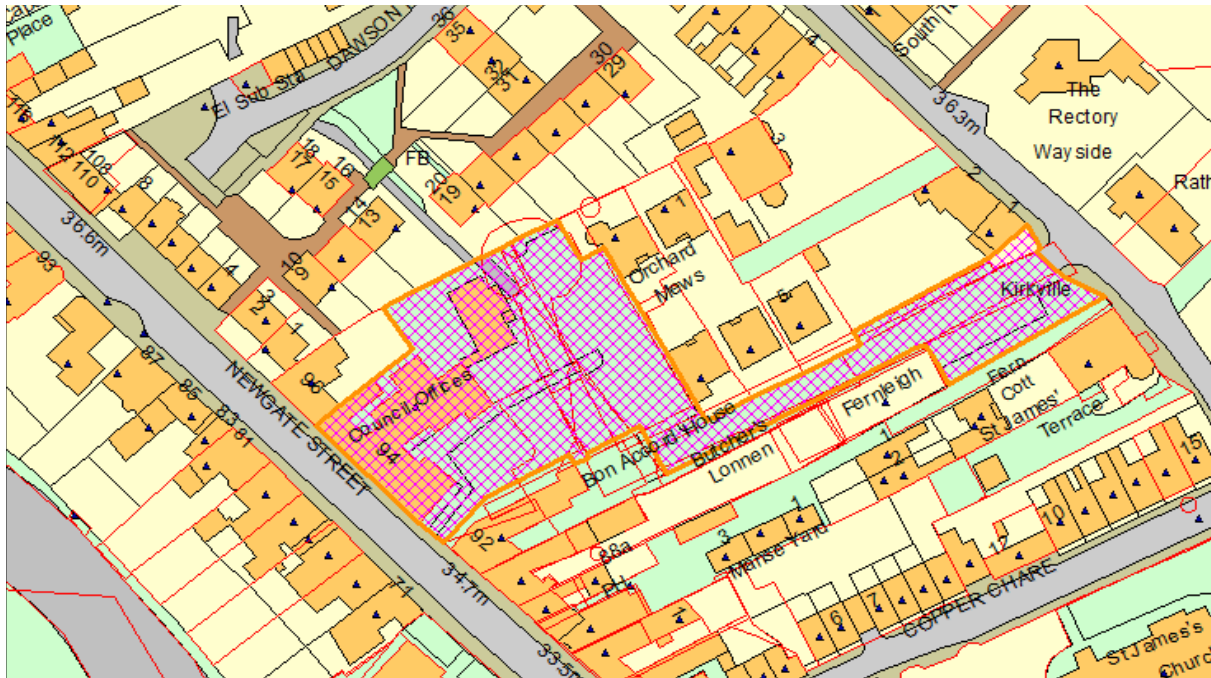


# NORTHUMBERLAND

Northumberland County Council

## Castle Morpeth Local Area Council Planning Committee 8<sup>th</sup> January 2018

<b>Application No:</b>	17/00884/FUL		
<b>Proposal:</b>	Conversion of existing Grade II listed building to accommodate 13 No. self contained residential apartments (C1 use class) and development of 4 dormer bungalows (3no. 3 bed and 1no. 4 bed) within former car parking area. Revised plans and information and description.		
<b>Site Address</b>	94 Newgate Street, Morpeth, NE61 1BU.		
<b>Applicant/ Agent</b>	Mr Peter Smith. 17 Townsend Crescent , Morpeth , NE61 2XP. Mr Paul Skepper. NE40 Studios, Main Road, Ryton, NE40 3GA.		
<b>Ward</b>	Morpeth North	<b>Parish</b>	Morpeth
<b>Valid Date</b>	22nd March 2017	<b>Expiry Date</b>	
<b>Case Officer Details</b>	Name: Ann Rawlinson Job Title: Senior Planning Officer Tel No: 01670 622642 Email: ann.rawlinson@northumberland.gov.uk		



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## 1. Introduction

1.1 It is considered that this application is appropriate to be determined by the Castle Morpeth Local Area Council Planning Committee given that the building and site is owned by the County Council.

1.2 Members will recall this application was considered at the previous Castle Morpeth Local Area Council Planning Committee and was deferred to allow further information to be submitted on the following:

- Position of the lime trees;
- Views of the site from various vantage points;
- Confirmation on whether certain windows were to be obscurely glazed; and
- Section drawing of the levels across the site.

1.3 A series of plans have now been received detailing all of this requested information and will be presented to Members on 8<sup>th</sup> January. It is understood from the applicant that a meeting has taken place since the last LAC between the applicant and residents where these additional plans were displayed.

1.4 The plans have been made available on the Council's website.

## 2. Description of the Site and Proposals

2.1 Planning permission is sought for the conversion of no. 94 Newgate Street, Morpeth into 13 apartments and four detached dormer bungalows (1 ½ stories in height) to the rear of the site which previously accommodated a car park used in

association with the previous office use of the building. Two dwellings would be situated to the rear of the existing building with two just inside the site vehicular access, off Cottingwood Lane. The proposed dwellings would be one, two, three and four bedroomed.

2.2 Car parking provision would equate to 27 spaces which is an allowance of 1.5 spaces per dwelling, plus visitor parking. Two of the proposed detached dwellings would incorporate a garage each. Car parking would be situated to the rear of the main building, to the frontage of dwellings and along the access road. Separate bin and cycle store provision would be provided, again to the rear of the main building. The proposed dormer bungalows would have their own provision. Small areas of open space, landscaping and the provision of front and rear gardens would be provided. Existing trees and hedges would be both retained and removed to facilitate the redevelopment of the site.

2.3 A mixture of materials would be employed, consisting of red facing brickwork, natural stonework and slate roofing.

2.4 The site is accessed from the rear (eastern side), from Cottingwood Lane along a long tarmac drive which is to be retained and upgraded to incorporate pedestrian access and the ability for two cars to enter/exit the site. Pedestrian access to Newgate Street would be retained.

2.5 The proposal includes external and internal alterations to the building, in order to facilitate the proposed conversion, set out as follows:

1. Demolition of single storey service offshoot (identified as Block 1)
2. Removal of link corridor (identified as Block 4) and construction of new glazed extension.
3. Demolition of former 'teachers centre' (identified as Block 6)
4. Conversion to 13 no. residential units including sub division, insertion and routing of new services; internal demolitions of partitions, doors, stairs and walls, insertion of platform lift.

2.6 No. 94 Newgate Street is a Grade 11 Listed Building, formerly Council Offices. The built up part of the site to the frontage, essentially the main building lies within the Morpeth Conservation Area. Direct access to the listed building is achieved from Newgate Street. The building is bounded to the south by substantial garden wall (in English Garden Wall bond) and a capped stone and brick wall extending the northern boundary of the site. These correspond to the original layout of the town's medieval burgage plots.

2.7 To the rear of the building is amenity law, a number of ornamental shrub species and tarmac parking areas. To the rear access point there are two groups of amenity trees forming screens from neighbouring properties. There is a culvert and subterranean stream running through the centre of the site from north to south.

2.8 An array of post war terraced housing blocks are located to the North West of the site on Dawson's Place. To the North East of the site lies a number of late twentieth

century large detached dwellings in a courtyard arrangement and to the South East of the site lies a series of period stone properties including the Grade II\* listed Bon Accord House.

2.9 The site lies just outside the Town Centre as defined within the Morpeth Neighbourhood Plan. It is located within flood zones 1, 2 and 3, as defined by the Environment Agency.

2.10 Amended plans and documents have been submitted during the course of consideration of the application in order to seek to address concerns raised regarding impact on the character and appearance of the conservation area and listed buildings, impact on residential amenity, impact on ecology, impact on highway safety and flooding and drainage. This has resulted in a reduction in the proposed new build dwellings from five dwellings to four dwellings, resulting is a proposal for two dwellings, instead of the previously submitted three dwellings to the rear of the existing building.

