

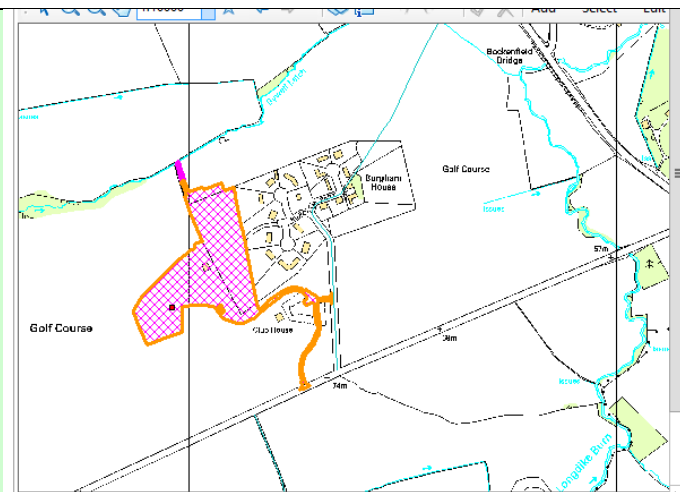


Northumberland County Council

Castle Morpeth Local Area Committee, 14th February 2022

| | | | |
|------------------------------|---|---------------------|------------------|
| Application No: | 20/02094/FUL | | |
| Proposal: | Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description | | |
| Site Address | Land North West Of Burgham Park Golf Club, Burgham Park, Felton, Northumberland | | |
| Applicant: | Mr David Brocklehurst 12-14, Bondgate Within, Alnwick, NE66 1TD | Agent: | None |
| Ward | Longhorsley | Parish | Thirston |
| Valid Date: | 5 August 2020 | Expiry Date: | 30 November 2021 |
| Case Officer Details: | Name: Mrs Tamsin Wood Job Title: Senior Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk | | |

Recommendation: That this application be GRANTED permission subject to conditions and a section 106 agreement requiring contributions towards affordable housing, health care provision, education facilities and to tie a habitat management plan to the proposal.



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1. Introduction

1.1 This application is to be determined at Castle Morpeth Planning Committee given the level of objections raised.

2. Description of the Proposals

2.1 Full Planning permission is sought for the removal of the green keepers compound and the construction of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage, on land North West of Burgham Park Golf Club at Burgham Park, Felton. The application site measures 5.8 hectares and is located immediately to the west of a group of 10 low density executive houses at Burgham Park, with a further 10 dwellings to the east of these, and to the north-west of the existing golf course club house. A development of 8 holiday lodges also lies directly next to and to the south of the site. These were granted under permission CM/20100070, as varied, and form 8 of 50 self catering holiday homes that were approved. The application site borders the west, north and eastern side of these holiday homes.

2.2 The proposal would include the construction of 38 detached dwellings and 10 terraced properties. 7 house types in total are proposed, as follows.

301- 3 bedrooms, 2 storey terraced brick pitched roof- 10 nos

404- 4 bedrooms, 2 storey detached brick pitched roof- 5 nos

405 - 4 bedrooms, 2 storey detached brick pitched roof-with 2 ½ dormers- 6 nos

502-5 bedrooms, 2 storey detached brick pitched roof - with dormers with rooms in roof- 5 nos

504-5 bedrooms and study– 2 storey detached brick pitched roof- 8 nos

501- 5 bedroomed, 2 story detached brick pitched roof- 7 nos

402- 4 bedrooms, 2 storey detached brick pitched roof- 7 nos

2.3 27 single and 4 double detached garages also form part of the scheme, together with a sub-station. Each dwelling would have an attached or detached garage and the terraced properties would all have parking spaces next to them. Each property would also have amenity space next to its rear.

2.4 This application was originally for the development of 56 dwellings on previously-undeveloped 'greenfield' Green Belt land within the wider Burgham Park Golf Course site, although now amended to 48 dwellings. The amended proposal is for 38 market homes comprising 18 x 4-bed and 20 x 5-bed detached houses, plus 10 x 3-bed affordable terraced/semi-detached homes. 21 of the new dwellings are proposed on the eastern part of the site which benefits from an extant proposal for 14 detached executive homes (14/02477/FUL, initial site works implemented). 27 of the new dwellings are proposed on the additional western part of the site. This western part of the application site has an earlier partly implemented extant planning consent for 50 self-catering holiday lodges (CM/20100070, 11/00938/VARYCO and 12/02136/REM), 8 of which have already been constructed to date (which fall just outside of this application site). 11/00938/VARYCO included a partial relaxation of the second home restriction on the occupation of the holiday cottages, such that they are still restricted from being occupied as a main permanent place of residence. Part of the new application site is the current access road to the golf course and to 8 of

the holiday cottages that have already been constructed to date (which fall just outside of the application site). It should also be noted that separate applications have been submitted that seek to release the occupancy restriction on the 8 existing holiday cottages to allow a change of use for permanent residence (20/02026/COU), and for a range of further improvements to the golf course (20/02093/FUL).

2.5 Access to the site would be from the road which runs along the southern boundary of Burgham golf club between the A1 and the A697. From this access an existing road runs through the golf club to 8 of the holiday cottages that have already been constructed to date (which fall just outside of the application site). It would lead to the site where the dwellings are proposed to be laid out around an estate road. Part of the new application site includes the current access road to the golf course.

2.6 The site is an area of grassland with mature planting within the site and outside to the north, south and west boundaries. It is located in open countryside and falls within the proposed general extent of the outer Green Belt around Morpeth. Access is taken from the C137 highway to the south. It lies around 920 metres west of the A1 Trunk road, 2.8km north-east of Longhorsley and 3.5km south-west of West Thirston and Felton.

Background

2.7 There is extensive history for this site, as set out below. Of relevance to this application is application CM/20100070 for the expansion of existing facilities to provide new club house, hotel, conference facilities leisure club, driving range and self catering holiday lodges (outline). This was approved on the 12/10/2010 and since varied. This current application covers the site where the 50 holiday lodges were approved, but not that part of the site where the 8 lodges have been built. No further works progressed. The committee report for the 14/02477/FUL application set out the lodges would form phase 1 of the development and that 'this was funded by a commercial loan and investment by the applicant. The remaining planned cottages will be built as sold thus not requiring further finance. This will be undertaken by means of stage payments from purchasers.'

2.8 An application under ref 14/02477/FUL was then submitted and approved for the 'Change of use to residential (C3) by way of erecting an enabling development of 14 no. detached executive homes'. The committee report for this application set out that 'The application seeks approval for the construction of 14 detached dwellings on the site, which is referred to in the description of the application as an enabling development of detached executive housing. The supporting planning statement makes reference to recent permissions granted for the new club house, golf academy, driving range, staff accommodation and holiday lodges and that the applicant has found it difficult to find adequate funding. This development is known as the Northumbrian Hills resort. It is stated that the applicant would like to secure additional funding from the banks by gaining planning permission for further residential development as a form of enabling development which it is stated would ensure that the resort redevelopment could progress in stages. Information provided with the planning application and set out in the report to the North Area Planning Committee in April 2015 stated that the first stage, which is the construction of the first 8 of 50 holiday cottages, began in July 2014 and has now been completed.' The report further states that 'the delivery of phase 2 (being the golf academy, green

keeping compound, staff accommodation and enhanced and extended pavilion and associated infrastructure works) is conditional on obtaining planning permission under this current application (14/02477/ful), which will enable the applicant to release value from the site for investment in phase 2 as an essential part of the overall funding package.' This application was approved subject to a section 106 where the applicant agreed that the net sale proceeds from the sale of the land shall be paid into a bank account that can only be used to facilitate the development of the larger scheme.

2.9 The development of the 8 holiday lodges and access to the site of the 14 dwellings makes both of these permissions extant.

2.10 This application was originally for 56 dwellings. The unit number originated from the 50 holiday units granted under CM/20100070 and the 14 dwellings granted under the 14/02477/Ful permission. This gives a total of 64 units, however, 8 of the holiday lodges have been built, this equals the 56.

2.11 The application has since been amended to include a reduction in number from 56 units to 48 units. Within the applicants supporting planning statement it states the number of dwellings has been reduced in response to comments from local residents and to reduce the footprint and volume of the scheme. A number of detached double garages and house type mix has been amended in order to reduce the overall footprint and volume of the scheme further, so that there is a material reduction when assessed against the extant planning consents on the site.

2.12 As the site is within the Green Belt the applicant has set out in their planning statement their justification for the proposal. In summary, the Cussins justification for the proposals are as follows:

-There is a fall-back position, established by the unique extant planning permissions on this site for the construction of 42 permanent holiday homes (being the balance of holiday homes not yet constructed of the 50 that have extant planning permission) and 14 permanent executive homes, all of which can be constructed in the Green Belt without further planning consent(s).

-The development would cause less harm to the openness of the Green Belt than the effects of development of the existing planning permissions because it is for a materially smaller footprint and volume than the fallback position. This material improvement on the effects on the Green Belt amounts to a very special circumstance that would warrant the Cussins permission being granted.

3. Planning History

Reference Number: CM/90/D/342

Description: Outline - construction of 27 hole golf course and clubhouse (as amended on 5th February 1991)

Status: Approved

Reference Number: CM/90/D/342B

Description: Details of club house car park landscaping and tennis courts (reserved matters) (as amended by plans received 15th February 1994)

Status: Approved

Reference Number: CM/90/D/942

Description: Development of golf club

Status: Approved 1992

91/D/428 – Outline residential development for 22 dwellings - Refused

Reference Number: CM/92/D/256 -

Description: Outline: Construction of 4 no. dwellings

Status: Approved

Reference Number: CM/94/D/378

Description: Outline residential development of building and land for 15no. executive dwellings as amended by plans received 4th August 1994

Status: Approved

The residential development (ref 92/D/256 and 94/D/378) was granted contrary to planning policy in order that the proceeds could enable the construction and completion of the golf course development.

