



Northumberland

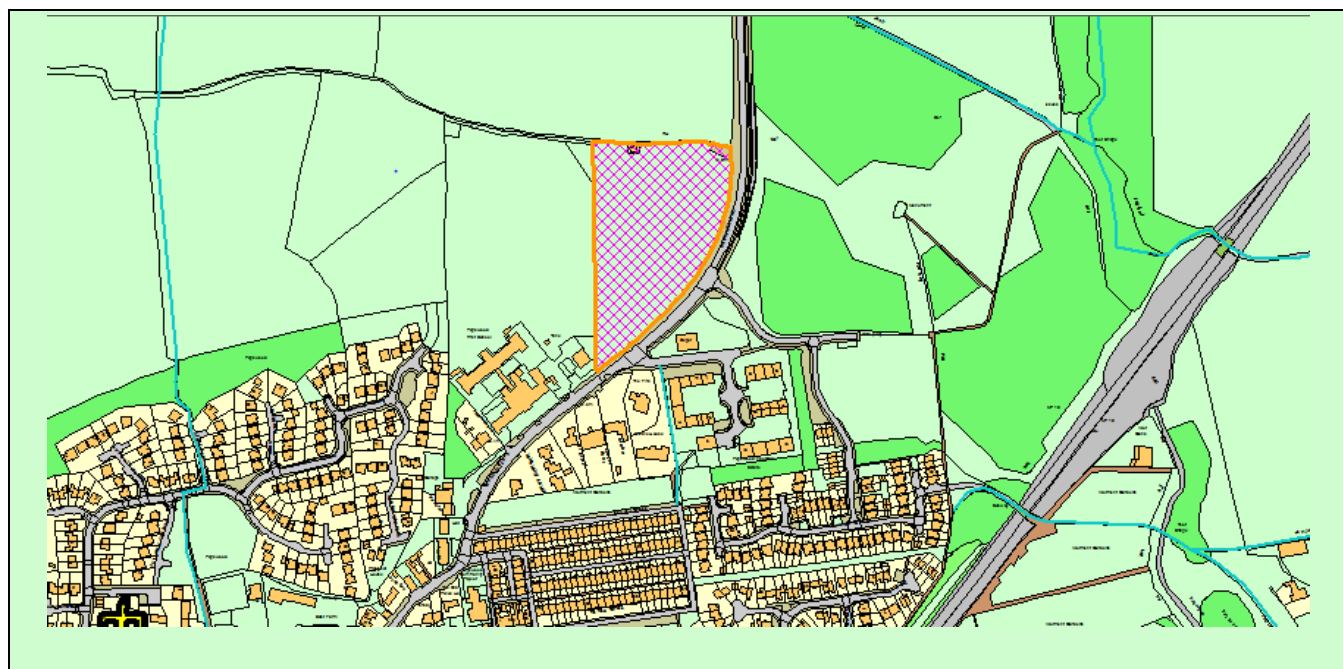
County Council

CASTLE MORPETH LOCAL AREA COUNCIL

11 MARCH 2019

Application No:	17/04414/FUL		
Proposal:	Detailed Planning Application for the erection of 61no. 2, 3 and 4 bedroom two-storey dwellings with associated works		
Site Address	Land North East Of Pegswood First School, Butchers Lane, Pegswood, Northumberland		
Applicant:	Mr Chris Dodds Cameron House, Pinetree Way, Gateshead, NE11 9XW	Agent:	None
Ward	Pegswood	Parish	Pegswood
Valid Date:	19 December 2017	Expiry Date:	15 February 2019
Case Officer Details:	Name:	Mrs Judith Murphy	
	Job Title:	Principal Planning Officer	
	Tel No:	01670 622640	
	Email:	judith.murphy@northumberland.gov.uk	

Recommendation: That this application be REFUSED permission



1. Introduction

- 1.1 This application is being referred to the Castle Morpeth Planning Committee given the scale of the development and due to the alternative affordable housing provision proposed by the applicant.

2. Description

- 2.1 The application site is situated on land at Butcher's Lane, Pegswood, and extends to 1.83 hectares (4.52 acres). Pegswood is predominantly residential with existing dwellings situated close to a number of amenities, including schools and shops.
- 2.2 The site is green field and comprises unused overgrown farmland. The land is roughly triangular in shape and is bounded by further farmland to the north, a playing field sits to the west and Butcher's Lane is to the east/south-east. Pegswood Primary School is adjacent to the south-western corner.
- 2.3 The 61no. units will comprise a mix of house-types including 19no. 2 bedroom starter homes; 21no. 3 bedroom semi-detached; 17no. 3 bedroom detached and 4no. 4 bedroom detached. The various house-types are proposed to be pepper-potted across the development.
- 2.4 The layout proposed seeks to safeguard living conditions in the development and all of the properties within the development benefiting from private rear gardens to provide personal outdoor living space. The layout seeks to maximise the use of the site and provide a feature without causing a loss of amenity to existing properties.
- 2.5 The principal access for vehicular traffic and pedestrians would be off Butcher's Lane and existing footpaths surrounding the site would be reconstructed to adequate highway standards.
- 2.6 In terms of materials, these are proposed to blend and reflect the local vernacular comprising a range of different finishes from full render to textured red brick with flat tiled concrete roof tiles. A two-tone approach would be adopted using plain profile concrete roof tiles and two brick colours of a different texture selected to blend with local surrounding buildings.
- 2.7 In more general terms, the applicant (Gleeson) cites the location for this development as accessible in terms of its proximity to the railway station, GP surgery, pharmacy, primary school and local Co-op convenience store, all of which are located within half a mile of the site.

