of new residential development (Strategic Policy)
HOU 5 – Housing types and mix
HOU 6 – Affordable housing provision (Strategic Policy)
HOU 9 – Residential development management
QOP 1 – Design principles (Strategic Policy)
QOP 2 – Good design and amenity
QOP 4 – Landscaping and trees
QOP 5 – Sustainable design and construction
QOP 6 – Delivering well-designed places
TRA 1 – Promoting sustainable connections (Strategic Policy)
TRA 2 – The effects of development on the transport network
TRA 4 – Parking provision in new development
ENV 1 – Approaches to assessing the impact of development on the natural, Historic and built environment (Strategic Policy)
ENV 2 – Biodiversity and geodiversity
ENV 3 – Landscape
ENV7 – Historic environment and heritage assets
WAT 3 – Flooding
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality
INF 6 – Planning obligations

7. Appraisal

7.1 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies,

relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Housing mix and affordable housing
- Impact on the character and appearance of the area
- Residential amenity impact
- Land contamination & stability
- Highway safety/transportation
- Flooding and drainage
- Ecology
- Archaeology
- Planning obligations

Principle of Development

- 7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The saved policies of the Castle Morpeth District Local Plan (adopted 2003) remain the development plan and the starting point for determining applications. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.5 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8

advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

- 7.6 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.
- 7.7 In terms of housing applications and NPPF paragraph 11 footnote 7 to this paragraph further advises that the consideration of whether relevant existing policies are out-of-date includes 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.
- 7.8 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018) and updated in March 2019, the Council can demonstrate a 5-year housing land supply, against the County's minimum Local Housing Need figure of 694 net additional dwellings per annum, equivalent to 12.5 years supply of deliverable sites. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.
- 7.9 The housing supply figures contained within the Castle Morpeth District Local Plan are considered to be out-of-date and therefore it is considered that in terms of housing land supply matters greater weight should be afforded to the Council's latest 5 year housing land supply data.
- 7.10 Policy C1 of the Castle Morpeth District Local Plan states that settlement boundaries will be defined around towns and villages within the former district. The Policy states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted by other specified Policies in the Plan. Policy WSC1 defines the detailed settlement boundary for Widdrington Station & Stobswood. The application site lies outside of the settlement boundary and would not be permissible under the various Policies referred to in Policy C1. As such the proposals are contrary to Policies C1 and WSC1.
- 7.11 Policy H1 allocates land to provide 2500 new dwellings in the former district to be provided between 1991 and 2006. The application site is not allocated under Policy H1 and therefore constitutes windfall housing development.
- 7.12 In terms of the Council's emerging NLP, Policy STP1 sets out the Plan's spatial strategy. Under part c of this Policy Widdrington Station is identified as a service village. Part d of the Policy states that sustainable development will be supported within the constraints of the Green Belt and settlement boundaries defined on the Local Plan policies map or in neighbourhood plans.

The application site is not in the Green Belt or covered by a neighbourhood plan but does lie outside of the settlement boundary for Widdrington Station shown on the NLP Policies Map.

- 7.13 Policy HOU2 states that the delivery of new open market and affordable dwellings in a range of tenures, types and sizes will be supported where it is consistent with the spatial strategy for Northumberland; meeting the objectively assessed housing needs and housing priorities as identified through an up-to-date assessment; and making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations, and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so.
- 7.14 In terms of Policy HOU2 the proposals would be contrary to the spatial strategy outlined in Policy STP1 due to the location of the application site outside of the settlement boundary for Widdrington Station. With regard to meeting objectively assessed housing need generally, it has been stated earlier in this section that the Council is able to demonstrate well in excess of a 5 year housing land supply and housing delivery well in excess of the minimum required by the NPPF. There is likewise not a need to bring the site forward for housing to satisfy the NLP 480 dwelling indicative distribution figure for the 'Rest of South East' area within which the site lies as extant permissions for this area already exist for well in excess of 600 dwellings including 121 dwellings on Grange Road to the north within the NLP Policies Map settlement boundary. Strategic Planning Committee also at their previous meeting resolved that they were minded to approve an application for a further 104 dwellings on the former previously-developed Stobswood Brickworks site within the parish. The proposals would assist in meeting the objectively assessed need for affordable housing and this is examined later in this report. Finally, in terms of Policy HOU2 the proposals would not assist in making the best and most efficient use of land and buildings and the redevelopment of suitable previously-developed land due to the site occupying a Greenfield location outside of the settlement boundary.
- 7.15 In seeking to achieve a sustainable distribution of new housing development the above Policies also seek to protect the countryside from encroachment in accordance with NPPF paragraph 170 which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Related to this, the landscape impact of the proposals is examined later in this report.
- 7.16 Overall, as the proposals would result in the encroachment of built development into open countryside outside of the settlement boundary for Widdrington Station it is considered bearing in mind all of the above that the principle of new housing development on the site is not acceptable. Further material considerations are examined below before an overall judgement is arrived at regarding the acceptability or otherwise of the proposals.

