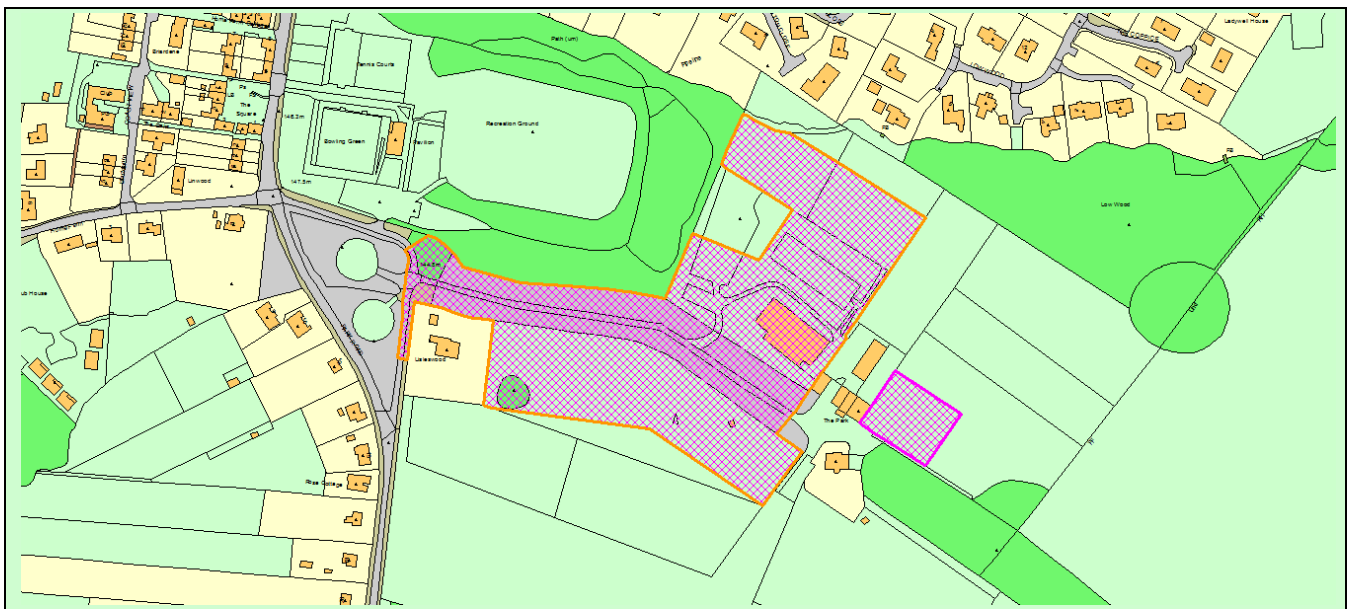




Northumberland County Council

North Northumberland Local Area Committee
23rd August 2018

Application No:	18/02250/FUL		
Proposal:	Demolition of Indoor Riding Arena and Development of 26 Dwellings - Amended 09/08/18		
Site Address	Land North & East Of Liseswood, Old Park Road, Swarland, Northumberland		
Applicant:	Mr David Brocklehurst 12 Bondgate Within, Alnwick, NE66 1TD,	Agent:	None
Ward	Shilbottle	Parish	Newton-on-the-Moor And Swarland
Valid Date:	10 July 2018	Expiry Date:	9 October 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this 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.

Subsequently Newton on the Moor Parish Council responded to consultation supporting the proposal.

The application is recommended for APPROVAL.

- 1.2 The application has been amended as follows;

- 10/08/18 - Minor updates to material finishes plan and site plan
- 09/08/18 - Amendments to layouts to address highways concerns
- 08/08/18 - Revisions to proposed plans following comments from Highways Development Management
- 25/07/18 - Submission of revised drainage details

2. Description of the Proposals

- 2.1 The application site is located to the southern edge of Swarland to the east side of park road that borders open countryside to the south. The site is accessed from a wooded lane separated from Old Park Road which extends to the riding arena and an existing dwelling toward the northern end. To the east are existing agricultural buildings with a ménage and dwelling to the north and recreation ground to the west.