Reference Number: CM/94/D/334

Description: Siting of marquee portaloos and portakabins

Status: Approved

Reference Number: CM/95/D/413

Description: Erection of entrance boundary wall and improvements to road from C137 as amended 26/10/95 & 30/10/95

Status: Approved

Reference Number: CM/95/D/467

Description: Erection of conservatory

Status: Approved

97/D/522 – Outline 15 no. dwellings - Approved

Reference: CM/03/D/692

Description: Construction of residential dwelling - Allowed on appeal in 2004

Reference: CM/05/D/510

Description: Construction of residential dwelling - Allowed on appeal in 2006

Reference Number: CM/20080865

Description: Expansion of existing facilities to provide new club house, hotel, conference facilities leisure club, driving range, self catering holiday lodges, and 10no plots for executive houses

Status: Withdrawn

Reference Number: CM/20100070

Description: Expansion of existing facilities to provide new club house, hotel, conference facilities leisure club, driving range and self catering holiday lodges (outline)

Status: Approved (12/10/2010)

Reference Number: 11/00938/varyco

Description: Variation of condition 13 attached to planning permission reference CM/20100070 relating to outline permission for the expansion of existing facilities to provide new club house, hotel, conference facilities, leisure club, driving range and self catering holiday lodges ...to change wording relating to holiday homes

Status: Approved

Appeals

Reference Number: 12/00034/REFUSE

Description: Full permission for the development of a holiday lodge and touring caravan site with ancillary manager's lodge, reception/shop, amenity block, play area and associated access, service roads, landscaping and vehicle and foot bridges

Status: Dismissed

Reference Number: 12/02136/REM

Description: Reserved Matters: Construction of Club House, Academy and Driving Range, Staff Accommodation, Vehicle Store, Gatehouse and Self-Catering Holiday Lodges. Consideration of Access, Appearance, Landscaping, Layout and Scale (11/00938/VARYCO Outline Application)

Status: Approved

Reference Number: 12/02467/FUL

Description: Change of use from agricultural field to service yard for golf club

Status: Approved

Reference Number: 13/03614/FUL

Description: Creation of a new permanent access road off the existing public highway to provide access to the approved re-development of Burgham Golf Club (as approved under Outline approval October 2010 (Ref CM/20100070) and reserved matters approval November 2012 (ref 12/02136/REM).

Status: Approved

Reference Number: 14/02405/DISCON

Description: Discharge of conditions 14, 15, 16 and 17 and part discharge of conditions 4 and 7 relating to planning permission 11/00938/VARYCO (Variation of condition 13 attached to planning permission reference CM/20100070 relating to outline permission for the expansion of existing facilities to provide new club house, hotel, conference facilities, leisure club, driving range and self catering holiday lodges)

Status: Approved

Reference Number: 14/02477/ful

Description: Change of use to residential (C3) by way of erecting an enabling development of 14 no. detached executive homes

Status: Permitted

Reference Number: 16/00313/DISCON

Description: Discharge of Conditions 6(in part) (external lighting), 9(Mitigation-Protected Species) and 10 (Water supply) of application 11/00938/VARYCO - Variation of condition 13 attached to planning permission reference CM/20100070 relating to outline permission for the expansion of existing facilities to provide new clubhouse, hotel, conference facilities, leisure club, driving range and self catering holiday lodges

Status: CONWD

Reference Number: 20/02093/FUL

Description: Replace greenkeepers shed, create six-hole golf course, re-locate driving range, create landscape bund, erect driving range shelter, extension and alteration of clubhouse and new car park layout

Status: Approved

Reference Number: 20/02026/COU- is for the change of use of 8 of the units built under the 20100070 application. The rest of the 50 units were not built out.

4. Consultee Responses

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| Education - Schools | 1) Require a contribution of £414,000 2)Require a contribution of £192,000 |
| Health Care CG | 1)Require £47,100 2)Require a contribution of £33,600 |
| Public Protection | 1) In agreement subject to conditions. |
| County Archaeologist | 1)Require further information 1) Require further information. 2) 30/9- There are no objections to the proposed development on archaeological grounds subject to a programme of archaeological mitigation being undertaken in association with the development works. This work can be secured by condition. 3)I have nothing to add to my comments of 30/9/21. |
| Eshott Airfield | No response received. |
| Affordable Housing | 1) Require 10 affordable houses 2) It is recommended that all 10 x 3-bedroom are for shared ownership with the expectation that one of the RP's interested will purchase them |
| County Ecologist | 1)Further information required. 2) Object and require further information. 3) Object and require further information. 4) No objection subject to conditions. |
| Highways | 1)Require further information 2) Require further information 3) Require further information 4) Require further information 5) No objection subject to conditions |

Thirston Parish Council

1) Thirston Parish Council are aware that planning approval has already been given for housing within this area so ultimately housing is going to be put on this site however the proposed number of houses is excessive and are too tightly packed especially in comparison to the houses already at Burgham Park. There is also no demand for the number of houses being proposed. This number of properties is not sustainable with that many family homes and no facilities. There are too many concerns about safety and schooling and the road to Longhorsley. Everybody would have to use a car to get to work, school, shopping etc. If a cycle track and a path was built to Longhorsley that would help however this would be costly and involve taking land from farmers and removing hedging to achieve which is not environmentally friendly. It does not appear that the golf club is really been developed enough to compensate for such an estate being built.

2) This proposed development will more than double the number of properties at Burgham Park which will have a huge visual impact especially as the construction materials are out of keeping with the existing properties at Burgham Park. The original plans were only approved on the basis of enabling development. Proceeds were to be reinvested into a golf complex benefiting the golfers, residents and local community. This revised application does not take this into account and the scaled back improvements to the club house is not in line with the original approval based on the enabling development. The Draft Northumberland Local Plan under Policy STP7 Green Belt will be protected to (b) Safeguard the countryside from encroachment. This is encroachment has come about by the original enabling development application this has now considerably changed - the original planning approval would not have been given under this revised proposal and NCC should look closely at the history of this application. The applicant makes the statement that "very special circumstances" exist without any evidence or argument to back this up. This conflicts with the draft Northumberland Local Plan under Policy STP8: a. Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. The proposal is within Green Belt land with no infrastructure in place. There are no sustainable services and as such will involve a considerable increase in traffic on roads which are already in a bad state of repair, no footpath access and no bus service. Are there school places available for this increase in residents? This whole planning application needs to be reassessed by NCC planners taking into serious consideration of how the approval was originally given due to

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| | the enabling development, if this is now not a consideration then the application should be refused. |
| Countryside/ Rights of Way | 1)No objection to the proposed development on the condition that Public Footpath No 11 is protected throughout |
| Natural England | 1)No objection- require Coastal Mitigation (confirmed by Ecology not in zone) 2) Require further information 3) Require further information 4) Require further information. 5) Await final comments |
| Lead Local Flood Authority (LLFA) | 1)Object 2)Object 3)Object 4)Object 5)No objection subject to conditions. |
| Environment Agency | 1)Object require further information 2)No objections subject to advice- 23/7 3)No further comments. |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 89 |
| Number of Objections | 27 |
| Number of Support | 0 |
| Number of General Comments | 1 |

Notices

General site notice, 30/11/20

Northumberland Gazette 18th February 2021

Summary of Responses:

27 letters of objection have been received in total, with 6 house holders submitting 3 objections, 3 households submitting 1 objection and 3 households submitting 2 objections.

1st Consultation

12 letters of objection were received which in summary raised objections referring to:

- materials not matching existing dwellings - brick rather than stone
- too many houses, density and lack of infrastructure
- loss of privacy on adjoining occupants
- lack of planting between with existing residents which would also help limit noise.
- Appearance of SUDs
- mix and appearance of dwellings not appropriate
- take opportunity to upgrade the utilities

- Greenbelt location, it should only be developed for purposes that would benefit the community and this part of Northumberland generally.
 - unsustainable location- lack of services, shops and bus routes. Everyone will be completely reliant on a car
 - contrary to Green Belt policy.
 - the Applicant's 'enabling' case is considered to be weak
 - contrary to the NPPF, paragraphs 78,79 and 103 which sets out a 'presumption in favour of sustainable development'.
 - contrary to both the LP and NLP as both identify the site and surrounding area as 'open countryside' where new-build housing will not be permitted.
 - the proposals to change the use of the 8 existing holiday cottages into permanent houses is also contrary to policy. The proposals are essentially 8 new-build houses in the open countryside that is contrary to local and national policy as noted above
 - the LPA has a healthy supply of housing land, well in excess of the Government's 5-year requirement
 - the visual appearance, the density, the size and building materials being out of character with the existing development.
 - previous applications were granted with enabling development which would have benefited the local community. This application only benefits a private business. It will not benefit Tourism ie nothing to attract Holiday makers. It will not benefit the local community.
 - hard to understand why 56 dwellings are needed to make the scheme viable now.
- 20

- whilst the sites planning history and acknowledged fall-back position is relevant, it does not justify the scale of development proposed in such an unsustainable location. Developers cannot circumvent the planning system by initially applying for a form of development that is acceptable (holiday accommodation) to then later re-apply for permanent housing. This could be repeated extensively and would have a significant adverse impact upon the open countryside.
- not in keeping with the existing housing in terms of type, style or finish. T
- the development of 70+ houses would result in a substantial increase in traffic coming to and from the existing A1 junction at a point on the A1 that is congested. The comments of the Highways Agency will be critical in this respect.
- Longhorsley being accessible by bike, it is an extremely dangerous stretch of road and we are aware of a number of very near misses between bikes and cars/ lorries who travelling around the sharp bends at the speed limit of 60mph. Suggest that any planning permission granted includes providing a pavement and or cycle/lane from Burgham park to Longhorsley village, make the village more accessible from the estate.
- Longhorsley village provides the closest school to Burgham park. Longhorsley first school is a small rural school catering for approximately 90 children between reception and year 4. The school generally has mixed classes for year groups and is often full. There is no capacity or plans for an extension to the school.
- there is no mention of children's play facilities in the plans. Again, the nearest are in the village, and this either encourages families to drive into the village or to brave a dangerous road with no pavement.
- Burgham Park has a history of extremely slow sales, with the two smallest houses taking 10 and 12 years to be sold respectively. It is difficult to imagine how 56 ill-conceived houses will be sold. In fact, the approval of the previous development, rather than "saving" the Golf Club, sent it into liquidation

- concerned that the road and access to the A1 would deteriorate with heavy vehicles during the construction phase;
- This new application for housing development on green belt land, seeks to distance itself from previous approved planning where the proceeds were to be reinvested into the golf club for the benefit of both members, local residents and the wider community.
- not opposed to development of further properties at Burgham but these must be linked with the development of the golf club facilities and to the establishment of appropriate financial reserves, to ensure a sustainable business which will provide a benefit to the local community for many years to come.
- there is no suitable screening between the existing development and the proposed development - there are no suitable local facilities to support this development
- the construction of the properties should be of natural stone, timber windows, slate roofing with traditional chimneys as was conditioned when constructing our own property at Burgham. 2.
- the number of houses in this eastern area should be reduced by design and a landscaped buffer area created to run alongside the entire Eastern boundary of the existing Burgham properties.
- consideration should be given to a minimum property size of three bedrooms., to expand the remit of Golf Club Re-Development with the provision of leisure facilities for golf club and all community members such as a gym, tennis court, community room and a perimeter off course country walk, involving the existing Burgham community in the creation of a traffic management plan pre and post construction. Jo and I would welcome the opportunity to discuss the contents of this letter with the landowner at any time.

