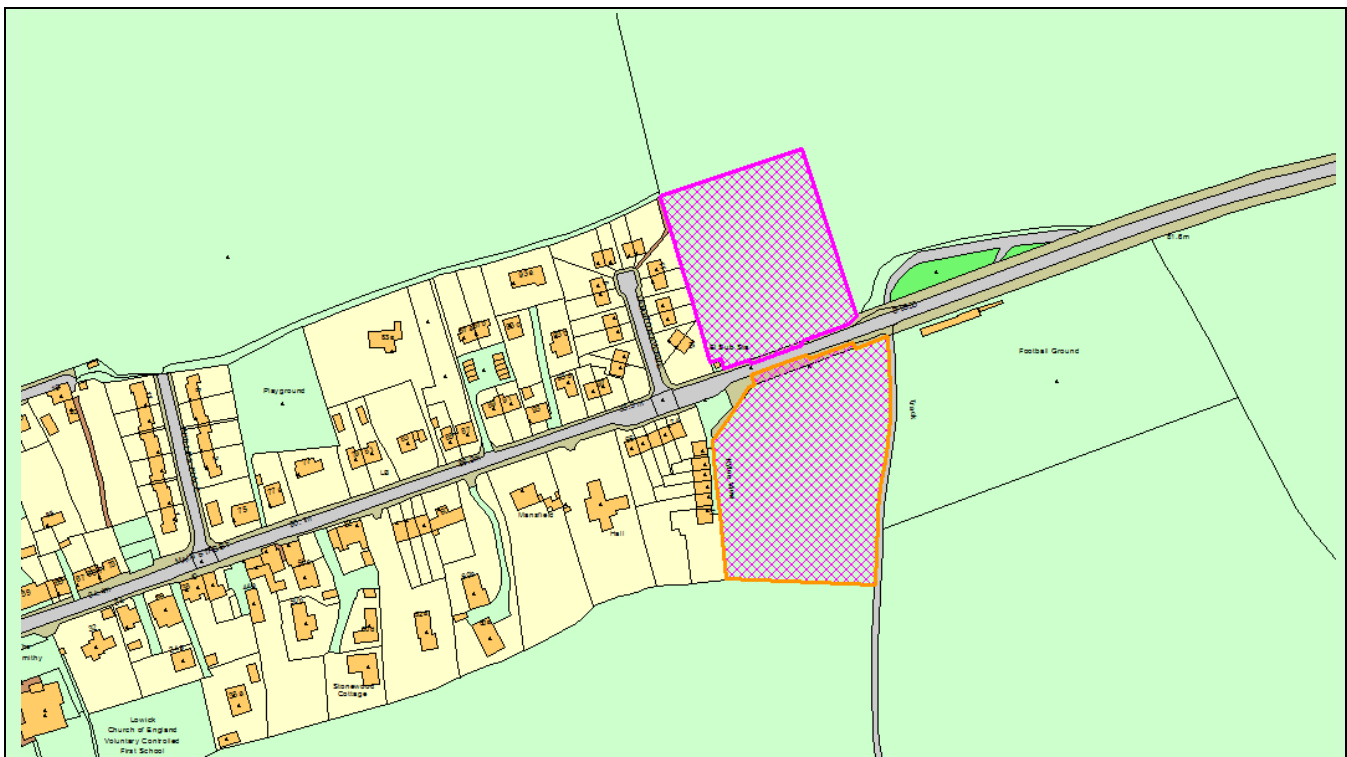




Northumberland County Council

North Northumberland Local Area Council
19th April 2017

Application No:	17/04394/OUT		
Proposal:	Hybrid Planning Application , Full Planning Permission: Development of 4 Dwellings, Outline Permission with All Matters Reserved: Development of up to 20 dwellings - Amended 03/04/18		
Site Address	Land East Of Lambton Avenue And Kyloe View, Lowick, Northumberland,		
Applicant:	Mr C Colgan Lowick Hall Farm	Agent:	Miss Zoe Wilkinson Suite 4b, 113 Portland Street, Manchester , M1 6DW
Ward	Norham And Islandshires	Parish	Lowick
Valid Date:	7 December 2017	Expiry Date:	30 April 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application is to be recommended for approval contrary to a valid objection from Lowick Parish Council. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination.
- 1.2 The application was amended as follows;
- 03/04/18 - Revision to the Design & Access Statement and Outline Layout
 - 27/03/18 - Amendment for the Outline Element to be All Matters Reserved
 - 23/03/18 - Submission of a Drainage Statement
 - 14/03/18 - Submission of a Phase 1 Ecological Report and Habitat Regulations Assessment.
 - 11/03/18 - Submission of a Highways Technical Note
 - 05/03/18 - Revisions to the Design & Access Statement, Landscaping, Outline and Full Layout
 - 04/01/18 - Submission of a Highways Technical Note

2. Description of the Proposals

- 2.1 The application site is located to the eastern edge of Lowick village, on land immediately adjacent to the settlement edge that serves as agricultural fields. The site area spans both north and south of Main Street (B6353), the main thoroughfare running through the village.
- 2.2 The southern portion of the site is bound by existing residential development to the west (hard against the boundary) and is constrained to the east by an access lane with land associated with Lowick Football Club beyond.
- 2.3 The land to the north is less constrained but follows the existing line of residential development along its northern boundary and terminates in line with the proposed extent to the southern portion of the site. The land is relatively flat with no significant defining features.
- 2.4 The proposal is a hybrid application; that seeks outline planning permission for one part and full planning permission for another part of the same site;

Full Permission

- Erect 2 no. 5-bedroom dwellings to the north side of the road (Plots 11 and 24) - two storey stone built dwellings with a slate covered gable roof with a front projecting two storey gable element and ground floor lean to over an integral double garage.
- Erect 2 no. 5-bedroom dwellings to the south side of the road (Plots 7 and 8) - two storey stone built dwellings would have a slate covered gable roof with a front projecting two storey gable element and ground floor lean to over an integral double garage.

