

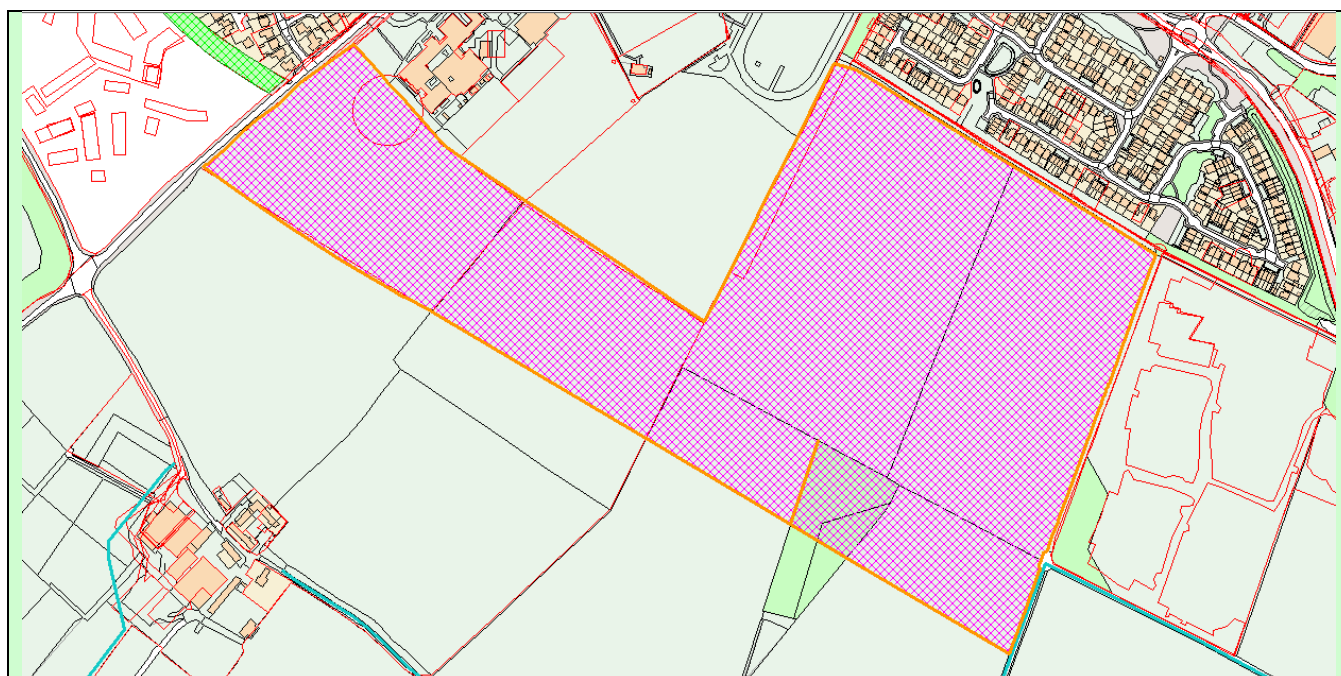


# Northumberland County Council

## Strategic Planning Committee, 5<sup>th</sup> March 2024

<b>Application No:</b>	23/02116/REM		
<b>Proposal:</b>	Reserved matters application for appearance, landscaping, layout, and scale for 480 dwellings pursuant to planning permission 16/04305/OUT		
<b>Site Address</b>	Land South And South East Of James Calvert Spence College, Acklington Road, Amble, Northumberland		
<b>Applicant:</b>	Mr Craig McClen Unit 18 Berrymoor Court, Northumberland Business Park, Cramlington	<b>Agent:</b>	Mr Jack Osgerby 3rd Floor Gainsborough House, 34-40 Grey Street, Newcastle upon Tyne
<b>Ward</b>	Amble West with Warkworth	<b>Parish</b>	Amble By The Sea
<b>Valid Date:</b>	9 June 2023	<b>Expiry Date:</b>	9 February 2024
<b>Case Officer Details:</b>	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

**Recommendation:** That this application be APPROVED subject to an updated response from the LLFA and Highways Development Management (HDM) for further conditions in addition to those listed below and a legal agreement for the contribution of £295,200 towards the Coastal Mitigation Strategy (CMS).



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### 1. Introduction

1.1 Given the scale of this application it is appropriate for determination by the Strategic Planning Committee (SPC).

## **2. Site Description and Proposals**

2.1 This reserved matters application sets out the proposed details of appearance, landscaping, layout, and scale for a large-scale development of 480 dwellings on a site south and southeast of James Calvert Spence College in Amble that already benefits from outline permission reference 16/04305/OUT.

2.2 The grant of permission was for no more than 500 dwellings included a requirement for 15% affordable housing on-site (67% affordable rent and 33% intermediate affordable home ownership (shared ownership and discounted market value)). Additionally, a S106 was secured for financial contributions towards off-site education, healthcare, sport and play, footpath/cycleway infrastructure connectivity and ecological coastal mitigation.