1 General comment has been submitted which raises the following points:

- as Chair of Governors of St. Helen's First School Longhorsley I have been alerted of this planning proposal from a fellow governor. The school has not been formally involved in the consultation process and should be.

2nd Consultation

8 letters of objection were received which in summary raised objections referring to:

- objections remaining the same as objections have not been addressed
- plans, layout and materials continue to be out of character for the area.
- disregard of the greenbelt concept, with Cussins arguing the previous granted plans were more damaging to the environment, which is nonsense, the fallback position is a concept that was more well thought out, building houses that matched the area and mixing in holiday homes, which would not overstrain logistical resources as they would not always be occupied.
- although bungalows and dormer bungalows have now been proposed along part of the Eastern boundary, there are still two storey houses right at the point where they overlook existing properties the most severely i.e the North Eastern section. Also, I strongly disagree with the 'Very Special Circumstances' argument set out in the amended planning statement. The impact on the Green Belt comes from the very high housing density and extra people and cars and waste not from the small differential in square footage.
- The recent letter submitted by Cussins alleges that their proposal results in less impact on the Green Belt. This is incorrect as; - People and vehicles will have a

much greater impact and the already approved schemes will result in less people as the majority of the buildings will be holiday homes with relatively low occupancy.

-scheme will result in the provision of other amenities such as bus routes, retail opportunities etc having to be established whereas holiday homes are likely more self sufficient and would expect to be so.

- Burgham Park lacks the facilities to support such high density, permanent housing.

-the application clearly seeks to break the link to the original enabling development, whereby the net proceeds were to be reinvested in the golf club.

-it is an inappropriate development harmful by definition to the green belt, and should not be approved.

- The Opinion is clear in that the 'fall back' position by the Applicant's own admission is unviable and hence there is no 'real prospect' of it coming forward. Even if it were viable, the documents in the Application do not demonstrate that the existing scheme with planning permission would have a greater impact on the green belt than the proposed 56 residential units.

-advice notes were submitted giving legal opinion on how the application should be determined.

3rd Consultation

7 letters of objection were received which raise the same concerns as previous objections summarised above. In addition, the following objections have been made:

-The Governments 2020 manifesto, Planning for the Future, White Paper states "valued green spaces will be protected for future generations by allowing for more building on brownfield land". There is a wealth of brownfield sites as disclosed in the Northumberland Brownfield Land Register 2020, most of which are suitable for this size of development.

0Burgham Park is a green field site, regarded as an area of outstanding natural beauty, where there is considerable ecological interest including crested newts, red squirrels and nesting herons, the balance of profit versus ecology must be considered in full.

-The need for affordable housing is more than apparent, however the current proposal is an empty gesture given the low mix of affordable housing and extreme lack of infrastructure in the area.

-Both the damage to the ecological system and lack of infrastructure would extend the negative impact of the development far beyond the confines of Burgham Park. - This development provides a short-term economic gain to the developer. The proposal lends itself more to the second home or holiday home market. In this rural location, there is clearly a different set of challenges compared with urban living. The Northeast, in particular Northumberland, already has its fair share of seasonal, holiday home dwellings. The associated, low frequency, cyclic revenue, renders the local economy stagnant for 7 months of the year. The positive financial impact on the local economy of such a development is so small that when offset against the negative environmental impact via the increased carbon-loading and disruption to the surrounding ecological system, there appears to be no choice other than to abandon this wasteful, parasitic project.

-a further advice note has been submitted. This follows on from the first opinion which in summary states nothing has in reality changed since the first opinions were drafted. It is not just a simple volumetric assessment of the proposed development versus the fallback. It is a more complex planning judgement that involves land use, the pattern and density of development, volumes, visual impact.... The proposed use

of land may cause other non-GB harm The loss of benefits secured through the s.106 on the fallback permissions is still a material consideration with the weight to be determined by the LPA. The determination of the amended proposal must be in accordance with the development plan unless material considerations indicate otherwise. A fallback position is capable of being a material consideration but, as I stated in the first opinion, it is too simplistic to say that if the fallback has a greater volume than the proposal then it has a greater impact on the GB and therefore is a material consideration that clearly outweighs the harm to the GB and any other harm. The assessment is much more nuanced than that. The Council must properly assess the fallback position and then give it the appropriate weight. It must determine the harms to the GB and any other harms, then it must weight those harms against the benefits, which may or may not include the fallback. Unless the benefits clearly outweigh the harm, then very special circumstances have not been demonstrated and the application should be refused'

- it will change Burgham Park into a village or small town which has no facilities at all.

-I do not agree that very special circumstances exist. Northumberland County Council has a track record of approving application "A" and then further allowing applicants to change "A" to "B" which magically get approved. This has already happened here and is being sought again.

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=QD1YPHQSHAV00>

6. Planning Policy

6.1 Development Plan Policy

Thirston Neighbourhood Development Plan

Policy 1: Design and development principles

Policy 2: New housing development

Policy 4: Coastal mitigation service

Castle Morpeth Local Plan

C1 Settlement boundaries

C11 Protected species

C15 Trees in the countryside and urban areas

C16 Green Belt

C17 Green Belt

H1 Housing land supply

H6 Special executive housing

H9 Affordable housing in rural areas

H15 New housing developments

H16 Housing in the countryside

6.2 National Planning Policy

National Planning Policy Framework 2021

National Planning Policy Guidance (updated 2019)

National Design Guide

6.3 Emerging Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 1 Spatial strategy (Strategic Policy)

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

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 6 Green Infrastructure

Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 Development in the Green Belt (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

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

Policy HOU4 Housing development site allocations

Policy HOU 5 Housing types and mix

Policy HOU 6 Affordable Housing provision

Policy HOU 8 Residential Development in the open countryside

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ICT 2 New developments and infrastructure alignment

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity

Policy ENV 3 Landscape

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy WAT 3 Flooding

Policy WAT 4 Sustainable Drainage Systems

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

Policy INF1 Delivering development related infrastructure (Strategic Policy)

Policy INF6 Planning Obligations

6.4 Other

Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005)

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 comprises policies in the Thirston Neighbourhood Plan, the Castle Morpeth Local Plan and Structure Plan S5, as identified above. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 The main issues for consideration in the determination of this application are:

- Principle of the development
- Section 106 contributions
- Design and impact on character of area
- Trees and landscape impact
- Residential Amenity
- Impact on Ecology
- Highways
- Drainage and Flooding
- Archaeology
- Contamination
- Other

Housing Land Supply

7.5 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The five-year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that paragraph 11(d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold. This situation is the principal means (albeit not the only way) by which existing policies relevant to housing can be deemed out-of-date.

7.6 As identified in the Northumberland Strategic Housing Land Availability Assessment (SHLAA, September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the county's minimum Local Housing Need figure. The forecast 'deliverable' five-year supply for 2020-2025 (as updated for the Local Plan examination in Spring 2020) would equate to a 10.9 year housing land supply against the updated April 2020 Local Housing Need figure. The latest Housing Delivery Test result records that Northumberland achieved 257% delivery against its minimum housing need for the past three monitoring years 2017-20.

7.7 Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply. Northumberland has also evidently more than satisfied the NPPF requirement to significantly boost the supply of housing land in the county.

Principle of development

7.8 The application is for the development of 48 houses on land adjoining Burgham Park Golf Course and the residential properties at Burgham Park. The 5.80ha application site is located within the central part of the Burgham golf course site, north-west of the existing clubhouse, immediately west of an existing enclave of 20 large private dwellings and just north and west of 2 blocks of 4 holiday cottages (1-4 Bamburgh Cottages and 5-8 Craster Cottages). It comprises two adjoining fields, while the central part of the site is described on the application form as being "currently used in part as the golf course green keepers' compound for the storage of machines and equipment in the upkeep of the golf course." An access road into the western part of the site is already in place as part of the partly implemented permission for holiday cottages on that part of the site.

Open Countryside

7.9 The application site lies in an area beyond any settlement boundaries defined in the Thirston Neighbourhood Plan and Castle Morpeth District Local Plan (2003). Therefore, the site can be considered as being located in an area of open countryside.

7.10 Following publication of the National Planning Policy Framework (NPPF) the provisions of saved Local Plan Policies C1, H15 and H16 are still relevant in the determination of this application. Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan. Policy H16 also states that new housing in the open countryside will only be permitted where, inter alia, they are required in connection with the day-to-day operation of an agricultural enterprise and where the proposal accords with other criteria. There are no policies which allow the construction of market residential buildings in the open countryside and the dwellings would not be used in connection with the operation of an agricultural operation. Given this it is considered the principle of new build dwellings on this site would be contrary to Local Plan Policies C1 and H16 and it would not appear to represent

special executive housing for which very exceptional circumstances may be considered under Policy H6.

