

## NORTHUMBERLAND COUNTY COUNCIL

### STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Meeting Space - Block 1, Floor 2 - County Hall on Tuesday, 5 April 2022 at 4.00 pm.

#### PRESENT

T Thorne (Chair) (in the Chair)

#### MEMBERS

C Ball	L Darwin
R Dodd	B Flux
J Foster	G Hill
Jl Hutchinson	J Lang
G Renner-Thompson	M Robinson
G Stewart	M Swinbank
A Wallace	A Watson

#### OFFICERS

T Crowe	Solicitor
L Little	Senior Democratic Services Officer
R Murfin	Interim Executive Director of Planning & Local Services
M Patrick	Principal Highways Development Management Officer
T Wood	Senior Planning Officer

Around 5 members of the press and public were present.

#### 85      **PROCEDURE AT PLANNING COMMITTEES**

The Chair outlined the procedure to be followed at the meeting.

#### 86      **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Reid.

#### 87      **MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** that the minutes of the meetings of the Strategic Planning Committee held on Tuesday 1 March 2022, as circulated, were agreed as a true record and signed by the Chair.

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## 88 DETERMINATION OF PLANNING APPLICATIONS

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

**RESOLVED** that the information be noted.

## 89 21/04451/VARYCO

**Variation of Conditions 2 (Approved Plans), 3 (Phasing Details), 4 (Obscure glass/glazing), 5 (Street lighting Details), 7 (Planting Plan), 9 (Levels Details), 11 (Highway Works), 14 (Refuse Storage Facilities), 16 (Surface Water Drainage Infrastructure), 18 (Disposal of Surface Water), 23 (Noise Mitigation) and 25 (Trees) on approved application 21/02638/VARYCO - to allow changes to site layout and mix of house types Land North East Of New Hartley, St Michaels Avenue, New Hartley, Northumberland**

T Wood, Principal Planning Officer introduced the report to the Committee with the aid of a power point presentation. Updates were provided as follows:-

- Under the consultation responses under affordable housing it stated a plan was needed for the Affordable housing scheme. This plan had been submitted and housing had confirmed they had no objection to the scheme.
- Under the consultation responses under education, a sentence should be added that there had been a second response asking for £921,000 for Seaton Sluice Middle and local SEND provision. The report already had taken into account this request, and covered why an Education contribution was not being requested and therefore there was no change required to the report as a consequence of that change.
- Two conditions were to be updated to reflect what has previously been approved

Condition 12 to be deleted and replaced with:-

“12) The development shall be carried out in compliance with the Framework Travel Plan agreed under discon 12 of 21/02457/DISCON, on 10/12/21 at all times until implementation of a Full Travel Plan approved under condition 13.

Reason: In the interests of sustainable travel patterns in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD. “

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Condition 15 to be varied as shown below:-

“15)The Construction Method Statement and other construction work mitigation details approved on the 23 March 2021 under planning application 19/00674/DISCON shall be adhered to throughout the construction period with the exception of construction deliveries which are permitted between the hours of 8am to 6pm Monday to Friday (excluding bank holidays) for a temporary period of 12 months only beginning from the date of **this** planning permission **21/02638/VARYCO** Following the expiry of that 12 month period construction delivery times shall revert to 9.30am to 4.30pm unless planning permission has been granted otherwise by the Local Planning Authority. For the avoidance of doubt no “construction deliveries in respect of the proposed development shall take place outside of these times and no vehicles delivering construction materials/plant to the application site or removing materials/plant related to construction activities from the application site shall access and/or egress the application site through New Hartley village via Double Row, Bristol Street and St. Michael's Avenue to the west of the site.

Reason: In the interests of highway safety and amenity in accordance with Policies DC11 and DC21 of the Blyth Valley Development Control Policies DPD.”

- Since the report was published 2 further objections had been received from Mr Barrell, which in summary set out that:
  - there was at least a 1m fall between Plot 174 and the Public Right of Way (PROW) which would again result in a footpath link at a gradient steeper than 1:12.
  - Highway Development Control had accepted non-compliance of Visitor Parking standards for this phase.
  - LFFA had no objection provided that the development was built in accordance with the submitted plans, yet it already contravened what had been approved. Swales next to the PROW designed with a 1:3 slope and unprotected, 1:1.5 slope next to the development .
  - The revised Site Execution Strategy also showed differences between the theory and practice.
  - The latest Materials and Boundary Treatment drawing omits any fence alteration to the south west boundary of plot 106 and adjacent to Plot 100. Further south, the proposed fence line did not appear to follow what was the current site boundary.