2.3 The submitted Schedule of Accommodation sets out that the proposed housing mix comprises:

- 8 x 1-bed,
- 70 x 2-bed,
- 186 x 3-bed,
- 167 x 4-bed and
- 49 x 5-bed dwellings

2.4 These are in a mix of semi-detached/terraced and detached properties, of which 408 units would be market housing with 72 affordable homes (15%). The affordable housing mix would comprise:

- 8 x 1-bed apartments,
- 39 x 2-bed (including 4 bungalows and 4 apartments),
- 21 x 3-bed and
- 4 x 4-bed dwellings.

2.5 The overall density of residential development in relation to the 15.91ha net developable area would equate to an average 30.1 dwellings/ha (or 18.9 dwellings/ha for the gross site area).

2.6 The proposed parking strategy would provide 209 garage spaces and 956 allocated external car parking spaces, plus an additional 56 spaces for 3-bed properties and 120 visitor parking spaces, together with individual and communal cycle storage.

2.7 A parkland area with children's play area and SuDS basins is proposed within the south-eastern part of the site.

2.8 The approx. 25.3ha application site is located on 'greenfield' agricultural land to the south-western edge of the town of Amble, immediately to the south and south-east of the James Calvert Spence College and its playing fields. The B6345 Acklington Road runs to the western edge of the site, with residential development at Etal Drive and Norham Drive (accessed off the A1068) to the north-east of the site. Otherwise, the site bounded by open agricultural land to the south and east.

## **3. Planning History**

**Reference Number:** 16/04305/OUT

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

**Status:** PER

**Reference Number:** 23/03698/DISCON

**Description:** Discharge of conditions 4 (Phasing),8 (Open Space Management),11 (Construction Method Statement),16 (Estate Street Phasing),17 (Street Maintenance) ,26 (Ground Gas),38 (Green Space Management) and 42 (Surface Water) on approved application 16/04305/OUT

**Status:** PCO

**Reference Number:** 23/04202/DISCON

**Description:** Discharge of conditions 15 (highways materials), 18 (highways details), 21 (highways drainage), 24 (foul drainage), 39 (surface water), 40 (SUDS) and 41 (overland surface water) pursuant to planning permission 16/04305/OUT

**Status:** PCO

#### 4. Consultee Responses

Amble Town Council	No response received.
Strategic Estates	No response received.
Climate Change Team	No response received.
Active Northumberland	No response received.
County Archaeologist	There are therefore no objections to the present application on archaeological grounds.  No archaeological work is recommended.
Northumbrian Water Ltd	No response received.
Countryside/ Rights of Way	I have no objection to the proposed development on the condition that Public Bridleway No. 14 is protected throughout. It is noted from the application that some new opportunities for pedestrian/cycle connections have been outlined. We would wish to see more detail of this in any full application, details of routes, surfacing, and connections beyond the planning application boundary, particularly where other landowner consents are required, and an indication of whether these are to be adopted as part of the Highways adoption or created as public rights of way.  In addition, no action should be taken to disturb the path surface, without prior consent from us as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
County Ecologist	Initially objected to the proposal on the grounds that the proposal required a significant financial contribution towards CMS.

	<p>Additionally, condition ten of the outline permission requires boundary fencing to consider mammals through hedgehog highways and other means.</p> <p>The applicant has agreed to pay the CMS requirement and an amended plan has been submitted showing compliance with condition ten.</p>
Open Spaces - North Area	No response received.
Affordable Housing	No response received.
Public Protection	<p>The Environmental Protection Team have no objection to this application and would recommend that conditions previously agreed for the outline application, specifically conditions 25 (contamination), 26 (gas protection), 27 (verification of gas protection measures) and 28 (noise from construction activities) on approved application 16/04305/OUT are carried forward on any decision notice.</p> <p><i>Note – these conditions are still applicable on the outline permission.</i></p>
Waste Management - North	No response received.
Education - Schools	Subject to there being no deviation from the S106 agreement regarding Education contribution, Education and Skills Group has no comment or objection in relation to this application.
Environment Agency	No response received.
Natural England	No objection subject to compliance with the North Northumberland Coastal HRA.
The Coal Authority	Considering the absence of any coal mining features recorded to be present within the site that could influence the spatial layout of development, we wish to raise no objection to this reserved matters submission.
Fire & Rescue Service	No objection with involvement at the Building Regulation stage.
Architectural Liaison Officer - Police	Northumbria Police support the principle of development on this site and have no objection to the Development. However, there are some minor concerns with respect to the pedestrian access points and the potential for traffic congestion during peak times given the single entry / egress point.
Northumbria Ambulance Service	No response received.
Public Health	No response received.
NHS NORTH EAST & CUMBRIA ICB	We would request that a single payment of £363,900 is required from the developer as a Section 106 contribution to allow a smooth implementation of the required surgery capacity expansion, and this should be on completion of the first dwelling to ensure the new health capacity is in place as the dwellings are occupied.

