

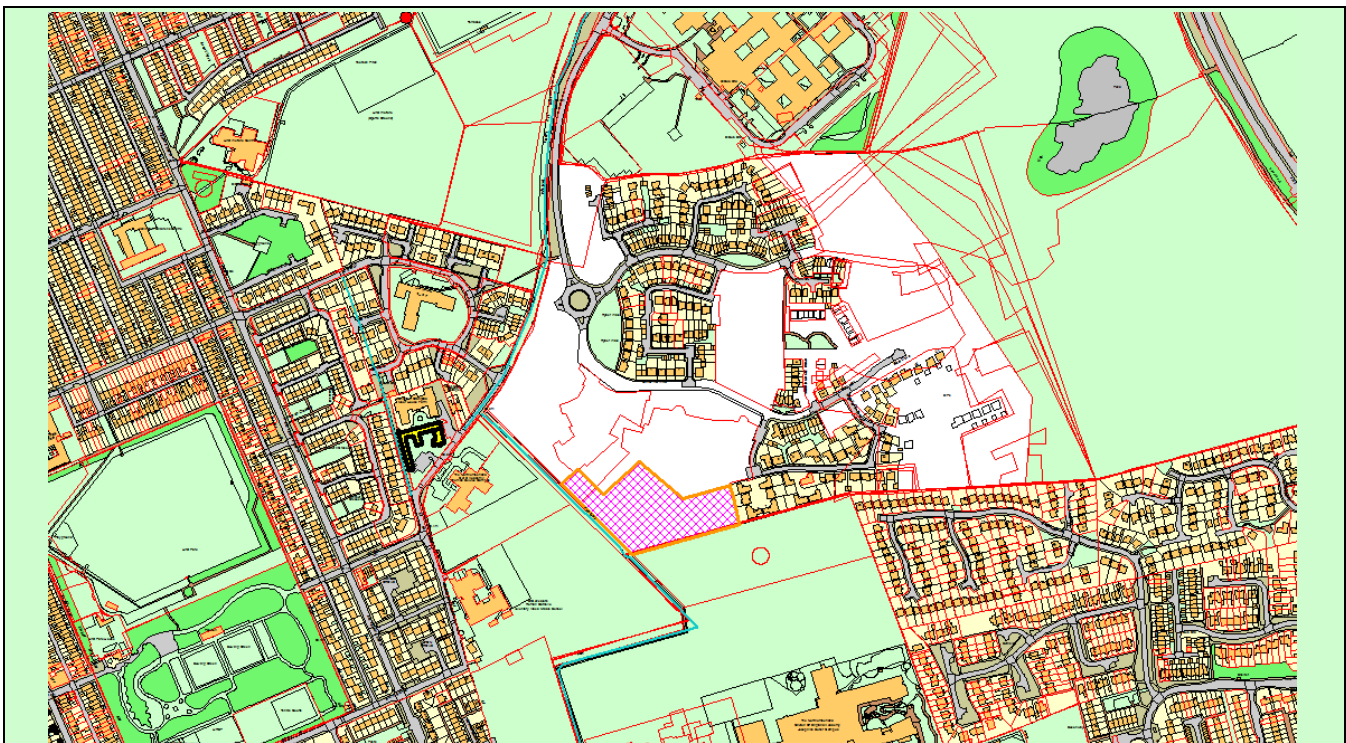


Northumberland County Council

ASHINGTON AND BLYTH LOCAL AREA COUNCIL 10 JULY 2019

Application No:	18/03795/FUL		
Proposal:	Erection of 29 dwellings with associated access, parking and landscaping		
Site Address	Land South of Wansbeck General Hospital, Seaton Vale, Woodhorn Lane, Ashington, Northumberland		
Applicant:	Persimmon Homes NE, 2 Esh Plaza, Sir Bobby Robson Way, Newcastle Upon Tyne, NE13 9BA	Agent:	
Ward	Seaton With Newbiggin West	Parish	Ashington
Valid Date:	24 October 2018	Expiry Date:	28 February 2019
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 This application is being referred to the Local Area Council for a decision because it is recommended that planning permission be granted subject to the applicant entering into a Section 106 Agreement. This will include affordable housing provision and an outdoor sports contribution. In terms of this Agreement it is proposed that less than the Council's current requirement for affordable housing and outdoor sports contributions be provided for due to regard being given to contributions already made by the applicant under a previous Section 106 Agreement covering the wider site of which the application site forms a part.

