

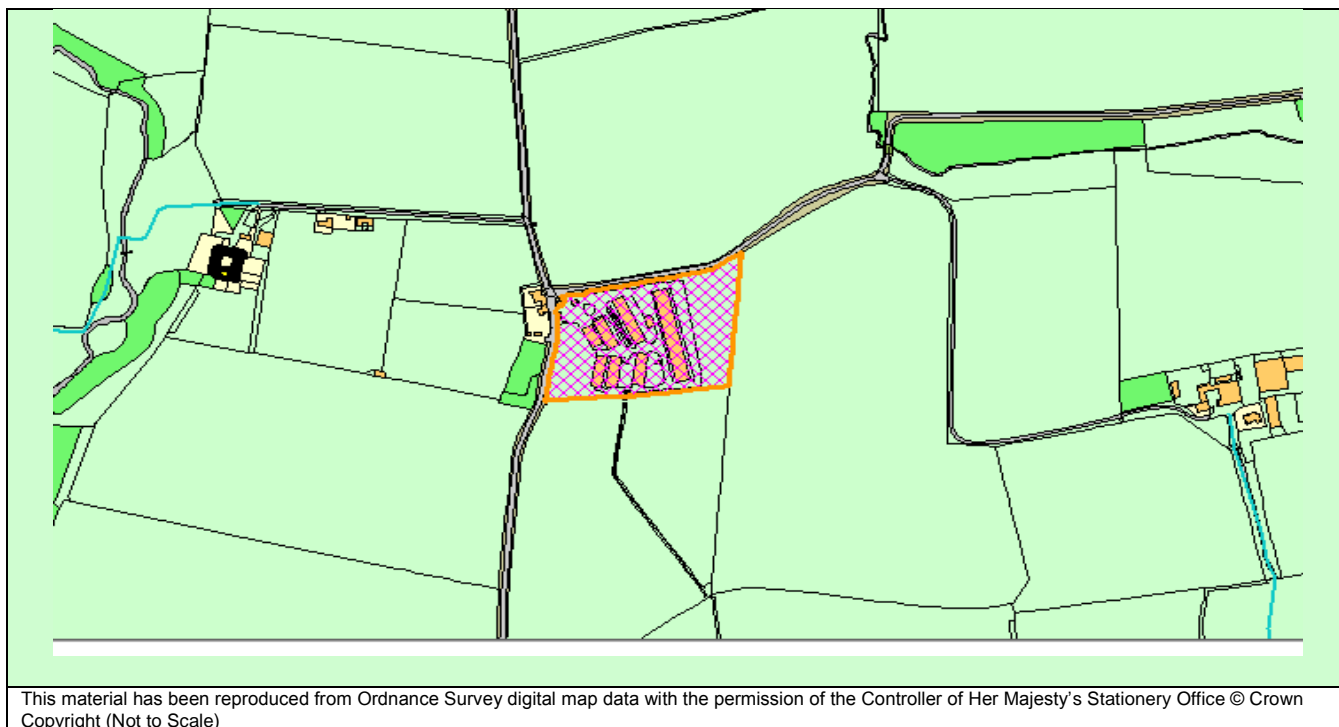


Northumberland County Council

Castle Morpeth Local Area Council Meeting 14th October 2019

Application No:	18/03613/OUT		
Proposal:	Outline permission for the demolition of existing buildings, site regeneration and environmental improvements to provide residential development (Use Class C3) (up to 35 dwellings) and associated infrastructure and landscaping (as amended 20.09.2019)		
Site Address	Goodwills Wood Shavings And Haulage Yard, Twizell Cottage, Shilvington, Newcastle Upon Tyne, Northumberland, NE20 0AL		
Applicant:	C/O Agent	Agent:	Mr Neil Morton Maling Exchange, Hoult's Yard, Walker Road, Newcastle upon Tyne, NE6 2HL
Ward	Ponteland East And Stannington	Parish	Whalton
Valid Date:	11 October 2018	Expiry Date:	12 March 2019
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 Under the Council's current Scheme of Delegation, where an application raises significant planning issues or objections, it is referred to the Head of Service for determination as to whether the application should be considered by Members of the relevant Planning Committee. The application has been vetted by the Senior Manager and Chair of the Committee, where it was decided that the application raises significant planning issues for development in the Green Belt and an objection has been received from Whalton Parish Council. As such, the application is to be considered by Members of the Committee.

2. Description of the Proposals

2.1 Outline permission is sought for the demolition of existing industrial buildings and the construction of 35 dwellings with a new vehicular access at Goodwills Wood Shavings And Haulage Yard, Twizell Cottage, Shilvington. All matters are reserved with the exception of the details of access.

2.2 The current site comprises of permanent buildings, hardstanding and external outdoor storage within a Wood Shaving and Haulage Yard totalling a site area of 2.44 hectares. There are eight existing buildings occupying the site of various dimensions but typically represent long single storey structures. The remaining parts of the site are used for open storage of vehicles, large HGV trailers, containers, scrap, machinery and equipment. Overall the site has an unkempt appearance.

2.3 The application states that due to the deteriorating nature of the buildings and the prohibitive cost in bringing the buildings back up to industry standard, the grant of planning permission would facilitate the relocation of the existing business operations and jobs to the Hexham area and secure its future in a more appropriate area for industrial use and access for heavy goods vehicles.