	<i>Note – this contribution type was already secured at the outline stage, and we cannot review through a REM application.</i>
Sport England	Initially concerns raised over the potential for this site to impact on the new school facility. An assessment was undertaken under the application for the school on the existing housing to the north. This returned no concerns and the houses for this application are further away and it is concluded that no impact will be had on the school playing pitches from this application.
Active Travel England	No objection subject to the provision and maintenance of footpaths and active travel measures including cycle parking.  <i>Note – these have been secured at the outline stage.</i>
Highways	Questions remain over the management of streets. An updated response is expected prior to the committee date resolving this issue.
Lead Local Flood Authority (LLFA)	Currently the LLFA object to the proposal on grounds of a lack of detail for the pumped SuDS proposal. However, this is expected to be resolved prior to the committee meeting.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	954
Number of Objections	16
Number of Support	0
Number of General Comments	2

### Notices

General site notice, 14th July 2023

Northumberland Gazette 29th June 2023

### Summary of Responses:

There have been 16 submissions of objection with two general comments. Concerns can be summarised as per below:

- Amble has enough housing and the infrastructure such as education and health need to catch up
- Concerns over congestion and highways safety along the B6345 / Acklington Road
- Potential safety with the adjacent school on highways grounds
- The proposal should include a new link road to ease congestion
- Adverse impact on wildlife including ground nesting birds
- The proposal lacks sustainable features such as solar panels and rainwater harvesting
- Housing mix is not acceptable and does not meet the current demand

- Lack of public consultation from the developer
- Concerns over sustainable travel

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RVXILGQSI9200>

## **6. Planning Policy**

### 6.1 Development Plan Policy

HOU 6 - Affordable housing provision (Strategic Policy)  
 HOU 9 - Residential development management  
 HOU 11 - Homes for older and vulnerable people (Strategic Policy)  
 QOP 1 - Design principles (Strategic Policy)  
 QOP 2 - Good design and amenity  
 QOP 3 - Public realm design principles  
 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  
 ICT 2 - New developments  
 ENV 2 - Biodiversity and geodiversity  
 ENV 3 - Landscape  
 WAT 3 - Flooding  
 WAT 4 - Sustainable Drainage Systems  
 INF 1 - Delivering development related infrastructure (Strategic Policy)  
 INF 5 - Open space and facilities for sport and recreation  
 INF 6 - Planning obligations

### 6.2 National Planning Policy

NDG - National Design Guide (2019)  
 NMDC - National Model Design Code (2021)  
 NPPF - National Planning Policy Framework (2023)  
 NPPG - National Planning Practice Guidance (2021, as updated)

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.2 The key considerations in the determination of this application are:

- Principle of Development
- Design
- Housing Type and Mix
- Affordable Housing
- Ecology and Coastal Mitigation Scheme Habitats Regulation Appraisal (HRA)
- Surface Water Drainage and Flood Risk

## Principle of Development

7.3 The principle of development has been firmly established through the grant of the outline planning consent, which remains extant. The site lies within the settlement boundary of Amble wherein policy STP 1 seeks to direct major forms of development, including large scale housing.

7.4 The principle of the development has been established and is consistent with the provisions of the spatial strategy set out in Local Plan policy STP 1.

## Design

7.5 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 134 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 the 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 to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated 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

7.6 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of the application. Section 12 of the NPPF is about achieving well-designed places. Paragraph 126 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.

7.7 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by having a clear definition of private / public spaces, having a clear hierarchy of routes of spaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening through street trees and other vegetation.

7.8 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users.

7.9 The NLP's various policies relating to sustainable place-making, design and layout should be taken into consideration in assessing the details of the proposed scheme, along with the National Design Guide. With regard to Policy QOP 2 and residential amenity, etc., consideration should additionally be given to how the proposed housing site layout relates to the proposed redevelopment of the adjacent school site, which would involve the demolition of the existing school buildings currently in the south-western corner of the school site adjacent to this residential application site and their re-siting further to the north-east along Acklington Road, such that the whole of the

northern and western boundaries of this proposed residential development would become playing fields (although the school car park near the road frontage is to remain).

7.10 Policy QOP 1 sets out that proposals should have consideration of the Northumberland Design Guide. However, in lieu of this document being approved we must turn to the National Design Guide. Paragraph 21 sets out:

7.11 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout (or masterplan);
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

#### Layout

*A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces, and buildings. It defines:*

- *the structure or settlement pattern;*
  - *the grain - the pattern of development blocks and plots; and*
  - *the broad distribution of different uses, and their densities or building heights.*
- (NDG, paragraph 23)*

7.12 The layout has been borne out of the outline approval which set it as an approved document. The application is consistent with the terms of the outline in this respect. However, the linear nature of the site and a single large open space lends itself to a degree of density that is slightly mis-leading. Although the density figures are acceptable, they are skewed by the layout offering a single large area of open space to the southern end of the site opening onto agricultural fields. Ideally, the layout would have revolved around a large, but interconnected, series of open spaces for use by the public with wide boulevards leading into smaller streets. However, as detailed above the layout was approved at the outline stage.