2. Description of the application site & proposal

- 2.1 The application site forms part of the wider Seaton Vale housing site to the south of Wansbeck Hospital on the eastern edge of Ashington. The wider Seaton Vale site has an extensive planning history. Outline planning permission was originally granted for housing on the Seaton Vale site in April 2000 and detailed reserved matters approval was given in August 2004 for the erection of 622 dwellings across the site.
- 2.2 The application site for this current application lies in the south west corner of the wider Seaton Vale site and was the subject of a further planning application in 2015 to amend the previously approved reserved matters layout in this area to provide for 22 self build plots. Due to a lack of interest in these self build plots the applicant has submitted this current application to amend the layout and house types again on this part of the site to provide 29 detached dwellings.
- 2.3 The site for this current application is bordered by housing areas on the wider Seaton Vale site to the immediate north and east. Further dwellings and a care home on Moorhouse Lane and the Bishops Primary School – Thomas Bewick lie to the west. To the south are playing fields forming part of the Dukes Secondary School.
- 2.4 The application is accessed from the north via Garcia Drive which provides access into the entire Seaton Vale site.
- 2.5 Full planning permission is sought for the re-configuration of this part of the Seaton Vale site to provide 29 detached dwellings. The mix of dwellings proposed comprise 23 x 4 bed and 6 as 3 bed units. All dwellings would be 2 storeys in height with the mix comprising 5 different house types. Materials for the dwellings would comprise a mix of buff brick with red roof tiles and red brick with grey roof tiles.
- 2.6 Each dwelling would have at least 2 car parking spaces and 3 visitor spaces are also proposed within the application site.
- 2.7 Dwellings would have open plan frontages with a mix of brick walls and timber fencing providing boundary treatments to side and rear garden areas.
- 2.8 Levels fall west to east across the site by around 0.8 metres.

- 2.9 As this is a full planning application for re-configuration of the layout and housetypes on this part of the Seaton Vale site, the applicant has agreed to enter into a new Section 106 Agreement in respect of the 29 dwellings proposed.
- 2.10 The agreed heads of terms for the Section 106 Agreement include the provision of 5 affordable dwellings. These would be provided outside of the application site on another part of the wider Seaton Vale site which is in the ownership of the applicant. It is envisaged that these 5 affordable dwellings would be 2 or 3 bed units with 3 of the 5 units being Discount Market Value (DMV) sale units and the other 2 being affordable rented units.
- 2.11 The applicant has also agreed to a contribution of £20,286 for outdoor sports provision in either Hirst Park or at Newbiggin Town Football Club and a contribution of £17,400 for ecology coastal mitigation.

3. Planning History

Reference Number: 00/00009/OUT

Description: Residential development including new access arrangements, incidental open space, land for a first school and ancillary local centre to include local shops and pub/restaurant (outline with approval of means of access) - Amended 28.4.00

Status: Approved

Reference Number: 00/00009/OUTA

Description: Amendment to access for residential development

Status: Approved

Reference Number: 00/00009/REMA

Description: Amended layout for the erection of 622 dwellings, local shops centre, associated roadworks, open spaces and landscaping as per amended plans received 28th August 2004

Status: Approved

Reference Number: 15/02873/FUL

Description: Hybrid application comprising: Outline Application: Development of approximately 0.97ha for residential use capable of accommodating approximately 22 self build plots with all matters reserved apart from access. Full Planning Application: Substitution of plots (Charles Church) to create 30 no dwellings with associated car parking and landscaping and access to self build plots at Seaton Vale, Ashington. (Plots 266-291 and 569-585)

Status: Approved

4. Consultee Responses

Ashington Parish Council	No response received.
Lead Local Flood Authority (LLFA)	No objections.

County Ecologist	No objection subject to a Section 106 contribution being secured for ecology coastal mitigation and the imposition of landscape planting conditions as per the 2015 planning permission for this site.
Highways	No objection subject to conditions.
Public Protection	No objections subject to all of the conditions from planning permission ref: 15/02873/FUL being adhered to.
Affordable Housing	No objection to the proposal for 5 affordable dwelling comprising a mix of 3 DMV units and 2 affordable rented units.
Environment Agency	No response received.
Northumbrian Water Ltd	No comment.
Education - Schools	A contribution towards educational infrastructure is not sought at this time.
Health Care CG	No contribution sought towards primary healthcare as the number of dwellings proposed is below the threshold of 30 applied in requesting such contributions.
Natural England	Comments awaited.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site Notice - 1 November 2018

Press Notice – 4 July 2019

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP)