3. Planning History

N/A

4. Planning Policy

4.1 Development Plan Policy

Morpeth Neighbourhood Plan 2016

Sus 1 - Sustainable development principles
Env 1 - Landscape and wildlife corridors
Emp 3 - Pegswood village centre
Des 1- Design principles
Set 1- Settlement boundaries
Set2 - Development in Hebron, Hepscott, Mitford and Pegswood
Hou 1 - Housing developments
Hou 3 - Housing mix
Hou 4 - Delivery of affordable housing
Hou 5 - Infrastructure
Tra 3 - Transport requirements for new developments
Tra 4 - Development of footpath and cycleway networks
Inf 1 - Flooding and sustainable drainage

Castle Morpeth District Local Plan (CMLP) (2003)

C1 – Settlement boundaries
C11 - Protected species
C15 - Trees in the countryside and urban areas
H8 - Affordable housing
H9 - Affordable housing in rural areas
H15 - New housing developments
H16 – Housing in the countryside
RE5 - Surface water run-off and flood defences
RE6 - Service infrastructure
RE8 - Contaminated land

4.2 National Planning Policy

National Planning Policy Framework (NPPF) (2018)
National Planning Practice Guidance (NPPG 2014, as updated)

4.3 Other Planning Policy Documents

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 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 HOU 2 - Provision of new residential development (Strategic Policy)
 Policy HOU 3 - Housing requirements for neighbourhood plan areas (Strategic Policy)
 Policy HOU 5 - Housing types and mix
 Policy HOU 6 - Affordable housing provision (Strategic Policy)
 Policy HOU 9 - Residential development management
 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 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 3 Flooding
 Policy POL 2 Pollution and air, soil and water quality
 Policy INF 6 Planning obligations

5. Consultee Responses

Public Protection	No objection, subject to conditions.
Pegswood Parish Council	The Parish Council would like to see an amendment to the proposed layout to enable a S106 Agreement to provide suitable traffic calming measures on Butchers Lane; and at the entrance of the village. It would also like to see a slight reduction in the number of units to reflect the Neighbourhood Plan, and the inclusion of suitable open space and play facilities to the development as a whole.
Planning Strategy	No response received.
Highways	Further information required.
County Archaeologist	No objection.
County Ecologist	Further information required.
SE Tree And Woodland Officer	No response received.
Waste Management - South East	No response received.
Education - Schools	A total contribution of £195,800 is requested in respect of this development, on the basis of pressures on secondary and SEN places, in line with the pupil yield calculations and consequential financial requirements.
Lead Local Flood Authority (LLFA)	No objections, subject to conditions.
Health Care CG	A single payment is required from the developer to allow a smooth implementation of the required surgery expansion, and this should be on completion of the first dwelling to ensure the new health capacity is in place as the houses are occupied.
Environment Agency	No response received.
The Coal Authority	No objection.

Northumbrian Water Ltd	No objection, subject to 1no. condition.
Natural England	No objection, advice given.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	44
Number of Objections	0
Number of Support	0
Number of General Comments	1

Notices

Site notice - departure from Local Plan,

Northumberland Gazette 4th January 2018

Summary of Responses:

One general comment was received from a neighbouring resident with concerns of devaluation of own property.

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=P0HO8PQSKZZ00>

7. Appraisal

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Therefore the starting point from a planning perspective in considering the acceptability or otherwise of the proposals is the development plan.

7.2 The development plan in respect of the application site comprises the Morpeth Neighbourhood Plan (2016) and the saved Policies of the Castle Morpeth District Local Plan 2003.

7.3. However, the NPPF advises at paragraph 213 that, in respect of Development Plans adopted prior to publication of the NPPF, local planning authorities (LPAs) should afford due weight to relevant Policies according to their degree

of consistency with the NPPF (the closer the Policies in the Plan to the policies in the NPPF, the greater the weight that may be given).