2.3 The site lies within the Green Belt and occupies a relatively isolated location which is not readily accessible to shops and local services by a choice of means of transport. There are two existing dwellings to the immediate north west of the site.

3. Planning History

Reference Number: CM/86/D/260

Description: Use of part of site for bagging & sale of surplus wood shavings

Status: PER

Reference Number: CM/94/D/634

Description: Erection of storage building for agricultural equipment

Status: PER

Reference Number: CM/04/D/458

Description: Managers House

Status: REF

Reference Number: CM/03/D/288

Description: Detached Dwellinghouse

Status: REF

4. Consultee Responses

Public Protection	No objection subject to conditions
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Whalton Parish Council	Objection
Highways	No objection subject to conditions
County Archaeologist	No objection
County Ecologist	No objection subject to conditions
Affordable Housing	No objection subject to s106 for 6 affordable housing units
Waste Management - South East	No response received.
Northumbrian Water Ltd	No objection
Architectural Liaison Officer - Police	No objection
Education - Schools	No objection
Environment Agency	No objection
Natural England	No objection
Health Care CG	
Northumberland Wildlife Trust	No objection
Fire & Rescue Service	No objection

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	0
Number of Support	3
Number of General Comments	0

Notices

General site notice 19th October 2018

Morpeth Herald 25th October 2018

Summary of Responses:

Whalton Parish Council at their Meeting 22nd November 2018 agreed unanimously to object strongly to this application for the following reasons.

1. The site is in the Green Belt and there are no exceptional circumstances.
2. The site is in a totally unsustainable location for housing. The proposed 29 properties would result in a new hamlet with no services and would mean residents would be completely reliant on the motor car.
3. Access from the site via a narrow lane to the main Ponteland - Morpeth Road at its narrowest point, is totally unsuitable. With no footpaths for pedestrians, dog walkers, joggers etc it would not be pedestrian or child friendly.
4. The height of large 3 and 4 bed dwellings would have a greater impact on the landscape than the existing buildings.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PGDWA2QSJKD00>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan (CMLP)
C1 – Settlement boundaries
C3 – Areas of high landscape value
C11 - Protected species
C15 - Trees in the countryside and urban areas
C17 – Green Belt
H15 - New housing developments
H16 – Housing in the countryside
RE5 - Surface water run-off and flood defences
RE6 - Service infrastructure
RE8 - Contaminated land
I2 – Planning obligations and infrastructure

6.2 National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

6.3 Other Planning Policy Documents

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019)

Northumberland Local Plan Publication Draft Plan (Regulation 19)
Policy STP 1 Spatial strategy (Strategic Policy)
Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)
Policy STP 3 Principles of sustainable development (Strategic Policy)
Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)
Policy STP 8 Development in the Green Belt (Strategic Policy)
Policy HOU 1 Making the best use of existing buildings (Strategic Policy)
Policy HOU 2 Provision of new residential development (Strategic Policy)
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
Policy HOU 6 Affordable Housing
Policy HOU8 Residential development in the Open Countryside
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development

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

Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

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

- Principle of development including new housing in open countryside, Green Belt matters and loss of employment land;
- Impact on the character and appearance of the area;
- Housing mix and affordable housing;
- Residential amenity impact;
- Highway safety
- Flooding and drainage;
- Ground contamination;
- Ecology matters;
- Health Care

Principle of development

Open Countryside

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The saved Policies of the Castle Morpeth District Local Plan comprise the development plan whilst the NPPF is a material consideration

7.3 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

7.5 The latest version of the NLP is at the submission stage and relevant policies in this document are a material consideration in determining this application but it is not considered that such policies can be afforded full weight at this time until adoption.

7.6 CMLP Policies C1, PC1 and H16 state that development in the open countryside beyond settlement boundaries will not be permitted unless certain exceptional circumstances criteria are satisfied. The proposal does not satisfy any of these criteria and is therefore considered to be contrary to these policies, although the proposals would not result in encroachment into open countryside as the application site is currently a developed site in commercial use.

7.7 One of the purposes of settlement boundary policies is to direct new housing to locations within existing settlements that generally have better access to public transport and local services than sites in open countryside. The application site is deficient in this regard. Whilst local services within Ponteland to the south are considered to be accessible by car and cycle, the site is not readily accessible to such local services on foot or via public transport and in this regard is not in accordance with the sustainability principles within the NPPF.

7.8 NLP Policy HOU8 regarding residential development in the open countryside does not support the principle of new dwellings in such locations unless these are through the conversion of existing buildings, replacement dwellings or agricultural workers dwellings. This is in line with the spatial strategy of Policy STP1 which seeks to direct most new development to existing towns within the County.

7.9 NPPF paragraph 79 also seeks to resist the development of isolated homes in the countryside unless certain criteria are satisfied. None of the criteria referred to in NPPF paragraph 79 are satisfied.

7.10 Part 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching principles – an economic, social and environmental objective.

7.11 The economic benefits of the development would retain the existing jobs by facilitating the relocation of the business to a more appropriate fit-for-purpose premises in Northumberland creating the potential for expansion and net additional job creation. The creation of the 35 new homes would also support the employment during the construction phase of development and additional expenditure within the local area, to the benefit of local facilities and amenities, once the dwellings are occupied. This would help build towards a strong, responsive and competitive economy, by ensuring that appropriate use of land is built upon to support growth in rural areas.