GP1 – Locational Strategy

GP4 – Accessibility

GP5 – Landscape character

GP6 – Trees and hedgerows

GP10 – Sites of national importance for nature conservation

GP13 – Biodiversity and wildlife networks

GP22 – Flood risk and erosion

GP22a – Land instability

GP23 to GP26 – Pollution and nuisance

GP29 – Land contamination

GP30 – Visual impact

GP31 – Urban design
GP32 – Landscaping and the public realm
GP34 – Resource conservation and integrated renewable energy
GP35 – Crime prevention
H1a – Existing housing
H5 – The design and density of new housing developments
H6 – Density
H7 – Affordable housing
T2 – Provision for buses
T3 – Provision for cyclists
T4 – Provision for walking
T5 – Access for people with reduced mobility
T6 – Traffic implications of new development
T7 – Parking provision in new developments
REC7 – Indoor and outdoor sports provision by developers
REC8 – Childrens play
CF6 – Water supply and drainage
CF7 – Planning conditions and obligations

6.2 National Planning Policy

NPPF
NPPG

6.3 Other Planning Policy Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

STP 1 – Spatial strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
HOU 2 – Provision of new residential development (Strategic Policy)
HOU 5 – Housing types and mix
HOU 6 – Affordable housing provision (Strategic Policy)
HOU 9 – Residential development management
QOP 1 – Design principles (Strategic Policy)
QOP 2 – Good design and amenity
QOP 4 – Landscaping and trees
QOP 5 – Sustainable design and construction
QOP 6 – Delivering well-designed places
TRA 1 – Promoting sustainable connections (Strategic Policy)
TRA 2 – The effects of development on the transport network
TRA 4 – Parking provision in new development
ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 – Biodiversity and geodiversity
ENV 3 – Landscape
WAT 3 – Flooding
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality

7. Appraisal

7.1 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Housing mix and affordable housing
- Impact on the character and appearance of the area
- Residential amenity impact
- Land contamination & stability
- Transportation matters
- Flooding and drainage
- Ecology
- Planning obligations

Principle of Development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The saved policies of the Wansbeck District Local Plan (adopted 2007) remain the development plan and the starting point for determining applications. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

7.3 In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.

7.4 The application site lies within the settlement boundary for Ashington as defined on the Wansbeck District Local Plan Proposals Maps. It is also identified on the Proposals Map as an area of existing housing under Policy H1a due to extant permissions covering this site and the wider Seaton Vale housing site of which it forms a part. The application site is now devoid of vegetation, having been prepared for development. Policy GP1 of the Plan states that provided proposals are in accordance with other Policies of the Plan, are development on previously developed sites and are within settlement limits they will be permitted.

- 7.5 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that 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: 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 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.
- 7.6 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 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.
- 7.7 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.
- 7.8 In terms of housing applications and NPPF paragraph 11 footnote 7 to this paragraph further advises that the consideration of whether relevant existing policies are out-of-date includes where the Council cannot demonstrate a 5-year supply of 'deliverable' housing sites, or where the Housing Delivery Test shows that housing delivery was substantially below the requirement of the previous three years.
- 7.9 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate a 5-year housing land supply, against the County's minimum Local Housing Need figure of 717 net additional dwellings per annum, equivalent to 12.1 years supply of deliverable sites. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.
- 7.10 The housing supply figures contained within the Wansbeck District Local Plan are considered to be out-of-date and therefore it is considered that in terms of housing land supply matters greater weight should be afforded to the Council's latest 5 year housing land supply data and the indicative distribution of housing requirements within the emerging Local Plan which seek to provide for 1600 new dwellings within Ashington over the Plan period of 2016-2036.
- 7.11 In terms of the Council's emerging Local Plan, housing development on the application site would accord with strategic policy as outlined in Policies STP1

and HOU2 which seek to direct new development to locations within defined settlement boundaries.

- 7.12 The principle of development on the site is therefore considered to be acceptable and the site would be a suitable location for new housing development, subject to other elements of the development being acceptable to be discussed later in this report.

Housing Mix and Affordable Housing

- 7.13 Policy H7 of the Wansbeck District Local Plan states that on all housing sites of more than 0.5 hectares or developments of more than 15 dwellings, the authority will negotiate for the provision of at least 30% of the total dwellings proposed to be in the form of affordable housing. The developer will need to satisfy the authority that affordable housing provided under the policy will remain affordable on subsequent changes of ownership or occupant.
- 7.14 Paragraphs 62 and 64 of the NPPF advise that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Where major development is proposed, planning policies and decisions should normally expect at least 10% of the homes to be available for affordable home ownership.
- 7.15 The Council's updated Strategic Housing Market Assessment (SHMA) was published in June 2018 and identifies a total housing need figure for the County as a whole of 885 dwellings per annum and a figure of 151 dwellings per annum for affordable housing. Therefore on this basis it is considered that 17% affordable housing should be provided for.
- 7.16 Policy HOU6 of the Council's emerging Local Plan refers to a different approach to meeting the identified annual need for 151 affordable dwellings. Rather than applying a blanket requirement for 17% affordable housing across the County as a whole, it is proposed that lower value areas such as Ashington be required to provide a smaller contribution towards meeting affordable housing need than higher value areas. Under this scenario, 10% affordable housing would be sought in respect of the application site. However, the Council does not consider that it would be appropriate to seek 10% affordable housing at this time as Policy HOU6 in its present form was not included in the previous Regulation 18 version of the emerging plan, is subject to extensive objections and the emerging Local Plan has not as yet been subject to examination in public.
- 7.17 No affordable housing was specifically secured in the previous Section 106 Agreement entered into many years ago for the wider Seaton Vale site of which the application site is a part. However, as stated above, the applicant is now offering to provide 5 affordable dwellings in respect of this current application for part of the Seaton Vale site. These would be 2 or 3 bedrooled units and it is proposed that these be provided outside of the application site but on land within the ownership of the applicant elsewhere on the wider