7.13 The proposal provides for a good degree of accessibility. There are paths throughout the site allowing for a healthy lifestyle and paths that access further afield in Amble. This will reduce reliance on private vehicles. Furthermore, the original S106A sets out the need for a footpath from the site to the adjacent school as well another path through the adjacent housing development along the southern boundary of the school site connecting to the town centre.

7.14 Given the layout has been accepted the grain and distribution of uses are also acceptable. The housing mix provides a range of heights and an opportunity for a mix of materials to provide a multi grain approach. Officers are satisfied with the layout and areas of density.

7.15 Policy QOP 2 of the Northumberland Local Plan 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, and sets out several criteria which development



will be assessed against. The NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.16 Policies HOU 9 and QOP 2 of the NLP seeks to ensure that development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy, and visual outlook, and is not obtrusive.

7.17 Considering the National Design Guide, in lieu of the Northumberland Design Guide, proposals should be considered under the following:

- Form
- Scale
- Appearance
- Landscaping
- Materials

#### Form

*Form is the three-dimensional shape and modelling of buildings and the spaces they define. Buildings and spaces can take many forms, depending upon their:*

- *size and shape in plan;*
- *height;*
- *bulk - their volume;*
- *massing - how bulk is shaped into a form;*
- *building lines - the alignment of building frontages along a street; and*
- *relationship to the plot boundary - and whether they share party walls or not. (NDG, para 24)*

7.18 The plans demonstrate a mix of unit types that avoid a mono-bulk of units and allow for wide streets avoiding a feeling of claustrophobia. Users will not feel dwarfed by the design. Building lines offer a consistent feel throughout the development with buildings set back allowing for a soft frontage and a wider street feel. This has the negative impact of parking to the front of houses but given the layout has already been approved this is an acceptable approach in this instance. Plot sizes are reasonably generous and allow for useable garden spaces without feeling excessive.

#### Scale

*Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions (NDG, para 26)*

7.19 The applicant has spaced out the building mix in such a way as to complement one another. There are no larger properties scaling smaller ones and the general mix of acceptable. The southern end of the site opens onto a large open space. This was established at the outline. This space is surrounded on two sites by housing but without feeling like they provide a barrier to access.

#### Appearance

*Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external*

*built form of the development, its architecture, materials, decoration, lighting, colour, and texture. In the case of a space, its landscape also influences its appearance. (NDG, para 28)*

7.20 The houses offer a general architectural appearance with a mix of features including gables, entrance details and vertical emphasis windows. Materials are a general mix, but this could be conditioned to provide the final detail as this can change due to changes in costs. Little detail is provided on lighting, but the main arterial streets are to be adopted with street lighting. Details of those areas to remain private will need to be provided but this could be conditioned.

#### Landscape

*Landscape is the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site, the area in which it is situated and the natural environment. Landscape includes landform and drainage, hard landscape such as surfacing, boundary treatments, street furniture and play equipment. It also includes soft landscape – trees, shrubs, and other planting. (NDG, para 29)*

7.21 The application details street trees with complementary shrub planting. The parkland area to the south will be grassed. The proposal includes substantive SuDS with various swales and drainage basins adding to the landscape complement. Street furniture is minimal and limited to street lighting. This is considered acceptable as it avoids clutter.

#### Materials

*The materials used for a building or landscape affect how well it functions and lasts over time. They also influence how it relates to what is around it and how it is experienced. The scale, form and appearance of a building influence what materials may be appropriate for its construction. Materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings. (NDG, para 30)*

7.22 This relates to materials across the entire site and not just on buildings. Little information has been provided with respect to surface finishes, but this can be conditioned with details of durability and maintenance.

#### Summary

7.23 Overall, the applicant is limited with their proposal by virtue of the conditions attached to the outline which secured the layout at that time. However, the applicant has produced a positive layout with accessibility through various pathways, landscaping, and greenspace. Building heights, scale and relationship has been kept to a positive mix.

7.24 It is considered that the design of the buildings and the spaces between them is consistent with policy QOP 2 and the National Design Guide.

#### Housing Type and Mix

7.25 Policies STP 3(b), HOU 2, HOU 5, HOU 6 and HOU 11 seek to ensure that the mix of housing types, sizes and tenures on development sites is reflective of identified local needs. There is no local housing needs assessment for the Amble area. The submitted Reserved Matters Statement refers to the generic countywide housing needs mentioned in the NLP (para.7.29 and 7.42), derived from the latest SHMA Update 2018, and claims that their proposed scheme provides for a choice and mix of

homes - the Design & Access Statement states that it is "*Providing a range of dwelling sizes, types and tenures that offers an accessible and acceptable choice of lifestyles; and promoting the objectives of sustainable development through layout and design*".

7.26 Policy HOU 11 specifically seeks to ensure the provision of accommodation suited to the needs of older and vulnerable people, to help people to live independently in their own homes for longer. This includes the provision of bungalows and level-access flats in accessible and sustainable central locations, such as the county's Main Towns of which Amble is one (Policy STP 1). Criterion 1e requires planning applications to demonstrate in their supporting Design and Access Statement that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. Furthermore, part 2 of the policy requires 20% of new market dwellings and 50% of affordable homes to be designed to meet or exceed the enhanced M4(2) accessibility and adaptability standards of the Building Regulations [NB. this could soon be superseded by the Government's announced intention to mandate the M4(2) standard for all new housing]. There is no reference to these requirements having been considered in the submitted detailed application proposals, either within the Design & Access Statement or the Reserved Matters Statement.