7.11 The Thirston neighbourhood plan (TNP) was however 'made' in October 2021 and as such should be given more weight than the local plan. It is the starting point for determining the proposals. This made Plan forms part of the Development Plan and decisions must be made in accordance with the policies unless material considerations indicate otherwise.

7.12 Within the TNP this sets out that new housing is generally not appropriate in the open countryside unless it meets the criteria set out in Policy 2, which reflects national planning policy set out in the NPPF. Policy 2 advises that

'...Land outside the defined settlement boundaries will be treated as countryside whose intrinsic character and beauty must be recognised in all decision making on development proposals. Outside defined settlement boundaries, residential development will be limited to proposals that are in accordance with national policies, or strategic planning policies or allocations, and which comply with the other policies of the Neighbourhood Plan. Isolated homes in the countryside will not be supported unless one or more of the following circumstances apply: a) housing where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; b) housing that represents the optimal viable use of a heritage asset or that which would be appropriate enabling development to secure the future of heritage assets; c) additional housing created through the sub-division of an existing residential dwelling; d) housing whose design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area; e) the re-use of redundant and disused buildings to provide new housing where this would enhance their immediate setting.'

7.13 With regard to the above, Policy 2 of the TNP therefore refers decisions to be made in accordance with national policies which would be those set out in the NPPF, unless the location is isolated, which in this case the policy sets out those circumstances where housing could be supported. Whilst the application site is not considered to be in an isolated location, in terms of it being located next to the golf club, holiday units and houses at Burgham park, it is in terms of being isolated from services. Notwithstanding this the NPPF is relevant. This states at para 79 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

7.14 In terms of the sites location this itself does not have any services which the development could contribute towards other than the existing golf club house and it is not located close to good public transport links. Residents of the proposed properties would therefore not have convenient access to services which would meet many of their everyday needs and as such it is likely that any travel to services will be by car. It is considered that the site is in an unsustainable location. Furthermore,

regardless of the adjacent separate executive enclave of existing housing, the proposal would be development in the open countryside, not part of or adjacent to any existing settlement and thus somewhat isolated without easy access to local services and facilities. The site therefore does not fall within a village or settlement where development within would support the services within another village or settlement. The site is considered to be an open countryside location. As such the site is not considered to be a suitable location in terms of the provisions of the NPPF, TNP Policy 2 and Local Plan Policy C1. The proposal also does not fall within the criteria set out under Policy 2 and Para 80 of the NPPF either where certain isolated homes in the open countryside are considered to be acceptable either. The principle of the development in this open countryside location is therefore not considered to be acceptable and contrary to the NPPF, TNP Policy 2 and Local Plan Policies C1 and H16.

7.15 The application site is also located in the open countryside well outside any settlement boundaries under emerging Policy STP1 (the nearest settlements being Longhorsley, Longframlington, and West Thirston/Felton). It should be noted that significant proposed modifications to draft Policy STP1 include moving criterion g(viii) regarding housing into Policy HOU8 regarding residential development in the open countryside, which itself is proposed to be significantly modified at the direction of the inspector to better reflect the NPPF para.80 (formerly para.79) limitations on isolated dwellings in rural areas. However, these policies currently only have little weight due to the extent of as-yet unresolved objections and proposed modifications. Notwithstanding this the principle of the proposal would not accord with emerging plan policies either.

7.16 Emerging Policy HOU3 also identifies a zero-housing requirement for the designated Thirston neighbourhood plan area - ie. the baseline housing needs for that rural parish area have already been met. Given the extent of objections to the county's overall housing requirement, this policy can only be given limited weight at this stage. The Thirston neighbourhood plan was nevertheless adopted in October 2021 in the context of there being no need to allocate any additional sites for housing development.

7.17 Overall, the principle of the proposal would therefore not be acceptable in this open countryside location. The development would form an unsustainable form of development where residents are likely to be reliant on cars. As evidenced by the Council's high Housing Delivery Test result and strong 5-year housing land supply position, Northumberland has also already more than satisfied the NPPF's objective of significantly boosting the supply of housing well above the minimum Local Housing Need (para.60). There is therefore no consequent need to permit additional housing development that is contrary to the development plan and national policy in this location.

Green Belt

7.18 The site is not within the Green Belt boundary defined in the Castle Morpeth District Local Plan 1991-2006 Adopted February 2003 (the CMDLP). Saved Northumberland Structure Plan Policy S5 however whilst not defining the detailed outer boundaries on a plan, did provide a detailed description of where the general extent of a Green Belt extension around Morpeth would be, stating detailed inner

and outer Green Belt boundaries would be defined in a future local plan. In this case it is the emerging Northumberland Local Plan. Referring to the wording in Policy S5, it is considered the site would fall within the outer boundary of the Green Belt extension.

7.19 It is accepted however that the outer boundary of the Policy S5 Green Belt extension is somewhat ambiguous though. Nevertheless, in this context the Secretary of State took a precautionary approach to land towards the edge of the general extent at York, stating that Green Belt policies should be applied unless there is a 'good reason not to' (Avon Drive decision). Recent case law (See paras. 39-40 and 44-48 of *Wedgewood v City of York Council* [2020] EWHC 780 (Admin)) has established that the Secretary of State's position is correct in that land should not be arbitrarily excluded from the Green Belt where boundaries have not yet been defined. Therefore, further consideration should be given as to whether a site that lies within a more ambiguous outer area should be regarded as within the general extent of the Green Belt. Given that there is uncertainty as to whether the site is within the Green Belt, the site should be assessed on its own merits in relation to whether it contributes towards Green Belt purposes set out in the NPPF (para. 134). This approach aligns with two appeal decisions (APP/P2935/W/17/3167263 and APP/P2935/W/17/3167852), which considered applications adjacent to other settlements in the Policy S5 area of the Green Belt. In both cases the Planning Inspectors adopted an approach to the application of Green Belt policy whereby a contribution of the site towards any of the five Green Belt purposes would justify the application of Green Belt policies. It is considered that this application site would contribute towards the purposes of the Green Belt in assisting to safeguard the countryside from encroachment, as well as assisting in urban regeneration by encouraging the recycling or derelict and other urban land first and foremost. Consequently, Green Belt policies will apply to the site. Other applications at Burgham park have also been considered against Green Belt policies.

7.20 Emerging Draft Policy STP7 and the Policies Map designates the entire Burgham Park Golf & Leisure Club land as being within the northern edge of the defined Green Belt extension north of Morpeth. There are objections to this designation, while there are also objections relating to how far out the Green Belt extent should go, such that it is considered that only limited weight can currently be given at this stage to the proposed Green Belt boundaries delineated on the draft Policies Map under Policy STP7.

7.21 However, on the basis of the site contributing towards the purposes of the Green Belt it is considered Green Belt Policies apply to this site. This is also consistent with how the Council have approached other applications in the area.

7.22 In turn Local Plan Policy C17 identifies a list of appropriate uses in the Green Belt where new build development may be permitted. Any other uses not identified are deemed to be inappropriate. The provision of new build housing is not listed as one of the appropriate uses in the Green Belt under Local Plan Policy C17. Thirston Neighbourhood Plan is which given more weight due to it being recently 'made' and that it aligns more with the NPPF, however, states under Policy 2 that 'Residential development within the Green Belt will be considered in accordance with national planning policy on Green Belts set out in the National Planning Policy Framework.' This does differ slightly to the exceptions listed under Local Plan Policy C17.

7.23 Therefore in regard to national planning policy in the NPPF Paragraph 137 of the NPPF attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the NPPF highlights that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 148 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that “‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

7.24 The NPPF, at para 149, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. In terms of new buildings in the Green Belt the NPPF, under para 149, allows;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.25 With regard to para 149 of the NPPF the development would not be for agriculture or forestry or be an appropriate facility for outdoor sport/ recreation. Nor would it consist of an extension or replacement buildings in the same use, and it would not be for limited affordable housing for local community needs. As such it would not conform with criteria a,b,c,d,f.

7.26 The NPPF does allow limited infilling in villages under criteria e). This site however is not in a village or settlement for this matter but clearly in an open countryside location. The application site does not provide a small gap within an otherwise built-up frontage. It is an area of land with some houses to one side and with no built form to any other sides. The site is clearly not an infill site nor is it limited in size. The proposal would therefore clearly not fall under criteria e) either.

7.27 Whilst the proposal does include some affordable housing, not all of it is. As such the proposal does not accord with criteria f) either.

7.28 In terms of criteria g, as stated above, the site is not limited in size nor considered to be an infill site. Whilst there is also a greenkeepers building on part of the site this is only a very small proportion of the site with the remaining majority of the site being greenfield land/ not previously developed land. The proposal would also clearly have a greater impact on the openness of the Green Belt than the current situation. As such the proposal would not fall under criteria g of para 149 of the NPPF either.

7.29 The proposal therefore does not fall within any of the criteria set out under paragraph 149 of the NPPF which sets out exceptions where new build development is allowed in the Green Belt. In addition it is considered the proposal would have a much greater impact on the openness of the Green Belt both spatially and visually than the site appears now. The proposal for this major housing development is therefore considered to be inappropriate development in the Green Belt which is by definition harmful to the Green Belt such that very special circumstances would need to exist in order to justify the proposed development. Thus, it would be contrary to TNP Policy 2, the NPPF and Local Plan policy C17. It would also be contrary to emerging plan policy STP8, although only little weight can currently be given to this policy.

Very special circumstances and the planning balance

7.30 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. S.70 of the Town and Country Planning Act 1990, taken together with s.38(6) of the Planning and Compulsory Purchase Act 2004 also requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.31 In order to justify the proposal, it is therefore necessary, that it is demonstrated that 'very special circumstances exist that clearly outweigh the potential harm that would be caused to the Green Belt by the proposed development and any other harm. In this instance the harm caused by the site's location in an unsustainable open countryside location is considered to be classed as any other harm. There is no closed list of very special circumstances. Any material consideration which points towards a grant of planning permission is capable of contributing towards the assessment of very special circumstances.

7.32 In this instance the applicant has submitted supporting information with the application which they set out are very special circumstances that justify the proposal. This is on the basis that there is a fallback position with a realistic prospect that it would be carried out, that would cause more harm to the openness of the Green Belt than this current proposal.