Outline with all Matters Reserved

- Erect 20 dwellings.
- Access would be from the north and south of the B6353 (that sit within the area of the full permission).

3. Planning History

No Relevant Planning History

4. Consultee Responses

<p>Lowick Parish Council</p>	<p>Objects;</p> <p>The Parish Council is not opposed to sustainable development but questions whether the present scheme can deliver the benefits required, because of its size, location and nature. It is mindful of the significant objections that have been raised by members of the public, and believes that these outnumber the statements of support which have been generated. It acknowledges that the landowner has made, through his agent, Pegasus, considerable efforts to make the scheme attractive and acceptable, but it feels challenging issues remain.</p> <p>Therefore, Lowick Parish Council objects to the above application for the following reasons;</p> <p>Location of Proposed development. A development of this size is outside the long established village boundary and beyond the 30mph limit and would make the village even longer. The Parish Council would prefer any developments to be within the current village boundaries.</p> <p>This size of this development is beyond what is required in the village. There is no provision for homes for rent which are needed and a small provision for affordable housing – more of this type of accommodation is needed to be built to attract young people to the village, not plots of land where they can attempt to build their own home. There are also concerns that much of this development could result in 2nd home ownership.</p> <p>This development would exceed the benchmark figure of a 6.5 year housing supply. Within the Berwick upon Tweed Local Plan Policy S22 within the Intermediate Areas of Landscape Value states the development of new houses will be permitted at the following locations, South Road and North East of St John’s Church. The estimated capacity to be 16 dwellings. Currently there is planning permission for 8 dwellings on South Road, 2 new houses have recently been built just off the Main Street and there’s planning permission for 3 more dwellings near the Main Street. All these planned developments are within the current village boundary and within walking distance of all the village amenities. Under policy S2 “the figures quoted can only be exceeded when the development is affordable housing for local needs”.</p> <p>The ecological survey is inadequate. Slow worms have been reported in the area, and Parish Councillors suspect that great crested newts could also be present as half the proposed development is well within the 500m territory of Great Crested Newts from a water source.</p> <p>The applicant states that the new development would increase numbers in the village school and membership of the local football club, but there is no evidence provided to substantiate these statements</p>
------------------------------	---

	<p>No noise survey has been undertaken. The grain dryers at Lowick Silos will be close to this proposed development as well as the grain dryer at the new farm steading. Parish Councillors would like noise surveys to be undertaken when these dryers are working during harvest.</p> <p>Parish Councillors strongly believe that this application should be considered by the full Planning Committee so that the housing needs can be clearly debated. The Parish Council would also welcome the opportunity to speak at Committee when this application is determined.</p>
Countryside/ Rights Of Way	<p>No Objection</p> <p>I have no objection to the application on the condition that Public Footpath No.24 & No.25 are protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.</p>
County Archaeologist	<p>No Objection;</p> <p>The historic core of the village is towards the western end of the modern settlement. The present application site, beyond the eastern edge of the modern village is likely to have been in agricultural use during the medieval and post-medieval periods. As such, the potential for significant unrecorded archaeological features to occur within the proposed development site is considered to be low.</p> <p>There are therefore no objections to the proposed development on archaeological grounds and no archaeological work will be required.</p>
Northumbrian Water Ltd	<p>No Objection; Condition Advised</p> <p>The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request a condition to secure details of foul and surface water disposal.</p>
Education - Schools	<p>No Contribution Required</p> <p>Given the size of this development and the additional capacity available in the catchment area Schools at all 3 tiers, no education contribution is requested in respect of this development.</p>
Housing Department	<p>No Objection; Obligation Required (15% Affordable)</p> <p>The development would be required to deliver affordable housing, given the rural location and scale of development it may be difficult to secure a Registered Provider however preference would be for affordable housing to be delivered on site. The requirement should be detailed in a section 106 agreement.</p>
Public Protection	<p>No Objection; Conditions Advised</p> <p>In principle, the Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated. We also recommend to the Local Planning Authority that the recommended conditions be appended to a decision.</p>
Sport England	<p>No Objection;</p>

	<p>The application site is not on playing field and neither does the proposal prejudice the use of playing field. As such we have considered that this consultation was made on a non-statutory basis.</p> <p>We note however the draft Heads of Terms detailed in the unilateral undertaking. We have consulted with the Football Association to seek their view on the value of this offer and it has responded to advise;</p> <p>Lowick Football Club's team numbers have declined in recent years with the main reasoning being the lack of quality facilities. The club currently have two affiliated teams at U13 & U15. We are fully supportive of proposals to provide the club with a lease for the ground, but would request that the club are encouraged to access professional advice to review the content of the lease and provide comments and guidance before anything is signed.</p>
Natural England	No Comment
Lead Local Flood Authority (LLFA)	<p>No Objection; Conditions Advised</p> <p>Previously, we objected to this application on flood risk / drainage grounds. Following this revised information on the scheme to dispose surface water from the development has been submitted.</p> <p>Reviewing this information we are in a position to remove our objection to the development and recommend that the recommended conditions relating to surface water drainage are appended onto any granted planning permission.</p>
County Ecologist	<p>No Objection; Conditions & Coastal Mitigation Required</p> <p>Adopting the precautionary principle, I am of the opinion that, based on the evidence presented, and a 'worst case' scenario being a significant population of common reptiles on this site, that a robust method statement and mitigation plan including the creation of appropriate refuge areas and the maintenance of buffer habitat would be sufficient to mitigate the risk.</p> <p>As such, I am satisfied that a mitigation strategy and method statement secured by pre-commencement condition is appropriate in this instance. I would advise the applicant that their best course of action would be to have this informed by the already arranged reptile survey.</p> <p>I note that a single oak tree (off site) has been recorded in the ecology report as having potential to support bats and as such an appropriate Tree Protection Plan should be adopted to protect this tree from construction vehicles.</p> <p>As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.</p> <p>The Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service (paid on occupation of the first unit) which will be used to fund coastal wardens who will provide the necessary mitigation. Proposed developments that join this scheme can be screened out of having adverse effects on the coastal SSSIs and European sites without the developer having to commission any survey or mitigation work.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	29
Number of Objections	8
Number of Support	6
Number of General Comments	1