7.12 The social benefits would include the delivery of new housing stock and a contribution towards new affordable homes, for future generations. A school bus service also passes the site with a new pedestrian access proposed within the indicative layout leading to a new designated bus stop. The scheme can foster a well-designed and safe built environment with open spaces designed into the layout that reflect current and future needs to support communities' health, social and cultural well-being. A further consideration is that the application site is currently occupied by a general industrial use which is not subject to any planning restrictions in terms of activities or hours of operation. There are existing dwellings to the north west of the site and therefore, removal of a potentially 'bad neighbour' use adjacent

to existing dwellings is considered beneficial in terms of residential amenity. The general industrial use, appearance and movement of heavy goods vehicles would be replaced by a more suitable residential use neighbouring the existing occupants.

7.13 The proposal would also provide environmental benefits by replacing redundant and unkempt buildings on brownfield land. The confinement to develop on brownfield land preserves building upon the natural landscape and encroachment into the open countryside. The proposal would be re-using a previously developed site that would avoid further development pressure on other greenfield land which is considered to be a more efficient and effective use of the land. The construction of an appropriate housing scheme would enhance its immediate setting by replacing disused, unsightly buildings with more modern structures to enhance the visual amenity of the surrounding landscape and improve the built and natural environment.

7.14 The comprehensive redevelopment and regeneration of the site would include the clean-up and decontamination, demolition of existing large buildings and external storage areas. The land would be restored and enhanced with natural drainage systems, open space, tree planting and landscaping that would also contribute to habitat creation and biodiversity benefits. The scheme would contribute to protecting and enhancing the natural, built and environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.

7.15 It is accepted the site lies outside the settlement boundaries but on balance, it is considered that greater weight should be afforded to the economic, social, environmental benefits within the sustainability criteria of the NPPF as the scheme would be making effective use of the land and avoid further encroachment into the open countryside beyond the existing built up development. It would also remove a 'bad neighbour' near existing dwellings.

Green Belt

7.16 In terms of Green Belt Policy, the proposals do not accord with Policy C17 of the Castle Morpeth District Local Plan in terms of those types of development that are considered appropriate in the Green Belt. However, this Policy is not consistent with the NPPF and therefore cannot be afforded significant weight. Such national policy is reflected in NLP Policy STP8.

7.17 The NPPF, at para 145, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. This does however differ slightly to the exceptions listed under Local Plan Policy C17 and so greater weight should be given to the NPPF. In terms of new buildings in the Green Belt the NPPF, under para 145, allows;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.18 One of the most notable changes that the Government has made to the NPPF is the greater support for the housing redevelopment of brownfield land in the Green Belt. Criterion g) of Paragraph 145 means that housing proposals involving the redevelopment of brownfield land in the Green Belt which contribute towards affordable housing provision and which do not result in “substantial harm” to openness will not be regarded as inappropriate development.

7.19 The application proposes to contribute 6 on-site affordable houses and therefore, a less stringent test is applied to assessing the impact to the openness of the Green Belt. The measurement is a matter of judgment on whether the impact would result in ‘substantial harm’, rather than identifying if a proposal has a ‘greater impact’. In addition, the recently updated NPPG in July 2019 advises that *“assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. This includes “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”*

7.20 So to reflect, in the assessment of this application, the proposal should not result in ‘substantial harm’ to the openness of the Green Belt and the visual impact is also given significant consideration.

7.21 The application site is currently occupied by a commercial wood shavings and haulage business and there are substantial workshops, storage buildings and Heavy Goods Vehicles on the site. The total floor space of the existing seven buildings on site is 3,947 sqm. In addition, approximately 750 sqm of external areas within the site are used for open storage (e.g. containers, HGV trailers, scrap, machinery, equipment and other industrial paraphernalia) and another approx. 250 sqm are used for other outbuildings (approx. 1,000 sqm in total).

7.22 Whilst it is accepted that the majority of existing buildings are of a single storey height, the site is intensely covered with buildings and large HGV vehicles with storage of some 40 containers/HGV trailers. There is no planning control on the nature of this open storage and, in principle, there is scope for this use to intensify including the stacking of machinery, equipment and scrap. There is some vegetation screening from the northern boundary but the site is generally visible from the wider area and has an impact on the openness of the Green Belt.

7.23 There are approximately 5,000 sqm of the site in total occupied by buildings and external storage areas. The application is seeking outline permission however, an illustrative layout has been submitted and the total floorspace of the new housing

development is 3,200 sqm which demonstrates a reduction of 747 sqm or -19% on the existing seven buildings. Whilst the increased height of the two storey dwellings may have more prominence, the illustrative layout also includes residential gardens, open space, Suds storage and dense landscaping within and surrounding the site. This would help offset the impact of the height of proposed 35 dwellings.

7.24 The application has been supported by a Landscape Visual Impact Assessment (LVIA) which concludes that the 35 unit scheme would have less of an impact on the openness of the Green Belt compared to the existing situation given the nature of the existing use of the site, surrounding landscape features and topography.

7.25 It is considered that the scheme would not result in 'substantial harm' to the openness of the Green Belt. There is already an existing impact to openness from the industrial buildings on the site and the new development would improve the visual character of the site and not be substantially detrimental to the surrounding landscape than the current arrangement.