- 2.2 The application seeks planning permission to;

- Form an access from the existing lane onto an estate road that would extend to the east toward the riding arena and to the north with a turning area.
- Erect 26 no. dwellings of a mix as follows;
 - 3-bedroom - 4 semi-detached / 2 detached bungalows
 - 4-bedroom - 9 detached
 - 5-bedroom - 11 detached
- The dwellings would be mixed in appearance using a combination of two different bricks and natural stone (stone used to facing elevations) with alternating slate and pantile roof coverings. Boundary treatments would be hedges with fencing and brick piers.
- All plots would benefit from detached double garages of a similar material treatment to that of the dwellings with the exception of plots 2, 3, 6, 7, 10-13 and 21.
- Erect an electrical substation of a similar appearance to that of the dwellings.
- Install a sustainable drainage basin to the east of the site outside of the main development area.
- Carry out tree removal as set out in the submitted documents which includes 37 no. trees to the estate road route with replanting proposed.

- 2.3 The site is subject to extant consent under 15/02656/FUL for;

Demolition of existing indoor riding arena and outbuildings and erection of 15no. residential units with associated garages and alterations to existing private access road.

2.4 The site is subject to the following environmental constraints;

- Coal Advice Area - Low Risk Area
- Impact Risk Zone SSSI
- Tree Preservation Orders -
 - PKT 0462 & PKT 0465 (along access road)
 - PKT 0657 (south-west corner)

3. Planning History

Reference Number: A/95/A/179

Description: Revised Dwelling Position,

Status: Permitted

Reference Number: A/94/A/0434

Description: Dwelling,

Status: Permitted

Reference Number: A/2010/0249

Description: Removal of condition 2 attached to 95/A/179 to allow unrestricted occupancy to dwelling

Status: Permitted

Reference Number: A/2003/0231

Description: Stable block, isolation stables, extension to indoor arena to provide viewing gallery and construction of cross country riding course

Status: Permitted

Reference Number: 14/01464/FUL

Description: Erection of new detached house with garage

Status: Permitted

Reference Number: 15/01476/VARYCO

Description: Variation of condition 2 (approved plans - addition of sunroom to rear) from approval 14/01464/FUL (Erection of new detached house with garage).

Status: Permitted

Reference Number: 15/02656/FUL

Description: Demolition of existing indoor riding arena and outbuildings and erection of 15no. residential units with associated garages and alterations to existing private access road.

Status: Permitted

Reference Number: 15/03857/VARYCO

Description: Removal of condition 4 (Contamination) from approved planning application 15/01476/VARYCO

Status: Withdrawn

Reference Number: 17/00606/DISCON

Description: Discharge of conditions 3 (landscaping), 5 (clean cover system), 6 (verification report) & 7 (surface water) of application 15/01476/VARYCO

Status: Partial Consent/Partial Refusal

4. Consultee Responses

<p>Newton On The Moor And Swarland PC</p>	<p>Supports Application; Comments</p> <p>The Parish Council supports the application in principle as the housing range is better than that agreed for the original 15 houses which have already been given approval. The Parish Council also notes that concerns do not need to be raised about drainage, as surface water and sewerage are independent of any other system in the village and will be routed due south, then east.</p> <p>The Parish Council does however make the following comments, observations; and requests for conditions to be applied should permission be granted.</p> <p>1) Application form. Section 6: Re PRoW The Parish Council stated in its post-meeting letter to Cussins that it would like to see footpath access provided from the northern end of the development onto Vyner Park. Looking at the plans, this would need to be either north or south of David Blackshaw's property, adjacent to either Plot 16 or Plot 26. This would probably have to be designated a Public Right of Way, and the Parish Council would ask for implementation of this footpath as a condition of the Planning Permission, if granted.</p> <p>Section 9 (and elsewhere in the application): Boundary treatments / materials Parish Councillors are of the opinion that red brick piers with closed timber boarding between is too suburban, and increasing examples of this style in the village reinforce this. The alternative given, estate rail with hedging behind is more acceptable - as long as the hedging will be plan</p> <p>The Parish Council would ask that the boundary treatment alongside Vyner Park is sufficiently high to help prevent balls from the playing field from landing in Cussins' back gardens. Also, on the boundary which is adjacent to the Vyner Park, Parish Councillors would wish to see a substantial amount of tree planting.</p> <p>Vehicle access using block paving - will this allow adequate drainage compared to gravel over membrane?</p> <p>Parish Councillors favour cream window frames which blend much more attractively with stone and brick than does dead white.</p>
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Section 14:

