

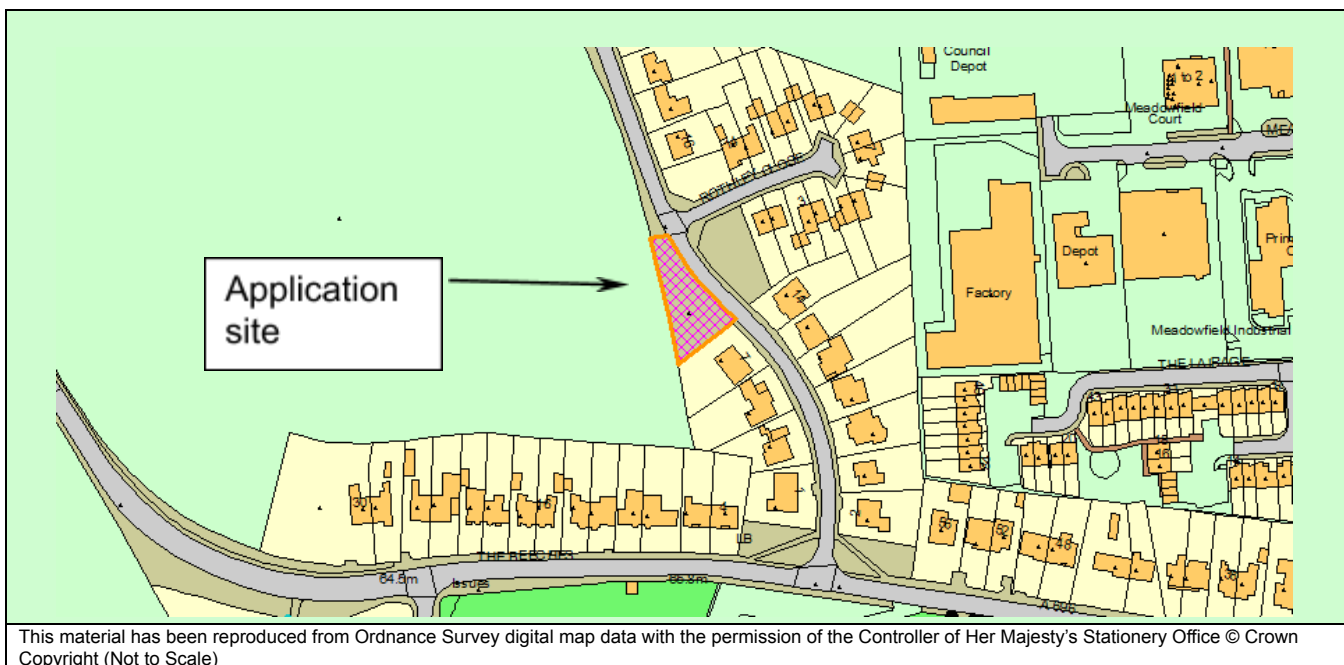


# Northumberland County Council

## Castle Morpeth Local Area Council Committee 11<sup>th</sup> November 2019

<b>Application No:</b>	19/02754/FUL		
<b>Proposal:</b>	Proposed new residential dwelling with associated parking. New access proposed off Ladywell Way (amended plans received 10/10/19)		
<b>Site Address</b>	Land North Of 7 Ladywell Way, Ladywell Way, Ponteland, Northumberland		
<b>Applicant:</b>	Mrs Kristina Donnelly 88 Runnymede Road, Ponteland, Newcastle Upon Tyne , NE20 9HH	<b>Agent:</b>	None
<b>Ward</b>	Ponteland North	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	5 August 2019	<b>Expiry Date:</b>	12 November 2019
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@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 Planning Manager, where it was decided that due to the

level of objection received against the planning application, it should be referred to committee. As such, the application is to be considered by Members of the Castle Morpeth Local Area Council Committee.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 1no two storey residential dwelling on land North of 7 Ladywell Way, Ponteland.
- 2.2 The proposed dwelling would measure 17.5 metres in width by 11.6 metres in length, incorporating an integral double garage. A pitched roof would be sited upon the property that would measure 8.45 metres to the highest point with a brick chimney protruding a further 1.1metres.
- 2.3 The proposed materials would consist of red brickwork, white UPVC fenestration and grey concrete roof tiles. Timber fencing would be incorporated upon the shared boundary to the south and also to the rear.
- 2.4 Access to the site would be sought off the existing Ladywell Way public highway. An integral double garage would allow for the parking of 2no vehicles with hardstanding allowing for further parking provision within the site.
- 2.5 Amended proposals were submitted on 10<sup>th</sup> October 2019. It is these plans that will be considered within the below appraisal.