Housing Mix and Affordable Housing

- 7.17 Paragraphs 62 and 64 of the NPPF advise that where a need for affordable housing is identified, planning policies should specify the type of affordable

housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Where major development is proposed, planning policies and decisions should normally expect at least 10% of the homes to be available for affordable home ownership.

- 7.18 The Council's updated Strategic Housing Market Assessment (SHMA) was published in June 2018 and identifies a total housing need figure for the County as a whole of 885 dwellings per annum and a figure of 151 dwellings per annum for affordable housing. Therefore on this basis it is considered that 17% affordable housing should be provided for.
- 7.19 Policy HOU6 of the Council's emerging Local Plan refers to a different approach to meeting the identified annual need for 151 affordable dwellings. Rather than applying a blanket requirement for 17% affordable housing across the County as a whole, it is proposed that medium value areas such as the area within which the application site lies be required to provide a smaller contribution towards meeting affordable housing need than higher value areas. Under this scenario, 15% affordable housing would be sought in respect of the application site. However, the Council does not consider that it would be appropriate to seek 15% affordable housing at this time as Policy HOU6 in its present form was not included in the previous Regulation 18 version of the emerging plan, is subject to extensive objections and the emerging Local Plan has not as yet been subject to examination in public.
- 7.20 Policy H9 of the Castle Morpeth District Local Plan states that the Council will promote the development of affordable housing to meet local needs, particularly in rural areas, on land outside the general needs allocation identified in Policy H1 subject to certain criteria being met. These are that:
- i) the proposal accords with priorities identified in the Council's housing needs study;
 - ii) the housing provided is reserved for local needs, both initially and on subsequent change of occupant; the development is appropriate in location, scale and design to the settlement;
 - iii) the development is in keeping with local building styles and incorporates appropriate landscaping; and
 - iv) notwithstanding the requirement for local needs, the proposals comply with Policy H15 relating to housing design matters.
- 7.21 Full details regarding the mix of dwelling sizes have not as yet been provided in respect of the remainder of the development as outline planning permission is sought only for the principle of development. However, it is considered that there is sufficient scope to provide an appropriate mix of housing on the application site.
- 7.22 Moving on to the matter of affordable housing, the applicant is willing to provide 17% affordable housing in accordance with current policy, which amounts to 28 dwellings, comprising 17 DMV or shared ownership units and 11 affordable rented units. The provision of such affordable housing is a benefit that weighs in favour of the proposals.

- 7.23 Overall therefore in terms of housing mix and affordable housing the proposal is considered to be compliant in planning policy terms.

Impact on Character and Appearance of the Area

- 7.24 Policy H15 of the Castle Morpeth District Local Plan seeks to ensure that all new housing development achieves a high standard of design which reflects local character and distinctiveness with proposals taking full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping.
- 7.25 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.26 Emerging Local Plan Policies QOP1, 2, 4 and 6 reflect the above design objectives.
- 7.27 In terms of landscape matters in particular NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 7.28 In terms of national landscape classification, the application site itself lies within the South East Northumberland Coastal Plain National Character Area (NCA). A more localised landscape classification is provided by the Northumberland Landscape Character Assessment and this places the site within the Coalfield Farmland Landscape Character Type (LCT 39).
- 7.29 Key landscape characteristics of the above NCA and LCT are large scale fieldscapes, woodland/wetland areas and significant urban fringe/development influences including coal mining legacy influence on the landscape.
- 7.30 The Northumberland Landscape Character Assessment also identifies Landscape Character Areas (LCAs) within each LCT and the application site lies within area 39a – Coastal Coalfields. This LCA is described as relatively flat coastal plain which has been heavily modified by mining and industrial activity. Restoration has generally resulted in oversimplified geometric landscapes of pasture and conifer blocks, which lack distinctive features. Opencast mining operations are ongoing at a small number of large sites. Despite general heavy modification of this landscape, there are pockets of unaltered rural character, including fragments of ancient woodland, and many of the older village centres, such as Ulgham, feature attractive honey coloured

sandstone buildings. There are nature reserves at Druridge Bay and Hauxley. A golf course is situated within the estate of Longhirst Hall near Pegswood.