In relation to the site Application 17/00606/DISCON in relation to the Discharge of conditions 3 (landscaping), 5 (clean cover system), 6 (verification report) & 7 (surface water) of application 15/01476/VARYCO has been partially consented and partially refused by NCC. Presumably full consent is needed or conditions integrated into any subsequent planning approval granted.

Section 17:

Parish Councillors query the very heavy weighting towards 4+ bedroom houses (20), compared with just 2 x 3-bed and 4 x 3-bed socially rented. The latter fits the requirement for the size of the development, but evidence shows that 2-bed houses have a part to play as starter homes. The draft Northumberland Local Plan Section 6.27 is highly relevant here, given that we don't just need starter homes; many older people would like to downsize but don't wish to leave the community:

'The SHMA indicates that, in part as a consequence of the projected ageing population, the majority of need over the next 5 years is expected to be for 2-bedroom and 3-bedroom properties, together with some 1-bedroom homes. Only a small need for larger dwellings of 4-or-more bedrooms is considered necessary. In terms of dwelling types, it identifies a need split equally between houses for families upsizing and first-time buyers/movers, and bungalows or level-access accommodation for older people downsizing, together with flats. Analysis of aspirations and expectations in the SHMA however suggests a greater need for 1 and 2-bedroom bungalows and level-access flats/apartments, further emphasising the need to meet the needs of an ageing population'.

2. Existing Site plan. Drawing PL-20

The boundary of the development site appears to be shown to the west of the Vyner Park hedge rather than along the new fence line, and the suggestion on the plan is that the boundary be aligned along 'the centre of the hedge'. However, the Street Scene (PL-06) shows 'our' hedge to the west of the red line. The Vyner Park Charity is in negotiation with David Blackshaw to finalise as soon as possible this boundary along his new fence line, which means VPC / PC gains a small strip of land.

3. Red Line Plan. Drawing PL-01

This plan, along with many of the others, is still marking part of Old Park Road, both in front of Lisleswood and a short distance to the north, as part of the site plan, despite residents having pointed out that anything outside the gateway to The Park & Eq. Centre is public highway.

4. House designs

In the report of the public meeting held in Nelson's, Cussins comments that some residents thought the houses too urban. Certainly there's an emphasis on rectangular boxes which is the cheapest option with its simple roof structure. However, the 5-bed options (Type 501) do look rather bleak as there is such a lot of blank brick wall. Something to break up the facade, such as a bit of string-coursing, would help enormously. Cussins argues that the materials make the houses appropriate to the rural setting.

5. Drawing PL-10

Re earlier point re hedging, the Parish Council asks for reassurance that the requirement for hedging along the backs of the properties within the post and rail fence will be enforced, as - preferably native - hedging has amenity and wildlife value, and increases biodiversity.