## 3. Planning History

N/A

## 4. Consultee Responses

Ponteland Town Council	The Planning Committee would like the neighbours' comments and objections to be taken into consideration and the matter of the trees to be raised with the relevant department at Northumberland County Council.
Highways	No objection subject to recommended conditions and informatives.
Northumbrian Water Ltd	Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority: <ul style="list-style-type: none"> <li>● Discharge into ground (infiltration)</li> <li>● Discharge to a surface water body</li> <li>● Discharge to a surface water sewer, highway drain, or another drainage system</li> <li>● As a last resort, discharge to a combined sewer</li> </ul>
County Ecologist	No objection subject to recommended conditions.
West Tree And Woodland Officer	Object due to removal of 3no trees. Recommends that TPO be placed upon the 3no trees.
Lead Local Flood Authority (LLFA)	Object. Applicant has submitted further information which the LLFA has been re-consulted on. Members will be updated at committee.

## 5. Public Responses

## Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	48
Number of Support	0
Number of General Comments	0

## Notices

General site notice, 23rd August 2019

No Press Notice Required.

## Summary of Responses:

48no objections were received against the application proposal from neighbouring residents and members of the public. These objections raised concerns regarding:

- Loss of trees;
- Impacts on the character of the area;
- Choice of materials;
- Residential amenity;
- Highways safety;
- Principle of development;
- Loss of open space;
- Impacts on protected species and habitats;
- Flooding and drainage;
- Setting of a precedent;
- Conflict with previous planning decision for the estate;

Material planning considerations have been considered within the below appraisal. The last 2 points (above) cannot be considered material planning considerations and therefore, no weight has been given to these within the below assessment.

Each planning application is assessed on its own merits against both local and national planning policy therefore the Local Planning Authority cannot take into consideration any future proposals that may be submitted.

Concerns were also raised by objectors that the original permission (T59/184A) for the overall site (Ladywell Way, Rothley Close and Simonside View) allowed for 89 dwellings with sections of the site left for open space. Whilst this is evidently the case, the local planning authority have to consider the application against current local and national planning policies.

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=PVLYVBQSI1U00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

## Ponteland Neighbourhood Plan Submission Draft (2017) (PNP)

Policy PNP 1 - Sustainable development principles

Policy PNP 2 - High Quality and Inclusive Design

Policy PNP 10 – Green infrastructure

Policy PNP 11 - Landscape

Policy PNP 13 - Biodiversity

Policy PNP 27 - Flood Risk

Policy PNP 28 - Sustainable Drainage Systems

Policy PNP 29 – Transport and new developments

## Castle Morpeth District Local Plan 2003 (saved policies 2007) (CMDLP)

Policy RE5 - Surface water run-off and flood defences

Policy C1 - Settlement boundaries

Policy C11 - Protected species

Policy C15 – Trees in countryside and urban areas

Policy H15 - New housing developments

Policy PC1 - Ponteland settlement boundary

### 6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)

National Planning Practice Guidance (amended, 2019) (NPPG)

### 6.3 Other documents/strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (NLPPD)

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy STP 6 – Green infrastructure

Policy HOU 2 - Provision of new residential development

Policy HOU 3 - Housing requirements for neighbourhood plan areas

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well designed places

Policy TRA 4 - Parking provision in new development

Policy ENV 2 - Biodiversity and geodiversity

Policy ENV 3 – Landscape

Policy WAT 3 - Flooding

Policy WAT 4 - Sustainable drainage systems

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material

considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Ponteland Neighbourhood Plan (made version 2017) (PMP) and Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). The main considerations in the assessment of this application are:

- Housing land supply;
- Principle of development;
- Design and visual character;
- Residential amenity;
- Highways safety;
- Ecological impacts;
- Water management.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) can therefore be given some weight in the assessment of this application.