- 7.4 Paragraph 11 of the NPPF provides definitive guidance on how applications should be determined by stating:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 further advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

- 7.6 The main issues for consideration in respect of this application comprise:

- Principle of development
- Affordable housing
- Residential amenity impact
- Impact on the character and appearance of the area
- Ecology
- Highway safety/transportation
- Flooding and drainage
- Contamination and ground conditions
- Planning obligations

Principle of Development

- 7.7 The Morpeth Neighbourhood Plan (2016) is the most recent and up to date adopted plan and is therefore a material consideration in the appraisal of this application. The site is clearly defined as lying within the settlement boundary of the MNP and therefore carries full weight. In respect of the policies of the Castle Morpeth District Local Plan (2003), only those saved policies which align with the National Planning Policy Framework (2018) are relevant (as specified in paragraph 48 of the NPPF). In this case, the application site lies out with the settlement boundary for Pegswood within the CMDLP and, as such, would not comply with saved policy C1.

7.8 The emerging Northumberland Local Plan - Regulation 19 was published on 30th January 2019. The policies contained within the Plan carry limited weight in the determination of the application, at this stage. The most relevant policies in respect of this proposal are STP1, which aims to deliver sustainable development; STP2, which follows the line of the NPPF with a presumption in favour of sustainable development; and STP3, which looks at the principles of sustainable development

7.9 At a national level the NPPF sets out a presumption in favour of sustainable development. The NPPF and local planning policies support development in sustainable locations where prospective residents have easy access to a full range of services and public transport links. The approach to sustainable development within Northumberland is reflected in the Morpeth Neighbourhood Plan (2016) and also in the saved policies of the Castle Morpeth District Local Plan (2003) despite this Plan pre-dating the NPPF.

Morpeth Neighbourhood Plan (2016)

7.10 It is considered that the principal of housing on the site complies with the Morpeth Neighbourhood Plan (2016). The site is located within the settlement boundary as defined on the proposals map of the Neighbourhood Plan. Policy Set1 'Settlement Boundaries' states that Development proposals will be supported within settlement boundaries subject to being in accordance with other relevant policies in the Development Plan including the Neighbourhood Plan.

7.11 The Neighbourhood Plan Policy Sus1 'Principles of Sustainable Development' sets out a presumption in favour of sustainable development will be exercised across the Plan Area. This states that proposals for new development will be supported at a scale and in locations that accord with policies contained elsewhere in the Neighbourhood Plan where they support the continued sustainability and viability of communities subject to criteria.

7.12 Furthermore Policy Hou1 'Housing Development' considers the amount, type and location of new housing in the 'Morpeth Neighbourhood Area' for the next 15 to 20 years. An assessment has been carried out to demonstrate a requirement for at least 1700 additional dwellings during the Plan period. This quantum of housing is specified as a requirement of Policy Hou1 with this application site being listed within the policy as an existing allocation.

7.13 Furthermore paragraph 7.3.10 of the Morpeth Neighbourhood Plan refers to a document "Housing Site Allocation – Outline Methodology and Potential Sites" which contains more detail on committed housing supply, preferred sites in the Plan and further potential housing sites that would be compliant with Plan Objectives and Policies. This document is material to the consideration of the application, because it informed the Morpeth Neighbourhood Plan.

7.14 The Council's Strategic Housing Land Availability Assessment identifies the site as being a potential source of housing land. The SHLAA tables the land with a yield of 50 dwellings, and is considered to be suitable, available and achievable.

- 7.15 Members are reminded that the purpose of the SHLAA is to provide information about potential future sources of land for housing. The SHLAA is not a planning policy document and, therefore, does not determine whether a site should be allocated for housing in the Development Plan, or granted planning permission. It is only relevant in that the SHLAA informed the evidence used to prepare the Morpeth Neighbourhood Plan.

Northumberland Local Plan - Regulation 19 (Published 30th January 2019)

- 7.16 The application site sits within the settlement boundary of Pegswood in the emerging plan. Policies HOU5 and HOU9 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) encourage a range of good quality homes with a mix of tenures and housing types and sizes, and seeks development that contributes to a sense of place. It should, however, be reiterated Members that only limited weight can be given to the Local Plan at this stage.

Housing Land Supply

- 7.17 The NPPF seeks to implement the Government's growth agenda by significantly boosting the supply of housing. The NPPF requires Local Planning Authorities to provide a five year supply of deliverable housing land and, where this cannot be demonstrated, relevant policies for the supply of housing should be considered out of date.
- 7.18 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements. The five year housing land supply position is pertinent to proposals for residential development in that the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the presumption in favour of sustainable development will be engaged.
- 7.19 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate, against the County's Local Housing Need figure of 558 dwellings per annum, a 15.6 year supply of housing land. Therefore Northumberland clearly has more than a 5-year supply of housing land, and as such, Footnote 7 of the NPPF does not apply.
- 7.20 Notwithstanding the above, consistent with the presumption in favour of sustainable development, the housing figures are a minimum and should not be viewed as a ceiling. The key consideration is whether the proposed development is considered sustainable development, in line with the NPPF.
- 7.21 In conclusion and having regard to the above, it is considered that the site represents an opportunity for housing development and can be considered within the context of the presumption in favour of sustainable development. As such, the principle of development is acceptable in the context of the NPPF, the Morpeth Neighbourhood Plan and the relevant policies of the emerging Local Plan.