7.26 There are no definitive plans at the current outline stage but in order to appraise the impact to the Green Belt and ensure that an acceptable scheme will be brought forward at any reserved matters application, a 'Development Parameters' (Design Code) document has been submitted. This provides requirements for the final development that must be in general accordance with the illustrative 'rural courtyard' layout and provide a traditional high quality design. This can be secured via condition and in addition would include restrictions to the scale of the scheme and heights of each building to be no greater than 7.5m to the ridge.

7.27 Bearing in mind the above, it is considered that up to 35 two storey dwellings on the application site covering a floor space that does not exceed that of the existing buildings. The proposal would significantly improve the visual impact of the site and would not result in "substantial harm" to openness of the Green Belt and therefore is not regarded as inappropriate development. The application would be in accordance with criterion g) in paragraph 145 of the NPPF.

7.28 Overall in terms of the principle of development there is non-compliance with Development Plan Policies that seek to restrict development outside of settlement boundaries in locations that are not accessible to local services by a choice of means of transport and sections of the NPPF that seek to avoid isolated housing in the countryside. However, the proposals are considered to be appropriate development in the Green Belt and beneficial in visual terms, does not result in encroachment into open countryside and would remove a potentially 'bad neighbour' general industrial use adjacent to existing dwellings. Bearing in mind the scale of development proposed, it is considered in the on balance, the benefits of the proposal outweigh its harm in terms of matters of principle.

Impact on the character and appearance of the area

7.29 Policy H15 of the Castle Morpeth District Local Plan and NLP Policies QOP1 and QOP2 identify a criteria to provide a high quality design that should relate will with the surrounding environment. NLP Policies QOP4 and ENV3 also seek to safeguard/enhance wider landscape character.

7.30 The NPPF recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively

to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.31 The application is an outline application matters reserved for design, scale, layout and landscaping. Notwithstanding this, given the unattractive visual appearance of the existing site and buildings, it is considered that the proposals overall have the potential to make a positive contribution to the character of the surrounding wider locality. The proposals do not result in any encroachment into open countryside and appropriately worded conditions would seek to ensure any future application under the reserved matter stage would provide a traditional, low density rural courtyard arrangement with rectangular plan forms and the linear form often seen in rural Northumberland. A future layout will also have to provide an area of community open space to promote social cohesion as promoted under Section 8 of the NPPF. A layout comprising green infrastructure and the design of public space will encourage social interaction to promote healthy and safe community. In addition, the use of materials would also comprise stonework to the external walls of the dwellings and sympathetic materials in general have been identified in the 'development parameters' document. This will also be secured via a condition seeking further details.

7.32 In general, the application will regenerate the site, removing the existing industrial buildings and unkempt areas of external storage uses visually harmful and seek to replace with a high quality low density with green open spaces and landscaping enhancements.

7.33 Overall the proposals are considered acceptable in terms of its impact on the character and appearance of the area subject to conditions for the layout to be in general conformity to the illustrative plan, restricting the height of each dwelling and the soft landscaping within and surrounding the site. The application would be in accordance with policy H15 and the NPPF.

Housing Mix and Affordable Housing

7.34 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.

Northumberland County Council's Corporate Plan identifies the delivery of Affordable Housing as a key strategic priority. Affordable Housing applies the Affordable Housing definition as set out in the glossary of the National Planning Policy Framework (NPPF). NLP Policy HOU5 promotes housing developments which provide for a mix of dwelling types, whilst Policy HOU6 seeks to secure affordable housing.

7.35 No details regarding housing mix are provided given that the application is in outline with all matters, other than the principle of up to 35 dwellings on the site, reserved for later approval. However, it is considered that an acceptable housing mix is achievable, albeit that the details would be agreed at the Reserved Matters stage were this outline application to be supported.

7.36 In order to meet the affordable housing identified in the Northumberland Strategic Housing Market Assessment (SHMA), a minimum of 17% of homes on new permissions will be expected to be provided as affordable housing products. The application site is considered to be a suitable location for a small number of affordable homes with access to many local services at nearby Morpeth and Ponteland. The preferred option is a requirement for 17% of the homes to be affordable and located on site. The number of affordable homes would equate to 17% of 35 i.e.6 homes.

7.37 A suggested housing mix would normally be 50% affordable rent and 50% discount market value sale or shared ownership as supported by SHMA evidence. However in this case it would result in only 2 or 3 rented homes and it is highly unlikely that a Registered Provider would be interested in this small number in this location. This presents some options for affordable home ownership as this should be a viable location for affordable homeowners. The first option is this rural location would be to provide a number of discount market value homes aimed at households who can't afford full market value or for a Registered Provider to acquire the homes and provide them on a shared ownership (SO) basis.

7.38 The scheme has been revised from 29 dwelling to 35 in order to accommodate 6 affordable units on site which will be secured by s106 agreement. Overall therefore in terms of housing mix the proposal is considered to be in accordance with the NPPF an appropriate level of on site affordable units will be secured.

Residential Amenity Impact

7.39 Castle Morpeth District Local Plan Policy H15 and NLP Policy QOP2 make reference to the need for new development to safeguard the amenities of those occupiers of nearby property.