### 3. Planning History

Reference Number: CM/89/D/656

Description: Construction of car park for 35 cars including demolition of existing timber hall

Status: Withdrawn

Reference Number: CM/90/D/140

Description: Listed Building Consent for removal of redundant doors and eroded archway to form new office with matching sash windows and infill natural stonework

Status: PERMITTED

Reference Number: CM/91/D/565

Description: Replacement of yard doors with a hardwood glazed screen and door to Newgate Street

Provisions of disabled access ramps to the entrance doors from the rear garden

Demolition of timber link corridor to the rear hall

Status: CON

Reference Number: 17/00885/LBC

Description: Listed Building Consent: Conversion of existing Grade II listed building to accommodate 13 No. self contained residential apartments (C1 use class) and development of 4 No. 3 bedroom dormer bungalows within former car parking area. Demolition of rear hall/gym building. Amended Plans/Documents and Description

Status: Pending Decision

### 4. Consultee Responses

Morpeth Council	Town	Object on the following basis: 1. Inconsistent development for the immediate area;
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	<p>2. Unacceptable impact, number and location of the bungalows on residential amenity;</p> <p>3. The proposed bungalows constitute over massing;</p> <p>4. The increase in dwellings adds additional road safety issues for Cottingwood Lane</p> <p>5. The revised plans do not appear to be totally consistent with the Morpeth Neighbourhood Plan in respect of policies Her1 and Her2 (heritage) and Policy Inf1 (Flooding and Sustainable Drainage);</p> <p>6. Unacceptable removal of trees. Should be replaced by semi-mature planting.</p> <p>7. Legal position regarding Right of Way of vehicular access across the site to Bon Accord House.</p> <p>8. Further consideration be given to the position of the refuse/recycling/ cycle shed and has the potential to cause loss of amenity due to noise, odour and vermin.</p> <p>9. Significant concerns about car parking capacity in the town and the impact of the loss of 50 parking spaces that have been used informally for many years.</p> <p>10. A Section 106 legal agreement should be sought.</p> <p>Recommend that a site visit is undertaken by Members.</p>
Environment Agency	<p>Original plans: No objections subject to the imposition of a condition.</p> <p>Revised plans: Comments awaited. Members will be updated at the Local Area Council meeting.</p>
Historic England	Do not wish to comment.
Northumbrian Water Ltd.	No objections subject to the imposition of conditions
Highways Authority	No objections subject to the imposition of conditions
Local Lead Flood Authority (LLFA)	<p>Original Plans: No objections subject to the imposition of conditions.</p> <p>Revised plans: Comments awaited. Members will be updated at the Local Area Council meeting.</p>
Fire and Rescue Service	No objections raised

Building Conservation	Have evaluated the application having regard to Sections 66 and 72 of the PLBCAA and Chapter 12 of the NPPF. It is considered that the proposals would result in harm to the setting of the Grade II listed building, the character and setting of the Morpeth Conservation Area and the significance of the identified non-designated heritage assets. Regard the level of harm to be less than substantial, but no less a material consideration that must be carefully balanced against the benefits of the proposals as set out in the NPPF and Planning (Listed Buildings and Conservation Areas) Act, Sections 16 and 66.
County Archaeologist	No objections
County Ecologist	No objections subject to the imposition of planning conditions
North Trees and Woodland Officer	No response received
Public Protection	No objections subject to the imposition of conditions
Education-Schools	Given the nature and the number of the proposed dwellings it is not proposed not to seek an education contribution
Countryside and Public Rights of way Officer	No public rights of way are affected and as such no comments to make

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	50
Number of Objections	16
Number of Support	1
Number of General Comments	3

### Notices

Site Notice: Affecting a Listed Building and Conservation Area, posted 10th April 2017

Morpeth Herald: 6th April 2017

Members should note that at the time of writing of this report the public re-consultation exercise following receipt of additional information from the applicant has not expired. The re-consultation period expires on the 7th of November 2017. Correspondence so far received as part of this re-consultation exercise has been taken into account in the preparation of this report. Further, an update in respect of any correspondence received post-completion of this report, up until the date of the Committee meeting, will be provided at the Committee meeting.

#### Summary of Responses:

The concerns raised, as noted above, are summarised, in general bullet form, below:

- Impact on residential amenity in respect of loss of privacy, light, overbearing impact and loss of outlook and view. Overmassing/dominant visual impact
- Inability to maintain boundaries and gable elevations
- Loss of character to Butchers Lonnen
- Loss of trees/hedges. The removal in a conservation area of TPO'd tree's.
- Loss of parking bays and increase in requirement for parking
- Increase in traffic to Cottingwood Lane
- Highway safety
- Traffic congestion on access route
- Traffic hazard for children
- Inadequate maneuvering for large vehicles
- Legal right of access across full width of access road hindered for local residents and would limit traffic flow
- Use of gates may prevent access for local residents who have a right of access
- Smell, noise and rats from bin store, size of bin store intrusive and impact listed building, loss of privacy, visual impact
- Loss/relocation of bin collection
- Flooding and surface water drainage
- Character of conservation area/design and impact on listed building
- Loss of trees and wildlife. No mitigation. Negative impact on ecology
- Does not comply with disability legislation
- Concern regarding proposed boundary treatments
- Loss of potential to developer surrounding plots due to restricted access
- Impact on surrounding listed buildings
- Unacceptable high density/over development of the site
- Drawings do not indicate sufficient detail to form an opinion about the conversion of the listed buildings
- The setting of the listed buildings will be negatively impacted by the location/size of the bin store
- The effect of the development on the character of the neighbourhood
- Listed building design, insufficient detail

## *Morpeth Civic Society*

Objects to the application on the following basis:

1. Design
2. Parking
3. Height and mass of bungalows. Over dominant visual impact. Overshadowing
4. Impact on adjacent listed buildings
5. Loss of mature trees

The above precis is a general summary of the comments received. The full written detailed text is available to view on the Council's website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=OMLTXCQSFLX00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan (May 2016) (MNP)

Sus1 Sustainable Development Principles  
Des1 Design Principles  
Set1 Settlement Boundaries  
Her1 Safeguarding Heritage Assets  
Her2 Heritage Assets at Risk of Harm  
Tra2 Traffic Congestion  
Tra3 Transport Requirements for New Developments  
Tra 4 Development of Footpath and Cycleway Networks  
Inf1 Flooding and Sustainable Drainage  
Hou1 Housing Development  
Hou3 Housing Mix  
Hou4 Delivering Affordable Housing  
Hou5 Infrastructure Serving Housing Developments

Castle Morpeth District Local Plan (2003) (Saved Policies) (CMDLP)

C1 Settlement Boundaries  
MC1 Settlement Boundary  
H15 New Housing Developments  
H1 Housing Land Supply  
HM1 Housing Land Supply in Morpeth  
C11 Protected Species  
C15 Trees in the Countryside and Urban Areas



C29 Design Considerations in Conservation Areas  
RE4 Water Quality  
RE6 Service Infrastructure  
RE8 Contaminated land  
RE5 Surface Water Runoff and Flood Defences  
RE6 Service Infrastructure  
RE8 Contaminated land  
R4 Children's Play  
I2 Planning Obligations  
T5 Public Transport

## 6.2 National Planning Policy

National Planning Policy Framework (2012) (NPPF)  
National Planning Practice Guidance (2014, as updated) (NPPG)

## 6.3 Other documents/Strategies

Northumberland Consolidated Planning Policy Framework (2009)  
Planning (Listed Buildings and Conservation Areas) Act

## 7. Appraisal

7.1 In respect of section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including under the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:

- Principle of Development
- Housing Mix and Affordable Housing
- Highway Safety, Access and Car Parking
- Impact on the Character and Appearance of the Conservation Area and Impact on the Setting of Listed Buildings
- Archeology
- Design, Scale, Layout
- Impact on Residential Amenity
- Impact on Trees, Ecology and Nature Conservation
- Flooding, Drainage and Sewerage
- Contamination and Gas
- Education, Sports, Recreation and Play Provision

### Principle of Development

7.2 The main issues relating to the acceptability of the proposed development, in principle, include the extent to which the proposal accords with the Development

Plan for the area and the extent to which the proposed development is consistent with Government guidance set out in the NPPF.

7.3 Planning law (reaffirmed in NPPF paragraph 11) 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. However, the “saved” policies of the Castle Morpeth District Local Plan and the policies of the Morpeth Neighbourhood Plan are the statutory component of the Development Plan and the starting point for determining this application.

7.4 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Development Plan should be approved, and proposed development that conflicts should be refused, unless material considerations indicate otherwise. However, the NPPF advises at Paragraph 215 that Local Planning Authorities are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The weight to be attached to relevant saved Local Plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight that can be attached to them.

7.5 MNP Policies Sus1 and Des 1 advise that proposals for new development will be supported at a scale and in locations that accord with policies, designations and site allocations contained elsewhere in the MNP. The site is located within the settlement boundary of Morpeth as defined by policies C1 and MC1 of the CMDLP and within the MNP (Policy Set1). The site is within the built up area of the settlement and would utilise an existing vacant building and previously developed land. The site is considered to be within a sustainable location, close to the town centre, services, facilities and with access to sustainable modes of transport. There is no conflict with planning policy in relation to the general location of the site for new development.

7.6 The site is identified as a ‘Key Opportunity Site’ within the MNP whereby reuse of vacant or underused buildings and sites on the edge of the town centre will be supported. In respect of potential residential development preference will be given to residential development that provides homes for small households, older people and people with special housing needs.

7.7 Paragraph 14 of the NPPF then establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the Development Plan without delay; and where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in the Framework indicate development should be restricted.

7.8 NPPF Paragraph 6 advises that the Policies set out in Paragraphs 18 to 219 of the document, taken as a whole, constitute the Government's view on what sustainable development in England means in practice for the planning system.