Notices

Site notice - Public Right of Way 26th January 2018

Press notice - Berwick Advertiser 21st December 2017

Summary of Responses:

During the consultation period, 7 no. objections were received on the following grounds;

- Contrary to Development Plan and NPPF.
- Limited service provision accessible from the site.
- Potential precedent in granting permission.
- No requirement for the development in respect of 5 year supply of housing.
- Adverse landscape character impact.
- Scale of development is significant to Lowick.
- Amenity issues through massing of dwellings.
- Potential amenity impacts from the grain silos.
- Insufficient ecological survey information.
- Potential ecological impact.
- Lack of affordable housing to rent.
- Viability issues regarding affordable housing.
- Increased traffic from development.
- Discrepancies in the submitted reports.

Further issues such as loss of view, potential use of dwellings as second homes and issues arising during construction were also raised but are not material consideration and have not been appraised further.

One general comment was also received but raised no issues pertinent to the application.

6 no. supporting comments were received on the following grounds;

- Proposal would bring people to the area.
- Would provide affordable housing.
- Potential benefits to local businesses.
- Intended provision of land for off-road parking would assist football club.

The above is a summary of the comments. The full written text is available on our website at:

6. Planning Policy

6.1 Development Plan Policy

BLP - Berwick upon Tweed Local Plan (1999)

F1 Environmental Wealth

F3 Tweed Valley, Kyloe Hills, Glendale AHLV

F6 Special Protection Areas, Special Areas of Conservation and Ramsar Sites

F10 Protected Species

F30 Planning Obligation

F31 Social and Economic Welfare

M14 Car Parking Standards

S6 Affordable Housing

6.2 National Planning Policy

NPPF - National Planning Policy Framework (NPPF) (2012)

PPG - Planning Practice Guidance (NPPG) (2014)

6.3 Other Documents/Strategies

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)

Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999).

The Belford Neighbourhood Plan is not yet at a stage where weight can be assigned in accordance with Paragraph 216 of the NPPF and therefore does not form a material policy consideration in the appraisal of this application.

7.2 The main issues in the consideration of this application are;

- Principle of Development
- Housing Land Supply
- Planning Obligations
 - Affordable Housing
 - Education
 - Unilateral Undertaking

- Landscape
- Design
- Archaeology
- Amenity
- Highway Safety
- Public Rights of Way
- Contaminated Land
- Ecology
- Water Management
- Procedural Matters
- Other Matters

Principle of Development

7.3 The NPPF seeks to promote sustainable development with paragraph 7 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element. The application is located immediately adjacent to the settlement of Lowick with a limited service base, proposing residential development. Objections made in respect of principle have been taken into account within this section.

7.4 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*

F3 of the BLP is underpinned by F1 as an area based policy that supports development that;

- i) (a) within or immediately adjoining an existing settlement; and/or,*
- v) that it accords with policies elsewhere within the plan.*

Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

7.5 The application seeks residential development on an edge-of-settlement site outside the main settlement of Lowick. The proposal would be immediately adjacent existing residential development to either side of the main thoroughfare running through the village that would respect the existing pattern of development in terms of building lines to the north and south. The Development Plan would support this type of development which would be considered to contribute to the vitality of the settlement and be immediately adjoining an existing settlement.

7.6 It is acknowledged that there is limited service provision within Lowick however it is considered that new residential development would serve to contribute to the vitality of the village. In accepting the principle of development, it is not considered to set an unwarranted precedent as future applications would be subject to further consideration as per this application.

- 7.7 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing in the area and in social terms would deliver market housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.
- 7.8 The principle of development is therefore considered acceptable and in accordance with F1, F3 and F31 of the BLP and the NPPF.

Housing Land Supply

- 7.8 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirements. The five year housing land supply position is pertinent to proposals for residential development in that paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the presumption in favour of sustainable development, as stated in paragraph 14 of the NPPF will be engaged. Objections raised in respect of a lack of 5-year supply have been addressed in this section.
- 7.9 For details of the five year housing land supply assessment, the Council's Five Year Supply of Deliverable Sites 2017 to 2022 report, published in November 2017 should be referred to. This report identifies housing land equivalent to a 6.5 years supply. Therefore, in the context of paragraph 49, policies for the supply of housing should not be considered out of date.
- 7.10 Housing land supply is set out to be a minimum, not a maximum and in light of this is not a tool to resist development where housing in excess of a 5-year supply is demonstrated.

Planning Obligations

- 7.11 *F30 of the BLP seeks where necessary to secure a planning obligation to ensure that due regard is given to the environment and the interests of the local community. Developers will be required to provide appropriate infrastructure, or other consequential educational, social, recreational, sporting or community facilities and nature conservation benefits commensurate with the scale of the development.*
- 7.12 The following planning obligations have been assessed in respect of this application.

Affordable Housing

- 7.13 Paragraph 31 of the PPG sets out that there are specific circumstances where contributions for affordable housing and tariff style planning obligations on developments of more than 10 units; or where the combined gross floorspace is greater than 1,000 square metres (gross internal area). The way in which

this is delivered is in consultation with Affordable Housing. Objections received regarding affordable housing have been considered in this section.