Seaton Vale site. Detailed planning approval has not as yet been granted for these affordable units.

- 7.18 To calculate the overall affordable housing requirement the 5 proposed affordable units have been added to the 29 open market sale units proposed within the application site to give a total of 34 units as the affordable housing numbers sought would normally be based on the total number of dwellings including the affordable units. 17% of the 34 units total generates a requirement for 6 affordable units.
- 7.19 However, under the terms of the previous Section 106 Agreement for the wider Seaton Vale site, the applicant has already paid contributions of £997,000 to the Council. Given this, it is considered that it would be reasonable for the applicant to be given a discount in respect of Section 106 contributions sought on this current application in proportion to the number of dwellings previously approved on the current application site. This was 22 dwellings which amount to 3.54% of the 622 dwellings originally approved for the Seaton Vale site as whole. 3.54% of £997,000 amounts to a discount of £35,294.
- 7.20 The applicant has provided evidence of sales figures in respect of similar sized units to the proposed affordable units that they have sold over the last 12 months on the Seaton Vale site and on the basis of this evidence the applicant proposes to utilise their £35,294 discount to reduce the affordable housing numbers from 6 to 5 through the removal of 1 DMV sale unit. It is also proposed that a small tranche of the discount amount remaining following deletion of the 1 affordable dwelling be used to reduce slightly the outdoor sport contribution figure.
- 7.21 Given the above, the 5 affordable dwellings proposed is considered acceptable and clauses will be included in the new Section 106 Agreement to secure the phased provision of the affordable homes on the adjacent Seaton Vale site in relation to disposal of the open market sale units within the application site.
- 7.22 Whilst the mix of units proposed within the application site is predominantly of 4 bedroomed dwellings, the application site forms part of the wider Seaton vale site where a mix of house sizes have been and/or are being delivered and therefore subject to the affordable housing as detailed above being secured through a Section 106 Agreement it is considered overall that the proposals accord with the Development Plan, the NPPF and the Council's emerging Local Plan in terms of affordable housing and housing mix.

Impact on Character and Appearance of the Area

- 7.23 Policy GP5 of the Wansbeck District Local Plan states that development must respect the character of the District's landscape. Proposals will be assessed in terms of: a) the siting, scale and design of buildings and materials; and b) the effect on distant views Development which would have an adverse effect on the character or appearance of those areas which contribute most to the quality and distinctiveness of the local landscape will not be permitted. Such

areas will include: a) the coast b) the valley of the River Blyth c) the valley of the River Wansbeck d) the valleys of the Willow Burn and Sleek Burn

- 7.24 Policy GP6 states that the authority will seek to protect trees, woodlands and hedgerows in the District and will encourage new planting, particularly of native species. Tree Preservation Orders will be made to protect trees of value judged to be at risk. When planning permission is granted for development, conditions will be applied or planning agreements entered into to secure the protection of existing trees or hedgerows of value on the site and to secure and maintain new planting. Development which would result in the loss of healthy trees which make an important contribution to the quality of the environment will not be permitted unless there are overriding social or economic benefits to the community and compensatory off-site provision of landscape infrastructure is made. Healthy trees lost as a consequence of development shall be replaced with trees of an equivalent standard.
- 7.25 Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.
- 7.26 Policy GP31 states that when considering any proposed development the authority will require high standards of urban design to a) promote character in townscape and landscape and establish local identity; b) clearly define public and private spaces; c) encourage accessibility; d) make places with a clear image that is easy to understand, by providing recognizable routes, intersections and landmarks; e) encourage adaptability through development that can respond to changing social, technological and economic conditions; and f) promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs
- 7.27 Policy GP32 requires developers to incorporate a high standard of landscape treatment in their developments. When submitting their planning applications, developers will be required to demonstrate that: a) any existing landscape features of value including trees, shrubs, hedgerows and ponds, will be retained, protected and used to advantage as part of the development; b) new landscape features will be introduced which enhance the visual quality of the development, reduce its impact and provide habitat for the district's wildlife; c) new landscape features to be introduced will be appropriate to the use and character of the development and its location; d) opportunities to create new public spaces and improve existing ones have been considered; and e) arrangements will be made for the future management and maintenance of all landscaped areas, whether public or private.
- 7.28 Policy GP35 states that Development proposals will be expected to have regard to the objectives of 'planning out crime' through the incorporation of measures such as: promotion of mixed use development and other schemes that increase the range of activities that maximize the opportunities for surveillance; maximizing the amount of defensible space which is controlled, or perceived to be controlled, by occupiers and a high standard of street lighting.