In response to this Highways had no objection to the scheme. There was not a footpath link from plot 174 to the PROW. However footpaths and their gradients did get checked when submitted for technical approval, so if at this stage it was found to be unacceptable and a revision was required then an amendment to the planning permission would also be required, probably via a non-material amendment. In terms of visitor parking this was assessed before the Northumberland Local Plan (NLP) was adopted only a few days ago, so it was assessed against the former Northumberland County Council policies which it accords with.

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In terms of the swales the LLFA had been consulted and had agreed what was shown on the plans and if the development was not carried out in accordance with what was shown on the plans then this would be an enforceable matter. The applicant was aware of this.

In addition an email from the LLFA had been received which stated “the issues of flood risk and drainage are minor. With the VARYCO application, the impermeable area of the development has increased slightly, but the drainage engineer has provided some updated calculations, and these demonstrate the previous approved scheme can accommodate the development runoff flows and volumes - hence the risk of flooding will not increase on or off site. I have been on site numerous times to check on the previous approved scheme and after my last visit all is in order.”

In terms of the boundary treatment also, the proposed fence did follow the southern boundary. The plans had also been revised to show the fence along the boundary and next to plots 106 and 100.

The site execution plan sets out the order the developer was going to build the streets, which might have been deviated from while permission had been sought for this, however this would now be an approved document so the order should now follow this.

Mr Barrall addressed the Committee speaking in objection to the application. His comments included the following:-

- This was the fifth layout change since 2017 with the quality of the built environment reduced with each one, with Barratts playing the system to their advantage using small changes that don't have great impact so objectors don't notice and then eventually give in.
- It was less than a week since this Council had formally adopted it's first comprehensive local plan in which Councillor Sanderson stated “This plan is about people and places. It seeks to raise the profile of good, locally distinctive design and supporting more active, healthy lifestyles” with Councillor Horncastle also stating he “is committed to this Plan and the way we can work together, using it as a supportive platform for residents' initiatives”. Yet the changes presented were contrary to policies HOU5, QOP1, QOP2, QOP6, TRA4, INF5.
- It was over 20 years since Wayne Hemingway, a member of the Design Council's Commission for Architecture and the Built Environment Committee, hit out at the “Wimpeyfication” of Britain's new-build homes accusing major developers of “getting away with murder” and being “hooked on the past....pastiche...and profits” with little changing since then.
- With so many changes it was not people, but profit that came first. Barratt knew their profit margins and did whatever was necessary to protect them, with average prices increased by 171% since 1981 for smaller houses. Houses were now smaller than those built in the 1930s. There was no room for storage and garages were used to house a freezer, tumble dryer, lawn mower with Condition 10 already being contravened by new residents on the development.
- Paragraph 55 of the NPPF stated that planning conditions should only be imposed if they were necessary, enforceable, precise and reasonable and

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experience on this site confirmed that on two points the conditions repeatedly failed.

- The original design and access statement stated “The.... Site has three designated areas of public open space....These areas ... act as focal points within the wider scheme, with the Belvedere, in particular, lending unique character to the development, however this had disappeared along with the unique character to be replaced with a footpath between pastiche houses. The central area that provided a ‘village green’ effect was now relegated to another footpath link between a cul-de-sac and the circulating road and provided no useful recreational use. The southern entrance was only retained as it was already under construction and the houses around it sold.
- Barratt’s state that open space had only decreased by 0.1ha when compared to a plan originally prepared in 2016, however the latest layout was part of a variation approved on 26 April 2021 which showed the amount of public open space to be confirmed. He disputed that the public open space had not substantially decreased. Adoptable highways had been reduced to be replaced by additional lengths of shared drives which were cheaper to build and became another homeowner’s responsibility as part of compulsory management agreements.
- Car parking was a recurrent problem throughout New Hartley and visitor parking did not comply either with previous or current standards and individual on-plot parking was now less than for the same house type and therefore a two-tier reduced quality development was being provided.