Affordable housing

- 7.22 Policy Hou4 of the Morpeth Neighbourhood Plan seeks the delivery of affordable housing on developments resulting in a net gain of ten dwellings or more, in accordance with the Development Plan or an up-to-date housing needs assessment. An off-site affordable housing financial contribution can be accepted in lieu of provision on site where it can be justified. In line with policy Hou4, this should be within the same town or village.
- 7.23 Policy H9 of the CMDLP promotes the development of affordable housing to meet local needs, subject to all of the following criteria:
- i) the proposal accords with priorities identified in the Council's housing needs study;
 - ii) the housing provided is reserved for local needs, both initially and on subsequent change of occupant;
 - iii) the development is appropriate in location, scale and design to the settlement;
 - iv) the development is in keeping with local building styles and incorporates appropriate landscaping, and
 - v) notwithstanding the requirement for local needs, housing developments shall comply with Policy H15 (new housing developments).
- 7.24 The NPPF equally supports this objective in Chapter 5 stating that 10% of homes should be available for affordable home ownership on major Developments.
- 7.25 Annex 2 of the NPPF defines affordable housing as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:
- a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
 - b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a

household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

7.26 The Castle Morpeth District Local Plan at policy H9 promotes the development of affordable housing to meet local needs, in particular at point ii, it states that housing provided is reserved for local needs, both initially and on subsequent change of occupant.

7.27 It is accepted that policy H9 refers to affordable housing in rural areas, and under the CMDLP, the site is out with the settlement boundary and therefore in the open countryside. However, as we now know, the site is included within the settlement boundary of the MNP, which is the most up to date adopted document forming part of the Development Plan. This will be expanded upon further in the next paragraph.

7.28 Policy HOU6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019) sets out the emerging policy position, with different affordable housing requirements based on housing viability value areas. As this has not been tested through any form of public consultation it will not be used in the determination for applications at this stage.

7.29 Notwithstanding this, policy HOU6 is clear in its objectives around affordable Housing, particularly at point 3, which states:

The affordable housing provision and/or contribution will be secured by a Section 106 planning obligation. For affordable housing for rent, discount market sales housing, or where public grant funding is provided towards other affordable routes to home ownership, the Section 106 agreement will ensure that the on-site provision remains affordable in perpetuity.

The Northumberland Local Plan - Publication Draft Plan (Regulation 19) is the policy document for the coming years until 2036, which defines the direction of travel for Northumberland in general. Whilst the document carries limited weight at this stage, the intentions behind how it envisages Northumberland will be shaped in that period are clearly set out. In respect of affordable housing, this is to ensure that the benefits are not only achieved on the first

sale of the properties, but on subsequent sales thereafter, ensuring the longevity of benefits affordable housing provides for buyers/rent in the long term are sustained.

Housing Need

- 7.30 The mix and tenure of affordable homes on development sites should reflect our current housing needs evidence base. Sources are:
1. The 2018 Strategic Housing Market Assessment Update
 2. Homefinder statistics
 3. Information from other registered affordable home providers
 4. Information from Neighbourhood Plans
 5. Information from Local Housing Need Assessments where applicable

Northumberland Strategic Housing Market Assessment

- 7.31 The Northumberland SHMA Update (June 2018) provides detailed market analysis of housing needs at the County level, and across local Housing market sub-areas. It also provides up-to-date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that, overall, 50% of affordable homes are provided for rent, and 50% provided as affordable home ownership products.

The Site and the requirement for Affordable Housing

- 7.32 In order to meet the affordable housing identified in the SHMA, a minimum of 17% of homes on new permissions will be expected to be provided as affordable housing products. This is generic across the whole of Northumberland at this stage until the Local Plan is further progressed.
- 7.33 As the draft Local Plan progresses towards submission, examination and adoption its policies will gain greater weight as material considerations in informing the determination of planning applications, subject to the scale of any objections to different policies in accordance with paragraph 48 of the NPPF. Should the affordable housing requirement changes during this process, this will be publicised.
- 7.34 Based on the above evidence it is the Council's position to see 17% Affordable Homes delivered on site, which is aligned to the updated evidence base. The SHMA evidence also indicates a tenure split of 50/50 affordable rent/affordable home ownership. This would mean 8.5%/8.5%, however, the NPPF requires that at least 10% of affordable housing on site should be home ownership options. This results in a tenure split of 10% affordable home ownership and 7% affordable rent. Translated into units for a 61 unit development, this means a total of 10 or 11 affordable homes with 4 or 5 of these being for affordable rent, the remainder being for affordable home ownership.