- 7.31 In terms of LCT39 the Northumberland Landscape Character Assessment the vision statement in terms of future management of this landscape advises that in general, it could be argued that the most significant changes to this landscape have already occurred, in the form of extensive mining activity and urbanisation. Where key qualities remain intact, their long-term viability should be secured. The approach for this landscape is therefore one of restoration where possible, and recreation where the landscape has been overly damaged.
- 7.32 Also of relevance in assessing landscape value is the Northumberland Key Land Use Impact Study which sought to assess the value of the various LCA's against a number of landscape criteria. The study places the LCA's into 4 broad categories of landscape quality with those landscapes of highest value scoring above 30. Upper and lower middle ranking landscapes are then categorised, having scores of 26-30 and 21-25 respectively. The lowest quality landscapes are categorised as those scoring 20 or less.
- 7.33 LCA 39a within which the application site lies has a landscape value score of 19 – i.e. it is generally a low quality landscape.
- 7.34 Development of the application site for housing would result in a loss of 8.5 hectares of open countryside and agricultural land. Consideration also needs to be given to localised factors that bear upon the quality of the landscape within the site.
- 7.35 In this regard the applicant has submitted a Landscape & Visual Impact Assessment (LVIA) which examines the landscape and visual effects of the proposed development on the surrounding locality. The Council have also commissioned an external consultant to review the applicant's LVIA.
- 7.36 In terms of landscape effects the Council's external consultant concurs with the findings of the applicant's LVIA that the proposed development would have minimal impact on the overall landscape character of the wider NCA, LCT and LCA of which the site forms a part. However he does consider that there will be fundamental change to the landscape character of the site area and immediate surroundings in this settlement edge location as a result of the introduction of built development into an agricultural landscape. Such change could be mitigated in part through the provision of substantial additional planting to the south and east site boundaries to provide for a more sensitive settlement edge. The applicant has advised that they would be willing to provide some additional planting to these boundaries but the Council's consultant considers that more comprehensive areas of planting should be provided than is currently proposed including a substantial belt of native woodland planting to the south boundary at least 10 metres in width. This may have implications for the number of dwellings that could be accommodated on site but as stated above, would only mitigate in part the fundamental change to the landscape character of the site and its immediate surroundings. Whilst the sensitivity of landscape elements within the site itself is low, the sensitivity of landscape character would be higher because the site lies adjacent to the

settlement edge and therefore both its value and susceptibility to change are higher as a consequence.

- 7.37 Moving onto visual effects, the Council's consultant concurs with the applicant's LVIA that visibility towards the site and proposed development from the wider landscape is quite restricted as a result of a number of factors. However, it is anticipated that the most notable visual effects would be concentrated in a localised area of several hundred metres from the site boundary. The most substantial effects would be experienced by residents in Elizabeth Street, Grange Court, residents and pedestrians using the footpaths in close proximity to the site and road users on Grange Road within a localised area. The Council's consultant considers that the visual effects for residents in Elizabeth Street and road users/pedestrians on Grange Road adjacent to the site would be moderate to substantial and for visual receptors in Grange Court the visual effect would be substantial.
- 7.38 As the application seeks outline permission only, details of access, layout, scale, appearance and landscaping are reserved matters and subject to further detailed assessment with such details not being available at the present time, although as stated above, it is considered that even to partially mitigate the landscape and visual effects of housing development on the site, more generous planting would be required to the south and east boundaries which may impact upon the number of dwellings that could be accommodated
- 7.39 The currently proposed density of development at 19.6 dwellings per hectare is relatively low and is commensurate with that of existing residential areas within the village.
- 7.40 Overall in terms of appearance and impact on the character of the area the proposals are not considered to be acceptable due to the localised landscape and visual effects arising and the encroachment of the proposed development into open countryside outside of the defined settlement boundary for Widdrington Station. As such the proposals are not considered to accord in this regard with the NPPF and relevant Policies within the Castle Morpeth District Local Plan and the emerging Northumberland Local Plan.