- 7.14 *Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.*
- 7.15 The Northumberland Strategic Housing Market Assessment (SHMA - October 2015) includes up to date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 191 dwellings per annum over the period 2014 to 2019. To address this, an affordable housing contribution will continue to be sought on all proposals involving residential development except in the circumstances set out in Planning Practice Guidance paragraph 31. This will be expected to be delivered on-site.
- 7.16 *S6 of the BLP states that the development of affordable housing to meet an identified community need will be permitted on sites which are suitable in terms of proximity to local services and facilities and access to public transport.*
- 7.17 The application proposes in excess of ten dwellings, therefore an affordable housing provision is sought. Affordable Housing have responded to formal consultation stating that a provision of 3.6 affordable homes would be required but has raised concern over whether a Registered Provider (RP) would become involved with this number of homes in a rural location; on the basis that a RP could not be appointed, affordable rent and shared ownership would not be possible. Given that affordable housing provision would be triggered from the outline element as opposed to the full and that the application is with all matters reserved. The applicant has agreed to the affordable housing provision which would be secured through a s106 legal agreement to provide between 3-4 affordable homes on site. To provide a flexible approach, the obligation would be secured with a conversion clause (with the level of provision fixed) to allow a degree of flexibility in future to provide either affordable rent, shared ownership or discounted market value for the site. To address this in the first instance, a condition requiring a scheme of affordable housing has been set out in the recommendation to be discharged from the outset of the outline development with an expectation that the affordable housing provision would be provided on-site.
- 7.18 The affordable housing provision is therefore considered acceptable in accordance with the NPPF and PPG.

Education

- 7.19 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements.

- 7.20 *Paragraph 72 of the NPPF states that Local Planning Authorities should take a proactive, positive approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. This includes giving great weight to the need to create, expand or alter schools.*
- 7.21 Education have responded to formal consultation stating that there is no requirement for a contribution toward education due to current additional capacity in the existing catchment area schools at all three tiers. The Education provision is therefore acceptable and in accordance with the NPPF.

Unilateral Undertaking

- 7.22 Under section 106 of the Town and Country Planning Act 1990 (TCPA 1990), a person with an interest in land can enter into a planning obligation either with the agreement of the Council or through a unilateral undertaking whereby the Council is not a party to the document.
- 7.23 As part of the application, the applicant (as landowner) has put forward a unilateral undertaking to revise the contractual terms with the football club, east of the southern portion of the site. The agreement would include the following as set out in the draft heads of terms which is specified to be prior to commencement of development;

The Contract shall offer the following components:

- i) an extension of the lease for a contractual term of at least 25 years;*
- ii) provision of sufficient land on or immediately adjacent to Crooks' Field for a bowling green or tennis court facilities (not required to be funded by the applicant);*
- iii) provision of sufficient land on or immediately adjacent to Crooks' Field for off road-parking (the applicant is not required to fund any works associated with this);*
- iv) the removal of the current leases' clause which prohibits the erection of permanent structures on or immediately adjacent to Crooks' Field (any new structures will be subject to planning permission and a contractual agreement and are not required to be funded by the applicant); and*
- v) continuation of a 'peppercorn rent'.*

to provide the following benefits;

Allow the football club to apply for FA funding due to the extended timeframe, which has a minimum of 25 year leases to qualify;
Sufficient land to apply for an off-road parking area (thereby improving safety) subject to planning permission);
Sufficient land and the removal of restrictions preventing a permanent changing room/gym/club house facility (subject to planning permission);
Sufficient land for a new playing pitch facility e.g. a tennis club and bowling green.

- 7.24 There is no requirement for the football club to agree to the terms, nor is are the proposed provisions considered necessary to permit development.

However there is clear social and economic benefit that would arise from the agreement, with endorsing comments received from Sport England.

- 7.25 Notwithstanding the necessity of the unilateral undertaking the applicant has confirmed that this would be executed as part of the s106 for this application.

Landscape

- 7.26 The site is open land immediately adjacent existing residential development to the north that borders onto agricultural fields with the south, constrained to the east by an existing access track and football club. The appraisal of Landscape considers the physical mass and character impact of a development proposal. Objections raised on landscape and massing grounds have been considered in this section.
- 7.27 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*
- 7.28 *Paragraph 17 of the NPPF sets out its core planning principles to be applied in plan-making and decision-taking, taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- 7.29 The dwellings would be focused to two areas either side of the B6353, sitting alongside existing residential development to the western boundary. The full aspect of the proposal would continue the streetscene with a fair set back from the highway (reflective of the immediate context).
- 7.30 The introduction of residential development in this location would inevitably affect the landscape but would be well contained to the southern portion due to the intervening use between the application site and the open countryside. This is not the case to the northern portion where there are no defining features to serve as a natural boundary to new development. Notwithstanding this, the existing development to the west along the northern edge is limited in its borders onto open fields and through the introduction of development to the south side of the road, introducing development to the opposing side could be landscaped in such a way to form a similar or enhanced natural boundary.
- 7.31 Landscape impact would be subject to further consideration at the reserved matters but is considered able to be accommodated through the submitted indicative layout (for the outline element of the proposal). Despite the number of dwellings proposed relative to the size of Lowick being of a proportionate increase, it is considered that the density proposed would be in keeping with that of immediate development softening the edge-of-settlement location with a more sparse development.
- 7.32 Overall the development could be accommodated without having a significant adverse landscape impact in accordance with F1 of the BLP and the NPPF.