7.27 Despite these issues it should be noted that limited weighting can be applied at this stage of the consenting process. A recent High Court decision confirmed that housing mix is not a material consideration at the REM stage, note *The Queen (On the application of CPRE Warwickshire) v Coventry City Council* reference CO/2454/2021 dated 6<sup>th</sup> September 2021.

#### Affordable Housing

7.28 In terms of Policy HOU 6, the affordable housing requirement (15%) and indicative tenure split (67% affordable rent and 33% intermediate affordable home ownership) has been previously established through the outline permission. In terms of the NLP, the guideline mix Amble is acknowledged to be close to the boundary of the Alnwick and the Tourist Coast housing market sub-area, where the predominant needs are for 3-bed houses and 4+bed houses, with smaller needs for 1-2 bed bungalows and 1-2 bed houses. is based on ensuring that the NPPF para.65 requirement for at least 10% of the total number of dwellings on the site should be for affordable home ownership products. Thus, for a 15% affordable housing area (i.e. medium value, which covers most of this site, with the western part being within a low value area) at least 48 of the affordable homes on this proposed development of 480 dwellings should be for affordable home ownership, which would equate to 67% of the 72 affordable homes, and thus leaving a maximum of only 33% (24 units) to be for affordable/social rent, which is the opposite way around of the tenure split referred to in the outline permission. Thus, in Policy terms there would be support to some flexibility to potentially amend the permitted affordable tenure split accordingly. For the purposes of this application the applicant has delivered the required amount of affordable housing.

7.29 The proposal is consistent with the provisions of policy HOU 6.

#### Ecology and Coastal Mitigation Scheme Habitats Regulation Appraisal (HRA)

#### Off-site impacts

7.30 Nature conservation sites designated as Special Areas of Conservation (SAC) and Special Protection Areas (SPA), collectively referred to as Habitats or European

Sites, are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations).

7.31 Northumberland County Council as a competent authority, must carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA) to test if a plan or project proposal could significantly harm the designated features of a Habitats Site, either alone or in combination with other plans or projects. Projects include something that requires a form of new or renewed authorisation, such as a licence, consent or permission, or a variation, modification, or revocation of such an authorisation.

7.32 Where a HRA was undertaken at a previous stage in the consenting process, the LPA (Local Planning Authority) is still required to consider whether there has been a material change in circumstances or guidance and whether a further/updated assessment is required in relation to reserved matters.

7.33 This site is located close to the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC which are vulnerable to increased levels of recreational disturbance and the associated human spread of invasive non-natives species such as pirri-pirri bur. Application 16/04305/OUT considered the Habitats Regulations and the proposed mitigation was accepted based on the understanding of the issues at that time, concluding no adverse effect to the integrity of these Habitats Sites.

7.34 However, Natural England has since updated its advice concerning the need to address recreational disturbance within coastal protected areas and has agreed a strategic approach with Northumberland County Council whereby mitigation for recreational disturbance impacts on Habitats Sites at the coast is achieved through contribution to the Coastal Mitigation Service, removing the uncertainty of the effectiveness of on-site mitigation. Notwithstanding this change in guidance, it is noted that the application layout does not deliver the previously agreed on-site mitigation.

7.35 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs (Site of Special Scientific Interest). The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast and this is secured by a S.106 agreement payable on first occupation. The contribution in this case for 480 units would be £295,200.

7.36 A class HRA has been agreed with Natural England and applies to all developments where a contribution to the Coastal Mitigation Service has been agreed. This includes an Appropriate Assessment of the development when mitigation is in place via a contribution to the Coastal Mitigation Service and concludes that with the agreed mitigation measures an adverse impact on the integrity of the Site(s) will be avoided. Consequently, there is then no need to complete an individual HRA for each scheme, unless additional impacts to recreational disturbance are likely.

#### On-Site

7.37 The site is currently made up of agricultural fields with some hedgerow boundaries. The proposal will provide for a large open space recreation area, SuDS

features and hedgerow planting. Boundary treatments cater for small mammals as required by condition ten of the outline approval.

7.38 Subject to this legal agreement the proposal is consistent with policy ENV 2.

#### Surface Drainage and Flood Risk

7.39 Policy WAT 4 and the NPPF require SuDS to be embedded in the heart of new developments. Proposals should not increase the risk of flooding elsewhere. In this instance the proposal caters for a series of SuDS measures including swales, trenches, rainwater gardens etc. These are features that were secured within the original outline permission. The applicant is proposing the same run off rate of 39l/second. Conditions attached to the outline permission requires the general principles of the original Flood Risk Assessment to be met through the REM. It is considered that the FRA supporting the REM is within the general ambit of that approved under the outline.