Councillor Eastwood addressed the Committee speaking on behalf of Seaton Valley Community Council. His comments included the following:-

- The local community had significant concerns regarding the further amendments proposed.
- The Community Council considered that the two main planning issues were (1) the applicant had not demonstrated that there was evidence to support the proposed change in the mix of house sizes; and (2) the substantial adverse impact of the reduction in the level of open space on both the character of the area and amenity of residents.
- The only evidence submitted for the reduction in the number of 2-bedroom properties and increase in 3 and 4 bedroom properties was that market demand was for larger properties, rather than what was needed.
- Policy HOU5 was clear that development proposals should be assessed according to how well they contributed to meeting the needs and aspirations of those living in and seeking to move into Northumberland, and reflected national planning policy.
- It was acknowledged that the proposal did not result in a reduction in the level of affordable housing, however the provision of smaller market homes were needed within the parish, as identified by recent housing need survey information for New Hartley. If the application was approved the development would not contribute to meeting local needs, as required by Policy HOU5. The Strategic Housing Market Assessment (SHMA) highlighted the need for smaller open market housing in the south east of the County and the overall household size was projected to decrease and due to an aging population there was a need to provide homes for those looking to downsize.

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- The increase in the size of the new homes would result in a reduction in both the quantity and quality of open space and the Neighbourhood Plan clearly illustrated the importance of open space to the character of the area and its value to the local community.
- Policy INF5 required open space provided as part of a new development to be of an appropriate standard and fit for purpose. Policy QOP1 required new development to support health and well-being and positive social interaction and Policy QOP4 required the incorporation of well-designed landscaping in new developments. The approved development included three important areas of open space in central parts of the site, one in the part already under construction with the other two now proposed to be reduced in size which would change their function and reduce the ability of new residents to access open spaces and would be contrary to the requirements of the aforementioned policies.
- The report highlighted that the applicant stated that there would only be a 0.01ha reduction in open space when compared with the original approval, however it must be acknowledged that the vast majority of the proposed open space lay within the area to the east of the Lysdon Burn which was not to be developed. It would have been more appropriate for consideration to have been given to the reduction of open space in the area of the site that was actually proposed for development.
- The Committee was urged to refuse the application in accordance with the detailed requirements of the newly adopted Local Plan.

A Ward addressed the Committee speaking in support of the application. Her comments included the following:-

- The original planning permission was granted in September 2017, although the application had been submitted in 2015. Since that time minor amendments had been made to house types, but overall the housing mix had remained unchanged.
- As works progressed on the first phase of the development with 29 homes now occupied, it was apparent that the local housing market had changed from 2015 when the scheme was originally designed. The impact on the Covid-19 pandemic had also had a significant influence.
- The demand for larger properties had never been higher with sales reflecting this. People were looking for larger homes with more space, partly fuelled by the time spent in homes over the last few years as well as prospective purchasers looking for additional space to allow for home working, eg someone previously looking for a 2 bed house as a minimum now required a 3 bed house.
- In responding to these new considerations, this application to vary conditions, proposed a replan of the next phase of development to include a small reduction in 2 bed homes of around 5% in favour of some additional 3 bed and 4 bed homes. The total number of houses remained unchanged at 285. The Council's Housing Department had been consulted on these proposals and had no objection to the revised housing mix.
- There were no changes proposed to the total number, size or tenure of the proposed affordable housing which remained at 43 units, and amounted to 15% on-site provision, 5% above the Local Plan policy requirements which was 10%.
- The change in site layout allowed a change to the housing mix but was

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also intended to enhance the outlook and usage of the open space available on the development with a greater number of dwellings having exposure to the open spaces.

- The quantity of open space compared to the approved scheme had not changed but Barratt were looking to improve the quality and useability of the open space. The conical mound had been removed from the design as it was no longer considered the most effective or practical use with the focus now on creating more usable and desirable open spaces with enhanced views over the Burn and wider Northumberland countryside. The open spaces would no longer bordered by roads and would be now contained by the houses creating safe spaces with natural surveillance.
- There would be a near continuous green corridor through the site with footpaths linking to the PROW and seating areas to support meaningful use of the open space. Updated landscaping plans had been submitted with improvements to the planting scheme both in terms of biodiversity gains and its recreational value over that which formed part of the approved scheme. This would include enhanced wildlife friendly landscape features and significantly there was now a play park proposed on the east edge of the site adjacent to the PROW with natural play facilities to encourage physical activity for a range of users.
- It was considered that the proposed variation of the housing mix and site layout in the second phase of the development would lead to a number of improvements. The housing mix would be more effective in meeting demand and the changes to the layout had allowed improvements to the structure of the development offering better interaction with green spaces.
- The scheme had been designed in consultation with the relevant technical teams at the Council and this was reflected in the consultee feedback. Officer support for the revised scheme was welcomed and Members were asked to approve the application in accordance with the recommendation.