### **Housing land supply**

- 7.2 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that paragraph 11(d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold. This situation is the principal means (albeit not the only way) by which existing policies relevant to housing can be deemed out-of-date.
- 7.3 As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2019-2029 period, together with the latest 2018 affordability ratio, gives a minimum Local Housing Need of 676 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the SHLAA's identified 7,956 dwellings 'deliverable' supply would equate to a 11.2 years housing land supply (Figures 12-14).
- 7.4 The Housing Delivery Test result records that Northumberland achieved 197% delivery against its minimum housing need for the initial three years 2015-18, while delivery over the last three years 2016-19 means that the HDT result for 2016-19 is expected to be even higher at 238% (Figure 2).

- 7.5 Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

### **Principle of development**

- 7.6 Paragraph 12 of the NPPF outlines that development plans form the starting point for decision making by local planning authorities. Taking this into consideration, policies from the Ponteland Neighbourhood Plan (PNP) (made version) are given weight in so far that they accord with the provisions of the NPPF. Weight is also given to Castle Morpeth District Local Plan (CMDLP) which was made in 2003, with saved policies in 2007.
- 7.7 The Northumberland Local Plan Publication Draft (NLPPD) is currently at independent examination stage, therefore, some weight can now also be given to any relevant policies within this plan.
- 7.8 Policy C1 of the Castle Morpeth District Local Plan (CMDLP) identifies settlements within the former district with development expected to be situated within these areas, albeit with some exceptions. The proposals map that forms part of the CMDLP shows the application site as being located within the settlement boundary for Ponteland with residential properties bounding the application site to the south and also to the east beyond the public highway.
- 7.9 The application site is currently recognised as a parcel of open space land, however, this is not designated or protected by local planning policy. Prior to the submission of the planning application, the applicant submitted a pre application enquiry to the local planning authority regarding the principle of development upon this land. The local authority's open spaces team confirmed in a consultation response to this pre application enquiry that due to the limited space on the land it's sole purpose would be to contribute to the visual amenity of the area and that they would have no objection to the development of the site.
- 7.10 In regards to the sustainability of the site, it benefits from good footpath and public transport links with everyday amenities such as shops, restaurants and banks located within proximity in Ponteland town centre. Good public transport links also allow access to neighbouring towns within the vicinity and also to Newcastle City Centre which is located approximately 8 miles from Ponteland. Paragraph 10 of the NPPF outlines that the heart of the framework is a 'presumption in favour of sustainable development', with this mirrored in the PNP at policy PNP 1. Therefore, the proposal is considered to be in accordance with these provisions and the principle of development upon this site is considered acceptable.

### **Design and visual character**

- 7.11 Policy PNP 2 of the PNP details that new development should demonstrate high quality and inclusive design whilst respecting the character of the site and its surroundings.