- 7.29 Policy H5 relating specifically to new housing developments states that these should be well designed. Developers will be expected to demonstrate in their proposals that: a) movement through the area will be safe, direct and attractive and has been designed to put the needs of non-motorised users before the needs of motor vehicles; b) the impact of motor vehicles has been minimized and streets have been designed for slow speeds; c) residents will enjoy reasonable standards of privacy, outlook and daylight; d) the new development will relate well to its surroundings; e) the new housing area will have its own distinctive character and identity; f) the arrangement of houses, streets and open spaces is clearly defined and easily understood; g) there will be an appropriate mix of dwelling sizes and types which takes account of local housing needs; h) external spaces have been planned as an integral part of the development and are well defined; i) adequate provision is made for gardens or other forms of private amenity open space; j) the layout and design of dwellings allows for future adaptation to meet changing household needs; k) the new development has been designed to conserve energy and water resources; and l) appropriate provision is made for those with reduced mobility.
- 7.30 Finally, Policy H6 states that new housing developments with an average net density of less than 30 dwellings per hectare will not be permitted unless it can be demonstrated that: a) particular characteristics of the site prevent higher densities from being achieved; or b) development at higher densities would have a significant adverse effect on the character of the surrounding area. Densities higher than 30 dwellings per hectare will be encouraged at places with good access to public transport.
- 7.31 The Government 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. The NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. 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.
- 7.32 Emerging Local Plan Policies QOP1, 2, 4 and 6 reflect the above design objectives.
- 7.33 The proposed site layout provides for a good mix of house types with dwellings positively addressing street frontages in terms of dwelling entrance locations, elevational detailing and soft landscaping. There are no landscape features of significant value within or to the boundaries of the application site. Overall, it is considered that the details of soft landscaping could be secured by condition.
- 7.34 In terms of landscape impact the surrounding countryside beyond the wider Seaton Vale site is not considered to be of high landscape value with the A189 to the east, existing nearby areas of housing and various nearby non-residential uses such as Wansbeck hospital and developed employment sites having an urbanising effect in terms of the landscape character of the

locality. The application site does not lie in any of the higher quality landscapes identified in Policy GP5 of the Local Plan.

- 7.35 The density of development proposed would be 26 dwellings per hectare which is less than the 30 dwellings per hectare specified by Policy H6 of the Local Plan. However, the site lies at the edge of Ashington and the proposed density is considered acceptable given the location of site and is also reflective of the lower densities prevalent within the housing areas elsewhere on the Seaton Vale site and in North Seaton to the south.
- 7.36 Overall in terms of appearance and impact on the character of the area the proposals would therefore be in accordance with the Wansbeck District Local Plan, the Wansbeck Design guides, the emerging Local Plan and the NPPF.

Residential Amenity Impact

- 7.37 There are existing residential properties sited immediately adjacent to the north and east of the application site. A development of this scale may also have wider effects on amenity, which has also been considered.
- 7.38 Having regard to the submitted layout plan, separation distances of at least 20 metres are provided for between proposed dwellings on the application site and existing adjacent dwellings. Acceptable separation distances are also provided for between proposed dwellings within the application site. Overall it is considered that a suitable form of development is achieved on the site that would not have unacceptable effects upon the privacy or amenity of adjacent residents.
- 7.39 Overall, it is considered that an acceptable form of development can be achieved in this regard that would accord with the Wansbeck District Local Plan, the Wansbeck Design guides referred to earlier, the emerging Local Plan and the NPPF.
- 7.40 Policy GP23 of the Local Plan states that when determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either: a) human health and safety b) the amenity of local residents and other land users or c) the quality and enjoyment of all aspects of the environment
- 7.41 Policy GP24 states that when determining planning applications for development within the proximity of an existing or approved source of pollution, the authority will take into account the following factors: a) the impact of the polluting activity on the health of users of the proposed development; b) the standard of amenity likely to be enjoyed by the users of the proposed development; c) whether the proposed development has particular sensitivities to pollution; d) the additional costs or other constraints which may be imposed on the polluting use as a result of permitting the proposed development; and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. If after having considered the above factors the, the authority considers that the uses cannot reasonably co-exist, the proposed development will not be permitted