7.40 At present there are 2 residential dwellings within the immediate vicinity to the application site. The precise layout and design of the proposed dwellings is not as yet established due to the application being in outline. However, an illustrative layout provided with the application shows that there is sufficient space within the application site to accommodate up to 35 dwellings whilst also providing for a satisfactory degree of separation between these dwellings themselves and the existing neighbouring properties.

7.41 As stated earlier, the proposals would result in the complete removal of the Shavings and Haulage yard and its buildings from the application site would be beneficial to neighbour amenity in this regard due to the removal of a potentially 'bad neighbour' general industrial use. Public Protection have been consulted and have considered that further details are required in relation to potential traffic noise to new properties. This can be secured via a condition and may ensure properties provide appropriate noise mitigation measures.

7.42 Overall it is considered that a suitable form of development is achievable on the site that would not have unacceptable effects upon the privacy or amenity of residents and that the removal of the industrial use is beneficial in residential amenity terms. The application is in accordance with Local Plan Policies and the NPPF.

Highway Safety

7.43 NPPF paragraph 111 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 110 further stresses the need to promote access to developments by a choice of means of transport, access for those with disabilities, safe secure and attractive places, allowance for the efficient delivery of goods and access for emergency vehicles and provision for low emission vehicles. However, paragraph 103 does acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision making.

7.44 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. NLP Policies TRA1 and TRA2 reflect the above.

7.45 The proposed access will be moved from the north west corner of the site near the existing junction and to a more central position on the northern boundary which provides better visibility splays along the long narrow stretch of road. The new access is acceptable in principle but conditions will need to be imposed to ensure a new vehicular access and entrance into the site is designed to a specific size and standard. In addition, details are required to close the redundant access.

7.46 The illustrative layout demonstrates that adequate parking can be provided for each dwelling which will be assessed at the reserved matters stage. The highways authority has no objections to the scheme subject to conditions relating to surface water drainage, construction method statement and details on refuse and parking. The application is therefore in accordance with the NPPF.

Drainage and Flooding

7.47 Castle Morpeth District Local Plan Policy RE5 and NLP Policies WAT3 and WAT4 seek to ensure that flood risk and surface water drainage matters are satisfactorily addressed.

7.48 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere.

7.49 A Suds Scheme has been incorporated and supported by a Flood Risk Assessment and shown on the illustrative layout plan. After reviewing the submitted information the LLFA and Environment Agency have advised that they have no objections subject to conditions. The proposals are therefore considered to be acceptable in this regard subject to the requested conditions. The application is in accordance with Local Plan Policies and the NPPF.

Ground contamination

7.50 Policies RE8 and RE9 of the Castle Morpeth District Local Plan and NLP Policy POL1 seek to ensure that contaminated land and ground stability matters are satisfactorily addressed.

7.51 The applicant has undertaken extensive investigation in respect of ground contamination including intrusive site investigation works. Such investigation has revealed some contamination on site and at the request of the Council's Public Protection team the applicant has produced a remediation strategy to tackle such contamination. The Council's Public Protection team have examined this and raise no objections on contamination grounds subject to a condition to ensure that the remediation strategy is implemented and a validation report provided and a further condition to address any further contamination that may be found on site during construction works. The application is in accordance with Local Plan Policies and the NPPF.

Ecology

7.52 Neighbourhood Plan Policy PNP13 and NLP Policy ENV2 seek to promote biodiversity in developments whilst Castle Morpeth District Local Plan Policies C11 and C15 and NLP Policy QOP4 seek to safeguard protected species and important trees.

7.53 The buildings are in a state of deterioration and the site was shown to support foraging bats, precautionary measures will be required to ensure legislative compliance. The Council's ecologist raises no objection on ecology grounds subject to conditions regarding bats and nesting bird mitigation. Overall the proposals are considered acceptable in ecology terms subject to these conditions being attached. The application is in accordance with Local Plan Policies and the NPPF.

Health Care

7.54 Policy 12 of the Castle Morpeth District Local Plan states that *"for major developments the council will, where necessary, seek through a planning obligation to make provision for related highway, infrastructure and community facilities. These may include: i) the provision of highway improvements, and facilities within the site, that are necessary in the interests of comprehensive planning and/or ii) the provision of off-site highway improvements and facilities where the development can be shown to put additional strain on existing resources"*.

7.55 Paragraph 8 of the NPPF sets out, the social role of sustainable development is to support strong, vibrant and healthy communities with accessible local services that reflect the community's needs and supports its health, social and cultural well-being. Furthermore, Paragraph 92 of the NPPF states proposal should :

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

7.56 The Northumberland Clinical Commissioning Group (CCG) has been consulted and due to the large numbers of new homes planned in the locality and the current capacity pressure on the local GP practices, it is considered that an expansion of infrastructure is highly likely to be needed. There has been confirmation from the GPs serving the Shilvington/Morpeth area that a scheme consisted of 35 new homes would require a section 106 contribution to provide infrastructure capacity for the new residents. This is likely to take the form of the purchasing of medical equipment to increase the throughput of patients in the existing health centres.