Paragraph 7 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic element, a social element and an environmental element. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be undertaken in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.9 Paragraph 47 of the NPPF requires Local Planning Authorities to boost significantly the supply of housing with Paragraph 49 then advising that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

7.10 Given the above, officers consider that at the present time a significant supply of housing land can be demonstrated across the County as a whole with much of this supply benefitting from planning permission. In this regard, as of the 31 March 2017 there were extant planning permissions for approximately 12,400 dwellings. Furthermore, housing completions have accelerated in recent years. 1,531 new housing completions were achieved during 2016-17 with an average of 1,323 dwelling completions per annum over the last 3 years. Therefore in the context of paragraph 49 of the NPPF, the tilted balance in Paragraph 14 is not engaged on the grounds of housing land supply. Due to the level of supply, officers are confident that the strong delivery that has been achieved recently will continue.

7.11 Whilst the re-development of the site would add to the existing supply of housing land, and there is a five year supply in the county, the need to ensure a 5 year housing supply is a minimum and not a maximum, and therefore additional housing can be permitted providing it is sustainable. The key consideration is whether the proposed development is considered sustainable development, in line with the development plan and the NPPF.

7.12 Notwithstanding the above mentioned healthy housing land supply position across the County as a whole, it is considered that the principle of residential development on this site is acceptable given its town centre location, close to services facilities and public transport, within the settlement boundary and the utilization of previously developed land and an existing vacant building.

### **Housing Mix and Affordable Housing**

7.13 Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.

7.14 MNP Policy Hou3 seeks to include a range of property sizes, types and tenures including affordable housing and housing for younger and older people. MNP Policy Hou4 expects proposals to provide affordable housing on the site. 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.

7.15 Officers have accepted that a financial contribution would be appropriate in this instance having regard to the location and nature of the proposed development. The Council's Affordable Housing Team have advised that this should be based on 15% affordable housing provision which when taking into account the Vacant Building Credit allowable in respect of the government's support for bringing existing vacant buildings back into appropriate use, equates to a financial contribution of £9,180, taking into account the predicted house values, known at the present time.

7.16 Subject to securing an appropriate contribution (which may change depending on any revised housing values subsequently submitted by the applicant and verified by the Council's Affordable Housing Team) through a Section 106 Agreement, the proposal would be in accordance with Paragraph 50 of the NPPF and with MNP Policy Hou4.

7.17 In relation to the proposed mix, this is proposed to comprise of one, two, three and four bedroomed dwellings. It is considered that the proposals are acceptable in this respect, in that they provide for a range of varied housing, including the potential for downsizing, bungalows/apartments for older people, younger people and small households which is appropriate to the context of the site, as well as for a financial contribution towards affordable units meeting the aspiration set out within MNP Policy Hou3.

### **Highway Safety, Access and Car Parking**

7.18 CMDLP Policy H15 requires provision of off street parking and seeks to ensure a satisfactory layout and appropriate highway safety while Local Plan Policy T5 requires regard to be had to the existing provision of public transport. Layouts should prioritise pedestrian and cyclist circulation.

7.19 MNP Policy Des1 seeks to ensure safe, convenient and attractive links and suitable vehicular access and parking. MNP Policy Tra2 requires that proposals should not severely adversely impact on traffic congestion and additional opportunities to alleviate traffic congestion have been assessed. MNP Policy Tra3 considers cumulative impact on traffic flows on the highway network, provision for accessible and efficient public transport routes, improvement of public transport facilities, improvements to pedestrian and cycle routes and ensures adequate parking and manoeuvring space.

7.20 Paragraph 32 of the NPPF states that all developments that are likely to generate significant amounts of movement should be supported by a Transport Statement (TS) or Transport Assessment (TA). Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development would be severe.

7.21 The site is located adjacent to Morpeth Town Centre and therefore benefits from existing pedestrian, public transport and cycling infrastructure within the town. The pedestrian access to Newgate Street is proposed to be retained, which allows the most direct walking route to town centre facilities.

7.22 The proposed development is likely to generate less vehicular movements than the existing permitted use of the site and whilst there is no policy requirement for car parking on site due to its town centre location, appropriate car parking has been provided.

7.23 The site has been recently used as an informal car park since the closure of the former use of the site. As this is not a recognised car park and there is signage suggesting that is for authorised users only, there is no requirement for replacement car parking within the town to replace it as it would appear to be an unauthorised use of the land.

7.24 As the proposed site falls adjacent to the town centre, there is no policy requirement for the provision of car parking to be made. However car parking has been provided in the form of 27 spaces spread around the site. The submitted plans indicate that these spaces would not be allocated to any particular dwellings although the set of spaces directly outside or opposite the proposed houses may be perceived as being part of those dwellings. If this is the case then 16 spaces would be available for the 13 flats. The Highways Authority consider this to be an appropriate level of car parking for the proposed development.

7.25 The concerns of local residents in respect of the placement of car parking down the sides of the access route which provides a legal right of access to the rear of properties fronting onto Newgate Street is noted. It is acknowledged that this legal right of access would be physically reduced in width due to the siting of the spaces along the route. However this is a legal matter rather than a planning matter and not a material planning consideration which is able to be taken into consideration in the determination of the application. The primary matters for consideration in this respect are highway safety issues. There is, however, in the view of officers no reason to suggest that these properties would not be able to access the rear of their dwellings given the provision of the car parking down the sides of the access which would not result in obstruction in the route to dwellings, albeit a single traffic route.

7.26 Amendments have been made to the proposed scheme in respect of access arrangements including pedestrian connectivity, manoeuvring space, cycle and refuge provision.

7.27 The proposed pedestrian access from Cottingwood Lane has been improved and pedestrians would be able to access the site without having to use the main access road, until they are well within the site. The proposed footway would connect to the existing pedestrian access and therefore the footway on Cottingwood Lane. The pedestrian route aligns with the existing gate and footway.

7.28 The existing pedestrian access from Newgate Street appears to be retained but there are no proposals showing if the existing gate is to be retained or replaced. Clarification is sought with regards to this to ensure that any existing or future gates do not open outward into the public highway which would cause a potential obstruction on the footway to Newgate Street.

7.29 The same issue is considered pertinent to the main vehicular access route from Cottingwood Lane, particularly in the light of concerns raised by local residents regarding retention of access provision to the rear of properties facing onto Newgate Street. As such this matter shall be subject to a planning condition to ensure the provision or otherwise of suitable gates both to Newgate Street and Cottingwood Lane and appropriate opening and/or closing of these as well as management and maintenance to ensure local residents are able to access the rear of properties.

7.30 Separate vehicular and pedestrian access is provided and there is sufficient space in front of and behind the proposed gates to ensure vehicles can pass without reversing onto or blocking the highway on Collingwood Lane. There are no wider road safety concerns with the proposed development as it is likely to generate less vehicular movements than the previous use of the site. The access road has been widened to accommodate the existing gate and separate pedestrian gate and then subsequently narrowed within the site to remove potential conflict. Acceptable cycle parking provision would be provided.

7.31 The submitted revised vehicle swept path analysis does not show vehicles entering the site, however based upon the information provided and the size of vehicle used in the assessment, as backed up by the submitted refuse strategy, it would ensure that the site can be safely accessed by such vehicles. It is furthermore noted that the Fire and Rescue Service have no concerns in respect of emergency vehicles accessing the site. The provision of bin storage on the submitted plans for use by residents fronting onto Newgate Street is retained. The matter of whether refuse collection vehicles would continue to access the site should the site be redeveloped as proposed is not a matter which falls within the planning remit. However the proposed layout would enable them to do so safely.

7.32 Following assessment of the submitted application documents and plans by the Highways Authority, it is considered that subject to imposition of appropriate conditions, the proposal would meet the aspirations of Part 4 of the NPPF, Local Plan Policies H15 and T5, and MNP Policies Des1, Tr1, Tr2 and Tr3 and would not have a severe impact on highway safety, in the context of NPPF Part 4.

## **Impact on the Character and Appearance of the Conservation Area and the Setting of Listed buildings**

7.33 The legislative framework has regard to Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of conservation areas.

7.34 Regard is also had to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act (PLBCAA) which requires the local authority to have special regard to the desirability of preserving the listed building, its setting and its architectural and historic interest which it possesses.

7.35 MNP Policy Des1 seeks to ensure development of and in proximity to designated and local heritage assets and their settings conserves, preserves, reflects and enhances the historic asset and the historic environment in accordance with their significance.

7.36 MNP Policy Her1 seeks to ensure that the impact of a proposal on the significance of a non-designated heritage asset is properly considered. MNP Policy Her2 seeks to ensure that proposals contribute positively towards the long term sustainable use or re-use of heritage assets at risk of harm. Development should be sensitively designed in relation to the merit and heritage value of the asset and its setting.

7.37 CMDLP Policy C29 seeks to ensure appropriate design of new buildings and alteration to existing buildings in conservation area. This should preserve or enhance the quality and character in respect of appearance massing, use of architectural features and materials, appropriate to setting. The external appearance of buildings should be retained and extensions should match or compliment existing features. Part 12 of the NPPF 'Conserving and Enhancing the Historic Environment' is also relevant.