Residential Amenity Impact

- 7.41 Policy H15 of the Castle Morpeth District Local Plan states that the distance between primary elevations containing windows to habitable rooms of new and existing dwellings, particularly at first floor level or above should not fall below 20 metres unless it can be demonstrated by the developer that allowances should be made because of site specific circumstances.
- 7.42 There are a number of residential properties sited immediately adjacent to the site. Having regard to the proposed indicative layout and scale of development, it is considered that, in principle, a suitable form of development could be achieved on the site that would not have unacceptable effects upon the privacy or amenity of adjacent residents. Subject to detailed design considerations, it is considered that development on this site could result in an acceptable form of development that would accord with the Castle Morpeth District Local Plan, the emerging Core Strategy and the NPPF.

- 7.43 Concerns regarding nuisance during construction works could be addressed by means of a condition requiring submission of a Construction Environment Management Plan.

Land Contamination and Stability

- 7.44 Policy RE8 of the Castle Morpeth District Local Plan states that the Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the Council may assess any direct threat to health, safety or the environment.
- 7.45 Policy RE9 states that the Council will require proposals for development which is on unstable or potentially unstable land to be accompanied by a statement on ground stability, together with details of measures proposed to deal with any instability.
- 7.46 The application site lies within a Coal Authority Development High Risk area and therefore a geo-environmental desk study report was provided with the application. This has been examined by the Coal Authority who raise no objections subject to a condition regarding further intrusive site investigation and remediation.
- 7.47 NCC Public Protection have objected to the application on gas protection grounds but following on from their objection the applicant has agreed to Public Protection's standard planning condition to secure the provision of gas protection measures for dwellings and this objection has therefore been addressed.
- 7.48 Overall, therefore the proposals are considered acceptable in terms of land contamination and stability subject to conditions.

Highway Safety

- 7.49 Castle Morpeth District Local Plan Policy H15 in respect of new housing developments refers to the need for adequate off-street parking, for pedestrians and cyclists to be given priority through layouts that are not highways dominated and for traffic calming measures to be designed into layouts.
- 7.50 NPPF paragraph 109 advises 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.
- 7.51 Policies TRA1 and TRA2 of the emerging Local Plan reflect the above planning policy.
- 7.52 The application is accompanied by a Transport Assessment and further Technical Notes have been submitted to address queries raised by the

Council's Highways Team on the original Transport Assessment. These documents appraise the impact of the proposed development and include an assessment of matters such as the accessibility of the development; trip generation; highway safety; and highways works necessary to facilitate the development.

- 7.53 This documentation has been examined by the Council as Local Highway Authority. Overall they raise no objections subject to conditions.
- 7.54 The application site is within a satisfactory walking distance of local services and public transport in Widdrington Station (e.g. primary school, GP/dental surgery, shops). In terms of public transport the site is adjacent to or within the proximity of regular bus routes and also Widdrington railway station. Bus services comprise the No.1 route which provides an hourly service Monday to Saturday to/from Blyth and Ashington with a two hourly service on Sundays. The X18 and X20 services combined provide a half hourly service Monday to Saturday to Newcastle and Blyth, with the X18 also providing an hourly service to Morpeth Monday to Saturday. The X18 provides an hourly service to Morpeth and Newcastle on Sundays also. Train services from Widdrington are much more limited but there is a single daily commuter service to/from Newcastle.

Drainage and Flooding

- 7.55 Castle Morpeth District Local Plan Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Where development is likely to require the improvement or provision of additional services, consideration will be given to the need to impose planning conditions or seek legal agreements as appropriate.
- 7.56 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere.
- 7.57 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.58 The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA).
- 7.59 After reviewing the submitted information the Council's Sustainable Drainage (SuDS) Officer raises no objections subject to conditions. Northumbrian Water have no comments on the proposals.
- 7.60 Overall subject to conditions, it is considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage, in accordance with the Castle Morpeth District Local Plan and the NPPF.