- 7.35 Referring back to point D in paragraph 7.25, the applicant has submitted a proposal for affordable housing based on this point, as follows:
- All 2 beds on the site (comprising 18 No. and being 29.5% of total units on site) to be sold at a maximum of £118,995 for the 201 housetype and £123,995 for the 202 housetype which represents a minimum 20% discount from local market levels based on the attached evidence and RICS report
 - Annual increase to price to be limited to being no greater than the annual percentage increase to the national living wage given every April to ensure that prices remain affordable for the lifetime of the development.
 - Such homes to be standard spec, and sold with a parking space. Garages and customer extras would be an addition to the price.
- 7.36 The applicant contends that the homes would be affordable to at least 80% of full time working couples based on the Government's ASHE (Annual Survey of Hours and Earnings) statistics for the locality. When sold with Help to Buy these homes would become affordable to a full time working couple on the minimum/living wage. The weekly mortgage cost of this would be around £66/week, which is cheaper than local authority rental prices in the area.
- 7.37 The offer would therefore provide a level of on-site Affordable Housing provision of 29.5% of units which is in excess of the Policy target identified in the emerging Northumberland local plan (which is 15% for this area), although 17% is required on the current evidence base.
- 7.38 The applicant is of the view that 100% of these houses would be sold at prices which are 20% below market levels based on the attached evidence, and therefore quantifiable as affordable housing under 'definition d'.
- 7.39 To assess this more accurately, the proposal was considered by the Council's District Valuer, who confirmed that the valuation report supplied by Gleeson did not adequately prove that the homes proposed for affordable home ownership under the NPPF definitions (D) will be made available for sale at a value of least 20% below local market value. The report appeared to be weighted towards new build rates in Morpeth, which differs from new build rates in Pegswood. The figures from the Morpeth developments were adjusted for Pegswood, but how the level of adjustment was arrived at was not adequately justified. Whilst the report recognised the location of Pegswood between Morpeth and Ashington, evidence from new build schemes in Ashington was not included. In summary it was considered the supporting evidence used to arrive at the value was not robust. The applicant is aware of the Council's position in this regard but is keen to pursue their own affordable housing proposal.
- 7.40 It is recognised that the current Gleeson offer exceeds 17%, indeed it offers 30% across the site, however, it does not meet the housing mix the Council's evidence requires in a settlement where there is limited opportunity to deliver the affordable rented homes required. In view of this, the Council has to consider how the Gleeson offer complies with prevailing and emerging local plan policies.

- 7.41 It is also accepted that point D within Annex 2 of the NPPF allows for other affordable routes to home ownership, and it is also accepted that this point does not refer to any of these routes being available 'in perpetuity'. However, it has to be borne in mind that in real terms, the consequence of accepting the proposal on offer here from Gleeson is that the Council has no mechanism in place to secure the below market value units remaining below market value in perpetuity. As such, once purchased and from that point onwards, the units could then be sold at full market value. Points A, and C of the same Annex seek to secure affordable housing for future eligible buyers/rent. Indeed, point D also states that 'where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households...'. Whilst public grant funding might not be relevant in this case, Annex 2 demonstrates a clear objective in keeping affordable housing as affordable housing beyond the first purchase. To accept a scheme that provides otherwise defeats the objective of long-term affordable housing for now and for future residents.
- 7.42 In view of this, it is considered that the affordable housing provision proposed by Gleeson does not comply with the overall objectives and provisions of the NPPF, as defined earlier in the report, or with prevailing and emerging local plan policies. The affordable housing provision offered by Gleeson, is not therefore considered to be acceptable.

Impact on Residential Amenity

- 7.43 NPPF Paragraph 127 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.
- 7.44 Policy Des1 – Design Principles of the Morpeth Neighbourhood Plan states that development will be permitted where it accords with site allocations and designations in the Neighbourhood Plan and the Northumberland Local Plan. Development proposals should make a positive contribution to their surroundings in terms of ensuring that the development does not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties.
- 7.45 Policy H15 of the Castle Morpeth District Plan seeks good design and to protect the amenity of residents.
- 7.46 Only 1no. letter of representation has been received. The resident lives directly opposite the application site and believes the proposals will have a great adverse effect on the value of their house, which is not a material planning consideration.
- 7.47 There would be no neighbouring residents of the site to the north, east or west. The nearest residents would be located to the south of the site across Butcher's Lane, although these are not considered to be in particularly close proximity.

- 7.48 It is accepted that the development would impact on the general visual amenity of the residents to the south as their visual aspect currently is one of clear fields and open space. The development of the site would inevitably change its character from a green field unused and overgrown farmland site to a housing development. However the 1no. representation predominantly based on loss of property value is not a material planning consideration and cannot form part of the appraisal of this application. It is, however, important to have regard to other standards of amenity relating to privacy, outlook, light and overbearing impact.
- 7.49 In this case, the surrounding built form and character has been taken into account with the development has been designed. The proposal seeks to furnish the site with two-storey dwellings to reflect its neighbouring properties and wider setting more accurately. In doing so, the scheme will maintain separation distances thereby protecting privacy and overlooking.
- 7.50 The chosen house-types have been designed with the surrounding residential properties in mind and have been adapted specifically for this location. The dwellings have also been positioned to be sympathetic to the existing buildings.
- 7.51 The principal access to the site for both pedestrians and vehicles would be via Butcher's Lane, which is the public highway to the east of the site. This should not impact on the neighbouring existing residents to a harmful or unreasonable degree.
- 7.52 Taking this into account, it is considered that the proposals would not have an overall adverse impact on the living conditions of the existing residential neighbours. As such, in the context of the NPPF and local plan policies, the proposals are considered to comply.