7.40 However, further detailed site analysis work has identified that should the original SuDS approach is adopted then this would necessitate a further 26,000 vehicular imports of topsoil to form appropriate levels. This would be 52,000 total movements. This would have significant environmental, and highways impacts, on the residents of Amble. To address this issue the applicant is proposing an uplift chamber at the boundary between the housing, the southern boundary, and the green space. This chamber would be pumped to maintain water flow and quality. Should this pump fail then a second pump would be available. Should this fail then the opening out of the uplift chamber would still be available thus maintaining the agreed run off rate. The applicant has submitted details of the maintenance regime demonstrating that should the pump(s) fail then a local operative would be available to attend to the site.

7.41 Policy WAT 4 of the Local Plan sets out that the SuDS should be incorporated into developments wherever necessary to manage surface water. New developments should not cause flooding elsewhere or raise the risk of flooding. The SuDS hierarchy places pumped systems at the very bottom. They are not considered appropriate by means of the potential for pumps to fail. However, subsection 2a allows for where SuDS is not technically viable then the risk needs to be appropriately mitigated. In this instance even should both pumps fail then the runoff rate remains the same and the risk of flooding is not increased.

7.42 The Government's Planning Practice Guidance (PPG) sets out a sequential test to direct development away from high-risk areas of flooding. The application went through this assessment at the time of the outline permission. This resulted in an acceptance of the principle of development. There have been no major changes to the degree of flood risk since the outline permission was granted. Therefore, there is no requirement to re-apply this test.

7.43 In this instance the applicant has provided significant levels of information relating to the SuDS. The overall scheme is within the ambit of the outline with respect to flow rates and the information provided at that time. It is highly unlikely that both pumps in the uplift chamber will fail. If both do fail, then the applicant needs to provide details of the management regime to attend to the uplift chamber. Such an event is highly unlikely but could happen in a very extreme event. It is anticipated that the LLFA has accepted the low-risk nature of the proposals. Additionally, officers consider that the minimum risk is worth accepting to avoid a potential 52,000 vehicular movements in

Amble. This would adversely impact existing residents and road users. Members will be updated before the committee with the LLFA comments and additional conditions.

#### Highways, Access, and Parking

7.44 Policy TRA 1 encourages proposals to consider sustainable travel connections whilst TRA 2 seeks to ensure proposals do not have an unacceptable impact on the existing transport network.

7.45 In this instance Active Travel England has confirmed that the proposals meet their requirements and is well connected through a connection on Acklington Road, a proposed path already secured by legal agreement through the adjacent Persimmon site along the boundary with the James Calvert Spence college, connections further afield to the south adjacent the green space and a further path on the southern side of Acklington Road connecting to the school. Other measures were suggested such as allowing vegetation above 1m in visibility splays to act as natural speed calming measures but were not accepted by Highways Development Management. Finally, the proposal makes use of cycle parking.

7.46 HDM (Highways Development Management) have confirmed that the proposals are acceptable in terms of accessibility and maintenance for the refuse vehicle. Most of the site be adopted but some areas of private housing will be retained as such for the purposes of the road network but will be built to adoptable standards. Parking is acceptable and consistent with policy TRA 4 of the Local Plan.

#### Climate Change

7.47 The NPPF 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.

7.48 Local Plan Policy QOP1 sets out several 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.

7.49 Local Plan Policy QOP 5 relates to sustainable design and construction. 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.

7.50 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to the permission to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

## Broadband

7.51 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.

7.52 The current application does not state whether full-fibre broadband connections are proposed. It is 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 119 of the NPPF.

## Equality Duty

7.53 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

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

## Human Rights Act Implications

7.55 The Human Rights Act requires the County Council to consider 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.

7.56 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.

7.57 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, which includes the right of review by the High Court, complied with Article 6.

## 8. Conclusion

8.1 The principle of residential development of this site is already established through the extant outline permission. The proposal offers a reserved matters submission consistent with the ambit of the outline and builds on the approved layout by virtue of an appropriate housing mix and type.

8.2 The application is acceptable subject to an amended legal agreement for the CMS (Coastal Mitigation Strategy) contribution as per the Ecology section above.

## 9. Recommendation

That this application be APPROVED subject to an updated response from the LLFA and Highways Development Management (HDM) for further conditions, the conditions listed below and a legal agreement for the contribution of £295,200 towards the Coastal Mitigation Strategy (CMS).