Ecology

- 7.61 Policy C10 of the Castle Morpeth District Local Plan states that the Council will not permit development which would affect the integrity of sites of local conservation interest unless it can be demonstrated that the benefits from the proposed development outweigh the need to safeguard the intrinsic nature conservation value of the site.
- 7.62 Policy C11 further states that the Council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse effect on the species or their habitat.
- 7.63 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. It states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.
- 7.64 Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.
- 7.65 The Council's Ecologist advises that the application site itself appears to comprise a largely arable field with very little value to protected species or habitats. Landscaping, appropriate buffers to hedgerows and woodland, wildlife corridors and ecological enhancement included in the recommendations of the applicant's ecology report submitted with their application can be the subject of conditions for agreement of details at Reserved Matters stage. A Section 106 contribution of £600 per dwelling is suggested in respect of ecology coastal mitigation.
- 7.66 The applicant has agreed to provide, through a Section 106 Agreement, a contribution of £600 per unit to the Council's coastal mitigation scheme to mitigate the impacts of the development on the nearby coastal zone. However, as yet no Section 106 Agreement has been entered into to secure such a contribution and as such at the present time it cannot be demonstrated that, in terms of the Habitats Regulations, the proposals would not have a significant harmful adverse effect on the nationally and internationally designated sites at the coast. NPPF paragraph 177 states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.
- 7.67 As such the proposals are considered overall to be unacceptable in ecology terms and not in accordance with relevant policies in the Castle Morpeth District Local Plan, the NPPF and the Council's emerging Local Plan.

Archaeology

- 7.68 NPPF paragraph 189 states that "In determining applications, local planning authorities should require an applicant to describe the significance of any

heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance". It also states that "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". This approach is re-iterated in Policy ENV7 of the emerging NLP.

- 7.69 A desk-based assessment and geophysical survey have been submitted by the applicant. These have highlighted archaeological potential within the site, with the geophysical survey having identified some potential anomalies and areas of magnetic disturbance and later activity which may mask earlier remains. However, the Council's archaeologist has advised that the geophysical survey itself is not sufficient to identify or accurately interpret the nature and significance of remains, particularly smaller discrete features. As a consequence she has requested further evaluation by trial trenching across the entire site to enable an informed decision to be made on the nature, extent and significance of archaeological remains and the potential impact of these in respect of the proposed development (in line with NPPF paragraphs 190 and 197). The trial trenching needs to be undertaken and the results of submitted in support of the application, prior to the application being decided in line with paragraph 189 of the NPPF.
- 7.70 The applicant has advised that they would be willing to undertake pre-determination trial trenching over a small part of the site where certain of the geophysical survey anomalies lie. However, this would not allow for field evaluation of all the identified anomalies, areas of magnetic disturbance or 'blank' areas to test the effectiveness of the geophysical survey. A condition has also been suggested by the applicant to undertake more comprehensive trial trenching following the grant of planning permission but the Council's archaeologist does not consider this to be acceptable in line with the requirements of the NPPF. The significance of any archaeological remains needs to be determined prior to the application being decided so that the details of any conditions regarding archaeological mitigation can be specified in detail were the application to be supported, in line with paragraphs 55 and 199 of the NPPF.
- 7.71 Given that comprehensive trial trenching across the site has not been undertaken, the proposals are considered unacceptable on archaeological grounds because insufficient evaluation has been undertaken to determine the significance of any archaeological heritage assets on site.

Planning Obligations

- 7.72 When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 7.73 As stated above the applicant has confirmed that they are agreeable to the Section 106 contributions sought in respect of this proposed development. These are as follows:
- a) 17% affordable housing (i.e. 28 dwellings) comprising 17 DMV or shared ownership units and 11 affordable rented units.
 - b) Primary Healthcare contribution of £116,400
 - c) Parish Council contribution of £142,500 for community centre and play provision, which ensures compliance of the proposals with CMDLP Policy R4 regarding play provision.
 - d) Ecology coastal mitigation contribution of £100,200 (i.e. £600 per unit).
- 7.74 Given the location of the application site within a Coal Authority High Risk area in respect of ground stability matters associated with coal mining legacy issues, it is proposed that the Section 106 Agreement includes a viability review clause which would allow for a review of the above contributions if intrusive site investigation work subsequent to any grant of planning permission led to the discovery of unstable ground conditions that gave rise to abnormal costs concerning ground stability mitigation and/or the provision of dwelling foundations.
- 7.75 However, as per the ecology coastal mitigation contribution detailed above, the various other Section 106 contributions have not as yet been secured as a Section 106 Agreement has not been entered into and as such the proposals are considered to be unacceptable in this regard.
- 7.76 NCC Education have confirmed that existing schools would have capacity to accommodate children generated by the proposed development.