7.38 The site is the curtilage of No. 94 Newgate Street, formerly Wansbeck House and is currently a car park. No. 94 is Grade II listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural and historic interest. The site straddles the designated heritage asset the Morpeth Conservation Area and lies in close proximity to the following Grade II listed buildings; Bon Accord House, Lansdowne House and Dunedin on Newgate Street and Kirkville (formerly a Presbyterian Church) on Cottingwood Lane next to the entrance of the site.

7.39 The site is located on Newgate Street with access provided from Cottingwood Lane having a substantial component of the site situated within the Conservation Area. Morpeth is a market town contained within a loop of the River Wansbeck. From a review of the cartographic evidence the main streets were, as they are now, Bridge Street, Oldgate and Newgate Street, converging in the town's heart the Marketplace. Bridge Street runs eastward from the Market Place, Newgate Street northward and

Oldgate westward. Upon entry onto Bridge Street (the northern part of the settlement) the linear form and compact street frontage channels views towards Oldgate and the Clock Tower. This is a landmark building within the townscape which provides a visual anchor at the west end of Bridge Street and creates enclosure to the square.

7.40 In contrast, Newgate Street and Copper Chare components of the Morpeth Conservation Area are characterised by residential and religious period buildings. These encompass late Georgian, Victorian and Edwardian properties constructed in fine stone and brick having pitched and hipped natural slate roofs, tall chimneys of stone and brick, enclosed or set back from the road by traditional rubble stone walls incorporating mature hedges, gate piers, iron gates and railings. While altered in some instances to wider plots, medieval burgage plots remain discernible and positively contribute to the town's special significance and design. Narrow alleyways punctuate Newgate Street creating passages to the backyards and stretches of land behind. These are enclosed by substantial masonry walls and follow the linear form of the burgage plots. The eastern fringe outside the Conservation Area while having infill and modern developments has period properties residential in use and character.

7.41 When the proposed new dwellings (a total of 4 units) are assessed regard is had to the established character of the listed building and Conservation Area. The submitted layout plan illustrates the siting and location of 2 residential units immediately adjacent to the west-east boundary wall and entrance to the site. Immediately to the south of the wall is the Grade II listed former Presbyterian Chapel known as Kirkville. The special significance of the listed building is characterised by its evidential, historic, aesthetic and communal values. Upon approaching the listed building from the south (Wellway) the ability to appreciate and understand its significance is informed by its fine architectural detailing, brick south-facing wall and ornate fenestration pattern which creates a visually attractive building. The proposed development site is behind the listed building.

7.42 In contrast, when approaching the listed building from the north (Cottingwood Lane) the openness of subject site serves to assist in the ability to appreciate and understand the listed building as a former place of worship. This is illustrated by its solid robust masonry walls, steeply pitched slate roof and bellcote.

7.43 It is considered that the siting of 2 units adjacent to the boundary wall (defining the burgage plot) and in close proximity to Kirkville would obscure its dominance when approached from the south and result in a harmful impact on the character and setting of the listed building. When evaluated in accordance with Section 66 of the PLBCAA it is considered that the proposed siting of two houses at this location would not preserve the setting of the listed building.

7.44 The boundary wall has experienced alteration. However it retains substantial and continuous stretches of masonry which define the medieval burgage plots. These are identified as non designated heritage assets which have a degree of significance meriting consideration in planning decisions. While outside the boundary



of the Conservation Area these elements contribute to the appreciation and understanding of Morpeth's medieval settlement pattern and further the setting of the designated heritage asset - the Morpeth Conservation Area.

7.45 In respect of Paragraph 137 of the NPPF it is considered that the siting of two buildings at this location (only, rather than those proposed directly to the rear of 94 Street) neither enhances or better reveals the significance of the Conservation Area and fails to preserve those elements of its setting that make a positive contribution to its significance.

7.46 Having regard to Sections 66 and 72 of the PLBCAA and Chapter 12 of the NPPF it is considered that the proposals, in respect of the two proposed dwellings sited adjacent the access would result in harm to the setting of the Grade II listed building, the character and setting of the Morpeth Conservation Area and the significance of the identified non-designated heritage assets.

7.47 The harm identified therefore must be considered in the context of NPPF Paragraphs 132 and 134. This requires harm of any level to have clear and convincing justification, with great weight given to the conservation of the heritage asset in question, and for the harm to be weighed against the public benefits of the proposal. The NPPF also advises, at Paragraph 134, that where a development leads to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. The key test would be whether the degree of harm to each heritage asset would be substantial or less than substantial. It is considered that the proposed development would lead to less than substantial harm.

7.48 In respect of consideration against Paragraph 134 of the NPPF, the public benefits of the proposal include the provision of a variety of open market dwellings, including the provision of dwellings suitable for young people, small households and older people, as well as a contribution towards the provision of affordable dwellings in a location which is sustainable. The proposal would meet the aspirations set out in NPPF that should boost the supply of appropriate and suitable housing in sustainable locations, close to the town centre. The site comprises of previously developed land and a long standing vacant listed building which is within the built up settlement. The proposal taken as a whole and as it has been submitted, would bring forward much needed redevelopment of the site to enable the heritage asset to be sensitively put back into an appropriate, viable use, be sustained and enhanced, consistent with its required conservation.

## **Archeology**

7.49 MNP Policy Des1 seeks to ensure development in proximity to designated and local heritage assets and their settings conserves, preserves, reflects and enhances the historic asset and the historic environment in accordance with their significance. Part 12 of the NPPF also provides guidance on the treatment of archaeological remains within the planning process.

7.50 There is limited potential for archaeological remains of prehistoric and Romano-British date within the application site. The greatest potential for unrecorded archaeology within the site relates to the medieval and post-medieval periods.

7.51 Any archaeological features or deposits surviving within or below retained structures would be preserved. Archaeological features surviving below structures proposed for demolition or elsewhere within the development footprint would potentially be impacted or destroyed by the proposed development.

7.52 Blocks 1-5 occupy and extend behind the Newgate Street frontage. Typically, property frontages and the land immediately behind them retain the greatest potential for significant archaeological remains within burgage plots, the potential significant archaeology declining towards the rear of the plots. The area of greatest potential impact therefore broadly coincides with the area of lowest archaeological potential within the site.

7.53 Whilst the risk of significant unrecorded archaeological features being impacted by the proposed development is considered to be low, there is nevertheless some potential for medieval and post-medieval archaeological features to be impacted or destroyed. In this instance it is considered that potential impacts to the archaeological resource can be mitigated by a programme of archaeological monitoring with provision to record.

7.54 Subject to the imposition of a condition requiring a programme of archaeological work in accordance with the brief provided by the County Archaeologist, the proposed development is considered acceptable and in accordance with MNP Policies Des1 and Her1 and Part 12 of the NPPF.

### **Design, Scale, Layout**

7.55 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, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 60 continues by stating that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is recognised however that it is proper to seek to promote and reinforce local distinctiveness.

7.56 MNP Policy Sus1 requires good quality design which respects the character and appearance of the setting of the development and the surrounding area. MNP Policy Des 1 seeks to ensure that the design and layout of the development achieves a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements, and respects or enhancing the character of the site and its

surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features.

7.57 CMDLP Policy H15 seeks to pay attention to the design of buildings and their relationship to open spaces, and inclusion of landscaping, requires new housing developments to provide a safe and attractive environment.

7.58 The surrounding architectural details vary given the properties within and surrounding the site date from the Georgian, Victorian, Edwardian and later periods. This variety ensures an interesting streetscape to the principal elevation along Newgate Street with natural stonework details consisting of quoin work, drip mould surrounds, sliding sash windows, brickwork, stone cills and stone heads with key stones and natural slate roofs. The architectural language to the rear of the listed building represents later twentieth century development with Dawson's Place consisting of rough cast rendered elevations and artificial slate roofs.

7.59 The large detached 2 storey dwellings to the rear of the site at Orchard Mews are red brick with slate roofs with traditional details of cast stone heads and cills and chimneys.

7.60 The layout of the scheme has been dictated by a number of design constraints chief amongst these is the culvert that runs north to south through the existing car park. Two of the proposed new dormer bungalows have been sited to avoid the culvert. These dwellings would create a courtyard in proximity to the existing listed building and are arranged with parking provision placed in the centre of the site, closest to the listed building. The remaining two bungalows would be located adjacent to the site access at the north east and face the long unadopted access road into the site.

7.61 The proposed new build elements have been located to present an enclosure by forming a courtyard and architectural dialogue with the existing building. Good quality materials have been employed with the use of period details to respect the predominant surrounding architectural context.