7.57 A formula has been applied that has been adopted throughout Northumberland a single payment of £24,300 is required from the developer on completion of the first dwelling and be secured via a section 106 contribution secured with any permission granted. The agent has agreed to this sum.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Conclusion

8.1 In terms of the overall planning balance the proposals are considered to constitute sustainable development. Whilst the application site lies outside of a settlement boundary in open countryside and is not readily accessible to local services for pedestrians and public transport users, the proposal would not result in encroachment into open countryside. In this regard the site is visually unattractive previously developed land which is occupied by a potentially 'bad neighbour' general industrial use in close proximity to existing dwellings and the proposals present an opportunity to improve the visual appearance of the site and secure the removal of a potential 'bad neighbour' use. The comprehensive redevelopment and regeneration of the site would include the clean-up and decontamination, include the removal of industrial buildings in a rural setting and provide enhanced landscaping and biodiversity enhancements. The proposal would also not result in a 'substantial harm' within the Green Belt under paragraph 145 g) of the NPPF.

8.2 The proposals are acceptable in all other respects subject to various conditions and the applicant entering into a Section 106 Agreement to secure an affordable housing and healthcare contribution.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and the applicant entering into a Section 106 Agreement to secure an affordable housing and health care contribution:

Conditions/Reason

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. Thereafter, development shall not be carried out other than in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

02. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

03. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

04. The development hereby approved shall be limited to no more than 35 dwellings and the height of any such dwelling shall not exceed 7.5 metres above existing ground levels.

Reason: In the interests of the satisfactory appearance of the development upon completion and to safeguard the openness of the Green Belt in accordance with the National Planning Policy Framework.

05. The Reserved Matters to be submitted under Condition 1 shall include details of the layout, scale, appearance and landscaping (hereinafter called the "reserved matters") shall be submitted in accordance with the Development Parameters document dated 24th September 2019 and in general conformity to the illustrative proposed site plan PL_1931_SP_01 unless otherwise agreed in writing by the Local Planning Authority. The layout shall also provide an area for community open space for 'place based benefits designed for social cohesion'.

Reason: To ensure that the development will be a high quality design, layout, appearance and landscaping is traditional in character and reflects the surrounding rural setting in accordance with the NPPF

06. No dwelling hereby approved shall be occupied unless and until a detailed Open Space Management and Maintenance Scheme for the maintenance and management of all areas of open space (excluding private gardens) within the application site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full upon the substantial completion of the landscaping works approved under Conditions 1 (or as may otherwise be approved in writing by the Local Planning Authority). Details to be submitted shall include;

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

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

Reason: In the interests of visual amenity, the satisfactory appearance of the development, to maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policy C15 of the Castle Morpeth Local Plan.

07. Any landscaping approved under condition 1 above shall be completed in all respects within 6 months of the substantial completion of plot development.

Reason: In the interest of amenity, ensuring a satisfactory form of development having regard to Policies C11 and C15 of the Castle Morpeth Local Plan.

08. The Reserved Matters to be submitted under Condition 1 shall include details of the proposed boundary treatments for each dwelling to which those Reserved Matters relate and no dwelling shall be occupied unless and until the boundary treatments for that dwelling as approved by the local planning authority have been provided in full.

Reason: In the interests of visual amenity, highway safety and biodiversity, in accordance with Policies C11 and C15 of the Castle Morpeth Local Plan and the National Planning Policy Framework.

09. The Reserved Matters to be submitted under Condition 1 above in respect of the development hereby permitted, shall include full details of the proposed levels including finished floor levels of any buildings and associated structures, compared to existing levels on the site. Thereafter the development shall be constructed in full accordance with the approved levels unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual amenity of the area, in accordance with Policies H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

10. Prior to the commencement of development a scheme for the management and disposal of foul sewerage from development in that phase shall be submitted to and approved in writing by the local authority. Thereafter that approved foul sewerage infrastructure shall be provided in full prior to the first occupation of any dwelling and shall remain in place at all times thereafter and shall be managed and maintained in full accordance with the approved details.

Reason: To prevent the increased risk of flooding pollution from any sources in accordance with Policy RE5 of the Castle Morpeth District Local Plan and the National Planning Policy Framework

11. The Reserved Matters to be submitted under Condition 1 shall include details to ensure that the dwellings to which those Reserved Matters relate 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 the National Planning Policy Framework.

12. Notwithstanding the provisions of Schedule 2, Part 1 Class A-H of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows or free standing buildings or structures in respect of the dwellings hereby permitted shall be constructed within the curtilage of those dwellings without the prior grant of planning permission from the Local Planning Authority.

Reason: In order to safeguard the openness of the Green Belt in accordance with the NPPF.

13. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences or walls shall be constructed within the development site hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order to safeguard the openness of the Green Belt in accordance with the NPPF and to ensure no structures are within 3m of a watercourse.

14. No dwelling hereby permitted shall be occupied unless and until the area shown edged in blue on the location plan comprising part of approved drawing no.15-1242-01 Rev A2 has been cleared of all existing buildings and hardstanding and soft landscaped in full accordance with details submitted to and approved in writing by the local planning authority.

Reason: In the interests of the satisfactory appearance of the development upon completion and to safeguard the openness of the Green Belt in accordance with the National Planning Policy Framework.

15. Prior to the approval of reserved matters a detailed site layout plan that includes the following needs to be submitted to and approved by the Local Planning Authority. The layout shall:

- i. Incorporate a 3m buffer zone between the proposed development and the ordinary watercourse on site. There shall be no buildings or fence panels within this buffer zone.
- ii. Identify the land owners of the watercourse and its bufferzone, giving preference to it being in public open space.