Impact on the Character of the Area

- 7.53 The Government attaches great importance to the design of the built environment. Part 12 of 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. Policy Des1 – Design Principles of the Morpeth Neighbourhood Plan seeks to follow the principles of good quality design which respects the character and appearance of the setting of the development and the surrounding area. Policy H15 of the Castle Morpeth District Plan seeks good design. Policy QO24 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) supports good design and amenity and strives to preserve the amenity of those living in, working in or visiting the local area.
- 7.54 The site located within the defined settlement limit of Pegswood in the Morpeth Neighbourhood Plan. Housing in the immediate area is predominantly two storeys in height, but varies in terms of design. The site is set against a backdrop of fields and farmland to the north, east and west, which contributes to the character of the site and the area.

- 7.55 In terms of landscape matters in particular NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.
- 7.56 Whilst it is acknowledged that there will be an inevitable impact on the landscape given the introduction of a new housing development on land that is currently open, the test is the degree of that impact and if it is considered to be acceptable or harmful to the character of the landscape.
- 7.57 The proposed layout shows 61no. dwellings which would be evenly spread across the site. These would comprise of 2, 3 and 4 bedroom semi-detached and detached dwellings. The landscape within the application site is not considered to be of high quality and it is considered that the site has the potential to accommodate a reasonably large scale development, such as this proposed. The site does not form part of a conservation area and, as shown in the Morpeth Neighbourhood Plan and the emerging Local Plan, the site falls within the settlement boundary. In this respect, it is considered that the proposals would be acceptable in terms of their appearance and impact on the character of the area. As such, the proposals would be in line with the policies listed above contained within the Morpeth Neighbourhood Plan, the Castle Morpeth District Local Plan, the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and the NPPF.

Ecology

- 7.58 The NPPF Part 15 seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. The Morpeth Neighbourhood Plan Policy Env1 states that Landscape and Wildlife Corridors defined on the Proposals Map will be protected from development, other than that required to maintain, enhance or interpret their landscape or wildlife purposes. Policy C11 of the Local Plan states that proposals will be assessed in terms of their potential impact on the nature conservation interests of the site and on any habitats/species present. It further states that the Council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse effect on the species of their habitat.
- 7.59 Paragraph 175 of the NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.
- 7.60 Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.
- 7.61 Policy ENV2 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) seeks to minimise the impact of new development on biodiversity and geodiversity.

- 7.62 Almost the entire coastline in Northumberland is included in a range of designated sites which are protected under national legislation (Sites of Special Scientific Interest) and international legislation (Special Protection Areas designated under the EU Habitats Directive and Wetlands of International Importance designated under the Ramsar Convention). When determining planning applications that could have impacts on these sites, the Council has a range of legal duties that it must fulfil. Briefly, these amount to ensuring that the capacity of the protected area to support the features for which it was designated is not reduced or compromised by the proposed development being considered.
- 7.63 The Council's Ecologist has assessed the proposal and has requested that the applicant provides sufficient information via an Ecological Assessment for the County Council to carry out an appraisal of the likely on site impacts of the development on protected species and habitats. The applicant should also agree mitigation via greenspace provision and/or coastal mitigation service contribution with the LPA. This would enable the LPA to carry out a Habitats Regulations Screening Assessment for the coastal sites. Finally, biodiversity enhancement proposals are required to incorporate in-built bird/bat provision at a ratio of one item per dwelling, along with landscaping proposals which seek to optimise opportunities for pollinating insects and birds.
- 7.64 At the time of compiling the report, all of this information remains outstanding and has not been received from the applicant. As such, and in terms of Ecology, the proposal conflicts with Chapter 15 of the NPPF, policy Env1 of the MNP, policy C11 of the CMDLP and policy ENV2 of Northumberland Local Plan - Publication Draft Plan (Regulation 19).

Highway Matters

- 7.65 Policy T5 of the CMDLP states that in considering proposals for development, regard will be had to existing public transport facilities and the possibility of their extension to serve new developments.
- 7.66 NPPF paragraph 109 advises that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or residual cumulative impacts arising from development on the road network would be severe.
- 7.67 Policies TRA1, TRA2 and TR4 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) equally seek to promote sustainable connections, deliver development that will have minimal effect on the transport network, or can be mitigated where the impact is more severe and ensure parking provision in new development is up to standard.
- 7.68 The applicant has submitted a parking statement, a construction management plan, a transport statement and a road safety audit on which the Highways Authority (HA) have been consulted, and raised a number of concerns.