Design

- 7.33 Design considers the appearance of the development independently and as part of the immediate streetscene. The outline element of the proposal has appearance, layout and scale as reserved matters.
- 7.34 *F3 of the BLP permits development that accord with its surroundings by virtue of its scale, density, height, massing, layout and materials, hard and soft landscaping including indigenous species, means of enclosure and access.*
- 7.35 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments.*
- 7.36 The application proposes four dwellings in full with that would be detached two storey properties utilising a natural material palette that would be reflective of the local vernacular prevalent within the village centre albeit within a contemporary form and design. It is considered that the dwellings would appear complementary within the immediate context but would be subject to a materials condition to secure samples as part of the implementation of the full permission.
- 7.37 In terms of the outline element of the proposal, a detailed assessment of the visual impact can only be carried out at the reserved matters stage. However based on the submitted indicative plan, it is considered that a residential development could be accommodated on site without causing a significant adverse visual impact.
- 7.38 The visual impact of the proposal is therefore considered acceptable and in accordance with F3 of the BLP and the NPPF.

Amenity

- 7.39 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.
- 7.40 Paragraph 17 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.41 As part of the consultation response from Highways Development Management (HDM), a construction method statement is to be discharged from the outset of development to secure details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.42 Public Health Protection (PHP) has also reviewed the application in respect of potential noise impact from the road and have concluded that no further assessment is required, with no conditions recommended as part of this.

- 7.43 The dwellings proposed to the roadside of the development benefit from a good level of separation so as not to appear overbearing or impact on the privacy of nearby properties.
- 7.44 A detailed assessment of amenity of the outline element can only be done at the reserved matters stage. However given the proximity of neighbouring properties to the application site, it is considered that the development could be accommodated without having an adverse impact on amenity in terms of privacy mass and land use.
- 7.45 On this basis, the impact on amenity is acknowledged but considered acceptable and in accordance with the NPPF.

Archaeology

- 7.46 The site sits on the periphery of Lowick, which has ties to the medieval period with a number of listed buildings within the village. Whilst the application site sits alongside more modern development on agricultural land, the application has been subject to consultation with the County Archaeologist. As part of the application, an archaeological desk-based assessment has been submitted.
- 7.47 *Paragraph 141 of the NPPF requires Local planning authorities to require developers to record and advance understanding the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*
- 7.48 The County Archaeologist has set out in their response that the site is likely to have been in an agricultural use during the medieval and post-medieval periods. As a result, the potential for significant unrecorded features to occur within the development site is considered to be low and therefore no further work is required.
- 7.49 The archaeological impact of the proposal has been suitably assessed in accordance with the NPPF.

Ecology

- 7.50 This site lies within an Impact Risk Zones for the Holburn Lake and Moss SSSI and SPA. The application is located at the edge of a built area bordering onto open agricultural fields that are notably separated from the highway by a stone boundary wall that runs along the verge to both sides. There are considered to be potential on-site ecological impacts arising from the development. In addition, the site is located within close proximity to a number of designated sites with residential development having potential to affect them. The application has been supplemented with a Phase 1 Ecology Survey and Habitat Regulations Assessment which has been subject to assessment in consultation with the County Ecologist and Natural England. Objections on ecological grounds are considered within this section.

- 7.51 *F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species-protection provisions which apply.*
- 7.52 The County Ecologist has reviewed the submitted information which sets out the presence of species in proximity to the application site which include slow worm, adder and common lizard 2km south along with great crested newt 4.8km north-west. The ecology report sets out that the main feature of the site are existing stone walls which have potential to support reptiles with no further identified habitats for priority/protected species.
- 7.53 The potential issue arising from permitting development in this location is the possible impact on reptiles with habitats identified that may be suitable for them. The County Ecologist has adopted a precautionary principle for this site on the basis that suitable habitats are confined to the boundaries of the site which is largely arable fields and that suitable buffers can be maintained both during construction and occupation.
- 7.54 Conditions have therefore been recommended that would sit as part of the both permissions (as opposed to restricting to outline/full) in order to address potential issues, which in the first instance would be informed by a reptile survey, in a holistic manner. The on-site ecological issues associated with this development are therefore considered to be acceptable subject to appropriate mitigation.
- 7.55 *F6 of the BLP only permits development that would not adversely affect the integrity of the internationally important nature conservation interest of the site, either directly or indirectly. Where such development does proceed, it may be subject to Planning Conditions and Obligations to secure all compensatory measures necessary.*
- 7.56 *Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.*
- Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.*
- 7.57 In dealing with the off-site issues there is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.
- 7.58 This impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are

required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.

- 7.59 The applicant has agreed to pay a contribution of £600 per residential unit for coastal wardening work, secured by s106 legal agreement. From this, the Council has completed a Habitats Regulations Assessment (HRA) concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions through sign-off of the HRA, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation. From this, the off-site impacts of the development can be suitably addressed.
- 7.60 Therefore the ecological impacts arising from the proposal can be suitably mitigated in accordance with F6, F10 and F30 of the BLP and the NPPF.

Highway Safety

- 7.61 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The application has set out that a crossroads would be formed at the B6353 to provide access to both sides of the application site that would lead onto an estate road to serve the respective outline elements of the proposal. There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles, pedestrians and the delivery of appropriate off-site works. The application has been submitted with a Transport Note which has been supplemented with a technical note, the application was amended to be treated as an outline application with all matters reserved (access previously considered). Objections made in respect of highway safety have been addressed below.
- 7.62 *Paragraph 32 of the NPPF sets out the considerations of decisions with regard to highways impacts, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 7.63 HDM has reviewed the application raising no objection to the proposal. It is intended that the access points to the north and south are covered by the full planning permission with HDM setting out that the proposed crossroads have been independently assessed for safety along with the associated highway works and has been deemed acceptable on highway safety grounds. Full details of the access would be required as part of the implementation of the full applications and has been specified (Type C Access) to prevent issues of road adoption that may arise from the delivery of the outline element.
- 7.64 In terms of off-site highway works, HDM have requested footway connections to existing public rights of way to the north and south along with a bus shelter to be provided. This has been secured through condition to be addressed at the reserved matters stage and would be subject to a s278 agreement. All

conditions set out by HDM in relation to both elements that have been set out in the recommendation.

