

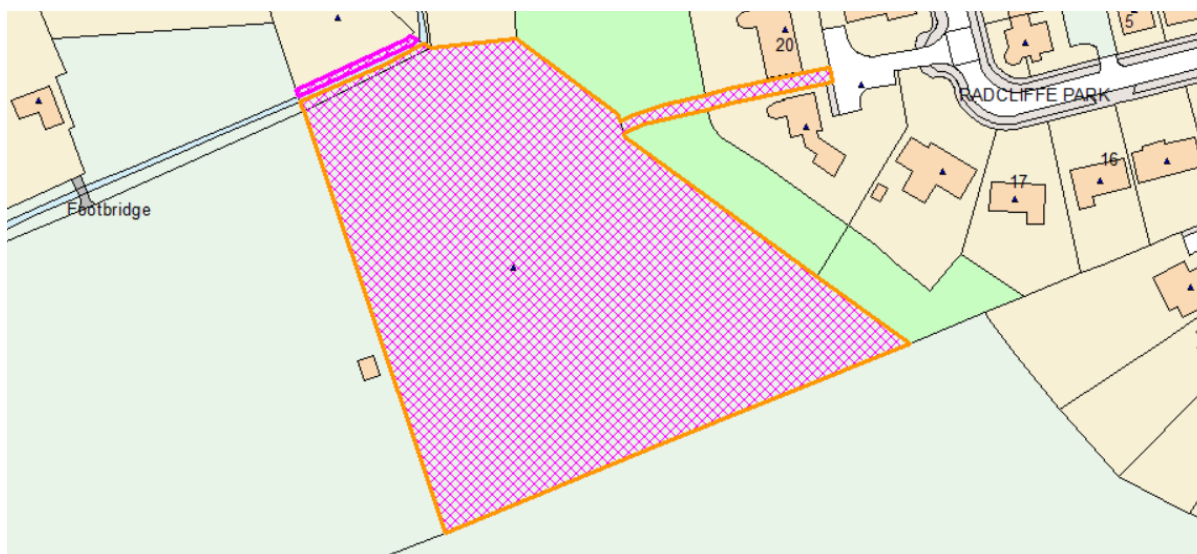


# Northumberland County Council

## NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE 22<sup>nd</sup> December 2022

<b>Application No:</b>	22/00666/FUL		
<b>Proposal:</b>	New detached house for permanent residence		
<b>Site Address</b>	Land West Of Radcliffe Park , Radcliffe Park, Bamburgh, NE69 7AN		
<b>Applicant:</b>	Mr & Mrs Cole Maplebeck Lodge, Maplebeck, Newark, NG22 0BS	<b>Agent:</b>	Jane Darcy Fleetham Mill, West Fleetham, Chathill, NE67 5JS
<b>Ward</b>	Bamburgh	<b>Parish</b>	Bamburgh
<b>Valid Date:</b>	23 February 2022	<b>Expiry Date:</b>	20 April 2022
<b>Case Officer Details:</b>	Name: Miss Claire Simm Job Title: Planning Officer Tel No: 07592272955 Email: Claire.Simm@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee as it is Officer recommendation to refuse the application contrary to the views of the Parish Council.

1.2 The application was referred to the North Northumberland Local Area Council in October but was deferred to allow the applicant to provide additional ecology information.

### 2. Description of the proposals

2.1 Planning permission is sought for the erection of a new house for permanent residence at Land West of Radcliffe Park, Radcliffe Way Bamburgh. The proposal is for a two-storey stone build 3 bedroom dwelling constructed of stone with a pitched slate roof. The dwelling is linked to the one and half storey double garage and office via a single storey link. The application has been amended to address issues raised in relation to protected species in the near vicinity of the site.

2.2 The site is on the southwest fringe of the village and is bordered by 20th century housing to the north and east, and agricultural land to the south and west. It is 0.9 hectares and comprises grassland used a paddock.