7.33 In turn the applicant sets out that there are two extant permissions on this site including one for the construction of 50 holiday homes (CM/20100070, 11/00938/VARYCO and 12/02136/REM) of which 8 have been constructed and one for 14 permanent executive homes (14/02477/FUL), which can be constructed in the

Green Belt without further planning consent(s). Both applications were approved as schemes which would help diversify and strengthen the local economy and the tourism offer through the improvements to the Golf Course. The golf resort development was granted permission as an exception to policy on the basis of the significant benefits it would bring to the local economy and Northumberland generally. The reason for approval given on application CM/20100070 states "it is considered that there are very special circumstances which lead to the conclusion that the benefits which the proposed development would bring to the diversification and strengthening of the local economy would outweigh the harm caused by development outside of an existing settlement". The application for the 14 dwellings was approved as enabling development for the golf club improvements as it was considered that there would be clear benefits for the local economy and tourism market through supporting the continued development of an enhanced tourism, golf and leisure facility in its entirety. The benefits of significant economic development and tourism offer improvements in this area and that the dwellings would contribute towards the Council's 5-year housing supply at a time when there was a shortfall were considered to outweigh any potential harm arising through development in this location. This was solely on the basis that a Section 106 agreement where the applicant agreed that the net sale proceeds from the sale of the land shall be paid into a bank account that can only be used to facilitate the development of the larger scheme. However, the policy position giving rise to the extant planning permission is unlikely to be relevant, as in practical terms the extant planning permission can be built out regardless of any subsequent policy changes.

7.34 They further set out that the development now proposed for 48 dwellings (reduced from 56 dwellings originally proposed), would cause less harm to the openness of the Green Belt than the effects of development of the existing planning permissions because it is for a smaller footprint and volume than the fallback position. They set out that the material improvement on the effects on the Green Belt amounts to a very special circumstance that would warrant permission being granted.

7.35 To help justify this further the applicant has set out a table that summarises the volume and footprint of the extant fall back verses the current proposal. This sets out that the total volume of the proposal would be 20% less than that of the permitted schemes and the total floor space would be 5% less than the permitted schemes. This also takes into account that 8 of the approved holiday homes have been built. The applicant considers that this warrants approval of this proposed scheme.

7.36 In terms of the applicant's reference to their fall-back position the fact that an application for planning permission already has permission to develop the land in some other way (commonly known as a "fall-back position") is capable of constituting a material consideration. In considering a fall-back position it is then necessary to consider whether there is a "real prospect" of the fall-back coming forward in the event that the application is refused but this can amount to no more than a possibility. A degree of certainty in the planning status of the fallback position will also not always be necessary to the conclusion of it being a 'real prospect'. Sullivan L.J. said in his judgment in *Samuel Smith Old Brewery*, "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice" (paragraph 21).

7.37 With regard to the 'fall back' position the applicant has confirmed that if this application is not supported then there is a very real prospect, the extant developments will go ahead. Whilst originally stating that the extant permissions remain unimplemented after a number of years because the schemes would remain unviable and would not return sufficient funds to the Golf Course to fund the improvements in the 2010 Permission, the applicant is now stating that 'the 8 holiday home accommodation units built to date were built at a high build cost that led to a high asking price for their sale. This has proved difficult to achieve. However, the cost of building the rest of the units can be reduced and the sales price reduced to the point where sales are very likely. The executive homes have not yet been built but are fully viable.' It is therefore considered that there is a real possibility that the applicant would build out the original extant permissions should this application be refused.

7.38 Based on the probability that the extant permission could be built out, it is therefore considered necessary to assess whether the proposed development would give rise to effects that are worse than or broadly similar to the proposed development. Where a fall-back position would give rise to worse or broadly similar effects to the proposed development, it is likely to be a material consideration. With this in mind there are therefore 2 fall back permissions which need to be examined against the current proposal. The first is the 14/02477/FUL permission for 14 houses which has the section 106 attached ensuring proceeds from the land sale be used for the golf facility improvements. These houses were to be built out on the eastern side of the site. Under this current application, 21 new dwellings are now proposed on this part of the site. Whilst this would give a greater density than 14 on this site, the volume of built form would actually be less, amounting to a reduction of 14.28%. The current proposed layout also includes an area of open space which would add to the quality of the development, not previously proposed and it would provide an area of open space for residents and children to use. The dwellings would also still be 2 stories in height, although some would have rooms in their roofspace. Overall taking into account the new layout, reduction in volume and design of the development, it is considered that the development now proposed would have a slight less impact on the openness of this part of the greenbelt which is a material consideration in the planning balance. Whilst the previous application for this part of the site did have a section 106 which ensured funds from the land sale went towards the golf club improvements granted under the CM 2010 permission, and the club has had new plans approved since, this does not change the prospect of the fall back coming forward, as the section 106 could be varied easily so proceeds were spent on the new proposals. Notwithstanding this the applicant has confirmed the new golf club plans for expansion, now approved by the Council (Ref: 20/02093/FUL) would still be delivered by the Golf Club as a result of the sale of the land to Cussins, but the Cussins proposals are not being advanced or justified as enabling development as was previously.

7.39 In terms of the second fall back permission which needs to be examined against the current proposal, this relates to the western part of the application site which has an extant planning consent for 50 self-catering holiday lodges (CM/20100070, 11/00938/VARYCO and 12/02136/REM). 8 of these have already been constructed to date (which fall just outside of this application site) and as such a comparison of the remainder of the site where the other 42 holiday lodges would be built needs to be made against this current proposal. Under this current proposal

27 dwellings are proposed on this western part of the site. This includes two storey dwellings and single storey garages, which would give a lower density than 42 holiday lets. The volume of built form on this part of the site would also be less than the approved holiday lets, amounting to a reduction of 24.28% in volume. The holiday lets would also all be two storey in height whereas the current proposal include a mixture of two storey and single buildings (houses and garages). In terms of layout the current proposal would also include a central area of open space like the holiday let layout helping to keep a sense of openness within the site. The houses would also be set in from the boundary giving a buffer to the surrounding woodland, thus keeping the dwellings further within the site than the approved holiday lodges which would be much more dispersed around the site with development much closer to the woodland around. Overall taking these matters into account, the new layout, reduction in volume and design of the development, it is considered that the development now proposed would have a less impact on the openness of this part of the greenbelt which is a material consideration in the planning balance.

7.40 Taking an overview of the whole site the applicant has confirmed that the total footprint of the extant schemes (fallback) is 4,941m². When measured against Cussins' proposed scheme footprint of 4,692m², this presents a reduction of 249m² (-5%). The total volume of the extant schemes (fallback) is 35,549m³. When measured against Cussins' proposed scheme volume of 28,551m³ this presents a reduction of 6,998m³ (-20%) and the 2-storey element of Cussins' scheme presents a 28% reduction in 2-storey volume from the fallback thereby further reducing the impact on the openness of the Green Belt. While residential uses can create a whole range of paraphernalia that you would not expect on holiday homes, that can contribute to the loss of openness of the Green Belt, this can be limited however through the use of a condition which restricts permitted development rights on properties and within their curtilages so further extensions of any sort or outbuildings can be assessed against their impact on the Green Belt and open countryside.

7.41 In summary it is considered that the current proposal would therefore have an improved impact upon the openness of the Green Belt than the extant 'fallback' permissions for the site, where it is considered there is a real possibility of these coming forward in the event that this application is refused, and the reduction of harm can be given substantial weight.

7.42 Overall, it is recognised that the extant approval would benefit the rural tourist economy through the provision of holiday homes, that the provision of the 14 dwellings would help enable the golf club improvements, and the site is in an unsustainable location for housing development. However it is officer opinion that whilst other harm has been identified including the presumption against new dwellings in such a location which can be given significant weight, and is by definition inappropriate development in the Green Belt, given that the harm to the Green Belt has been reduced when assessing the extant consents against this proposal, this reduction to harm can be given substantial weight when considering the proposal. Furthermore, the benefit that the proposal would have on the openness of the Green Belt –both visually and spatially which in combination with other benefits, would cumulatively result in very special circumstances. Other benefits include the provision of useable open space on both eastern and western parts of the site, Electric Vehicle charging points on every property, cycle parking,

waste water heat recovery, and PV panel and solar heat boosters, which will help towards reducing carbon emissions and the sale of the land would still contribute towards the revised golf club proposals benefitting the local economy. On balance it is considered that these factors combined with the very special circumstances, which is the benefit the proposal would have on the Green Belt, clearly outweighs the potential harm to the Green Belt by reason of its inappropriateness and any other harms. As such the development is therefore justified as being acceptable in this instance in this location, having regard to para 148 of the NPPF. Whilst there has been a number of objections to the proposal on the basis that development cannot be considered to be justified as enabling development, the applicant has confirmed that they are not justifying the proposal as enabling development. As such this is now not being justified as a very special circumstance for allowing the proposal.

Section 106 requirements

7.43 When considering the use of planning obligations under Section 106 of the Town & Country Planning Act regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, obligations can only constitute a reason for granting planning permission if they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

7.44 The NPPF Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

7.45 Policy INF 6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) equally seeks to secure planning obligations in relation to any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Affordable Housing

7.46 Northumberland County Council's Corporate Plan and Housing Strategy both identify the delivery of affordable housing as a key strategic priority. Policies H6-7 and H8-9 of the 'saved' Castle Morpeth District Local Plan, together with their supporting text, provide the current adopted development plan basis for considering housing mix and affordable housing matters in the area concerned. These are supported by national policy in the NPPF (July 2021) which is a material consideration of significant weight - affordable housing is defined in accordance with the NPPF Glossary - and relevant Planning Practice Guidance (including Housing Needs of Different Groups which provides advice on different types of housing, affordable housing and rural housing, Housing for Older and Disabled People, and First Homes).

7.47 NPPF para.63-65 requires that all major residential developments of 10 dwellings or more (or 0.5ha or more) should provide for a proportion of affordable housing, normally at least 10% of the homes on the site.