- 7.65 On this basis, the impact on highway safety is considered acceptable and in accordance with the NPPF

Public Right of Way

- 7.66 There is a public right of way that runs to the east of the southern portion of the site. Proposals that may affect rights of way are subject to consultation with the Council's Public Rights of Way (PRoW) team.
- 7.67 *Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access.*
- 7.68 PRoW have raised no objection subject on the basis that the Public Right of Way which runs to the east of the southern portion of the site is not disturbed throughout the course of the development without addressing the issue by way of a diversion order which has been set out as an informative.

Contaminated Land

- 7.69 The application is located within a Coal Authority Development Low Risk Area and has been submitted with a Phase 1 Contamination Assessment which has been subject to assessment by the Council's Public Health Protection team (PHP).
- 7.70 *Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.*
- 7.71 PHP has raised no objection to the proposal advising that there were buildings in two rows to the north side of the road in the 1860s which are considered as domestic dwellings which would prevent there from being potential for significant contamination sources. There is potential for contamination from the site's use as contaminated land however the risks are not considered to be significant to warrant formal assessment. The recommendation of PHP are conditions in respect of land contamination as a phased condition to identify, remediate and verify (the latter only applicable where contamination is found) as part of the development process which has been set out in the recommendation.
- 7.72 It is therefore considered that mitigation of contamination issues can be successfully undertaken, in accordance with the NPPF

Water Management

- 7.73 The application is for major development requiring a drainage strategy as part of the application. The Lead Local Flood Authority (LLFA) has and Northumbrian Water (NWL) has been consulted. There will be on-site impacts through the introduction of built form and off-site impacts in terms of water displacement. The application was submitted with a drainage strategy that was supplemented over the course of the application.
- 7.74 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.75 The LLFA initially objected to the proposal however following the submission of an updated drainage strategy, the LLFA have raised no objection subject to conditions as set out in the recommendation. The main issue arising around surface water drainage is that the northern site would allow free discharge into the receiving sewer network and that some form of flow restriction would be required. On this basis conditioning is considered acceptable as there are options in terms of how this can be achieved. The LLFA recommended conditions have been attached to the outline element only which comprises of the major development area (excess of ten dwellings) for this application.
- 7.76 NWL have considered the application and have requested a condition to secure details of surface and foul water disposal prior to commencement of development staged for the full and outline which would also be in consultation with the LLFA. This has been set out in the recommendation with an accompanying informative in respect of the surface water drainage hierarchy.

Procedural Matters

Equality Duty

- 7.77 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

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

Human Rights Act Implications

- 7.79 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.

- 7.80 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.

Other Matters

- 7.81 In response to issues raised over the consultation period;

- Lack of affordable housing to rent.
The application has a requirement for an affordable housing strategy to be provided to set out how the provision of affordable housing would be delivered. If affordable housing to rent is in demand and can be achieved, then it would be pursued.
- Viability issues regarding affordable housing.
The applicant has not put forward issues of viability as part of the application.
- No noise survey being undertaken
The application has been subject to assessment by Public Health Protection who deal with issues of noise and odour. Within their response there was no stipulation to seek information in respect of noise.
- Discrepancies in the submitted reports.
An objection took issue with a number of points within the submitted Design and Access Statement on a range of topics, however none are considered significant to question the submitted documents to which approval is based upon.

8. Conclusion

- 8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. 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 has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

8.3 A s106 Legal Agreement is to secure the obligations/contributions as set out in the recommendation.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to a s106 Legal Agreement to secure the following contributions:-

- Coastal mitigation contribution of £600 per dwelling (£14,400 total).
- On-site affordable housing provision of 15%
- Provisions of Unilateral Undertaking set out in Draft Heads of Terms.

Conditions

Full Permission

01. The development as per P17.0160_003 Rev E (approved site area for the full planning permission) 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. Full Permission Approved Plans

Except where modified by the conditions attached to this planning permission, the development approved in full as per P17.0160_003 Rev E (approved site area for the full planning permission) shall be carried out in accordance with the details shown on plan number;

1. P17.0160_003 Rev E - Planning Layout (Full)
2. P17.0160.08 - Land North and South of B6353, Lowick - Plot 8
3. P17.0160.09A - Land North and South of B6353, Lowick - Plot 11
4. P17.0160.10A - Land North and South of B6353, Lowick - Plots 7 & 24 (H)

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

Development Management

03. Details of Site Levels to be Submitted

Notwithstanding details contained within the approved documents, prior to the construction of any dwelling as per P17.0160_003 Rev E (approved site area for the full planning permission) hereby approved, details to include;

- i) Existing site levels;
- ii) Proposed site levels; and
- iii) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy F3 of the Berwick-Upon-Tweed Local Plan and National Planning Policy Framework.

04. Details of Materials to be Submitted

Notwithstanding any description of the materials in the application, no development above damp proof course level (or 150mm above ground level) shall be commenced on dwellings as per P17.0160_003 Rev E (approved site area for the full planning permission) until;

- i) Precise details, to include samples, of the materials to be used in the construction of the external walls, to include details of fixing, coursing, pointing and texture (where applicable) of the dwellings;
- ii) Precise details, to include samples, of the materials to be used in the construction of the roof surfaces and rainwater goods to be used on the dwellings.

Have been submitted to, and approved in writing by, the Local Planning Authority. All approved details are to be used in the construction of the development shall conform to the materials approved.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with the provisions of Policy F3 of the Berwick-Upon-Tweed Borough Local Plan.

Highways Development Management

05. Details of Highway Works to be Submitted

Development as per P17.0160_003 Rev E (approved site area for the full planning permission) shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The dwellings 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.

06. Details of Vehicular Access to be Submitted

The development as per P17.0160_003 Rev E (approved site area for the full planning permission) 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.