### 3. Planning History

None relevant

### 4. Consultee Responses

County Archaeologist	No objection
Building Conservation	The development would not result in any harm to the setting of any heritage assets however the scheme does not comply with policy QOP1 as the scheme does not respond positively to, established character, where possible reinforcing local distinctiveness through the quality of its design and the use of materials.
Public Protection	No objection subject to conditions relating to 1) Noisy Working Hours, 2) Construction Delivery/Collection Hours 3) External Hours
Bamburgh Parish Council	Bamburgh Parish Council support the application as the proposal complies with the NNCNP as the property will be for a single principal residence. NNCNP policy 9 section 4.54 demonstrates the plans flexibility and states, "The settlement boundaries are not intended to stifle development that could still make a positive contribution to sustainable communities in the neighbourhood Area" The proposal would not set a general precedent for development outside the settlement boundary.
Northumberland Coast AONB	The AONB Partnership is supportive of the planning application.
Highways	Object to the scheme as the proposed development is located in an unsustainable location reliant on a private car which does not provide a genuine choice of transport modes.
County Ecologist	No objection subject to conditions and contribution of £615 towards coastal mitigation.
Lead Local Flood Authority (LLFA)	No objection to the scheme. It should be noted that the applicant/new homeowner will be responsible for the scheme
North Sunderland And Seahouses PC	No response received.

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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	5
Number of Support	4
Number of General Comments	2

### Notices

General site notice, 30th March 2022

No Press Notice Required.

### Summary of Responses:

5 letters of objection have been received; the main concerns raised are:

- the site is located outside the settlement boundary
- the access is unsuitable
- impact on residential amenity in particular the height of the building
- concerns over the design being a sharp contrast to the existing houses
- siting of the property in the middle of the field
- impact on the protected species on site

4 letters of support have been received stating:

- the proposal is in keeping with the surroundings
- it will provide a permanent residence which should be encouraged
- The proposal seeks to address the access constraints raised in the Bamburgh Settlement boundary background papers by limiting the site to one dwelling.

2 Neutral comments have been received commenting:

- Could the solar panels be re located?
- Requesting further information in relation to the home office
- Allowing development outside the settlement boundary could set a dangerous precedent

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

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=R7P51ZQSMNX00>

## 6. Planning Policy

### 6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 4 - Climate change mitigation and adaptation (Strategic Policy)

HOU 3 - Housing requirements for neighbourhood areas (Strategic Policy)

HOU 5 - Housing types and mix

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

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

ICT 2 - New developments

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

ENV 4 - Tranquillity, dark skies and a sense of rurality

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

WAT 3 - Flooding

WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

North Northumberland Coast Neighbourhood Plan (NNCNP) - 2018

Policy 1 – Sustainable Development

Policy 2 – Landscape and Seascapes

Policy 3- Habitats and Species

Policy 5 – Design in new development

Policy 9 – Sustainable development outside the settlement boundaries

Policy 11- Bamburgh Conservation Area

Policy 13 Non-Designated Heritage Assets

Policy 14 – Principal Residence Housing

Policy 24 – Broadband Infrastructure

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

## 6.3 Other Documents/Strategies

National Design Guidance

Northumberland Coast AONB Management Plan 2020-2024

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The proposal has been examined against national and local planning policy and the main issues in the consideration of this application are;

- Principle of Development
- Visual impact
- Highway Safety
- Amenity
- AONB
- Conservation
- Ecology
- Archaeology
- Climate Change
- Broadband

### Principle of Development

7.3 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF'S presumption in favour of sustainable development. Applications for new

development should be considered in the context of this presumption in favour of sustainable development. This is also reflected in Policy STP 2 of the Northumberland Local Plan (NLP)

7.4 The application has been considered against the relevant sections within the Northumberland Local Plan and National Planning Policy Framework (NPPF) and it is considered that the development does not accord with local policies and the NPPF on the matters of relevance in this case.

7.5 Policy STP 1 of the Northumberland Local Plan (NLP) sets the spatial strategy for Northumberland and directs development towards established settlements. Bamburgh is listed as a Small Village which will support a proportionate level of development. Policy STP 1 also states that sustainable development will be supported within settlement boundaries defined on the NLP policies map or in neighbourhood plans. The North Northumberland Coast Neighbourhood Plan (NNCNP) defines a settlement boundary for Bamburgh and the proposal site sits outside of the settlement boundary.

7.6 As a result, the proposal must be considered to be development in the open countryside. Criterion g, Policy STP 1, provides a number of situations where development in the open countryside can be supported, including if the proposal provides for residential development in accordance with either Policy HOU 7 or Policy HOU 8 of the NLP. However, Policy HOU 7 relates to exception sites for affordable housing which is not applicable to this proposal, whilst Policy HOU 8 covers isolated housing in the countryside. Given the location of the proposal directly adjacent to the built-form of Bamburgh, it cannot be considered in an isolated location. Therefore, the proposal meets none of the exceptions listed where development in the open countryside can be supported.