- 7.42 Policy GP25 advises that when determining planning applications, the authority will consider the levels and characteristics of any noise which may be generated as a result of permitting the development. The likely impact will be assessed in terms of the following: a) any disturbance to people living in the area; b) any disturbance to other noise-sensitive uses such as hospitals, schools, colleges, offices and community buildings; c) any effect on people's enjoyment of the outdoor environment including gardens, parks, the coast and the countryside; d) any disturbance to wildlife or livestock and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. Proposals which would cause significant harm in terms of the above criteria will be refused.
- 7.43 Finally Policy GP26 states that when determining planning applications for development which could be exposed to an existing or potential source of noise, the authority will consider the following: a) the level and characteristics of the noise from existing activity; and b) whether the proposed use is particularly sensitive to noise. If after considering the above factors the authority concludes that the proposed development would not be compatible with the existing activity, the proposals will not be permitted.
- 7.44 Public Protection raise no objections on the above grounds and therefore the proposals are considered acceptable in this regard.

Land Contamination and Stability

- 7.45 Policy GP22a of the Wansbeck District Local Plan states that development on unstable land will not be permitted unless satisfactory measures to stabilise the site are carried out and done so at the expense of the developer. If risk from unstable ground conditions is suspected, developers will be required to submit a stability report with their planning applications to demonstrate that the site is stable or can be made so and that the development will not affect land stability beyond the site.
- 7.46 Policy GP29 advises that where there is reason to suspect that land is affected by contamination, applicants for planning permission will be required to submit a report of a desk study of previous uses of the site and their potential for contamination. Unless the study clearly demonstrates that the risk to the proposed uses from contamination is acceptable, further more detailed investigations will be required before the application is determined to assess the risks and identify and appraise the options for remediation. Development will only be permitted if sustainable and feasible remediation solutions are adopted to secure the removal of unacceptable risk and make the site suitable for its new use. Contaminated materials should be decontaminated and re-used on site if this can be achieved economically and without unacceptable adverse impacts upon the environment or the health and safety of the community.
- 7.47 The application site is not within a Coal Authority Development High Risk area and NCC Public Protection raise no objections concerning contaminated or unstable land subject to conditions from the previous permission relating to ground gas protection and discovery of contamination during construction

being imposed. As such the proposals are considered acceptable in terms of land contamination and stability subject to these conditions.

Transportation Matters

- 7.48 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including buses, walking and cycling.
- 7.49 Policy T2 advises that improvements to bus service provision in the District and the introduction of measures to make bus travel more attractive will be sought. Planning permission for developments which are likely to generate a significant number of journeys will not be permitted unless proposals include new or improved access by bus to the development including the provision of appropriate infrastructure and/or financial support for services. Developments which affect existing facilities for bus users will not be permitted unless the facilities are retained or enhanced as part of proposals.
- 7.50 Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.
- 7.51 Policy T4 advises that measures to assist and encourage walking will be sought including the development of a comprehensive network of footpaths and footways. Developers will be required to provide safe, convenient and pleasant routes for pedestrians.
- 7.52 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.
- 7.53 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.

- 7.54 Finally Policy T7 of the Local Plan states that developers should make appropriate provision in their developments for the parking of motor vehicles and motorcycles. The appropriateness of proposed provision will be assessed in terms of the following: a) the scale and type of development; b) accessibility by public transport, on foot and by cycle; c) the potential for road safety and environmental problems as a result of increased parking demand in the area; d) the extent and nature of any parking restrictions in force on highways in the area; and e) county-wide maximum parking standards as set out in Appendix T3 (or any local standards published in a future Supplementary Planning Document).
- 7.55 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLP Policies.
- 7.56 Emerging Local Plan Policy TRA4 refers to new parking standards which are detailed in Appendix D of the Plan. These require a minimum of 2 in curtilage car parking spaces for 3 bed houses and 3 spaces for 4 bed houses. 1 visitor car parking space is also required for every 4 dwellings. However, it is not considered that these standards can be applied at the present time given the current status of the emerging Plan
- 7.57 Further detailed standards are laid down in Appendices T2 and T3 of the Wansbeck District Local Plan. These require at least 1 cycle parking space per dwelling. In terms of car parking the maximum requirement in a location such as this which is accessible by a choice of means of transport would be 2 spaces per dwelling.
- 7.58 The Council as Local Highway Authority have assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations. Following assessment of the application documents as originally submitted the Local Highway Authority did raise some detailed queries regarding driveway/garage dimensions and visitor car parking. The applicant has submitted an amended site layout plan to address these concerns and the Local Highway Authority have now advised that they have no objections to the proposals subject to various conditions.
- 7.59 With regard to public transport provision, there are bus stops to the north adjacent to Wansbeck Hospital which are easily accessible from the site. Given the above, the application site is considered to be accessible by a choice of means of transport.
- 7.60 Overall the proposals are considered acceptable on transportation grounds.