7.48 However, given how long ago the former district Plan was prepared and adopted, in accordance with national policy it is now more appropriate to take account of more recent up-to-date evidence (including the SHMA and local housing needs assessments) and emerging policies as material considerations in the assessment of planning applications.

7.49 The emerging new Northumberland Local Plan (Regulation 19 publication draft, January 2019, as amended by proposed modifications) is currently progressing through its examination stages, but generally has limited weight in decision-making at this stage in accordance with NPPF paragraph 48, pending receipt of the Inspector's final report and adoption. The Plan's requirements could however change during the time that a planning application is being assessed and a decision made. Draft Policies HOU5 (Housing types and mix) and HOU6 (Affordable housing provision) require that development proposals should be assessed in terms of how well they meet the housing needs and aspirations identified in the most up-to-date Strategic Housing Market Assessment (SHMA) or local housing needs assessment.

7.50 The draft Local Plan notes at paragraph 7.35 that the latest SHMA Update (June 2018) identifies a countywide net affordable housing need shortfall of 151 dwellings per annum over the period 2017-2022, which equates to a residual 17% affordable housing need in terms of the draft Plan's overall average annual housing requirement for the plan period 2016-2036. However, it should be noted that, due to the ongoing independent examination, the draft Policy HOU6 approach to breaking down this affordable housing needs requirement according to viability value areas only has little weight at this stage and is therefore not currently being applied for decision-making purposes. So pending receipt of the Inspector's report and adoption of the new Local Plan, the minimum affordable housing requirement being applied countywide is currently 17%.

7.51 The proposed development would provide 10 affordable dwellings which is 21% of the total dwellings as affordable homes, and thus would satisfy the requirements of 'saved' and emerging planning policies and the latest evidence base.

7.52 As regards the tenure split of the affordable housing to be provided, as noted at paragraph 7.38 of the draft Local Plan, the SHMA Update recommends a 50:50 split between affordable/social rented and affordable home ownership products. This takes into consideration the Government's drive towards enabling home ownership. However, given the NPPF paragraph 65 requirement for at least 10% of the total number of dwellings on major development sites to be for affordable home ownership (subject to certain exceptions), a 50:50 split of the current 17% affordable housing ask is not possible unless a scheme proposes 20% or more of the total dwellings to be affordable. The guideline tenure breakdown in draft Policy HOU6 seeks to address this, but due to the little weight able to be given to the viability value area provisions at this stage it is not currently being applied, so for the time-being the tenure split should be negotiated as appropriate taking the NPPF requirement into consideration

7.53 In terms of housing mix, types and sizes, paragraphs 7.28 and 7.39 of the draft Local Plan summarise the SHMA Update's identified predominant overall and affordable housing needs respectively

7.54 The proposed housing development should seek to reflect the latest evidence-based needs for housing mix, tenure and affordable housing, which are material considerations in the assessment of planning applications. The latest available information on local housing needs is informed by a combination of:

- the Strategic Housing Market Assessment (SHMA);
- relevant Local Housing Needs studies and assessments, including evidence papers prepared to inform the preparation of neighbourhood plans;
- Northumberland Homefinder statistics (the Council's choice-based lettings system); and
- information from Registered Providers.

7.55 Taking the above into account the Housing Officer had confirmed that the proposed housing mix and tenure breakdown is broadly in line with the county's identified needs and local and national policy requirements. In the consultation response for the original application, it was identified that affordable rented units on site would not be suitable due to lack of amenities and public transport. However, they now confirm that home ownership products would be ideal for the site with several RPs interested in taking all the affordable units for shared ownership. As such it is recommended that all 10 x 3-bedroom are for shared ownership with the expectation that one of the RP's interested will purchase them. The proposal would therefore provide sufficient affordable dwellings in line with current policy.

Health

7.56 The Northumberland Clinical Commissioning group has confirmed that £33,600 is required towards the provision of healthcare facilities. The applicant has confirmed their agreement to pay this contribution.

Education

7.57 A total of £192,000 is required as a contribution towards mitigating the impact of the proposed development on Chantry Middle School and KEVI schools as part of any S106 agreement. The applicant has confirmed their agreement to pay this contribution.

Sport and Play

7.58 The applicant has agreed to provide a play area on site, which can be conditioned. This would be in accordance with Castle Morpeth Local Plan Policy H15 which states that open spaces and children's play area must be included in all residential of 10 or more dwellings. Local Plan Policy R4 also requires children's play areas to be developed on sites where the development area is over 1 hectare in size. Given the site is also next to Burgham Golf club where proposals have been approved for its expansion, it is considered there would be no justification for further outdoor sports contribution in the area

Coastal Mitigation Service / Ecology

7.59 The site falls outside the zones where a coastal mitigation contribution would be required. An updated Habitat Maintenance and Management Plan V3 (OS Ecology Ltd, May 2021) has been submitted though and as this document and the management actions relate to land outside of the red line boundary to mitigate and compensate for impacts because of the development, this will be tied to the section 106 agreement.

Design and impact on character of area

7.60 Policy 1 of the Thirston Neighbourhood Plan which deals with design and development principles sets out a range of criteria which proposals for new development, should adhere to. Such as they must demonstrate how - local context and character are reflected in scale, density, height, massing, layout, use of materials, hard and soft landscaping and means of enclosure; features including windows, doors, roof lights, chimneys, flues, roofs, and boundary treatments have regard to surrounding character and materials used locally; and opportunities to incorporate sustainable drainage have been taken; and landscaping has been incorporated into the scheme including the retention of trees and hedgerows wherever possible.

7.61 Policy H15 of the Castle Morpeth District Local Plan seeks to ensure that all new housing development achieves a high standard of design which reflects local character and distinctiveness with proposals taking full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping. It also seeks to protect the amenity of residents.

7.62 The Government also attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. It also refers the reader to the National Design Code which sets out the characteristics of well-designed places and demonstrates what good design means in practice.

7.63 Emerging Local Plan Policies QOP1, 2, 4 and 6 reflect the above design objectives however these are currently given little to limited weight.

7.64 In terms of the proposal, the layout shows that the houses would be located with frontages onto an internal estate road, creating a rough boot shape development. This would have a higher density than the existing adjacent Burgham Park. The dwellings would all have rear gardens where the majority would bound the edge of the site. 2 Suds ponds and 2 areas of public open space will also be located within the site which will be landscaped with soft planting and trees. In addition, the applicant has agreed to add a play area on the site. The dwellings of different styles would all be two storey with traditional styled windows and details including lintels and cills. The plans also show that the dwellings would be constructed of either brick or stone, although a condition will be attached to ensure final materials are proposed. The existing holiday homes on the site are constructed of stone with slate roof. The properties at Burgham Park are also constructed of stone and slate and have fence/ stone wall boundary treatments.

7.65 In assessing the impact of the development officers have given careful consideration to the effects upon the character and appearance of the development in relation to the existing residential development in the area. A number of objections have been received too in this capacity, with concerns raised about the materials, design and density appearing out of character with the very low density properties at Burgham Park.

7.66 In terms of density the proposal would result in a higher density development than Burgham Park. The proposed development would have an overall density of 9.4 dwellings per hectare. The previously approved 2014 application had a density of 5.8 dwellings per hectare with larger plot sizes although still relatively small compared to the 10 dwellings immediately to the east with an average of 0.43 hectares. Based on the density of the 20 existing dwellings at Burgham Park these have a combined average plot size of 0.31 hectares and overall density of 3.2 dwellings per hectare which is significantly lower than that proposed now. It is therefore agreed that the density would not resemble that adjacent at Burgham Park, however it would still achieve a relatively low density in comparison to housing within towns and villages. The site layout now also includes public open spaces whereas the previously approved 2014 permission for 14 houses did not. As this site would also have its own access into the site, separate to that at Burgham park, it is not considered that it would need to have the same density as it is clearly a separate development.

7.67 Whilst the dwellings would be designed differently to that of the much larger scaled dwellings at Burgham Park, it is still considered that the design of the range of house types by virtue of their height, traditional appearance with features such as pitched roofs, vertically proportioned panelled windows, half dormers sills and lintels would still be acceptable. It appears on the plans that brick and stone would be used to construct the dwellings, however a condition would be attached to ensure materials are agreed. Through this the Council would ensure traditional materials are used and if brick they are of an appropriate type that would not look out of place with those dwellings that would be constructed of stone.

7.68 In terms of layout the development shows that each property would have adequate parking and visitor parking would be provided. Each property would also have rear gardens greater than 10m in depth which is considered to be acceptable. The lay out also shows open spaces and suds areas which will be landscaped and provide attractive outlooks from the dwellings and within the site. Planting is also proposed within the site. The applicant has also agreed to provide a play area on site, of which details will be conditioned. The plans also show that there will be no boundary treatments to the front of properties or if so low railings or hedging, helping to create an open appearance more suited to this rural location.

7.69 Overall in terms of appearance, layout and scale the proposal is considered to be acceptable and in accordance with Local Plan Policy H15, and the NPPF. It will also accord with the National Design Code and whilst little weight can be given to these also emerging plan policies QOP1 and QOP2.

Trees and landscape impact

7.70 The site is not located in any protected landscape area. It only falls within the Green Belt. The site occupies two parcels of land which comprise rough grassland surrounded and divided by existing plantations with an existing mature hedge in existing gardens forming the eastern boundary. A Tree survey has been submitted as part of the application which identifies the species and condition of the trees and which has informed the proposed development to allow appropriate mitigation to be implemented if necessary. A total of 7 woodlands, 9 groups and 12 trees within the site were surveyed. Several field boundary and other hedges and mature trees out with the site were noted. The trees were assessed by competent personnel experienced in arboriculture and in accordance with the methodology and recommendations of BS5837: 2012, 'Trees In Relation to Design, Demolition and Construction - Recommendations'.

7.71 The tree report and tree protection plan indicates that groups 1, 8, 6, 5,4,3,2, some of woodland number 5 and 7 would need to be removed to facilitate the development. 1 group and parts of plantation 5 and 7 fall within the moderate category due to their landscape and amenity value as a whole. These comprise Scot Pine and Ash. The remaining trees fall within Category Grade C which are of low value due to condition, size or of limited importance in the landscape as viewed from a public vantage point.