7.62 The proposed courtyard dormer bungalows would be finished in facing brickwork with natural slate roofs. Cast stone water table copings are shown to the gables with cast stone structural heads and cills to the fenestration. Windows would be UPVC sliding sash type with projecting dormer windows to the roof. Dormers would be finished in dressed lead to the cheeks and face. An apex roof light would be placed to the centre of the roof.

7.63 The proposed dormer bungalows sited adjacent to the entrance off Cottingwood Lane would be finished in natural stone to compliment buildings adjacent to the site. Architectural detailing emulates the bungalows within the courtyard with cast stone water table copings to the gables and cast stone structural heads and cills to the windows.

7.64 It is considered that the proposed new build dormer bungalows have been designed to complement the historic architecture of the Grade II Listed building with

traditional forms and architectural detailing. It is considered that the scheme presents good quality design which respects the character and appearance of the setting of the site and the surrounding area. It is considered that the proposed development would protect and enhance the quality and character of the site and its surroundings, having regard to the present existing situation, in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features.

### **Residential Amenity**

7.65 CMDLP Plan Policy H15 seeks to provide for adequate amenity and privacy. MNP Policy Des1 seeks to ensure that development does not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties.

7.66 NPPF Paragraph 120 seeks to ensure that new development is appropriate for its location. Paragraph 123 requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise, including through the use of conditions. Paragraph 125 also encourages the use of good design to limit the impact of light pollution from artificial light on local amenity. Paragraph 123 acknowledges that development will often create some noise. Having regard to the relationship between the site and the nearest residential properties, it is important to consider whether potential adverse impacts could be mitigated or be reduced to a minimum through the use of conditions, if this is indeed necessary.

7.67 Given the proximity of existing residents, who have expressed significant concerns regarding overbearing impact and loss of outlook, light and privacy, this matter has, throughout the consideration period, been given very detailed and thorough consideration by officers who have worked closely with the applicant in order to seek to minimise impact on residential amenity. Consideration shall be given below to the amenity of residential occupiers surrounding the site, as well as the amenity of future occupiers.

#### *Existing Residents*

7.68 It is accepted that there would now be a change in the visual environment for the residents surrounding the site. In respect of concerns raised regarding impact on residential amenity of occupiers of Orchard Mews to the east of the site, the proposed number of dwellings has been reduced from three to two dwellings in this location.

7.69 In respect of potential impact on privacy to these residents, it is noted that the proposed dormer bungalows would not have windows to the rear, although high level rooflights are proposed, thus minimising impact on overlooking. Dormers are proposed to side elevations, however these would be sited and located at an appropriate distance to ensure protection of residential amenity. Ground floor windows would be obscured from view by the existing 1.8m high brick wall which would be retained.

7.70 The form of the two proposed dwellings in this location has been amended to ensure that their main built form sits adjacent the flank elevations of the adjacent existing dwellings. The proposed dwellings would then form an 'L' shape with the aspects visible from main habitable windows set away from the boundary wall. This would ensure that the mass presented would be broken up, set back and slope away (in respect of the proposed roof slope pitch) from the adjacent existing windows. At 1 ½ stories, at the height proposed in the number, siting and form now presented, it is considered that the proposal, although it would have a degree of impact on residential amenity, would be acceptable, in respect of consideration of privacy, light, overlooking, overbearing impact and outlook.

7.71 In respect of existing residential properties sited to the north of the site, the separation distances achieved, given the existing and proposed gardens present would enable a satisfactory relationship to be retained.

7.72 Moving on to the proposed two dwellings sited to the far east of the site adjacent to the access point, it is recognised that these would be in close proximity to dwellings situated on Butchers Lonnen, who have habitable windows to their gable and front elevations. In respect of traditionally accepted separation distances, it is acknowledged that the proposals would fall well short. Therefore again thorough consideration by officers has been given and there is no doubt that the proposal would impact somewhat on their residential amenity.

7.73 The gap between the two proposed dwellings in this location has been increased, reducing the continuous built form and massing when viewed from Butchers Lonnen. There would be no windows proposed at first floor level to the rear, aside from high level rooflights, thus minimising impact on privacy and overlooking. Most importantly the plans have been amended in order to retain the substantial hedge and treeline with forms the proposed garden boundaries and that of Butcher's Lonnen. Furthermore roofs would be pitched and angled so as to slope away from existing residential properties and be at a height and form which would minimize any significant overbearing impact and loss of light and outlook to these existing residential properties. Furthermore in reaching this conclusion regard is had to existing levels of residential amenity and separation distances in what it a built up environment.

7.74 In respect of existing dwellings to the south (fronting Newgate Street) and north of the site (fronting Cottingwood Lane), it is noted that the corner of these would be sited approximately 16m from the closed proposed dwellings. Although this separation distance would normally be considered to be substandard, the proposed layout would enable an oblique positioning to be achieved and as such and having regard to the built up nature of the surrounding area this is considered acceptable in this case.

7.75 In respect of the conversion of the existing building and the habitable windows that would now be presented to all facades of the building, the relationship and separate distances has been considered, having regard to existing and proposed

habitable windows and is considered acceptable given the built up nature of the existing environment and former use of the building.

7.76 Although finely balanced, given the recent revisions, officers take the view that they are in a position to recommend to members that this relationship would not now have a significant impact on the amenity on the existing residential properties which would result in unacceptable living conditions.

#### *Future Residents*

7.77 It is noted that the western facade of the existing building faces onto Newgate Street (A192). Units 2, 3, 7 and 8 would have master bedrooms facing onto Newgate Street and units 1, 2, 3, 7 and 8 would have living rooms facing onto Newgate Street.

7.78 Given the nature of the listed building, there is little opportunity to rearrange the internal layout to accommodate the main habitable rooms on any facade other than the one facing onto Newgate Street. This is not ideal, however it is considered to be unavoidable and affects the smaller part of the overall proposed development.

7.79 The submitted noise impact assessment concludes that the Newgate Street facade would require glazing and ventilation to attenuate the noise levels from Newgate Street to accepted guidance levels internally. The rear of the proposed development could accommodate opening windows throughout whilst still meeting internal noise levels in guidance. Conditions are recommended to address noise issues and the required glazing and ventilation required.

7.80 The proposed development does not appear to be impacted by any other sources of noise or odours. The Black and Grey public house is the nearest commercial food premises, however this is approximately 60 metres south-east of the site and any line-of-sight is completely interrupted by intervening buildings. Therefore, it is unlikely that the proposed development would be unduly impacted by noise or odours associated with this commercial activity.

7.81 In respect of residential amenity for future occupiers having regard to appropriate standards of outlook privacy and light the potential impact on future residents is considered acceptable

7.82 In respect of this particular proposal the development of the site for housing generally, rather than any unneighbourly use, is unlikely to substantially diminish levels of residential amenity that those living nearby can reasonably expect to enjoy in their homes. It is accepted that there would be increased traffic, comings and goings and noise associated with a new housing development, albeit additional housing close to existing residential properties would rarely be deemed unacceptable from a residential amenity perspective, particularly having regard to the existing use of the site and associated noise and traffic levels.

7.83 In order to ensure an appropriate level of amenity for existing residents and those who occupy dwellings in the earlier phases of development it is considered

appropriate to require a construction management plan be developed and implemented to ensure appropriate management of such issues as operations, deliveries, noise, dust, mud, vibration and light so that the construction of the dwellings would not adversely affect the amenity of residents.

7.84 Subject to the recommended conditions being imposed and implemented it is considered that the site could satisfactorily accommodate the proposed number of dwellings and satisfactory living conditions could be achieved for existing and future residents having regard to the requirements of Policy H15 of the Castle Morpeth Local Plan; Policies Sus1, Des1 and NPPF Part 11.

### **Impact on Trees, Impact on Ecology and Nature Conservation**

7.85 CMLP Policy H15 seeks to take account of a site's natural features. Policies C14 and C15 requires improvements to landscape, nature conservation and visual amenity. CMLP Policy C11 seeks to protect species and their habitats unless it can be demonstrated that the reasons for the development outweigh any adverse effect on the species/their habitat.

7.86 MNP Policy Des1 seeks to ensure development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside Incorporating, where appropriate landscaping.

7.87 NPPF Paragraph 109 requires the planning system to contribute to and enhance the natural/local environment by minimising impacts on biodiversity and providing gains. Paragraph 118 encourages opportunities to incorporate biodiversity in and around developments and requires that significant harm be adequately mitigated/compensated.

7.88 The application documents and ecological survey report have been updated following additional survey work (detailed climbing inspection) of the two lime trees standing in the courtyard to the east of the main building. Those inspections, carried out on 24<sup>th</sup> August 2017, indicated that the 2 lime trees present a low risk of bat roosts being present and as a result no further survey works are required.

7.89 A Natural England European Protected Species Development Licence would, however, be required with respect to the bat roosts in the main building before the development could proceed.

7.90 The buildings and existing trees and shrubs provide some suitable habitat for nesting birds. The Cotting Burn is culverted in some sections in the vicinity of the site but does have a partially open channel in the northern part of the site though it is 'canalised' with steep concrete walls and concrete stream bed providing little in the way of riparian habitat though it is possible that otters may use the stretch, even the culverted sections, as a commuting route.