Drainage and Flooding

- 7.61 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and erosion and to consider any possible impact of their development on flood risk or erosion elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option

available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.

- 7.62 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply, surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.
- 7.63 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).
- 7.64 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.65 The application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high.
- 7.66 After reviewing the applicant's submitted information relating to flood risk and surface water drainage, the Council's LLFA team and Northumbrian Water raise no objections.
- 7.67 Overall, it is considered that the proposal is acceptable in relation to surface water drainage, flood risk and foul drainage and would be in accordance with the Wansbeck District Local Plan, the emerging Local Plan and the NPPF.

Ecology

- 7.68 Policy GP10 of the Local Plan states that development proposals in or likely to affect sites designated as being of national importance to nature conservation will be subject to special scrutiny. Development which is likely to have an adverse effect will not be permitted unless the authority is satisfied that: a) the reasons for the development clearly outweigh the nature conservation value of the site including its importance in relation to the national network of sites; and b) there are no reasonable alternative means of meeting the development need. Where development affecting a site is permitted, the use of conditions and/or planning agreements will be used to ensure the protection and enhancement of the site's nature conservation interest or to provide compensatory measures for any harm.
- 7.69 Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined

whether or not they are designated sites. Particular importance will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.

- 7.70 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. It 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.
- 7.71 Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.
- 7.72 The application site itself is not of significant ecological value
- 7.73 In terms of the impact of the development on the nearby coastal zone which is covered by European and SSSI designations the Council's Ecologist does not object to the proposals and concludes that they are not likely to have a significant adverse effect on the coastal zone subject to mitigation being provided to minimise the risk of coastal disturbance. The applicant has agreed in this regard to contribute £600 per dwelling to the Coastal Mitigation Service. This satisfies the requirements of the Council's ecologist in this regard and although comments are awaited from Natural England, it is anticipated, on the basis of recent planning decisions in the locality, that this contribution will also meet their requirements in respect of coastal zone mitigation. Subject to completion of a Section 106 Agreement to secure this contribution, it is considered that an Appropriate Assessment can be undertaken in respect of the Habitats Regulations concluding that no significant effects would arise from the proposed development in respect of the internationally designated sites within the coastal zone.
- 7.74 NCC Ecology team also suggest conditions regarding landscaping.
- 7.75 Given the above the proposals are considered to be in accordance with relevant policies in the Wansbeck District Local Plan, the emerging Local Plan and the NPPF.

Planning Obligations

- 7.76 When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the 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.
- 7.77 Policy CF7 of the Local Plan states that where necessary to the grant of planning permission and in order to meet a planning need arising from a proposed development, the authority will apply planning conditions or seek to

enter into a planning obligation with the developer. Circumstances where planning obligations to be negotiated will include where additional social, physical or environmental infrastructure is required to be provided in order for the development to go ahead.

- 7.78 Policy REC7 of the Local Plan states that planning permission will not be granted for residential development unless the developer meets the anticipated need generated by the development for additional indoor and outdoor sports provision. If provision can more appropriately be met by either new or improved facilities off-site, the developer can enter into an agreement to make a financial contribution towards a communal fund established by the local planning authority for sports provision and improvement. Details of a commuted payments scheme will be set out in a Supplementary Planning Document
- 7.79 Policy REC8 advises that planning permission will not be granted for residential development unless the developer meets the anticipated need generated by the development for additional children's play facilities. Play areas should form an integral part of the design of the development taking into account local circumstances such as the type and scale of development proposed and the extent of existing provision in the area. They must be designed and located to provide for safe and constructive play and avoid nuisance to neighbouring dwellings. If provision can more appropriately be met by either new or improved facilities off-site, the developer can enter into an agreement to make a financial contribution towards a communal fund established by the local planning authority for pitch provision and improvement. Details of a commuted payments scheme will be set out in a Supplementary Planning Document.
- 7.80 NLP Policy INF6 reflects the above objectives.
- 7.81 Planning policy and the provision proposed in respect of affordable housing has been outlined in detail earlier in this report.
- 7.82 Detail regarding sport and play space contributions is set out in the 2009 Wansbeck Sport and Play SPD. As stated earlier, the applicant has agreed to an outdoor sports contribution of £20,286 which is in line with the SPD formula but including a small reduction to use up a remaining tranche of the discount sum referred to earlier which would be left over after that discount has been used to reduce the affordable housing numbers from 6 to 5 units. In terms of play provision, this is provided for on the wider Seaton Vale site under the terms of the previous Section 106 Agreement and therefore a contribution is only required for off-site sports provision.
- 7.83 As stated above, the applicant has agreed to the standard ecology coastal mitigation contribution of £600 per dwelling which amounts to £17,400 for the 29 dwellings proposed within the application site.
- 7.84 The Council's education team have advised that they are not seeking Section 106 contributions in respect of education provision due to the availability of spare capacity in local schools to accommodate children from a development

of this scale and the local NHS Clinical Commissioning Group are not seeking contributions due to the relatively small scale of the proposal.