- 7.12 Policy H15 of the CMDLP appears to mirror the provisions of the PNP in design terms by detailing that proposals must be compatible with any distinctive vernacular character present in the locality, in respect of layout, design and materials. The NPPF at paragraph 124 recognises good design as a key aspect of sustainable development with paragraph 127 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 7.13 Some weight can also be given to the NLPPD (including minor modifications May 2019) with policy HOU 9 stipulating that residential developments should be constructed to a high quality design with policy QOP 1 outlining that developments should make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features.
- 7.14 Amended plans were provided to the local planning authority for consideration on 10<sup>th</sup> October 2019 incorporating a number of design amendments from the original submission. As detailed within the introduction to the report, the development would be constructed using red brickwork, white UPVC fenestration and grey concrete roof tiles.
- 7.15 A site visit was carried out by the case officer as part of the application process which consisted of an assessment of the application site itself as well as a walk around of the existing streets to assess any prevailing character that may exist within the immediate surrounding area. It was recognised by the officer when visiting the application site that the immediate neighbouring properties within Ladywell Way have a distinguishable and uniform character, incorporating similar materials in terms of red brick, white UPVC fenestration and brown roof tiles with pitched roofs and brick chimneys. The amended proposal incorporates a number of these materials and design provisions and whilst the proposed dwelling would incorporate grey concrete roof tiles, it cannot be considered that this would result in significant harm to the visual appearance or character of the surrounding area.
- 7.16 Upon approach to the application site, the properties to both the East and West of the Ladywell Way public highway follow the natural curve of the road with boundary planting to the front elevations of these properties providing a pleasant approach within the estate. The amended submission would ensure this natural building line would not be breached and would therefore retain the uniformity that currently exists. The applicant intends they would be willing to incorporate planting to the frontage of the application site which can be secured under the attaching of a landscaping condition upon any approval.
- 7.17 The scale, massing and overall roof height of the proposed dwelling is considered appropriate for a site of this size and would not be considered to be an incongruous addition to the surrounding area. Adequate amenity space would be retained to the rear and side elevations of the property for everyday use with a parcel of open space to the North of the site retaining some element of 'open feel' which exists within this estate at present.
- 7.18 Whilst recognising that the proposal would ultimately result in the loss of a parcel of open space, it is not considered that this loss would be to the

significant detriment of the visual character of the street scene and wider area. Larger, more prominent sections of open space exist within the estate and provide a clear delineation between sections of the estate whereas the parcel of land that forms this application submission is a continuation of an already existing built form along the Ladywell Way public highway.

- 7.19 Taking the above into account, it is considered that the development is considered acceptable in design terms and accords with the relevant local and national planning policies as detailed above.

### **Residential amenity**

- 7.20 Policy PNP 2 of the PNP whilst mostly focusing upon the design of residential properties, states at part e) that development must not have an unacceptable adverse impact on the amenities of occupiers of nearby properties. Policy H15 of the CMDLP more specifically states that distances between primary elevations of proposed developments with existing properties must not fall below 20 metres as a way of protecting privacy.
- 7.21 Policy QOP 2 of the NLPPD notes that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area.
- 7.22 The proposed dwelling has been designed to take into consideration the amenity of neighbouring residents, specifically 7 Ladywell Way located to the south of the application site. A separation distance of approximately 9.3 metres would be retained between the 2no side elevations of both properties with and whilst 2no windows are proposed upon the south facing side elevation of the proposed dwelling, these are to be obscure glazed to ensure no adverse privacy impacts. It was noted when visiting the site and through discussions with the owner that the existing property at 7 Ladywell Way benefits from a first floor side window that appears to serve a main bedroom. Whilst ultimately there would be an impact upon outlook from this window to what exists at present, the adequate separation distance coupled with this window being a secondary window ensures that any impact would not be considered significant. Furthermore, the reduced ridge height upon the amended proposal would ensure that there would be no considerable overshadowing to this window.
- 7.23 In relation to the amenity of any future occupiers of the residential dwelling, the proposal represents an appropriately sized property with sufficient room both internally and externally for modern living. All habitable rooms would be served by at least 1no window with external space to the rear and also to the side allowing for outdoor amenity space.
- 7.24 The proposal is therefore considered to accord with both local and national planning policy in relation to residential amenity. A condition is to be attached upon any approval ensuring that the 2no first floor windows upon the South facing side elevation be obscure glazed prior to occupation.

### **Highways safety**



- 7.25 Consultation was undertaken with the local highways authority, who, following the submission of amended plans, raised no objection to the proposed scheme subject to recommended conditions and informatives.
- 7.26 The proposal will see the creation of a new access point and footpath connection from the Ladywell Way highway, sufficient visibility splays already in place to allow safe ingress and egress to and from the application site. The land that the proposal will be placed on will need to be stopped up under the Section 247 of the Town and Country Planning Act as it is currently classed as 'Public Maintainable Highway' whilst the applicant would also be required to enter into a section 278 agreement with the local authority for the external highway works.
- 7.27 Car parking provision at the application site is considered appropriate for a 4 bedroom dwelling, with a double garage allowing for the parking of 2no vehicles with further hardstanding to the front of the site allowing for further parking and manouvering space. To ensure there would be no adverse impacts upon the safety of users of the immediate highway network, Highways DM have requested that a condition be attached ensuring that a construction method statement be provided prior to the commencement of development.
- 7.28 It is therefore considered that the proposed works would accord with both local and national planning policy in terms of highways safety.