	<p>6. Tree Report & Impact Assessment (trees to be felled) All landscape and wildlife management and planting reports / plans are professional and thorough, and seem to place a proper emphasis on the importance of the trees if everything's carried out as scheduled (Drawing 820-01B). However, the "assessment of the impact . . ." report, p2, Sect. 3.3.1, shows that 37 of the trees down the long driveway have to be removed, including 4 judged to be High Value, and 17 Moderate Value. Section 4 of the same document is brief and vague on replacement planting, so it is essential that re-planting as shown on the Tree Schedule (820-01B) is monitored when the development is completed.</p> <p>Transport Note Sect. 9 - Lighting It's inevitable now that street lighting within the main part of the development will be required, but the Parish Council questions the need for it to be extended up to the Vyner Park entrance, as this means it will illuminate the tree-lined access road which will have an impact on bat and bird life. The Parish Council ask that if NCC grants Planning permission, that a condition be imposed that only down-lighters will be used, and preferably even low-level (bollard-height) lighting to illuminate the road surface only, as this is a rural site.</p> <p>Finally, with regard to the details of pre-application advice received Parish Councillors have commented as follows; a) The applicant says "Positive response regarding the principle . . ." etc. Shouldn't the Planning Officer concerned be more factual / objective than this? This is not the place for a judgement. b) The Parish Council hasn't seen a copy of the pre-application advice given.</p>
<p>Housing Department</p>	<p>Obligation Required; 4 Affordable Units</p> <p>Northumberland County Council's Corporate Plan identifies the delivery of Affordable Housing as a key strategic priority. Affordable Housing adopts the Affordable Housing definition as set out in the glossary of the National Planning Policy Framework.</p> <p>A number of the adopted Core Strategies and Local Plans feature saved policies requiring the provision of an element of affordable housing from new development schemes. Where there are policies, these require between 30% and 50% of homes on developments to be affordable. Some of these policies have become time expired while others are aged and informed by out of date evidence.</p> <p>Informed by updated evidence the draft Northumberland Local Plan, which was published on July 4th 2018, indicates a requirement for, a minimum of 20% of homes on new permissions to be affordable. The draft Local Plan indicates that the requirement may be higher, up to a cap of 30%, where there is documented evidence of a higher local housing need or where a higher requirement is established in a 'made' neighbourhood plan.</p> <p>A suggested tenure split (based on the 2018 Northumberland Strategic Housing Market Assessment) is for 50 % of the affordable homes to be provided for rent, and 50% provided as home ownership products (including Discount Market Value sale and shared ownership/equity). This results in 2 no. homes for affordable rent and 2 no. for DMV or shared ownership/equity.</p> <p>In practice it may be difficult to find an RP to acquire and manage the 2 no. rented homes. Community led housing may be a possibility for the rented</p>

	<p>homes and the council's community led development officer is currently investigating this option.</p> <p>I suggest that any s106 should contain conversion clauses so that if the rented homes are not practical to deliver they can be sold as DMV. We have a suite of suitable clauses in the template s106 agreement.</p>
Education - Schools	<p>Obligation Required - £72,000;</p> <p>The site is in the Shilbottle ward, within the Alnwick Partnership Area.</p> <p>Primary: The first school in the catchment area is Swarland Primary. Its current roll is 66 of a total capacity of 110, it is therefore 60% full, and so no Primary Contribution is requested.</p> <p>Secondary: The high school within the catchment area is the Duchess School Alnwick. Its current role is 1184 of a total capacity of 1200, it is therefore 98.6% full, so a contribution is requested in relation to the 3 additional pupils generated.</p> <p>SEND Provision: Due to the relatively small size of the development and consequently the relatively low probability of an impact on SEN pupil numbers, no SEN contribution is requested.</p> <p>Summary and Conclusion A total contribution of £52,800 is requested in respect of this development, on the basis of secondary school places.</p>
County Archaeologist	<p>No Objection;</p> <p>The proposed development is located in a wider archaeological landscape containing sites from the prehistoric period onwards. The current application has been submitted with desk-based assessment and geophysical survey reports.</p> <p>The desk-based assessment has identified the potential for prehistoric remains across the proposed development area with Bronze Age burial activity and stray finds and a number of Iron Age enclosures in the wider area. The potential for medieval remains is likely to be low given its moorland location in the medieval period.</p> <p>A desk-based assessment on this site has the presence of a clump of trees which are likely to represent the position of a ship in the Battle of the Nile as park of the designed battle Park in this area. The clump of trees have a Tree Preservation Order which should protect them through the development process and into the future.</p> <p>Based on the results of the the geophysical survey, I have concluded that in this instance the proposed development is unlikely to contain a high density of archaeological remains. As a result it would be difficult to justify the strip, map and record condition attached to the previous planning permission on the site (planning ref: 15/02656/FUL). I have concluded that no further work is required on this particular application.</p>
County Ecologist	No Objection; Obligation, Condition & Informative Advised