7.72 It is considered that whilst there would be some removal of trees, this would still leave excellent tree cover. The loss of trees would also be to be mitigated against by new tree planting, of which details can be agreed via a condition, to ensure planting of new trees are appropriate to the setting of the site. This would ensure there would be no loss of biodiversity in the long term. In addition, the remaining trees and hedgerow would be protected throughout development to limit harm to them. It is also considered appropriate to protect the existing hedgerow/ planting next to the eastern side of the site, which is within the existing neighbouring dwellings gardens, from construction works. Proposed tree management works, mitigation measures and post-development management works are outlined in the tree report. Overall, it is considered that subject to appropriate conditions and appropriate mitigation measures in place, it is considered that the removal of the trees to accommodate the proposed development would not affect the long-term tree cover or landscape character of the site. As such it is considered that the impact on the trees is acceptable and in accordance with Local Plan Policy C15.

Residential amenity

7.73 Policy 1 of the Thirston Neighbourhood Plan which deals with design and development principles sets out a range of criteria which proposals for new development, should adhere to. As well as setting out design criteria it covers impact on amenity and specifically states - in terms of the massing, height, scale and proximity, the proposed development does not result in an unacceptable loss of light, overshadowing, significant adverse noise impacts or other significant adverse amenity impacts on existing or future residents and businesses.

7.74 Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving

the character and quality of an area and the way it functions. The NPPF Paragraph also seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.75 With regard to the layout proposed whilst concern has been received regarding the impact on residents' privacy, the scheme has actually been drawn up with satisfactory distances between dwellings, which protects the residential amenity of existing and future occupiers in terms of loss of light, outlook and privacy. As set out in Local Plan Policy H15, normally the distance, between primary elevations of new and existing dwellings particularly at first floor level or above should not fall below 20 metres. The scheme ensures this distance is met and in fact allows a much greater distance between the dwellings proposed close to the eastern boundary and those at Burgham Park. This includes garden depths of approximately 15 to 20m and then distances of between 60m to 80m between the rear of the proposed and existing properties.

7.76 Public Protection, who also look at impact on amenity, have also been consulted and have no objection to the proposal subject to conditions. Overall therefore it is considered that the proposal will not impact upon the residential amenity of existing and future occupiers, in accordance with Local Plan Policy H15, TNP Policy 1, the NPPF and emerging plan policy Pol 2 (significant weight can be given) in this regard.

Impact on Ecology

7.77 The County Ecologist and Natural England have been consulted given the potential for the proposal to impact on biodiversity, protected species and protected sites including • River Coquet & Coquet Valley Woodlands Site of Special Scientific Interest (SSSI) • Northumberland Shore SSSI. Further information has been submitted as a result of previous comments made by the County Ecologist and Natural England. An updated Habitat Maintenance and Management Plan V3 (OS Ecology Ltd, May 2021) has been submitted which Ecology have confirmed addresses previous comments. As this document and the management actions relate to land outside of the red line boundary to mitigate and compensate for impacts because of the development, this will be tied to the section 106 agreement. The latest information that has been submitted is regarding the method of non-mains foul drainage so its impact on Sites of Special Scientific Interest (SSSI) can be assessed. Natural England have now provided their final comments in which they confirm they now have no objection to the proposal subject to a conditions regarding the package treatment plant, to ensure it won't have any adverse impact on ecology. The County Ecologist has also provided their final comments in which they set out they now have no objection to the proposal subject to conditions, to ensure the proposed development will not impact on protected or notable species, designated nature conservation sites or priority habitat. Subject to these conditions and in this respect the proposal is now considered to accord with Local Plan Policies C11, C15, the NPPF and emerging policy ENV2 (little weight can be given).

Highways

7.78 The proposal would utilise the existing access into Burgham Park, to the south of the site. From this the existing road through Burgham Golf course, which leads to the main part of site would lead to a new internal estate road and from this to the drives of the properties and garages. The terraced properties would all have parking bays opposed to garages. As such the Highway Authority have been consulted who when dealing with applications look at the roads capacity to deal with extra traffic movement, the accessibility of the development; trip generation; highway safety; adequacy of parking and highways works necessary to facilitate the development.

7.79 The Highway Authority have assessed the application and having asked for further information to be submitted initially which included whether the estate would be private and road designs, now have no objection to the proposal subject to conditions. They state that 'the applicant has provided a revised block plan giving details of the proposed traffic calming measures and has confirmed that the estate road will have a 20mph limit. Due to site constraints design of straight sections of highway no greater than 60m in length were not always achievable. In these instances, the applicant has introduced Speed restraining features in the form of raised Tables and Speed humps at the required spacings. The applicant has confirmed that the estate road is to remain private and estate roads and drainage will be the responsibility of the Management company to maintain. The management company is paid for by the residents of the development. With regards to refuse collection, the applicant has sent a letter to NCC Neighbourhood services to confirm all roads have been designed and will be constructed to a suitable standard to take the weight of Northumberland County Council refuse vehicles and that all turning heads have been designed to accommodate the same refuse vehicle. The applicant is required to confirm whether NCC accepts this arrangement, and should the case be that it is not accepted provide details of alternative arrangements, however this matter can be dealt with by way of planning condition.' They further state that 'the imposition of conditions and informatives with regards to refuse storage, car parking and the impacts during the construction phase will address any concerns with the proposed development.'

7.80 Given these comments it is therefore considered subject to the conditions proposed by the Highway Authority that the proposal would be acceptable in highways terms, in accordance with TNP Policy 1, the NPPF and emerging plan policies Tra 1 (limited weight can be given), 2 (little weight can be given),4 (limited weight can be given).

Drainage and Flood Risk

7.81 The application site lies in Flood Zone 1, however as the proposal is for a major development including two SUDS areas, both the LLFA and the Environment Agency have been consulted, who assess the impact on surface water run off and flood risk. The Environment Agency in this instance have also considered the use of a non-mains foul drainage system.

7.82 Whilst originally objecting to the proposal, after the submission of further information, the LLFA now raise no objections to this current application subject to conditions. The Environment Agency also have no objection to the proposed method of foul water disposal. As such the proposal is considered to be acceptable in terms of surface water and flood risk, in accordance with TNP Policy 1, Local Plan Policy

RE5, the NPPF and emerging plan policies Wat 3 (limited weight) and Wat 4 (significant weight).

Archaeology

7.83 The site is located within a landscape retaining evidence of human occupation spanning the prehistoric to modern periods. The area of the existing golf course coincides approximately with the site of the deserted medieval village of Burgham (HER ref 11351). Given the site has the potential to contain archaeological remains the County Archaeologist has been consulted. Whilst originally asking that this application is not determined until further work had been carried out by the applicant, they have now carried out a programme of archaeological evaluation (trial trenching exercise), during July 2021, in accordance with an approved Written Scheme of Investigation. The findings have been submitted in a report dated September 2021. The County Archaeologist states that the proposed development site has been subject to a phased programme of archaeological assessment comprising desk-based assessment, geophysical survey and targeted trial trenching. Potentially significant archaeological remains were identified in two of the nineteen trenches excavated and these remains should be regarded as 'non - designated heritage assets' for the application of NPPF policy.

7.84 Whilst potentially significant archaeological remains have been identified the County Archaeologist does states the impact of the proposed development on the archaeological resource could be mitigated by a programme of targeted archaeological investigation with provision to record and that this work could be secured by condition. As such subject to this condition, it is considered that the proposal is in accordance with the NPPF in respect to archaeological impact and emerging plan policy ENV1 (little weight can be given).

Contamination

7.85 Policy RE8 of the Castle Morpeth District Local Plan states that the Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the Council may assess any direct threat to health, safety or the environment.

7.86 The applicant has submitted a phase I and II investigation which has determined that that site is not at risk from physical contamination and a ground gas assessment has been submitted. Overall Public Protection are in agreement with the proposal providing conditions regarding contaminated land and ground gas protection are added to the decision. Thus, subject to these conditions it is considered that the proposal will be acceptable in terms of impact from contamination and land stability, in accordance with Local Plan Policy RE8 and emerging plan policy Pol 1 (moderate weight can be given).

Other

7.87 A number of objections have been received which have all been taken into account in the determination of this application.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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. Recommendation

That this application be GRANTED permission subject to the following conditions and a section 106 agreement requiring contributions towards affordable housing, health care provision, education facilities and to tie a habitat management plan to the proposal.

Conditions/Reason

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

2 Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on the following plans and documents:

Planning Layout 2006.01 Rev Q
Planning Layout Coloured 2006.01 Rev Q
Location Plan 2006.02 A
Proposed External Materials Plan 2006.03 Rev H
Street Scenes 2006.04 Rev E
Design and Access Statement – Version 5
Tree Survey Plan - Figure 2 862-02 -
Tree Constraints Plan Figure 3 862-03 -
Tree Protection Plan - Figure 4 862-04 - D
Planting and Management Plan 862-06 - E
Tree Survey Report 862 R02
Design Rationale Document - 6
Easement Plan 2006.EP D
Swept Path Analysis 137-CUS-SPA-001 P2
Flood Risk Assessment and Drainage Strategy 20011-01-FRA&DS P4 dated 26th October
Addendum to Flood Risk Assessment and Drainage Strategy: 27 October 20011-R1-FRA -

SUDS Sections 20011 – DS11 P1
Drainage Strategy 2011 – DS01 P6
Sections to Proposed Bund 20011 – 222 P1
Sections to Proposed Ditch 20011 – 221 P2
Contributing Area to Proposed Culvert 20011 – 202 P1
Proposed Levels Sheet 1 20011 – 01 P5
Proposed Levels Sheet 2 20011 – 02 P5
Proposed Levels Sheet 3 20011 – 03 P5
Proposed Levels Sheet 4 20011 – 04 P5
Access Road Proposed Drainage Sheet 1021 P1
Access Road Proposed Drainage Sheet 2 1022 P1
Access Road Proposed Drainage Sheet 3 1023 P1
Watercourse Survey 1927 V2