In response to questions from Members of the Committee, the following information was provided:-

- There was no up to date housing needs assessment for this part of the County and in its absence Members could only look at the tabled design and if it was acceptable.
- All open land and play areas on new housing estates were maintained in the first instance by the Developer and then responsibility would transfer to another company paid for by levies on the residents. Maintenance of the areas rested with residents and if they were not happy with the service provided by the company appointed they could set up their own company to carry out this work.
- The original application had been decided by the Planning Inspectorate. Members were reminded that they needed to look at the application objectively. The level of open space to be provided was above the NLP requirements and a number of iterations to the layout of the scheme had already been approved. If the application had been a new application negotiations would be undertaken to reach agreement on the level of open space and affordable housing and could also potentially look at a different layout. However, this was for an amendment to a scheme which had already been approved and negotiations undertaken to achieve the best

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quality outcome on the development which was above requirements of the NPL in terms of open space and affordable housing. The tabled scheme was acceptable and whilst the number of visitor parking spaces did not meet the new requirements it was not in a location where there was a significant parking problem. There were no reasons for refusal of the application as it was sustainable and the headline measures exceeded those required by the NLP.

- S106 requests must be reasonable and be sums requested on the basis of evidence. Whilst the new development would cause increased pressure on services such as health and education, there was a need to demonstrate operational stress and provide evidence.
- The sizes and plots had been changed to accommodate the larger type properties and the Officer had also looked at individual plots which had resulted in some further changes proposed to address privacy issues.
- There would be no increase in visitor spaces for the larger properties, however there would be increased parking on individual plots. With the increased parking on plots Officers were satisfied that the level of visitor parking was acceptable and reasonable.
- Ecology were satisfied with the revised landscaping proposals and had no objection to the application.
- The swales had been identified on previous plans and these were not changing, they were not included as public open space, however they would not have water in them at all times and were sometimes used as an amenity space.
- The level of affordable housing was not to be renegotiated as it was above that which was required in the NLP. Information provided for the reason for the change in house types could not be disputed, but was probably based on the latest evidence and it was usual for the mix of house types on developments to change and evolve over time. Members needed to consider if the end product would be acceptable in planning terms.
- The affordable housing team stated that the application met current requirements and the offer was reasonable.
- There had been a change in Building Regulations which now required new developments to provide electric vehicle charging points.

Councillor Hutchinson proposed acceptance of the recommendation as outlined in the report to approve the application with the amended conditions as above, which was seconded by Councillor Stewart.

In debating the application some Members expressed their disappointment that no additional funding would be provided for education or health care as they considered that the changes to the house types would also increase the number of residents. Other Members advised that whilst they had listened to the objector and Parish Council, they could find no planning reasons to refuse the minor amendments and would support the application.

Councillor Hill left the meeting during the debate and therefore did not take part in the vote.

A vote was taken on the proposal to grant permission subject to the conditions as outlined in the report and amended above and subject to the completion of a section 106 Agreement Deed of Variation requiring a Coastal Mitigation

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contribution of £175,275 as follows: FOR 10; AGAINST 2; ABSTAIN 2.

**RESOLVED** that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and as amended and subject to the completion of a Section 106 Agreement Deed of Variation requiring a Coastal Mitigation contribution of £175,275.

90 **APPEALS UPDATE**

**RESOLVED** that the information be noted.

91 **S106 AGREEMENTS UPDATE REPORT**

In response to a question on whether decisions on applications previously considered and on site would need to be changed following adoption of the NPL, Members were advised that a Section 106 could not be unilaterally changed by a Developer it would need to be done by a deed of variation which would normally be done if something changed on site or the Developer came with a section 173 scheme, or a Developer came forward saying that they could not afford to pay and this would be brought to a Committee for a decision. A Section 106 agreement could not be retrospectively changed due to a change in policy once it had been signed. If a request came in to change a Section 106 Agreement for financial reasons then an in-house valuation team would assess this and if it was a relatively straightforward viability assessment they would provide advice, if it was more complex then additional consultants would be brought into to assess it and further negotiations would take place.

A huge number of changes would play out with the existing policy base following the adoption of the NPL and a programme of training on these changes would be provided to Members as these would be different in different areas of the County. Training would also be included on Section 106 contributions. The NPL had been fully viability assessed at the plan level and a rough guess had been made on how much each housing scheme would need to contribute, however this would not take away the need for individual viability assessments in some instances.

**RESOLVED** that the information be noted.

**CHAIR**.....

**DATE**.....

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