7.91 No other protected, threatened or notable habitats and/or species are likely to be significantly affected by the proposals.

7.92 The presence of protected species such as bats is a material consideration, in accordance with Circular 06/05 and Paragraph 119 of the NPPF. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc.) Regulations 2010, as amended. These regulations established a regime for dealing with derogations, which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

7.93 The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 2010 as amended, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS). This licence is normally obtained after planning permission has been granted. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained. Notwithstanding the licensing regime, the LPA must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 9(5) of the 2010 Regulations, as amended which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

7.94 In respect of bats a licence would be required from Natural England as bat roosts have been identified in the main building.

7.95 In order to grant planning permission the LPA must therefore be satisfied that the development meets the public interest test; that there is no satisfactory alternative; and that the action would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

7.96 No satisfactory alternative proposal has been presented for the re-development of the site, and it is considered to be desirable to have the building brought back into use. The re-use of a building for an appropriate use is in the public interest, and it is in the public interest that the permission is capable of being implemented.

7.97 The County Ecologist is satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats. This would ensure that no bats are harmed during the work and the roosting/breeding opportunities and habitat at the site would be equivalent or greater than at present and therefore avoid affecting favourable conservation status. The loss of the bat roosts present in the would be adequately compensated for by way of the proposed mitigation measures which will include the provision of roost sites.

7.98 Subject to the proposed conditions being adhered to it is considered that the proposed scheme would not be detrimental to the maintenance of the population of



the species at a favourable conservation status in their natural range as defined in Regulation 44 of the Habitat Regulations. It is therefore considered that Natural England would be likely to grant a licence. Given this and that it is in the public interest that the permission can be implemented, the Local Planning Authority can discharge its duty under Reg 9(5). No other protected, threatened or notable habitats and/or species are likely to be affected by the proposals. The proposal thus accords with the requirements set out in Castle Morpeth Local Plan Policies C11, C12/13 and MC6; MNP Policies Des1 and the objectives of NPPF Part 11. It is considered there would not be significant impact on wildlife, protected species and natural habitats as required by paragraphs 109 and 118 of the NPPF.

7.99 It is acknowledged that the proposed development would result in the loss of a number of individual trees (9 in total from the 18 on presently on site). None of these are protected by Tree Preservation Order although are protected by virtue of their presence within the Conservation Area. This is regrettable, therefore, appropriate and due consideration has been given as to whether this could be avoided. However the presence of a mains sewer crossing the rear of the site has largely dictated the proposed layout, resulting in the proposed loss of these trees. Whether this would result in the development proving unacceptable as a whole, which is as is presented for consideration to members is not considered to be the case by officers, having regard to the benefits that the scheme would bring forward when considered in totality. Furthermore it is noted that 9 mature replacement trees would be planted to the northern and eastern boundaries of the site.

7.100 Subject to the proposed development being implemented in accordance with an appropriate Arboricultural Method Statement, and Tree Protection Plan, as well as the management of existing retained trees and the implementation and management of an appropriate native landscaping scheme, it is considered that the proposed development would not cause significant adverse harm to the character, quality or distinctiveness of the surrounding landscape. This includes important natural features or views, and that the landscaped setting would be retained, consistent with the aspirations of Castle Morpeth Local Plan Policies H15, C14 and C15; MNP Policies Des1 and NPPF Part 11.

### **Flooding, Drainage and Sewerage**

7.101 Part 10 of the NPPF advises that development should be directed towards areas at lowest risk from flooding, ensuring that development does not increase flood risk elsewhere. Castle Morpeth Local Plan Policy RE4 seeks to protect the quality of surface or underground waters. Policies RE5 and H15 seek to prevent development in flood risk areas or where development may increase the risk of flooding elsewhere and encourages SUDS. CMLP Policy RE6 seeks to protect land drainage, water supply and sewerage. MNP Policy Des1 requires the incorporation of sustainable drainage systems. MNP Policy Inf1 requires that developments should demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources.

7.102 The site lies within Flood Zone 1, 2 and 3 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment

(FRA) and proposed drainage strategy. This has subsequently been amended to address concerns raised by both the Environment Agency and the LLFA, including the assessment of flooding from the culvert on the site..

7.103 NPPF Paragraphs 100 to 102 consider the sequential approach to development. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The NPPG provides detailed guidance relating to flood risk and coastal change, and specifically planning and flood risk. The NPPG sets out the methods for applying the sequential test for developments in terms of assessing their risk to flooding and increased flood risk.

7.104 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

7.105 From a fluvial flooding perspective it is noted that the Environment Agency have now raised no objection to the proposed development. They have requested that the finished floor levels of the dwellings are set at a certain height to ensure that out of bank flooding does not affect the properties in a 1 in 100 year plus climate change event. Furthermore, the foundations of the dwellings would be set below the invert level of the culvert, ensuring the structural integrity of the culvert structure. This would be ensured by planning condition. The existing culvert and associated easement has been preserved with new parking provision.

7.106 From a surface water perspective the Lead Local Flood Authority have also raised no objections to the proposed development. Surface water from the development would flow into the Cotting Burn at a controlled rate of 5l/s. Attenuation of up to the 1 in 100 year plus climate change event would be provided on site via underground tanks. These tanks would be a set distance back from the culverted watercourse.

7.107 No issues are raised by Northumbrian Water to the submitted amended plans subject to the proposal being carried out in strict accordance with the submitted document entitled Flood Risk Assessment and Drainage Strategy. In this document it states that foul flows from the proposed development will discharge to the existing combined sewer between manholes 6307 and 6201, with an additional connection for two bungalows to the combined sewer slightly upstream of manhole 7303.

7.108 It is recommended that permitted development rights are removed from the proposed dwellings on site. This would ensure any works within the vicinity of the culverted watercourse are controlled and that future access for maintenance can be unimpeded in perpetuity. Members should note that the submitted amended plans would bring the proposed development of the two dwellings to the rear of the building closer to the sewer which crosses the site, as such re-consultation has taken place

with with the Environment Agency and the LLFA and members will be updated as to any further responses received at the Local Area Council meeting.

7.109 Subject to the imposition of the conditions requested by the Environment Agency, Northumbrian water and the LLFA it is considered that it is appropriate to bring forward development in this location, as proposed, given the benefits that the scheme would bring forward and having regard to the mitigation measures that would be put in place in order to prevent flooding. As such the proposed development would comply to comply with the requirements of Policies Inf1 and Des 1 of the MNP, Policies RE4, RE5 and H15 of the CMDLP and Part 10 of the NPPF.

### **Contamination and Gas**

7.110 MNP Policy Des1 ensures that development would not be put at unacceptable risk including from contamination and where necessary incorporate appropriate mitigation, treatment or remediation measures necessary. Local Plan Policy RE4 seeks to protect the quality of surface or underground waters as a result of the nature of surface or wastewater discharge, or give rise to pollution problems resulting from the disturbance of contaminated land. Policy RE8 seeks to ensure that potentially contaminated land is safe for development.

7.111 Much of the proposed development would not require extensive ground intrusive works and certainly not the units within the listed building. The Council's Public Health Protection Unit concur with the general conclusion of the submitted site investigation report and recommend the imposition of a condition which would address any unexpected contamination, should it be found, as well as the implementation of a clean cover system remediation strategy to ensure that the site is made safe for its proposed use. It is recommended that additional soils samples are taken from the part of the site adjacent the site access off Cottingwood Lane to confirm that there is no contamination on this part of the site which might impact future occupants of these units. Again this would be secured by condition.

7.112 The Council's Public Health Protection Unit have also advised that there is no need for gas protection measures to be incorporated within the development.

7.113 Consequently conditions are suggested regarding securing any required contamination remediation. On this basis it is considered that the proposals can be capable of providing for a safe development as required by MNP Policy Des1, Local Plan Policies RE4 and RE8 and Part 11 of the NPPF.

### **Education, Sports, Recreation and Play Provision**

7.114 CMDLP Policy I2 requires necessary provision to be made for infrastructure and community facilities through planning obligations. MNP Policy Sus 1 requires that new development should provide infrastructure associated with leisure, recreational pursuits and social, community, business and educational activities throughout the Plan area and requires physical and community infrastructure on site where it is necessary to make the development acceptable, or mitigate the impact of

the development by measures implemented off-site either through direct provision or by way of financial contribution.

7.115 MNP Policy Des 1 seeks to ensure adequate infrastructure, services and community facilities are, or will be, made available to serve the development. MNP Policy Hou5 requires residential development should 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.

7.116 In accordance with the above policies provision of any necessary education facilities should has been given consideration. Education Officers have advised that no financial contribution is sought given the size and nature of the proposed development.

7.117 It is not considered that the scale of the proposed development is such to warrant any financial contribution towards the provision of additional medical facilities.