- 7.69 Some of the concerns initially raised by the HA have been addressed, however, there remains amendments to the layout that need to be addressed prior to it being acceptable in highway terms.
- 7.70 The most recent plans do not include the provision of a footway around the visitor car parking space to the west of Plot 1, which is required. Other outstanding matters relate to inadequate reversing distances between some plots, additional car parking required to other plots and the location of visitor car parking spaces and drive widths are to be agreed.
- 7.71 Other outstanding matters relate to insufficient information in respect of refuse storage locations and further information in relation to highway improvements is still required. Finally, no Stage 1 Road Safety Audit has been submitted. None of these matters are suitable to be addressed through planning conditions. As such, these matters remain outstanding until such times as the required information is submitted and formally assessed by the Highway Authority.

Flood Risk and Drainage

- 7.72 CMDLP Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Where development is likely to require the improvement or provision of additional services, consideration will be given to the need to impose planning conditions or seek legal agreements as appropriate.
- 7.73 Paragraph 163 of the NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA). Paragraph 165 also requires where possible the use of sustainable drainage in respect of major developments.
- 7.74 Policy WAT4 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) discusses sustainable drainage systems (SuDS). It specifies that SuDS will be incorporated into development whenever necessary, in order to separate, minimise and control surface water run-off.
- 7.75 A flood risk and drainage statement has been submitted in support of the application. The statement clarifies that there is a small watercourse to the north of the site.
- 7.76 The site is located within Flood Zone 1 based on Environment Agency data. The initial plans submitted as part of the application showed no overland SuDS, which is contrary to the NPPF. The Environment Agency surface water maps also show a large area within the site as being at high risk of surface water flooding. Further information was required to satisfy the concerns of the Lead Local Flood Authority (LLFA).

- 7.77 Further information was duly received which allowed the LLFA to remove their objection, subject to conditions being attached to any planning permission granted. Northumbrian Water were also consulted on the proposal and raised no objection, subject to conditions.
- 7.78 Having regard to the above, it is considered that the proposal would accord with paragraph 14 of the NPPF and the policies contained within the CMDLP and the Northumberland Local Plan - Publication Draft Plan (Regulation 19).

Pollution and Ground Conditions

- 7.79 Policy Des 1 Design Principles of the Morpeth Neighbourhood Plan seeks to avoid development in locations that would put the environment or human health or public safety at unacceptable risk including from contamination and land instability and where necessary incorporate appropriate mitigation
- 7.80 Policy RE8 of the CMDLP 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.
- 7.81 Policy RE9 states that the Council will require proposals for development which is on unstable or potentially unstable land to be accompanied by a statement on ground stability, together with details of measures proposed to deal with any instability.
- 7.82 The NPPF Part 15, Paragraph 178 states that decisions should ensure that: a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 7.83 Policy POL1 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) seeks to support development where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measure can be taken to effectively mitigate the impact. . POL2 also states that development will be required to help maintain soil quality standards, improve water quality standards and maintain air quality standards.
- 7.84 The Council's Public Protection Officer has been consulted on the proposal and has advised that a precautionary approach should be formed because of the potential risks legacy coal mining present and to ensure the utmost protection for current and future residents of Northumberland. Pegswood has particular legacy mining issues resulting from the three named collieries which operated from 1868 to 1969. There are mine entries around and within the town with shallow workings under part of it.
- 7.78 In view of this, conditions are recommended in respect of ground gas protection and the validation and verification of ground gas protection. As such, and with the inclusion of the suggested conditions, it is considered that the proposal complies with the both national and local plan policies.

Planning Obligations

- 7.85 When considering the use of planning obligation 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.
- 7.86 Policy Hou5 of the Morpeth Neighbourhood Plan states that infrastructure to serve new housing development should, subject to viability testing in accordance with paragraph 173 of the Framework, make provision for, or contributions towards, the infrastructure and community requirements arising from the development including, as appropriate, children's play areas, playing pitches and open space, allotments, landscaping, habitat enhancement, sports and community facilities, schools, roads, pedestrian and cycling routes and facilities, water, sewerage, sewage treatment capacity and public transport.
- 7.87 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.
- 7.88 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.
- 7.89 Furthermore Castle Morpeth Local Plan Saved Policy 12 relates to Planning Obligations and the need for Major development to make provision for infrastructure and community facilities.

Affordable Housing

- 7.90 The NPPF paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 7.91 Meeting affordable housing needs is central to the Council's approach on housing.
- 7.92 Policy Hou4 of the Morpeth Neighbourhood Plan states that proposals for developments resulting in a net gain of ten dwellings or more will be expected to provide affordable housing on the site, in accordance with the Development Plan or an up-to-date housing needs assessment. In exceptional circumstances, where it can be justified, affordable housing will be accepted off-site; this must be on a site that is agreed as being in a suitable location

relative to the housing need to be met, ideally within the same town or village, or if this is not feasible, then within another village in the Neighbourhood Area.

- 7.93 Based on up to date evidence the Council's current requirement is for 17% of homes on development sites to be affordable. This will be sought through a S106 Agreement.