7.7 Policy STP 1 also states that forms of development in the open countryside will be permitted if they are supported in a made neighbourhood plan. Policy 1 of the NNCNP states that subject to compliance with Policy 3 and having regard to other material planning considerations, small-scale development will be supported which provides new Principal Residence dwellings. However, Policy 8 then applies a settlement boundary around Bamburgh. Policy 9 lists forms of development outside of these boundaries that will be supported. In terms of residential development, this is limited to single dwelling Principal Residences in a list of distinct hamlets that are separate from Bamburgh.

7.8 As the proposal sits outside of the settlement boundary for Bamburgh and does not meet any of the exceptions listed in either the NLP or NNCNP, the principle of the development is unacceptable and cannot be supported.

### Visual Impact

7.9 The site is to be accessed from Radcliffe Park. Radcliffe Park is a modern development, comprising of a variety of different house types. Although the homes vary from detached brick two storey dwelling and stone bungalows, there is a strong building form to the development and a consistency in plot size. Policy QOP1(b) states that development proposals should create or contribute a strong sense of place and integrate the built form of the development with the site overall, and the wider local area having particular regard to...i) the form scale and massing, prevailing around the site and iv) the pattern of any neighbouring or local regular plot and building widths. The policy goes on to state that development should d) respect

and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting.

7.10 Policy 5 of the North Northumberland Coast Neighbourhood Plan (NNCNP) states all new development in the neighbourhood area should incorporate high quality design and demonstrate how a) the local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping.

7.11 The scale of the main house is considered acceptable; however, it is linked to the one and half storey garage with a single storey extension which incorporates a boot room, utility and extension to the family room. It is considered that the overall width of the proposed dwelling, which is slightly over 31m is not in keeping with the scale and character of the neighbouring development. Furthermore, it is considered that the density of the development is inappropriate. The single dwelling is sited in the centre of a large plot and would be incongruous having regard to the strong building form of the neighbouring development. As the existing settlement is characterised by open countryside approach, it is considered that this proposal would erode this, leading to urbanising effects in the open countryside.

7.12 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.13 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.14 Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would have a significantly harmful effect on the character and appearance of the open countryside in this area. It is therefore considered that the proposal would not accord with the NLP, the NNCNP, National Design Guide or Paragraphs 126 and 127 of the NPPF.

#### Area of Natural Beauty

7.15 The Northumberland Coast AONB has commented on the application and supports the application stating the development responds well to the design criteria set out in the AONB Design Guide for the Built Environment and is in accordance with the relevant objectives and policies contained within the Northumberland Coast AONB Management Plan 2020-2024.

## Conservation

7.16 The Council's Conservation Officer was consulted on the proposal, as, although the site is not within the setting of any heritage assets nor within the Conservation Area, the entire village is within the wider setting of Bamburgh Castle. It has been assessed that the proposal would not impact on the setting of any heritage assets and thus the proposal does not conflict with policy ENV7 of the NLP, however, the Conservation Officer has commented on the scale and design of the scheme stating the development does not relate to the built form in the locality and is therefore contrary to Policy QOP1(b) of the NLP.

## Archaeology

7.17 Following advice from the Council's Archaeologist a trial trenching report was submitted in July 2022. Considering the results of the archaeological assessment and in the absence of any significant recorded archaeological remains, the risk of the proposed development damaging or disturbing significant unrecorded archaeological remains is considered low. Therefore, there are no objections to the proposal on archaeological grounds.

## Ecology

7.18 Policy ENV 2 of the Northumberland Local Plan seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity. The policy states: Development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will: a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for; b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations.

7.19 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.20 Information had been received regarding protected species within the immediate area of the site. Further ecology statements have been provided by the applicant and amended plans have been submitted, changing the location of the package treatment plant and creating a new 450mm square opening in the boundary wall to provide an additional point of access to the adjacent field. The Council's Ecologist has reviewed the revised information and raises no objections to the amended development subject to conditions and a contribution of £615 towards the coastal mitigation service which would need to be secured by means of a Section 106 agreement. It is therefore considered that subject to the completion of a S106 and appropriate conditions, the development would be in accordance with the NLP and NPPF. However, whilst the applicant has agreed to a developer contribution there is not currently a S106 in place and therefore the development does not accord with Policy ENV 2 of the NLP and the NPPF.