7.118 In respect of potential sports provision, it is acknowledged that as yet there is no Community Infrastructure Levy in place and neither the Castle Morpeth Local Plan nor the Ponteland Local plan set out specific formula Policies in respect of this. Given the town centre location, nature of the site and proposal as well as the size of the site it is considered reasonable to expect that on-site play provision would not be provided in this particular case.

## **8. Conclusion**

8.1 A number of objections have been submitted by local residents and the Town Council, and matters relating to compliance with planning policy, housing land supply, housing mix, scale, character and appearance, highway capacity and safety, sustainability and connectivity, impacts on the historic and natural environment, surface and foul water drainage and flooding, residential amenity and impact on trees and ecology have been considered within the body of this report.

8.2 Concerns expressed regarding this proposal have been taken fully into account and amendments and additional information has been sought from the applicant in order to seek to minimise impact and overcome concerns. The revised proposals before members has been carefully balanced against the scheme's wider social, economic and community benefits.

8.3 On balance, having regard to the amendments made and significant additional information put forward by the applicant in order to seek to address concerns raised by local residents, the Town Council and Officers, it is considered that after very careful, detailed and thorough consideration that withholding permission would not be reasonable or justified for the reasons set out in the report.

## 9. Recommendation

That members be minded to be GRANT planning permission subject to the applicants entering into a Legal Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in order to secure a financial contribution towards off-site affordable housing provision of (£9,180), no new issues being raised as a result of public consultation, nor reconsultation with the Environment Agency and the Local Lead Flood Authority within the remainder of the consultation period (expires 7th November 2017) and subject to the following conditions;

### Conditions/Reason

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

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

2. 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:

Gradon Architecture, Site Location Plan, Issue 1, Drawing No. 100:01, 10 March 2017
Gradon Architecture, Proposed Site Plan, Revision 15, Drawing No. 200:01, 09 October 2017
Gradon Architecture, Proposed Site Plan indicating Tree Removal, Rev. 4, Drawing No. 200:03, 10 October 2017
Gradon Architecture, Proposed Ground Floor Plan - conversion, Revision 7, Drawing No. 210:01, 18 September 2017
Gradon Architecture, Proposed First Floor Plan - conversion, Revision 6, Drawing No. 210:02, 13 July 2017
Gradon Architecture, Proposed Second Floor Plan - conversion, Revision 4, Drawing No. 210:03, 01 September 2017
Gradon Architecture, Proposed Elevations - conversion, Revision 6, Drawing No. 220-01, 15 September 2017
Gradon Architecture, Type A1 Bungalow Proposed Floor Plans, Issue 1, Drawing No. 210:04, 10 March 2017
Gradon Architecture, Type A1 Bungalow Proposed Elevations, Issue 1, Drawing No. 220:02, 10 March 2017
Gradon Architecture, Type A2 Bungalow Proposed Floor Plans, Issue 1, Drawing No. 210:05, 10 March 2017
Gradon Architecture, Type A3 Bungalow Proposed Floor Plans, Rev. 2, Drawing No. 260:01, 9 October 2017

Gradon Architecture, Type A3 Bungalow Proposed Elevations, Rev. 2, Drawing No. 260:02, 9 October 2017
Gradon Architecture, Type A4 Bungalow Proposed Floor Plans, Rev. 2, Drawing No. 260:03, 9 October 2017
Gradon Architecture, Type A4 Bungalow Proposed Elevations, Rev. 2, Drawing No. 260:04, 10 October 2017
Gradon Architecture, Type B Bungalow Proposed Floor Plans, Revision 2, Drawing No. 210:06, 22 March 2017
Gradon Architecture, Type B Bungalow Proposed Elevations, Revision 2, Drawing No. 220:04, 22 March 2017
Gradon Architecture, Proposed Street Scenes, Revision 4, Drawing No. 200:02, 10 October 2017
Gradon Architecture, Proposed Sections - Conversion Sheet 1, Issue 1, Drawing No. 250:01, 5 July 2017
Gradon Architecture, Proposed Ground Floor Demolition Plan, Rev. 2, Drawing No. 230:01, 18 September 2017
Gradon Architecture, Proposed First Floor Demolition Plan, Issue 1, Drawing No. 230:02, 27 June 2017
Gradon Architecture, Proposed Second Floor Demolition Plan, Issue 1, Drawing No. 230:03, 27 June 2017
Gradon Architecture, Refuse and Cycle Enclosures, Issue 1, Drawing No. 240:01, 7 July 2017
Gradon Architecture, Proposed Ground Floor Plan - Conversion, Rev. 2, Drawing No. 300:20, 15 September 2017
Gradon Architecture, Proposed First Floor Plan - Conversion, Rev. 2, Drawing No. 300:21, 15 September 2017
Gradon Architecture, Proposed Second Floor Plan - Conversion, Rev. 3, Drawing No. 300:22, 15 September 2017
Gradon Architecture, Study on Proposed Platform Lift in Existing Building, Revision 3, Drawing No. CSK-28, 01 September 2017
Gradon Architecture, Study on Proposed Glazing Link to Existing Building, Rev. 2, Drawing No. CSK-36, 01 September 2017
Gradon Architecture, Section 1, Rev. B, Drawing No. CSK-038B, 09 October 2017
Gradon Architecture, Solar Analysis Sheet 1, Rev. 3, Drawing No. CSK 039, 11 October 17
Gradon Architecture, Proposed Site Section, Rev. B, Drawing No. CSK.031, 09 October 2017
Gradon Architecture, Proposed Site Section, Rev. B, Drawing No. CSK.033, 09 October 2017
Gradon Architecture, Proposed Site Section, Rev. B, Drawing No. CSK.037, 09 October 2017

Gradon Architecture, Massing Study Sheet 1, Rev. 4, Drawing No. CSK 040, 11 October 2017
Gradon Architecture, Massing Study Sheet 2, Rev. 3, Drawing No. CSK 041, 11 October 2017
Gradon Architecture, Massing Study Sheet 3, Rev. 3, Drawing No. CSK 042, 11 October 2017
Gradon Architecture, Proposed Extension/Infill Roof Details, Issue 1, Drawing No. CSK 043, 15 September 2017
Gradon Architecture, Kitchen Proposal - Retain Historic Carriageway Wall, Issue 1, Drawing No. CSK:044, no date
Gradon Architecture, Design and Access Statement, Rev. 4, Uploaded 16 October 2017
Gradon Architecture, Proposed Historic Elements Schedule, Issue 1, 19 September 2017
Gradon Architecture, Refuse Strategy Tracking Plan Updated, Rev. A, 11 October 2017
Gradon Architecture, Overshadowing Images - Commentary, Rev. 02, October 2017
E3 Ecology Ltd., Newgate Street Tree Constraints Assessment, Drawing No. ECO3-TCA-3755-V01, 14 October 2016
Shadbolt Environmental, Ground Investigation Interpretative Report, April 2014
Shadbolt Consulting, Fire Appliance/Large Refuse Vehicle Tracking Plan, Rev. D, Drawing No. 2307/570, August 2016
Shadbolt Consulting, Loft Conversion Unit 2, Issue 1, Drawing No. 2307/201, September 2014
Shadbolt Consulting, Proposed Drainage Plan, Rev. E, Drawing No. 2307C/514, July 2017
Shadbolt Consulting, Flood Risk Assessment & Drainage Strategy, Issue 4, August 2017
Neeco, Mechanical, Electrical and Public Health Building Services Strategy, Issue 1, Ref. JNH/17/579/01, October 2017

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.

3. Notwithstanding any description of the materials, or the submitted plans, construction of the dwellings, above damp proof course level shall not be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of these buildings, surfaces and boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority. All roofing, external facing materials boundary and surface materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with Policy H15 of the Castle Morpeth District Local Plan and Part 7 of the National Planning Policy Framework.

4. The development shall not be occupied until a detailed scheme for the provision, maintenance and management of areas of open space (excluding private gardens) has been submitted to, and approved in writing by the Local Planning Authority. Details to be submitted shall include;

1. Details of landscape management and maintenance plans;
2. Details of planting, grass cutting, weeding and pruning;
3. Inspection, repair and maintenance of all hard landscaping and structures including play structures);
4. Management, monitoring and operational restrictions;
5. Maintenance and planting replacement programme for the establishment period of landscaping; and
6. A procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying

The development shall thereafter be carried out, maintained and managed in full accordance with the approved details.

Reason: To ensure appropriate maintenance and management of open space in accordance with Policy H15 of the Castle Morpeth District Local Plan and Parts 8 and 11 of the National Planning Policy Framework.

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

Reason: In the interest of the amenity of nearby and new residents having regard to the requirements of Part 11 of the National Planning Policy Framework.

6. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours of:

Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise having regard to the requirements of Part 11 of the National Planning Policy Framework.

7. There shall be no burning of any material during either the construction or demolition phases.

Reason: To protect residential amenity and provide a commensurate level of protection against noise having regard to the requirements of Part 11 of the National Planning Policy Framework.



8. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: To retain control over the external appearance of the development in the interests of amenity and local character and in accordance with Policy H15 of the Castle Morpeth District Local Plan and Part 7 of the National Planning Policy Framework.

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

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance with Policy H15 of the castle Morpeth District Local Plan.

10. No development shall commence until details to ensure that the dwellings hereby permitted are sustainable with regard to energy efficiency and/or renewable energy generation. Thereafter, the construction of those dwellings shall incorporate in full the approved energy efficiency / renewable energy generation measures.

Reason: To ensure that the development contributes to a reduction in carbon emissions in accordance with Policy H15 of the Castle Morpeth District Local Plan.

11. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Assessment & Bat Report Newgate Street, Morpeth August 2017', E3 Ecology Ltd., Version R03, Dated: 25.8.17) and as shown on the architect's drawing ('Proposed Site Plan', Gradon Architecture. Drawing No.: 200:01, Rev. 15, Dated: 9.10.17) including, but not restricted to,

1. Obtaining a Natural England European Protected Species Development Licence;
2. 10 No. bat boxes to be erected within the red line of the application site and within the ownership/control of the applicant before demolition/development commences with the types of boxes to be erected to be submitted to, and approved in writing with the Local Planning Authority before demolition/development commences;
3. Adherence to timing restrictions;
4. adherence to precautionary working methods and bat Method Statement;
5. a Method Statement to include measures to avoid pollution, contamination and unnecessary disturbance of the Cotting Burn to be submitted to, and

approved in writing with the Local Planning Authority before demolition/development commences;

6. Adherence to the external lighting recommendations and in accordance with '*Bats & Lighting in the UK*' Bat Conservation Trust/Institution of Lighting Engineers, 2008;
7. Use of 'bat friendly' timber treatments (as specified);
8. Any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;
9. An updating active season bat (mid-May to mid-August) and bird nesting survey to be carried out in the event that development/demolition works do not commence before the end of August 2018 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be submitted to and approved in writing with the Local Planning Authority before development/demolition works commence.

Reason: To maintain the favourable conservation status of protected species having regard to Part 11 of the NPPF.

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

Reason: To protect nesting birds, all species of which are protected by law having regard to Part 11 of the NPPF.

13. No development shall be carried out other than in accordance with the guidance set out in '*BS5837:2012: Trees in Relation to Design, Demolition and Construction: Recommendations*' British Standards Institution, 2012 and in accordance with a Tree Protection Plan, Arboricultural Impact Assessment and Method Statement to be submitted to, and approved in writing with the Local Planning Authority before works commence.

Reason: To maintain and protect the existing landscape and biodiversity value of the site having regard to Part 11 of the NPPF.

15. A detailed landscape planting plan, including the planting of locally native trees, shrubs and wildflowers of local provenance, shall be submitted to and approved in writing with the Local Planning Authority with the planting to be fully implemented during the first full planting season (November – March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site having regard to Part 11 of the NPPF.

16. Prior to commencement of development details of the materials to be used in the construction of the external surfaces of the access roads and paths within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

17. No dwelling shall be occupied until the car parking area indicated on the approved plans 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.

18. The development shall not be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

19. 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.

Reasons: To ensure estate streets serving 3 the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

20. No dwelling shall 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.

21. Prior to occupation, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

22. Development shall not commence until a Demolition and Construction Method Statement, together with supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction period. The Demolition and 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.

23. No dwelling shall be occupied until the refuse storage facilities have been implemented in accordance with the approved plans. Thereafter, the refuse storage facilities and approved refuse strategy shall operate in accordance with the approved details.

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

24. No dwelling shall be occupied until details of the pedestrian access to Newgate Street, including the provision of inward opening gates, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved details have been implemented and thereafter retained in accordance with the approved details.

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

25. The building envelope of Units 1,2,3,7,and 8 shall be constructed so as to provide sound attenuation against external noise, to not exceed an internal noise level 35dB LAeq during the day and 30 dB LAeq & 45dB LAMax at night. Details of the final glazing and ventilation option(s) shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate clearly that these internal levels will be achieved; this could be done by showing the calculated internal reverberant noise level accounting for attenuation provided by glazing and ventilation.

Reason: To provide a commensurate level of protection against obtrusive noise as required by Part 11 of the National Planning Policy Framework.

26. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) Further site investigations are required. This site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters for the units identified as A2 on the Proposed Site Plan (Gradon Architecture, Drawing No. 200:01 (Rev 5) and dated 10/03/17). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be provided to the Local Planning Authority upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority.

c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

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 having regard to Part 11 of the NPPF.

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

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants having regard to Part 11 of the NPPF.

28. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Shadbolt Group submitted 24th October 2017 and the following mitigation measures detailed within the FRA: .

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels are set no lower than 35.0 m above Ordnance Datum (AOD).
3. Any part of the new build properties constructed within the 5 metres easement of the Cotting Burn must have foundations extended down to below the invert level of the Cotting Burn.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access and egress from and to the site, to reduce the risk of flooding to the proposed development and future occupants to allow access to the culvert for future maintenance/repair works and to prevent the increased risk of flooding from any sources in accordance with Part 10 the National Planning Policy Framework.

29. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment and Drainage Strategy submitted 24th October 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer between manholes 6307 – 6201, and upstream of manhole 7303. The scheme shall ensure that surface water discharges directly to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with Part 10 the National Planning Policy Framework.

30. Prior to commencement of development a scheme to dispose surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in broad accordance with the Surface Water Drainage drawing 2307C/514 Rev B Proposed Drainage Plan and designed to dispose and attenuate surface water up to the 1 in 100 year plus climate change event from the development and shall limit discharge from the development to 5l/s, for all rainfall events. The development shall subsequently be carried out strictly as approved.

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere having regard to Part 10 of the National Planning Policy Framework.

31. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and approved by the Local Planning Authority. A maintenance schedule which includes details for all SuDS features for the lifetime of

development shall be comprised within and be implemented forthwith in perpetuity. The development shall subsequently be carried out strictly as approved.

Reason; To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime, having regard to Part 10 of the National Planning Policy Framework.

32. A programme of archaeological work is required in accordance with the brief provided by Northumberland Conservation (NC ref 17/00884/FUL dated 1/06/2017). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on the brief has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by the brief must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by the brief must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest and as such regard is had to the requirements of Part 12 of the National planning Policy Framework.

33. The development shall not be occupied until a detailed scheme for the provision, maintenance and management of gates to the vehicular access point has been submitted to, and approved in writing by the Local Planning Authority. Details to be submitted shall include;

1. Management, monitoring and any operational restrictions/timetable;

2. Maintenance and repairs plans/procedures

3. A procedure that would be implemented in the event of any non-compliance with the approved management scheme.

Reason: To retain control over the appearance and operation of the development in the interests of amenity and accessibility of the site, in accordance with Policy H15 of the Castle Morpeth District Local Plan and Parts 4 and 7 of the National Planning Policy Framework.

34. Before any work commences within the development site, detailed survey drawings and cross sections shall be submitted to and approved by the Local Planning Authority indicating relative existing and proposed ground levels of the finished development within the site and around its boundaries including finished internal floor levels.

Reason: To ensure that the difference in finished ground level between the development site and adjoining land does not lead to a loss of amenity to any neighbouring occupiers and in accordance with Policy H15 of the Castle Morpeth District Local Plan.

## Informatives

1. The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low providing the conditions are strictly adhered to, but there remains a small residual risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy them, their nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0845 1300 228.

Further information about protected species and the law can be found on the Natural England website at [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

2. Alterations to vehicle crossing point (widening driveway) (S184) - You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at [centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)

3. You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

4. You are advised to contact the Council's Traffic Management Section at [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period in respect of the impacts during this period.

5. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Management and Maintenance of Estate Streets - The applicant is advised



that to discharge condition [HWD11] the Local Planning Authority requires the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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

7. Containers Required for the Storage of Waste For new individual properties the following will be required to be provided:

- 240 litre wheeled bin for residual refuse
- 240 litre wheeled bin for recycling Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme. However it is assumed that provision for garden waste is not required for flats.

8. Any fixed, external lighting installed as part of this development should have regard for the ILP Guidance on the Reduction of Obtrusive Light, 2012:

<https://www.theilp.org.uk/documents/obtrusive-light/>

The applicant should ensure that lighting does not cause an annoyance to any nearby receptors.

9. The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

10. Failure to address issue of noise and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

11. Northumbrian Water inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore they will be contacting you directly to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

12. Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere.

There are three main types of solution to creating a permeable surface:

Using gravel or a mainly green, vegetated area.

Directing water from an impermeable surface to a border rain garden or soakaway.

Using permeable block paving, porous asphalt/concrete.

Further information can be found here -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

Background Papers: Planning application file(s) 17/00884/FUL, 17/00885/LBC