07. Complete Parking Area

No dwelling as per P17.0160_003 Rev E (approved site area for the full planning permission) shall be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays/ has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

08. Details of Management of Streets to be Submitted

No development as per P17.0160_003 Rev E (approved site area for the full planning permission) 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.

09. Construction Method Statement to be Submitted

Development as per P17.0160_003 Rev E (approved site area for the full planning permission) 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.

10. Implement Cycle Parking

No dwelling as per P17.0160_003 Rev E (approved site area for the full planning permission) shall be occupied until cycle parking shown on the

approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times

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

11. Details of Surface Water Drainage from Private Land to be Submitted

Prior to occupation, details of surface water drainage to manage run off from private land as per P17.0160_003 Rev E (approved site area for the full planning permission) shall be 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.

12. Refuse Strategy to be Submitted

No dwelling as per P17.0160_003 Rev E (approved site area for the full planning permission) shall 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 arrangement 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: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework.

Northumbrian Water / Lead Local Flood Authority

13. Details of Foul and Surface Water to be Submitted

Development as per P17.0160_003 Rev E (approved site area for the full planning permission) shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

Contaminated Land

14. Details of Contaminated Land to be Submitted for Full Application

The development hereby permitted as per P17.0160_003 Rev E (approved site area for the full planning permission) shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. 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.

c) 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.

d) 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.

15. Future Contamination

If during redevelopment contamination not previously considered is identified as per P17.0160_003 Rev E (approved site area for the full planning permission), then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

Ecology

16. Landscaping Plan to be Submitted

No development as per P17.0160_003 Rev E (approved site area for the full planning permission) shall commence until the applicant has submitted a detailed landscape/hedge planting plan including the planting of locally native trees and shrubs of local provenance to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

17. Biodiversity Enhancement Plan to be Submitted

No development as per P17.0160_003 Rev E (approved site area for the full planning permission) shall commence until the applicant has submitted details of biodiversity enhancements including in-built bat and bird nest box provision at a ratio of 1 per dwelling to be agreed in writing with the Local Planning Authority. The approved biodiversity enhancements shall be implemented in accordance with the approved details.

Reason: To enhance the biodiversity value of the site in accordance with the National Planning Policy Framework.

Hybrid Conditions

18. Reptile Mitigation Plan & Method Statement

No development including site clearance or investigations as per the site area for both the full and outline permissions hereby approved will take place until the applicant has submitted a Reptile Survey, Mitigation Plan and Method Statement for approval in writing by the Local Planning Authority. This should include:

- i) The maintenance of areas of suitable habitat within the development and linkages to habitats outside of the site. These must be clearly shown on the proposed site plans.
- ii) 'Trapping out' from any suitable area of habitat with appropriate methods by a suitably qualified ecologist, and relocation to an undisturbed refuge area. The refuge area must be clearly shown on the proposed site plans.
- iii) The stone wall will be retained as much as possible allowing for construction access and highways safety, with the material from the removed sections to be retained as part of the refuge area.
- iv) Any works which do take place must avoid the hibernation period when reptiles are most vulnerable.
- v) All vegetation must be gradually strimmed down with undisturbed periods between each cut to allow reptiles to seek refuge.
- vi) Any suitable habitat must be carefully cleared by hand under supervision by a suitably qualified ecologist. This would include structures such as stone walls.
- vii) Once cleared, the construction site must be fitted with suitable one way exclusion fencing and all those working on site must work to a method statement and receive training.

Reason: to maintain the habitat and conservation status of common reptiles.

19. Restrict Site Clearance

No development, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless an ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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

20. Tree Protection Plan to be Submitted

No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012.' This should include the submission of a Tree Protection Plan for hedgerows and for trees off site to be submitted to and approved in writing by the Local Planning Authority prior to construction. The works shall be carried out in accordance with the approved Tree Protection Plan

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

Outline Permission

21. Commence Development

The development hereby permitted as per P17.0160_002 Rev H (approved site area for the outline permission) 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)

22. Approved Plan

Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number;

1: P17.0160_002 Rev H - Illustrative Layout (Outline)

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

23. Reserved Matters

Application for the approval of the reserved matters within P17.0160_002 Rev H (approved site area for the outline permission) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Notwithstanding details contained within the approved plans, approval of the details of;

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale

hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

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

Highways Development Management

24. Development as per P17.0160_002 Rev H (approved site area for the outline permission) 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.

25. Details of Adoptable Streets to be Submitted

No development as per P17.0160_002 Rev H (approved site area for the outline permission) shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

26. Details of Management & Maintenance of Streets to be Submitted

No development as per P17.0160_002 Rev H (approved site area for the outline permission) 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 of the outline approval 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.

27. Details of Estate Street Phasing & Completion Plan to be Submitted

No development as per P17.0160_002 Rev H (approved site area for the outline permission) shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be

completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

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

28. Details of Highway Works to be Submitted

Development as per P17.0160_002 Rev H (approved site area for the outline permission) shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The dwellings within the outline approval 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.

29. Details of Car Parking to be Submitted

No Dwelling as per P17.0160_002 Rev H (approved site area for the outline permission) shall 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

30. Material Samples for External Surfaces to be Submitted

Prior to commencement of development as per P17.0160_002 Rev H (approved site area for the outline permission) samples of the materials to be used in the construction of the external surfaces of highway associated with 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.

31. Details of Boundary Treatments to be Submitted

The development as per P17.0160_002 Rev H (approved site area for the outline permission) shall not be occupied until details of the proposed boundary treatment 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. Details of Surface Water Drainage from Private Land to be Submitted

Prior to occupation as per P17.0160_002 Rev H (approved site area for the outline permission), 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 covered by the outline approval 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.