Equality Duty

- 7.77 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

- 7.78 These proposals have no implications in relation to crime and disorder that would need to be addressed at outline application stage. Detailed layout and design matters related to community safety would be addressed at Reserved Matters stage.

Human Rights Act Implications

- 7.79 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.

- 7.80 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.
- 7.81 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 and overall planning balance

- 8.1 As stated earlier in this report, it is necessary to consider in the round the benefits and harm arising from the proposed development in terms of the three objectives of sustainable development outlined in the NPPF – economic, social and environmental and also to consider in terms of NPPF paragraph 11 whether or not there are any restrictive Policies in the Framework which indicate that development should be refused.
- 8.2 Considering first the economic objective of sustainable development, a benefit of the proposals are that they would contribute to the NPPF objective of boosting significantly the supply of housing and the economic benefits that arise as a consequence. In this regard, if this proposal was to be supported a development of this scale would create/safeguard construction jobs for the lifetime of the construction process and have a construction value of around £25 million. Economic benefits would also arise in terms of future resident expenditure and New Homes Bonus Payments are also a material consideration if such monies were to be expended in the local area. However, notwithstanding the above, the proposed development is not considered to be necessary in order to meet overall housing need across both the County as a whole and within Widdrington Station locally, given that the Council is able to demonstrate well in excess of a 5 year housing land supply.
- 8.3 In terms of the social objective of sustainable development, the proposed provision of 17% affordable housing is a benefit which needs to be afforded

weight and Section 106 contributions sought by the Parish Council and Clinical Commissioning Group for local recreational and primary healthcare facilities would also ensure that the proposed development is acceptable in terms of impact on local infrastructure, subject to completion of a Section 106 Agreement to secure these. However, in terms of meeting localised need for affordable housing there is the opportunity to deliver such housing on the consented site further to the north on Grange Road and also on the nearby former Old Brickworks site at Stobswood where Committee have resolved that they are minded to approve redevelopment for housing subject to completion of a Section 106 Agreement.

- 8.4 Moving on to the environmental objective of sustainable development, whilst there is potential for some small scale biodiversity enhancement through additional planting within and to the site boundaries and the provision of sustainable drainage features, it is considered that significantly harmful localised landscape and visual effects would arise and the proposed development would also result in the encroachment of built development into open countryside outside of the defined settlement boundary for Widdrington Station, contrary to the spatial strategy of the Castle Morpeth District Local Plan and the emerging NLP which seek to direct new housing development such as this to sites within defined settlement boundaries. Furthermore, given that comprehensive trial trenching across the site has not been undertaken, the proposals are considered unacceptable on archaeological grounds because insufficient evaluation has been undertaken to determine the significance of any archaeological heritage assets on site.
- 8.5 Having considered matters in the round it is considered overall that the proposals do not amount to sustainable development as it is considered that the significance of the harm to the environmental objective of sustainable development outweighs the economic and social benefits of the proposal. Furthermore there is restrictive NPPF policy in respect of heritage assets and internationally designated habitats sites which indicates that development should be restricted, due to the absence of pre-determination archaeological trial trenching evaluation and a Section 106 Agreement to secure ecology coastal mitigation contributions. As such it is considered that planning permission should be refused.

9. Recommendation

That this application be REFUSED for the following reasons:

1. The proposed development would give rise to the encroachment of built development into the open countryside resulting in:
 - i) conflict with the spatial strategy of the Castle Morpeth District Local Plan which seeks to direct such development to sites within defined settlement boundaries in order to safeguard the intrinsic character and beauty of the countryside; and
 - ii) significantly harmful localised landscape effects and visual effects upon nearby residents and road/footpath users.This would be contrary to Policies C1, WSC1 and H15 of the Castle Morpeth District Local Plan and the NPPF.

2. Due to comprehensive archaeological trial trenching not having been undertaken across the application site prior to determination of this application, the proposals are considered unacceptable on archaeological grounds because insufficient evaluation has been undertaken to determine the significance of any archaeological heritage assets on site and the details of any necessary mitigation contrary to the NPPF.
3. A Section 106 Agreement has not been completed to secure affordable housing, primary healthcare, ecology coastal mitigation and off site community facilities/play contributions which are considered necessary to mitigate the impacts of the proposed development. This would be contrary to Policies C11, H9 and R4 of the Castle Morpeth District Local Plan and the NPPF.

Date of Report: 13.09.2019

Background Papers: Planning application file(s) 17/04618/OUT