Bulk Earthworks As Shown PRELIMINARY 20011 91 P4
Details of sewerage treatment plant (14 documents) uploaded 5/1/22, as received 22/12/21
Access Road Proposed Levels Sheet 1 1:200 PRELIMINARY 20011 1011 P1
Access Road Proposed Levels Sheet 2 1:200 PRELIMINARY 20011 1012 P1
Access Road Proposed Levels Sheet 3 1:200 PRELIMINARY 20011 1013 P1

Overland Flow Paths Proposed 1:500 PRELIMINARY 20011 211 P3

Burgham - Traffic Calming proposal 21 12 21 2006.01 N

Garages

Single Garage 2006.G.01

Double Garage 2006.G.03

House Types

Daisy- 2006.h301.01 - A

Lily

H402 2006.H402.AS -Rev B

H402 2006.H402.OP -Rev B

H404 Jasmine

H404 2006.H404.AS - Rev B

H404 2006.H404.OP - Rev B

H405 Lavender

H405 2006.H405.AS - A

H405 2006.H405.OP - A

H501 Orchid

H501 2006.H501.AS -

H501 2006.H501.OP -

H502 Violet

H502 2006.H502.01 - A

H502 2006.H502.02 - A

H502 2006.H502.03 - A

H502 2006.H502.04 - A

H504 Rose

H504 2006.H504.AS - A

H504 2006.H504.OP - A

Proposed Substation Plan and Elevation CUS-137-SS01 P1

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

3. Construction work or deliveries associated with the development hereby approved shall only take place between the hours of 0800 to 1800 hours Monday to Friday and 0800 to 1300 Saturday, with no activity on Sundays or Bank Holidays.

Reason: In the interests of amenity of nearby and new residents having regard to Policy H15 of the Castle Morpeth District Local Plan.

4. Notwithstanding the description of the materials in the application or on any plans, prior to the construction of any external elevations above damp proof course level, a

schedule of the materials to be used on the external elevations (including walls, roofs, windows) of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interest of visual amenity in line with the National Planning Policy Framework and TNP Policy 1 and Policy H15 of the Castle Morpeth District Local Plan.

5. No landscaping works shall commence until a detailed landscaping scheme, showing both hard and soft landscaping proposals (the detailed landscape planting plan must include the planting of locally native trees and shrubs) has been submitted to and approved in writing by the Local Planning Authority. This shall include a replacement tree planting schedule showing type and location of replacement trees and a fully detailed planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of an area of hardstanding, pathways etc., areas to be seeded with grass and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings before the end of the year in which the development starts, or within such other time as may be agreed with the Local Planning Authority in writing beforehand. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding and the replacement of any plants which fail.

Reason: To ensure an appropriate landscaping scheme is implemented and maintained in accordance with Policy H15 of the Castle Morpeth District Local Plan and Policy Env1 of the Morpeth Neighbourhood Plan.

6. Before the occupation of any dwellings full details regarding the location and specification of an onsite play area and a timetable for its provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play area shall be implemented in full accordance with the approved timetable, and it shall be maintained so it does not fall within a state of disrepair.

Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with Policy R4 of the Castle Morpeth Local Plan.

7. No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law. In accordance with Local Plan Policy C11.

8. All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species. In accordance with Local Plan Policy C11.

9. All trees and hedgerows not identified to be removed shall be protected throughout construction against potential damage by barrier fencing and/or ground protection, before any materials or machinery are brought onto the site, and before any development or stripping of soil commences, in accordance with the recommendations in the approved tree report and tree protection plan and BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction.

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Local Plan Policy C11.

10. . All trees and hedgerows close to the eastern boundary of the site, which fall within the boundary of the houses at Burgham Park but could still be impacted upon by the development, shall also be protected throughout construction against potential damage by barrier fencing and/or ground protection sited in the application site, before any materials or machinery are brought onto the site, and before any development or stripping of soil commences, in accordance with BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction.

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Local Plan Policy C11.

11. No dwelling hereby approved shall be occupied unless and until a detailed Open Space Management and Maintenance Scheme for the maintenance and management of all areas of open space (excluding private gardens) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full upon the substantial completion of the landscaping works. Details to be submitted shall include;

- i) Details of landscape management and maintenance plans
- ii) Details of planting, grass cutting, weeding and pruning
- iii) Inspection, repair and maintenance of all hard landscaping and structures
- iv) Management, monitoring and operational restrictions
- v) Maintenance and planting replacement programme for the establishment period of landscaping
- vi) Establish a procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying which shall ensure that any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

The open space areas provided shall be retained for their intended purpose at all times thereafter unless otherwise is approved in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance and management of open space having regard to the National Planning Policy Framework.

12. Any trees or hedges not identified for removal shall not be removed.

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Local Plan Policy C11.

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: To protect the openness of the Green Belt and in order that the impact on the Green Belt of any future development can be assessed, in accordance with the NPPF.

14. Prior to the construction of any external elevations above damp proof course level, full details of the solar panels and solar heat boosters to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details for each house before it is occupied.

Reason: To help promote sustainable development and in the interests of reducing carbon emissions in accordance with the National Planning Policy Framework.

15. Every house or parking area for that house, shall have an electric vehicle charging point.

Reason: To help promote sustainable development and in the interests of reducing carbon emissions, in accordance with the National Planning Policy Framework.

17. All felling operations shall be implemented in accordance with both BS 3998: 'Recommendations for Tree Work' and the 'Guide to Good Climbing Practice' 2005 Edition, Arboricultural Association

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Local Plan Policy C11.

18: If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants. In accordance with Local Plan Policy RE8.

19. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, for those properties constructed within the area defined as the Coal Mining Reporting Area, by the Coal Authority, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties. In accordance with Local Plan Policy RE8.

20. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 19 which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties. In accordance with Local Plan Policy RE8.

21. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 01/10/11). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason The site is of archaeological interest. In accordance with the NPPF.

22. Prior to first occupation details of the adoption and maintenance of all surface water and SuDS features, including perimeter bunds and ditches shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all surface water and SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime. In accordance with TNP Policy1, Local Plan Policy RE5 and the NPPF.

23. Prior to first occupation details of the new culvert and associated headwalls shall be submitted to and agreed with the Local Planning Authority and be implemented forthwith in perpetuity.

Reason: To ensure the risk of flooding does not increase on and off site. In accordance with TNP Policy1, Local Plan Policy RE5 and the NPPF.

24. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features. In accordance with TNP Policy1, Local Plan Policy RE5 and the NPPF.

25. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include: * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc); * Construction details (component drawings, materials, vegetation); * Health and Safety file; and * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards. In accordance with TNP Policy1, Local Plan Policy RE5 and the NPPF.

26. Development work likely to affect great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either: a) licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a copy of the countersigned District Level Licencing agreement with Natural England (Impact Assessment and Conservation Payment Certificate document); or c) written justification by a suitably qualified ecologist confirming why a licence is no longer required.'

Reason: To maintain the favourable conservation status of a European protected species. In accordance with Local Plan Policy C11.

27. Prior to the first occupation of the approved development, a Car Park Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan should describe how parking will be distributed and managed on the site and the location of On-Street electric vehicle charging points.

Reason: To ensure suitable arrangements for car parking as part of the development. In accordance with the National Planning Policy Framework.

28. No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

29. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

30. Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

31. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning Policy Framework.

32. Notwithstanding any approved details, before the foul drainage system (package treatment plant) is installed, details of the chemical dosing agent to be used in the package treatment plant, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England. The selected chemical

should be assessed to have no significant ecological impact. The development shall then be carried out in accordance with these agreed details and at all times.

Reason: In order to reduce ecological impacts resulting from the chemical being released into the watercourse, in accordance with the NPPF.

33. The selected package treatment system should be installed and managed as set out in the supplied documents, as listed in the approved plans (condition 2) including the guidelines for the system, environment protection measures, monitoring and maintenance requirements. Evidence of a service contract with a certified maintenance provider must be submitted to and approved by the Local Planning Authority prior to first occupation of the development to ensure the long-term efficiency of the proposed system.

Reason: In order to reduce ecological impacts from the use of the package treatment plant on the natural environment, in accordance with the NPPF.

34. Prior to first use of the package treatment system a monitoring plan for the receiving watercourse to ensure that the effects are as predicted in the 'Watercourse Survey' by OS Ecology Ltd dated December 2021 and are not likely to impact on the River Coquet SSSI, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England. The development shall then be carried out in full accordance with these agreed details and at all times.

Reason: In order to reduce ecological impacts from the use of the package treatment plant on the natural environment and statutory nature conservation sites (SSSI), in accordance with the NPPF.

35. Prior to the commencement of development details of screening to be located along the eastern boundary of the site and around the holiday homes, shall be submitted to and approved in writing with the Local Planning Authority. The screening shall then be erected in accordance with these approved details during any time any works are being carried out around that area.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policy H15 of the Castle Morpeth District Local Plan and Policy Des1 of the Morpeth Neighbourhood Plan

Informatives:

1. Parish of Thirston Public Footpath No 11 passes adjacent, further to the east of the applications red line site boundary. I have no objection to the proposed development on the condition that Public Footpath No 11 is protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves 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.

2. Non-Mains Drainage - Advice to Applicant In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at <https://www.gov.uk/permits-you-need-for-septic-tanks>

3. LLFA

The culverting of any watercourse or alternations of any existing culverted watercourse will require the prior written consent of Northumberland County Council, under the Land Drainage Act (1991). Please contact the FCERM team (fcerm@northumberland.gov.uk) for further information.

4. Highways

INFO33 Reminder to not store building material or equipment on the highway
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

INFO40 Reminder to not deposit mud/ debris/rubbish on the highway In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

5. Non-mains foul drainage - Package treatment plants require regular servicing and are vulnerable to breakdowns and therefore an intensive ongoing maintenance contract with a competent and certified maintenance provider is necessary. Very regular monitoring of the treated effluent will be required to establish the correct dosing regime, followed by periodic checks. A list of service providers can be found

at <https://www.britishwater.co.uk/search/custom.asp?id=6244>. The proposed package treatment plant is likely to require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

Date of Report: 1st February 2022

Background Papers: Planning application file(s) 20/02094/FUL