Reason: To prevent plots from flooding from surface water

16. Prior to construction a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall:

- i. Restrict discharge from the development to two 5l/s discharge outfalls totalling 10l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.

ii. Adhere to the principles as set out in the drainage strategy from ID CIVILS reference 4908/FRA01C

iii. Provide attenuation on site for the 1 in 100 year plus climate change event.

iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

Reason: To ensure the effective disposal of surface water from the development.

17. Prior to first occupation details of the adoption and maintenance of all SuDS features and the identified watercourse on site, shall be submitted to and agreed by the Local Planning Authority. The management and maintenance plan shall include the following details Identified riparian owners for the watercourse on site

- A maintenance schedule and log for the identified watercourse for the lifetime of the development
- A maintenance schedule and log for all SuDS Features, which includes details for all SuDS features for the lifetime of development

These details shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the developments lifetime.

18. Prior to approval of the reserved matters a scheme which mitigates any overland surface water flows into the development shall be undertaken and any mitigation carried out within the development.

Reason: To prevent the ingress of off-site surface water entering any dwellings on or off site.

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

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

20. Prior to first occupation an assessment into the structural integrity of the proposed SuDS basins shall be undertaken. This assessment shall ensure the structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

Reason: To ensure the basin is structurally secure, limiting the possibility of any breaching.

21. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by

the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file;
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards.

22. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports ('Goodwill Shaving Yard, Kirkley, Northumberland. Bat Survey Penn Associates March 2018' and 'Goodwill Shaving Yard, Kirkley, Northumberland. Ecological Appraisal Report. Penn Associates. March 2018') and this condition, including, but not restricted to;
1. A pre commencement check, by a Suitably Qualified Ecologist, for roosting bats of all buildings will be carried out before demolition of existing buildings is carried out.
 2. The stone barn will be demolished outside of the bat hibernation season (mid-November to mid-March inclusive).
 3. Installation of a minimum of No.1 integrated (i.e. built-in) bat boxes and No. 1 integrated bird box in each dwelling. To include a minimum of No.10 boxes designed for house sparrow. Numbers, types and positions of which to be submitted to and agreed in writing with the LPA prior to construction commencing and fully implemented as approved.
 4. No works shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
 5. All external lighting to be directional to avoid light spill away from new roosting provision, boundary features and areas of scrub and hedgerows, through adherence to 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series'
 6. An updating ecological survey to be carried out in the event that development works do not commence before the end of May 2020 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.
 7. Any deep (in excess of 300mm) excavations left open overnight to be either securely covered, fenced 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.

8. Site design will take into consideration BS 5837:2012 Trees in relation to design, demolition and construction and root protection zones will be implemented around all retained trees and hedgerows in accordance with the guidance given in BS5837
9. Gaps of 15cm are provided in every boundary fence for houses to allow for free movement of hedgehogs.
10. Production and implementation of a Landscape Management Plan which integrates the SUDS scheme for the site including creation of wildflower wetland in and around the SUDS scheme, re-naturalising the burn structure, new/repared hedgerows, scrub, trees, all using species native to Northumberland targeting Species of Principal Importance. To be fully implemented during the first full planting season (November – March inclusive) and to comprise species native to Northumberland. To be submitted to and agreed in writing with the LPA prior to construction commencing and fully implemented as approved.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the NPPF.

23. The development hereby permitted shall not be carried out other than in complete accordance with the detail contained within the following approved plans/documentation:

Location Plan 100_01_Rev03

Reason: To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

24. The development shall not be brought into use or continue in use until the applicant has submitted a noise impact assessment, for written approval by the Local Planning Authority, which demonstrates that the road traffic noise at the proposed dwellings nearest the C361 road can meet:

- A daytime (16 hour) limit of 50dB LAeq in garden areas.
- A daytime (16 hour) limit of 45dB LAeq at the dwelling façade.
- A night-time (8 hour) limit of 45dB LAeq at the dwelling façade.
- A night-time (8 hour) limit of 60dB LAMax at the dwelling façade.

Where these limits cannot be met, then mitigation should be proposed to achieve these levels.

Reason: To ensure a commensurate level of protection against obtrusive noise.

25. No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise levels of 35dB LAeq, 16 hours during the day and 30dB LAeq, 8 hours and 45dB LAMax 8 hours during the night can be achieved in the main habitable rooms with windows open at the

dwellings closest to the C361 road. The scheme shall include the final site layout, identified house types for each plot showing internal room layouts to identify that the main habitable rooms shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall be implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.

Reason: To ensure a commensurate level of protection against obtrusive noise.

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 undertaken by a competent and qualified consultant then 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 ground-intrusive site investigations shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters as recommended by the Phase 2 report (Geoenvironmental Appraisal, ref: C8293 and dated September 2019 produced by Sirius Geotechnical). 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 forwarded to the Local Planning Authority without delay 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. No deviation shall be made from this scheme without express written agreement 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.

27. If during re-development 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.

28. 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:

Monday to Friday - 0800 to 1800.

Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

29. Deliveries to and collections during the construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

30. No development shall commence until a scheme to control dust, to be implemented for the duration of the site works, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include methods to control dust from works and site management responses to incidents and complaints about dust arising from the site.

Reason: To protect residential amenity and provide a commensurate level of protection against dust.