### Conditions

#### 1. Approved Plans and Documents

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

#### House Types:

- . 25700-NNA-02-AS-EL-3000-HT02\_Elevations-P04
- . 25700-NNA-02-AS-GA-1000-HT02\_Plans-P04
- . 25700-NNA-03-AS-EL-3000-HT03\_Elevations-P04
- . 25700-NNA-03-AS-GA-1000-HT03\_Plans-P04
- . 25700-NNA-05-AS-EL-3000-HT05\_Elevations-P04
- . 25700-NNA-05-AS-GA-1000-HT05\_Plans-P04
- . 25700-NNA-06-AS-EL-3000-HT06\_Elevations-P05
- . 25700-NNA-06-AS-GA-1000-HT06\_Plans-P04
- . 25700-NNA-08-AS-EL-3000-HT08\_Elevations-P05
- . 25700-NNA-08-AS-GA-1000-HT08\_Plans-P04
- . 25700-NNA-09-AS-EL-3000-HT09\_Elevations-P06
- . 25700-NNA-09-AS-GA-1000-HT09\_Plans-P04
- . 25700-NNA-10-AS-EL-3000-HT10\_Elevations-P04
- . 25700-NNA-10-AS-GA-1000-HT10\_Plans-P04
- . 25700-NNA-11-AS-EL-3000-HT11\_Elevations-P05
- . 25700-NNA-11-AS-GA-1000-HT11\_Plans-P04
- . 25700-NNA-12-AS-EL-3000-HT12\_Elevations-P05
- . 25700-NNA-12-AS-GA-1000-HT12\_Plans-P04
- . 25700-NNA-13-AS-EL-3000-HT13\_Elevations-P05
- . 25700-NNA-13-AS-GA-1000-HT13\_Plans-P04
- . 25700-NNA-14-AS-EL-3000-HT14\_Elevations-P05
- . 25700-NNA-14-AS-GA-1000-HT14\_Plans-P04
- . 25700-NNA-15-AS-EL-3000-HT15\_Elevations\_01-P05
- . 25700-NNA-15-AS-EL-3010-HT15\_Elevations\_02-P04
- . 25700-NNA-15-AS-GA-1000-HT15\_Plans-P05
- . 25700-NNA-16-AS-EL-3000-HT16\_Elevations-P05
- . 25700-NNA-16-AS-GA-1000-HT16\_Plans\_01-P04
- . 25700-NNA-16-AS-GA-1010-HT16\_Plans\_02-P04
- . 25700-NNA-17-AS-EL-3000-HT17\_Elevations-P05
- . 25700-NNA-17-AS-GA-1000-HT17\_Plans-P04
- . 25700-NNA-18-AS-EL-3000-HT18\_Elevations-P04



- 25700-NNA-18-AS-GA-1000-HT18\_Plans-P04
- 25700-NNA-19-AS-EL-3000-HT19\_Elevations-P04
- 25700-NNA-19-AS-GA-1000-HT19\_Plans-P04
- 25700-NNA-20-AS-EL-3010-HT20\_Elevations\_01-P05
- 25700-NNA-20-AS-EL-3010-HT20\_Elevations\_02-P04
- 25700-NNA-20-AS-GA-1000-HT20\_Plans\_01-P04
- 25700-NNA-20-AS-GA-1010-HT20\_Plans\_02-P04
- 25700-NNA-22-AS-EL-3000-HT22\_Elevations-P05
- 25700-NNA-22-AS-GA-1000-HT22\_Plans-P05
- 25700-NNA-23-AS-EL-3000-HT23\_Elevations-P05
- 25700-NNA-23-AS-GA-1000-HT23\_Plans-P05
- 25700-NNA-24-AS-EL-3000-HT24\_Elevations-P04
- 25700-NNA-24-AS-GA-1000-HT24\_Plans-P04
- 25700-NNA-G1-AS-GA-1000-G1\_Plans\_and\_Elevations-P01
- 25700-NNA-G2-AS-GA-1000-G2\_Plans\_and\_Elevations-P02

#### Materials:

- 25700-NNA-XX-AS-EL-3000-Boundary\_Treatment\_Types-P02
- 25700-NNA-XX-XX-SH-9000-HT\_Material\_Key-P03
- 25700-NNA-XX-XX-SI-0010-Materials\_Plan\_Sh\_01-P06
- 25700-NNA-XX-XX-SI-0020-Materials\_Plan\_Sh\_02-P06
- 25700-NNA-XX-XX-SI-0030-Materials\_Plan\_Sh\_03-P06

#### Pegasus Drawings:

- P20-1607 Amble SOA Proposed Layout – 20.10.23
- P20-1607.001 Amble - Site Location Plan
- P20-1607.002 Amble - Existing Site Plan
- P20-1607.102T Amble - Proposed Layout 02.11.23
- P20-1607.103B Amble - Rendered Proposed Layout A1@1-1500
- P20-1607.105.B Amble Open Space Plan
- P20-1607.106B Amble Boundary Treatment Plan
- P20-1607.107B Parking Strategy Plan
- P20-1607.108B Amble - Proposed Street Scenes
- P20-1607.109A Amble - Refuse Plan
- P20-1607.110A Amble - EV Charging Plan
- P20-1607\_EN\_200\_B - LMP\_compressed
- P20-1607\_EN\_201\_A - Play Area Strategy