### **Ecological impacts**

- 7.29 Policy PNP 13 of the PNP details that 'All development proposals should conserve the biodiversity value of land, species, buildings and habitats, and maximise opportunities for creation, restoration, enhancement and management of biodiversity'. Policy C11 of the CMDLP more specifically focuses upon protected species and outlines that the council will not permit development which could adversely affect protected species or their habitats.
- 7.30 Paragraph 170 of the NPPF notes planning decisions should contribute to and enhance the natural and local environment whilst providing net gains for biodiversity. These provisions are mirrored within policy ENV 2 of the NLPPD.
- 7.31 Consultation was undertaken with the local authority's ecologist who raised no objection to the scheme subject to recommended conditions and informatives. The application site is recognised at present as being semi-improved grassland with a strip of hedgerow to the rear and 3no trees. An overgrown scrub of wildland is also located on site.
- 7.32 To facilitate the proposed dwelling upon the application site, the existing 3no trees would require removal from the site. The local authority's ecologist has confirmed within their response that whilst the trees lack maturity to be considered ecologically important, they do contribute to habitat present in the area. The local authority's Tree and Woodlands officer has also been consulted as part of the application, noting within their consultation response

that the 3no trees should be retained on site and are considered worthy of a Tree Protection Order (TPO).

- 7.33 Whilst it is recognised by the local planning authority that these 3no trees are potentially worthy of protecting, being planted as part of the estate development approximately in the early 1960s, they are currently not protected under a preservation order and no request has been made to the local planning authority prior to the submission of this planning application for the trees to be protected. The 3no trees do contribute to the visual amenity of the immediate street scene and surrounding area however, it is considered that the loss of these 3no trees would not warrant refusal of the planning application as such. Significant planting exists throughout the estate with it confirmed by the local authority's ecologist within their response that the loss of the 3no trees would not detrimentally impact upon protected species and their habitats. Furthermore, the local planning authority would seek for the replanting of at least 3no trees elsewhere within the site. Whilst these trees would evidently not be at the same scale of the 3no that require removal, it would ensure that planting would remain within the estate to retain it's semi-rural feel.
- 7.34 Taking the above into consideration, and through the attaching of appropriate conditions especially in relation to the provision of bat and bird boxes within the development, it can be considered that the proposal represents evident net gains in terms of biodiversity thus according with both local and national planning policy.

### **Water management**

- 7.35 Policy PNP 27 of the PNP details that development proposals will be expected to demonstrate how they will minimise flood risk. This covers the drainage of any foul or sewage water from the application site along with how surface water will be disposed of. Policy RE5 of the CMDLP mirrors these provisions by stating that developments should not increase the risk of flooding elsewhere. The application site is located within a flood risk 1 area and as such, is not highly susceptible to flooding.
- 7.36 As part of the consultation process, comments were provided by the Local Lead Flood Authority team in regards to the surface water drainage from the site. Insufficient details regarding surface water drainage were provided however, the applicant has since providing additional information which is currently being assessed by the LLFA team. An update will be given to members during committee.
- 7.37 Consultation was also undertaken with Northumbrian Water with the submitted details indicating that foul sewage would be disposed of by existing mains sewers. Northumbrian Water responded with no comment to these proposals and outlined sustainable surface water management techniques as part of their consultation response.
- 7.38 Taking the above into consideration, the proposal is considered to accord with relevant local and national planning policy in terms of drainage and flooding management.