31. The development shall not be occupied until details of the proposed boundary treatments to ensure visibility splays along the C151 in both directions in both the vertical (1.0m drivers eye height) and horizontal planes have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

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

32. Prior to commencement of development details of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

33. The development shall not be occupied until details of car parking area have been submitted to and approved in writing by the Local Planning Authority and

implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

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

34. Notwithstanding the details submitted, development shall not be occupied until details of the vehicular access from the C151, has been submitted in accordance with Type 'C' of Northumberland County Council specifications, incorporating entry width of 6m at the tangent point of the radii tapering to 4.8m wide over 10.0m and 6.0m radii on both sides, with visibility splays at 2.4m set back with unobstructed views in both directions in both the vertical and horizontal planes and details of widening along the full frontage of the development along the C151 has 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 Policy Framework.

35. The development shall not be occupied until details of the reinstatement of the redundant vehicular access with the C151 and reinstatement of highway including footway have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

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

36. Notwithstanding the details submitted, the development shall not be brought into use until details of the widening of the C151 along the full frontage of the development to tie into the existing carriageway at the C361 has submitted and approved in writing by the Local Planning Authority to including lighting, drainage and signage as appropriate, has been submitted to and approved in writing by the Local Planning Authority.

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

37. 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 the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

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

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

39. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

40. Prior to occupation, details of surface water drainage to manage run off from private land to the adopted highway / adoptable estate road 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.

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

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

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

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

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

Informatives

Drainage

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

Any areas within the front garden of 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 driveway:

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 or concrete.

Further information can be found here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore looking at and installing rainwater harvesting units and water butts.

Ecology

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 2017. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them. Barn Owl are especially protected under Schedule 1 of the Act.

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.

If protected species such as bats or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice on bats by telephoning Natural England's bat advice line on 0345 1300 228.

The Chartered Institute of Ecology and Environmental Management (CIEEM) has an online professional directory should assistance be required.

<https://cieem.net/i-need/finding-a-consultant/>

Further information about protected species and the law can be found on the government website

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles or hedgehogs. I would therefore request that any vegetation or materials clearance be carried out gradually and with due care and attention.

Integrated built bird and bat boxes

Bat and bird boxes should be installed within the structure of the new building/s i.e. be integrated within the building. This ensures the longevity of the feature. A web search for 'integrated bird boxes' or 'integrated bat boxes' will provide information about designs and suppliers.

Further information on bats in buildings can be found at:

http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html

http://www.bats.org.uk/pages/bat_boxes.html#Integrated%20bat%20boxes

Trees

Where trees/shrubs are to be planted, following link advises on species appropriate to Northumberland:

<https://www.nwt.org.uk/sites/default/files/2019-01/Notes%20on%20Tree%20Planting%20And%20The%20Use%20of%20Native%20Species%20In%20North%20East%20England.pdf>

Native species

Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife, and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties, and will bring a sense of local distinctiveness to planting schemes.

Suppliers of these species can easily be found on the internet, but an especially good resource is the Flora Locale website; this provides extensive advice but also has a list of suppliers that have signed up to its code of conduct for the growing and supply of native plants. The following link advises on species appropriate to Northumberland:

<http://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

Highways

The applicant is advised to enter into pre-application discussions with the Local

Planning and Highway Authority in respect of the internal layout of the development area in order to establish broad principles of the adoptable highway network.

New vehicle crossing point (S184)

You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: northernareahighways@northumberland.gov.uk .

Section 38 Agreement and adoption of highways

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

Section 278 Agreement and works in adopted highway

You are advised that off-site highway works required in connection with this permission are under the control of the Council's Highway Development Management team and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

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 .

Highway works under Section 278 Agreement

The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: new access point, reinstatement of verge at redundant access point and carriageway widening along the frontage of the site on the C151, including drainage and associated works.

Reminder to not store building material or equipment on the highway

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

Contact Lighting Section

You are advised to contact the Councils Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.

Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition HWD11 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the

constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk .

Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition HWD12 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk .

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.

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.

Noise Assessment

A measured noise assessment for a minimum of 24 hours capturing day and night noise will be required and assessed against BS 8233:2014.

The assessment should focus mainly upon road traffic noise, but other local issues could be considered, such as operational noise and any fixed plant noise from the residential care home to the east of the site.

The noise assessment and recommendations should be submitted with the reserved matters application where the final house types and site layout is finalised.

The applicant should carefully consider the house types and their orientation for those dwellings to be placed closest to the C361. The expectation will be that the windows of the main habitable rooms should achieve internal noise limits with windows open.

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Burning Materials Onsite

There shall be no burning of any material associated with the construction phase on the site.

Dust Management Plan

It would be expected that a dust management plan be submitted with any subsequent application, this can be an initial draft but should contain the main elements of such a plan. Such a plan should also include an anti-idling policy for plant and machinery onsite to minimise air pollution.

Dust minimisation and control shall have regard to guidance such as :

The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at:

<http://iaqm.co.uk/guidance/>

Additionally, the Mayor of London's office has produced robust supplementary guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at:

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/control-dust-and>

The HSE also provide guidance on construction dust:

<http://www.hse.gov.uk/construction/healthrisks/hazardous-substances/construction-dust.htm>

As do the CITB through the Construction Dust Partnership:

<https://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-dust-partnership/>

Date of Report: 25.09.2019

Authorised by:

Date:

Background Papers: Planning application file(s) 18/03613/OUT