#### Drainage/Engineering:

- 22-013 Surface Water Network 1
- 22-013 Surface Water Network 2
- 22-013 Surface Water Network 3
- 22-013-200-P5 Engineering Layout Sheet 1
- 22-013-201-P5 Engineering Layout Sheet 2
- 22-013-202-P5 Engineering Layout Sheet 3
- 22-013-203-P5 Engineering Layout Sheet 4
- 22-013-204-P5 Engineering Layout Sheet 5
- 22-013-205-P5 Engineering Layout Sheet 6
- 22-013-206-P6 Engineering Layout Sheet 7
- 22-013-207-P6 Engineering Layout Sheet 8
- 22-013-208-P3 Engineering Layout- Overall Site
- 22-013-210-P4 Surface Finishes and Kerbs SHEET 1
- 22-013-211-P4 Surface Finishes and Kerbs SHEET 2

- 22-013-212-P4 Surface Finishes and Kerbs SHEET 3
- 22-013-213-P4 Surface Finishes and Kerbs SHEET 4
- 22-013-214-P4 Surface Finishes and Kerbs SHEET 5
- 22-013-215-P5 Surface Finishes and Kerbs SHEET 6
- 22-013-216-P4 Surface Finishes and Kerbs SHEET 7
- 22-013-217-P4 Surface Finishes and Kerbs SHEET 8
- 22-013-218-P3 MH Schedule
- 22-013-219-P3 Hardstanding Areas SHEET 1
- 22-013-220-P3 Hardstanding Areas SHEET 2
- 22-013-221-P3 Hardstanding Areas SHEET 3
- 22-013-222-P3 Hardstanding Areas SHEET 4
- 22-013-223-P3 Hardstanding Areas SHEET 5
- 22-013-224-P3 Hardstanding Areas SHEET 6
- 22-013-225-P3 Hardstanding Areas SHEET 7
- 22-013-226-P3 Hardstanding Areas SHEET 8
- 22-013-230-P1 Drainage Details Sheet 1
- 22-013-231-P2 Drainage Details Sheet 2
- 22-013-235-P3 Orifice Plate Details
- 22-013-236-P3 SUDS Sheet 1
- 22-013-237-P3 SUDS Sheet 2
- 22-013-240-P3 Rd and Sewer Long Sections SHEET 1
- 22-013-241-P3 Rd and Sewer Long Sections SHEET 2
- 22-013-242-P3 Rd and Sewer Long Sections SHEET 3
- 22-013-243-P3 Rd and Sewer Long Sections SHEET 4
- 22-013-244-P3 Rd and Sewer Long Sections SHEET 5
- 22-013-245-P2 Rd and Sewer Long Sections SHEET 6
- 22-013-246-P3 Rd and Sewer Long Sections SHEET 7
- 22-013-247-P3 Rd and Sewer Long Sections SHEET 8
- 22-013-248-P2 Rd and Sewer Long Sections SHEET 9
- 22-013-260-P2 Highway Details
- 22-013-290-P1 Overland Flows - Predevelopment-pdf
- 22-013-291-P2 Overland Flows-Post Dev
- 22-013-292-P2 Overland Flows-Post Dev Sht 1
- 22-013-293-P2 Overland Flows-Post Dev Sht 2
- 22-013-294-P2 Overland Flows-Post Dev Sht 3
- 22-013-296-P1 Overland Flow east ditch
- 22-013-297-P1 Northern Ditch
- 22-013-298-P1 Survey with falls
- 23\_02116\_REM-CONSULTEE\_COMMENTS-Developer Response 071223
- 22-013-295-P1 Overall Cut & Fill
- 22-013-910-P3 Flood Routing Plan 1in200
- 22-013-911-P3 Flood Routing Plan 1in500
- 22-013-912-P4 Flood Routing Plan 1in1000
- P20-1067 - Surface Water Pumps – Specification and Maintenance Plan
- 22-013 Network 1 Large Basin 290124
- 22-013 Network 1 Large basin-zero flow
- 22-013 Network 2 small basin 290124
- 22-013 Network 2 Small basin-zero flow

Other:

- Cycle Store Specification

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

## 2. Materials

Prior to commencement of development above base course level details of the materials to be used in the construction of the external surfaces of the houses, roads and all boundary walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework and policies QOP 1 and QOP 2 and of the Local Plan.

## 3. Broadband

Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

## 4. Sustainability

Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

## 5. Landscape Species Mix

Prior to any seeding works on communal landscape areas, including SuDS features, the applicant shall submit a species mix. Once approved by the planning authority the development shall be completed as per these details.

Reason: To ensure an appropriate species mix throughout the development and in accordance with policy ENV 2 of the Local Plan.

## 6. Landscape Planting Plan

Prior to the commencement of development, a plan for the landscape planting of the site shall be submitted to, and agreed in writing with, the LPA. The plan shall detail the species to be used, numbers of plants, density of planting, rates of sowing and means of protection and use only species native to Northumberland with implementation in

full during the first planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in line with Local Plan Policy ENV2 and QOP4.

**Informative**

Landscape Planting Plan: A landscape planting plan is normally presented as a drawing, produced by a landscape architect, which shows the precise location of new planting with specification covering species, numbers/densities and for areas of grass the mix and sowing rates. If not provided elsewhere it should also outline of methods for plant establishment and give an implementation timetable

**Date of Report:** 16<sup>th</sup> February 2024

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 23/02116/REM