## **Equality Duty**

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

## **Crime and Disorder Act Implications**

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

## **Human Rights Act Implications**

- 7.41 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.42 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.43 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 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local

plan policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

- 8.2 The application is therefore recommended for approval, subject to appropriate conditions.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

1. Location plan drawing no. 100:01 (received 5<sup>th</sup> August 2019)
2. Proposed floor plans drawing no. 210:01 Rev. 5 (received 10<sup>th</sup> October 2019)
3. Proposed elevations drawing no. 220:01 Rev. 5 (received 10<sup>th</sup> October 2019)
4. Proposed site plan drawing no. 200:01 Rev. 5 (received 10<sup>th</sup> October 2019)

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

03. Replacement planting of at least 3no. suitable trees shall be carried out no later than the first planting season following the completion of the felling works. These shall be a Nursery standard size tree (10-12cm diameter stem and 2.5-3m height) supported with a stake and maintained by weeding, watering and replacement of failures for a minimum of three years. The species and location of the replacement trees shall be plotted on a plan, submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and in accordance with the provisions of Policy C15 of the Castle Morpeth District Local Plan.

04. Prior to the first occupation of the building hereby permitted, the windows at first floor level upon the south facing side elevation shall be fitted with obscure glazing, and that glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy which may otherwise have resulted, in

accordance with the provisions of policy PNP 2 of the Ponteland Neighbourhood Plan and policy H15 of the Castle Morpeth District Local Plan.

05. Prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, where required, the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of fences, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings no later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of policy PNP 2 of the Ponteland Neighbourhood Plan and policy H15 of the Castle Morpeth District Local Plan.

06. The development shall not be occupied until the car parking area indicated on the approved plans, has been hard surfaced. 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 .

07. 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 Policy Framework.

08. Development shall not commence until details of the proposed highway works including vehicular access construction details and footway construction details have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

09. No change of use shall occur on highway land at Ladywell Way until that section of highway has been stopped-up by virtue of an Order made under Section 247 of the 1990 Town and Country Planning Act

Reason: In order to prevent the building of residential structure within highway land.

10. Prior to occupation, details of surface water drainage to manage run off 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.

11. 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 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

12. Prior to the commencement of development above damp proof course level a scheme for the provision of bird boxes and bat boxes integrated into the fabric of the buildings shall be submitted for the written approval of the LPA. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. No fewer than 1 bat box and 2 bird boxes in total shall be provided. The approved scheme shall be implemented in full prior to the dwellings being occupied.

Reason: to protect and enhance the biodiversity of the site.

13. Prior to the commence of development all invasive non-native species shall be identified by the project ecologist and removed from the site and disposed of at a licensed waste facility.

Reason: to protect and enhance the biodiversity of the site.

14. All hedgerows and trees that are to be retained shall be retained and protected in accordance with the "Land on Ladywell Way, Ponteland,

Pre-development Tree Survey Arboricultural Impact Assessment” authored by Elliot Consultancy Ltd, dated July 2019. Retained hedgerows and trees are to be protected from root compaction during the course of the development works in accordance with the guidance set out in ‘BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations’ British Standards Institution, 2012.’

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

15. No tree felling shall be undertaken until a tree felling method statement has been submitted to the LPA for written approval. The method statement shall detail measures to be taken to reduce the risk of potential harm to bats which may use trees present as a roost location. All trees with a risk of supporting bats shall be identified by the project ecologist and shall only be felled in strict accordance with the approved method statement.

Reason: to reduce the chance of harm to a protected species.

16.
  - i) No demolition, development, tree felling or vegetation clearance 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.
  - ii) Netting of hedgerows or trees shall only be used in exceptional circumstances in accordance with the Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law.

### **Informatives**

- 1) 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 5 of 7 other works to the existing footpath or verge) you should contact the Highways Area Office at: - Castle Morpeth [centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)
- 2) You are advised of the necessity to formally stop up or divert the highway(s) under the Town and Country Planning Act 1990 before the commencement of any work. You should contact the National Transport Casework Team on 0207 944 4310 or [nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk) at your earliest convenience. Further information on the process can be found at <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

- 3) You are advised that off site highway works required in connection with this permission are under the control of the Council's Technical Services Division 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](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.
- 4) 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.
- 5) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

**Date of Report:** 28th October 2019

**Background Papers:** Planning application file(s) 19/02754/FUL