33. Refuse Strategy to be Submitted

No dwelling as per P17.0160_002 Rev H (approved site area for the outline permission) shall 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 arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development covered by the outline permission is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

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

34. Details of Fire Hydrants to be Submitted

Prior to the installation of any services (i.e. water/electric/gas/telecommunication) within the development site as per P17.0160_002 Rev H (approved site area for the outline permission), details for the installation of a fire hydrant(s) to serve the development shall be submitted to the Local Planning Authority, in consultation with Northumberland Fire and Rescue Service, for approval in writing. The details shall include the location and specification of the fire hydrant facilities to be installed in accordance with the requirements of BS 750:2012 "Specification for Underground Fire Hydrants and Surface Box Frames and Covers", National Guidance on the Provision of Water for Firefighting and/or to the satisfaction of the Northumberland Fire and Rescue Service. Thereafter, no dwelling shall be occupied until the approved scheme for fire hydrant provision has been implemented in full and the hydrant(s) is/are operational in accordance with the approved details.

Reason: To ensure the development is sufficiently served by equipment for the use of the emergency services in accordance with the National Planning policy Framework.

35. Details of Cycle Parking to be Submitted

No dwelling as per P17.0160_002 Rev H (approved site area for the outline permission) shall 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 each dwelling of the outline approval 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.

Northumbrian Water / Lead Local Flood Authority

36. Details of Foul and Surface Water to be Submitted

Development as per P17.0160_002 Rev H (approved site area for the outline permission) shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

37. Drainage Scheme to be Submitted

Prior to commencement of development as per P17.0160_002 Rev H (approved site area for the outline permission), 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 3.8l/s and 4.8l/s for the northern and southern sites respectively, all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the Lead Local Flood Authority and the local planning authority.
- ii) Where any plot drainage is to discharge downstream of any flow restriction device, on-site attenuation and flow restriction devices shall be constructed.
- iii) Adhere to the principles as set out in the drainage strategy from Water Co and drawing numbers w2406-2200 rev R00 "Drainage Layout 1 of 2" and w2406-2201 rev R00 "Drainage Layout 2 of 2"
- iv) Provide attenuation on site for the 1 in 100 year plus climate change event.
- v) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

The approved scheme shall be implemented in full prior to the occupation of the outline aspect of the development.

Reason: To ensure the effective disposal of surface water from the development in accordance with the National Planning Policy Framework.

38. Details of Surface Water Disposal (Construction Phase) to be Submitted

Prior to commencement of development as per P17.0160_002 Rev H (approved site area for the outline permission), details of the disposal of surface water from the through the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction phase.

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.

39. Details of Adoption & Maintenance of Sustainable Drainage Systems to be Submitted

Prior to first occupation of development as per P17.0160_002 Rev H (approved site area for the outline permission) details of the adoption and maintenance of all Sustainable Drainage Systems (SuDS) shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development 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 development's lifetime.

Contaminated Land

40. Details of Contaminated Land to be Submitted for Outline Application

The development hereby permitted as per P17.0160_002 Rev H (approved site area for the outline permission) shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. 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.

c) 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.

d) 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.

41. Future Contamination on Outline Site Area

If during redevelopment contamination not previously considered is identified as per P17.0160_002 Rev H (approved site area for the outline permission), then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

Ecology

42. Biodiversity Enhancement Plan to be Submitted

No development as per P17.0160_002 Rev H (approved site area for the outline permission) shall commence until the applicant has submitted details of biodiversity enhancements including in-built bat and bird nest box provision at a ratio of 1 per dwelling to be agreed in writing with the Local Planning Authority. The approved biodiversity enhancements shall be implemented in accordance with the approved details.

Reason: To enhance the biodiversity value of the site in accordance with the National Planning Policy Framework.

Affordable Housing

43. Affordable Housing Strategy to be Submitted

Notwithstanding details contained within the application, prior to commencement of development as per P17.0160_002 Rev H (approved site area for the outline permission), an affordable housing strategy incorporating 15% of the total number of units approved within this permission to include;

- a) The units to be put forward as affordable housing.
- b) The tenure of the affordable units proposed.
- c) Details of off-site affordable housing contributions (if applicable).

Shall be submitted to and approved in writing by the Local Planning Authority. The delivery of affordable housing shall then be carried out in accordance with the approved strategy and retained in accordance with the terms of the Section 106 Legal Agreement alongside this permission.

The affordable housing provision will be expected to be delivered on site.

Reason: To allow for flexibility in the provision of affordable housing relative to market conditions.

Informatives

1. No action should be taken to disturb the path surface of Lowick Footpath No.24 & No.25, without prior consent from Public Rights of Way as the Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

2. Surface Water Drainage Information

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- o Soakaway
- o Watercourse; and finally
- o Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

3. New Crossing Point

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:

North northumberland - northernareahighways@northumberland.gov.uk

4. Section 38 Agreement & 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.

5. Section 278 Agreement & Works in Adopted Highway

You are advised that offsite 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 to progress this matter.

6. Condition Survey

You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

7. Traffic Management

You are advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk or call 01670 620295 before and during the construction period in respect of works within the highway.

8. No Materials on 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.

9. Contact Street Lighting

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.

10. Estate Street Phasing

The applicant is advised to obtain the written approval of the Local Highway Authority for the details required the estate street phasing and completion condition;, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments/audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

11. Management & Maintenance of Streets

The applicant is advised that to discharge condition relating to management and maintenance of streets 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

12. Details for 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 the condition relating to adoptable streets, of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

13. No Debris on Highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

14. Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979

15. Refuse Containers

For new individual properties the following will be required to be provided:

240 litre wheeled bin for residual refuse
240 litre wheeled bin for recycling

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

For developments of 18 individual properties and more communal bins will be used (1100 litre) along with glass recycling facilities.

Date of Report: 09.04.2018

Background Papers: Planning application file(s) 17/04394/OUT