- 7.85 Overall, the Section 106 contributions offered by the applicant are considered acceptable.

Other Matters

- 7.86 Policy GP34 of the Local Plan states that developers are required to demonstrate that their developments have been designed to conserve energy and water resources. For all major developments, including residential development comprising 10 or more units, and non-residential development exceeding 1000m² gross floorspace, the Council will require 10% of predicted energy requirements to be provided, on site, from renewable sources. NLP Policy QOP5 seeks similar objectives
- 7.87 It is considered that these objectives could be secured by means of a condition.
- 7.88 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.
- 7.89 Crime and Disorder Act Implications; These proposals have no implications in relation to crime and disorder.
- 7.90 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.
- 7.91 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.

7.92 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 Subject to the recommended conditions and a section 106 agreement, it is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing and in social terms would deliver market and affordable housing in an appropriate location, which would help to sustain the existing community and associated services. In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area and the development could be satisfactorily assimilated into this location.

8.2 Whilst there is non-compliance with WDLP Policies in terms of the amount of affordable housing and the level of the outdoor sport contribution proposed, this is due to more up-to-date evidence in respect of affordable housing need and the need to take account of contributions already made by the developer under the previous Section 106 Agreement covering the wider Seaton Vale site of which the application site forms part.

8.3 Overall it is considered that this application should be supported subject to no objections from Natural England, no further objections being received within the Press Notice publicity period which expires shortly after committee, completion of a Section 106 Agreement as detailed above and the conditions detailed below.

9. Recommendation

That Members resolve that they are minded to GRANT permission and delegate authority to the Director of Planning to grant planning permission for the proposed development subject to no objections from Natural England, no further objections being received within the Press Notice publicity period which expires shortly after committee, completion of a Section 106 Agreement as detailed above and the conditions detailed below.

Conditions/Reason

01. 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)

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

305/A/GA/021G; Location Plan & Architectural Layout
305.ENG.RM.001A; Proposed Drainage Remix Design
FH-WD01; Fenchurch Plans & Elevations
SSHY-WD01; Harley Plans & Elevations
ME-WD01; Marylebone Plans & Elevations
MY-WD01; Mayfair Plans & Elevations
ST-WD01; Strand Plans & Elevations
SGD-01; Single/Double Garage Plans & Elevations
305.PL.001 Rev.0; Proposed Levels
Cycle & Refuse Storage Note 22/03/19

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents and to ensure that a satisfactory form of development is obtained in accordance with Policies H5, T7 and CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

03. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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.

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 Policy GP29 of the Wansbeck District Local Plan.

04. No development shall commence until a report detailing the protective measures to prevent the ingress of ground gases, to the standards required 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 amenity of the occupants of the respective properties in accordance with Policy GP29 of the Wansbeck District Local Plan.

05. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 4, which has been approved in writing by the Local Planning Authority.

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 Policy GP29 of the Wansbeck District Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the following elevations of the plot dwellings specified unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority – 271 north, 283 east, 287g north west.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with Policy H5 of the Wansbeck District Local Plan and the NPPF.

07. Hard and soft landscaping shall be provided in respect of each plot hereby permitted prior to the end of the first planting season following first occupation of the dwelling on that plot in accordance with details (including plant species, numbers, densities and locations) to be submitted to and approved in writing by the Local Planning Authority. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from its planting on that plot shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

Reason: In the interests of visual amenity having regard to Policy GP32 of the Wansbeck District Local Plan and the NPPF.

08. Each dwelling hereby permitted shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority in respect of the sustainability of that dwelling with regard to energy efficiency and/or renewable energy generation.

Reason: To ensure that the development contributes to a reduction in carbon emissions in accordance with Policy GP34 of the Wansbeck District Local Plan and the NPPF.

09. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

10. No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set

out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

11. No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

12. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

13. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

14. Development shall not commence until a Construction Method Statement, together with 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 demolition/ 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.

15. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework.

Date of Report: 26.06.2019

Background Papers: Planning application file(s) 18/03795/FUL