Education

7.94 *Primary:*

The primary school in the catchment area is Pegswood Primary School. In 2016 Pegswood had both its Pupil Admission Number (PAN) and overall Capacity increased, to 40 and 239 respectively. Given current School pupil numbers of 185, the school is currently at 77% capacity so consequently no contribution is sought in respect of primary education.

Secondary:

The secondary school within the catchment area is the Ashington Academy. At 99%, it is close to capacity with 1184 pupil compared to a total capacity of 1200. A contribution is therefore required in respect of the likely 7 additional secondary pupils arising from this development, the current spare capacity falls far short of the 5% advocated by the Department for Education .

- 7.95 A total contribution of £195,800 is requested in respect of this development, on the basis of pressures on secondary and SEN places, in line with the pupil yield calculations and consequential financial requirements shown below.

Health

- 7.96 The Clinical Commissioning Group has advised that due to the large numbers of new homes in the village and the current capacity pressure on the GP practice, an expansion of infrastructure will be needed.

- 7.97 Members will be update at committee as to what that contribution will be.

Children's play

- 7.98 Polich Hou5 of the Morpeth Neighbourhood Plan, in accordance with para ?? of the NPPF, makes provision for or contributions towards children's play areas. This is also supported by policy INF6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19).

Other Matters

Equality Duty

- 7.99 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups

with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.101 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.102 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.103 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.

Conclusion

8.1 It is necessary to consider in the round the benefits and harm arising from the proposed development in terms of the three objectives of sustainable development outlined in the NPPF – economic, social and environmental and also to consider in terms of NPPF paragraph 11 whether or not there are any restrictive Policies in the Framework which indicate that development should be restricted.

8.2 Considering first the economic objective of sustainable development, a benefit of the proposals is that it would contribute to the NPPF objective of boosting the supply of housing and the economic benefits that arise as a consequence.

8.3 In the environmental sense, the proposal could be considered as making

effective use of the land. However, insufficient information has been submitted to fully assess the impacts of the proposal on biodiversity and on the natural environment.

- 8.4 In terms of the social dimension of sustainable development, the proposal is offering 30% affordable housing, albeit not a scheme that will be compliant with the adopted Development Plan given that the applicants proposal does not meet the local housing need and that the affordable housing will not be available in perpetuity contrary to Castle Morpeth District Local Plan.
- 8.5 The principle of residential on this site is acceptable. However, the applicant and the Council have been unable to reach an agreement n the provision of affordable housing. Further, insufficient information has been submitted to adequately assess the impact on ecology and highway matters, nor has a S106 legal agreement been secured.
- 8.6 On balance, it is recommended that the application is refused for these reasons.

9. Recommendation

That this application be REFUSED planning permission for the following reasons:

Reasons

1. The proposed development would provide an on-site affordable housing scheme that has not been supported by adequate evidence to demonstrate that the affordable units will remain at an affordable price for future eligible households. As such, the proposal is in conflict with policy H9 of the Castle Morpeth District Local Plan and Policy HOU6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019).
2. The proposed development has failed to demonstrate adequate footways, reversing distances, additional requirement of car parking, visitor car parking spaces, drive widths, refuse storage details and highway improvement details. Further, a Stage 1 Road Safety Audit remains outstanding. As such, the development currently fails to comply with Policy Tra3 of the Morpeth Neighbourhood Plan, Policy T5 of the Castle Morpeth District Local Plan, Policies TRA1 TRA2 and TRA4 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019) and paragraph 109 of the NPPF.
3. The application has not been supported by the requested Ecological Assessment to enable the County Council to carry out an appraisal of the likely on site impacts of the development on protected species and habitats. Further, the application has not been supported by a mitigation proposal via green-space provision. The proposal therefore fails to comply with Policy Env1 of the Morpeth Neighbourhood Plan, Policy C11 of the Castle Morpeth District Local Plan, Policy ENV2 of the Northumberland Local Plan -

Publication Draft Plan (Regulation 19) (January 2019) and Chapter 15 of the NPPF.

4. The proposed development will have an adverse effect on the integrity of the Northumbria Coast SPA and so approval of this application would be contrary to Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017. Similarly it will have an adverse effect on the interest features of the Northumberland Shore SSSI and therefore approval of the application would be inconsistent with the LPA's duties under S.28G of the Wildlife and Countryside Act 1981 as amended.

5. The application is to be supported by a S106 legal agreement to secure on-site affordable housing, and financial contributions towards education provision within the Pegswood vicinity, health care provision and coastal mitigation. The S106 legal agreement has not been secured and therefore fails to comply with the Town and Country Planning Act 1990, the Community Infrastructure Levy Regulations, Policy 12 of the Castle Morpeth District Local Plan, Policy Hou5 of the Morpeth Neighbourhood Plan Policy INF6 of the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019) and the provisions of the NPPF.

Date of Report: 22.02.2019

Background Papers: Planning application file(s) 17/04414/FUL