## Highways

7.21 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any



adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

7.22 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.23 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.24 The Local Highway Authority responded to consultation stating the technical aspects of the proposal, such as access and parking etc. was acceptable, however it was also noted that the proposed development location is not considered to be a sustainable location for the purposes of the NPPF or Policy TRA 1 of the Local Plan and that this would represent an objection position to the proposals from the Highway Authority. It is recognised by the Highways Authority however, that the Planning Authority need to balance this against other material considerations Whilst noting the concerns of the Highway Authority with respect to connectivity, it is considered the proposals are acceptable in highways safety terms.

### Residential Amenity

7.25 Policy QOP 2 states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area. Given the development will be located over 60m away from the neighbouring properties to the northeast, it is considered that the proposal will not result in an unacceptable loss of light, overshadowing or visual intrusion to neighbouring occupiers. The development therefore complies with Policy QOP2 of the Northumberland Local Plan and the NPPF and Policy 5 of the NNCNP.

### Principal Occupancy

7.26 Policy 14 of the NNCNP advises that proposals for all new housing, excluding replacement dwellings, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence.

7.27 Principal Residence housing is that which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not

working away from home. These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations created and enforceable under Section 106 of the Town & Country Planning Act 1990, or any subsequent successor legislation. This Planning Obligation will require occupiers of homes to keep proof that they are meeting the obligation and they will be obliged to provide this proof if/when Northumberland County Council requests this information. It is therefore considered that subject to the completion of a S106, the development would be in accordance with the Policy 14 of the NNCNP. However, there is not currently a S106 in place although there is agreement with the applicant that the use of the property to be restricted to a Principal Residence dwelling.

### Climate Change

7.28 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.29 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.30 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.31 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Should the application be granted approval it would be appropriate to attach a condition to the permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

### Broadband Connectivity

7.32 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.33 The current application does not state whether full-fibre broadband connections are proposed. If the application were to be granted approval it would be recommended that further details of the proposed broadband connectivity for the

development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

### Equality Duty

7.34 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

7.35 These proposals have no implications in relation to crime and disorder.

### Human Rights Act Implications

7.36 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.

7.37 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.

7.38 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**

8.1 The main planning considerations in determining this application have been set out and considered above and assessed against the relevant Development Plan Policies and the National Planning Policy Framework (NPPF). It is considered that the application proposes an inappropriate form of development in the Open Countryside and the proposal would be located in an unsustainable location with poor access to services or facilities. The development does not integrate well with

the wider local area and the proposal would represent harm to the visual amenity of the area.

8.2 As the application is to be recommended for refusal, contributions to the local authority's coastal mitigation service have not been sought, nor has a legal agreement been signed ensuring the development will remain as a principle residence. This will form an additional refusal reason upon the file.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

01. By virtue of its location in the open countryside, the proposal would result in the construction of a new isolated dwelling in an unsustainable location and outside of any settlement identified within the North Northumberland Coast Neighbourhood Plan. There has been no demonstrated need, justification or other material consideration that would justify the construction of a new dwelling in this unsustainable location. The proposal would therefore be contrary to Policy STP 1 of the Northumberland Local Plan and Policy 9 of the North Northumberland Coast Neighbourhood Plan.

02. By virtue of its design, scale, location and density, the proposed development would be out of character with and would have a detrimental visual impact upon the surrounding landscape. As such the proposal would not accord with the National Design Guide, Policy QOP1 and QOP2 of the Northumberland Local Plan, Policy 5 of the North Northumberland Coast Neighbourhood Plan and Paragraphs 126 and 127 of the NPPF.

03. This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites and, as such, coastal mitigation measures are required. Under Reg 63 (5) of the Habitats Regs 2017 the proposed development has failed to incorporate coastal mitigation measures or secure a financial contribution towards such measures. The development would therefore have an adverse effect on the site integrity and to grant planning permission for the development would be unlawful and contrary to policy ENV2 and the NPPF

04. A Section 106 Agreement has not been completed to secure principal occupancy which is considered necessary in order to ensure that new dwellings are occupied only as a Principal Residence. This would be contrary to Policy 14 of the North Northumberland Coast Neighbourhood Plan.

**Background Papers:** Planning application file(s) 22/00666/FUL