	<p>I have had the opportunity to read through the submitted documents and note the submitted ecological reports. It appears from the documentation that the site comprises an area of species poor grassland, scrub and trees.</p> <p>The site supports a number of breeding birds, largely associated with scrub and trees, although nesting sites for swallow and starling were noted in the existing buildings. Trees, scrub and the existing arena will be lost from the site, as part of the development.</p> <p>Although the report does not mention great crested newts, a search of maps and aerial photography shows no ponds within 500m of the site and as such no impacts are predicted for this species from the proposals.</p> <p>As the proposals are to result in a loss of trees and shrubs, the site, including individual trees, was surveyed for bats. The site was found to support foraging Pipistrelle species and small numbers of Myotis species, brown long-eared and noctule bats. Appropriate avoidance, mitigation and enhancements for bats on site.</p> <p>The ecological report makes a number of recommendations to ensure biodiversity is retained and enhanced, including the provision of bird and bat boxes, native planting and avoidance measures.</p> <p>The ecological report refers to the need to mitigate for the impacts from recreational disturbance on the designated sites on the Northumberland coast from new residential developments. It is understood that the applicant wishes to contribute the appropriate amount of £300 for each dwelling that is additional to the original permission. This will need to be secured through the appropriate legal method. A copy of the Habitat Regulations Assessment will be forwarded on to you, when this is confirmed.</p>
<p>North Trees And Woodland Officer</p>	<p>No Objection; Conditions Advised</p> <p>The tree report, tree plan and tree schedule appear to accurately describe and categorise the trees in accordance with the British Standard 5837:2012 - Trees In Relation to Design, Demolition and Construction - Recommendations.</p> <p>A condition is recommended to secure an arboricultural method statement with tree protection plan.</p>
<p>Public Protection</p>	<p>No Objection; Conditions & Informatives 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 and observations/informatives be included in any decision notice.</p> <p>As stated in the Phase 1 and 2 reports from 3E, the site has no history of previous significant contaminative use(s).</p> <p>The applicant has initiated a programme of ground gas monitoring which has so far (three out of six sample visits) has not detected any ground gas issue.</p> <p>Please note that should hazardous gases be detected in the remaining samples, then the Public Health Protection Unit will insist upon ground gas</p>

	protection in the proposed dwellings to a minimum of Characteristic Situation 2 (CS2) following CIRIA C735 and BS 8485:2015.
Northumbrian Water Ltd	<p>No Objection; Condition Advised</p> <p>In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.</p> <p>Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:</p> <p>We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood risk Assessment". In this document it states</p> <p>Foul water will discharge to the combined sewer at manhole 8701 via a private 100mm drain on site and surface water will discharge to the local watercourse.</p> <p>We would therefore request that the recommended condition be attached to any planning approval, so that the development is implemented in accordance with this document.</p>
Lead Local Flood Authority (LLFA)	No Objection; Conditions Advised
Architectural Liaison Officer - Police	<p>No Objection;</p> <p>After considering it from a crime prevention point of view I have no objections or comments to make.</p>
Fire Service	<p>No Objection;</p> <p>Further to your request the Fire Service have no objection in principle to the above proposals.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	30
Number of Objections	1
Number of Support	0
Number of General Comments	1

Notices

General site notice - 18th July 2018

Press notice - Northumberland Gazette 26th July 2018

Summary of Responses:

During the consultation period, 1 no. objection and 1 no. comment raised the following issues;

- Issues over increase in the number of dwellings.
- Site is outside the settlement boundary.
- Impacts on infrastructure and ongoing issues.
- Potential impact on protected trees.
- Road improvements required due to increased traffic.
- Viner Park footway may impact on restricted covenant.

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=PAVTQ5QSHDV00>

6. Planning Policy

6.1 Development Plan Policy

ACS - Alnwick LDF Core Strategy (2007)

- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria
- S5 Housing density
- S6 Provision of affordable housing
- S11 Locating development to maximise accessibility and minimise impact from travel
- S12 Protecting and enhancing biodiversity and geodiversity
- S13 Landscape character
- S15 Protecting the built and historic environment
- S16 General design principles
- S23 Planning obligations

ALP - Alnwick District Wide Local Plan (1997)

- BE2 Regional and local archaeological significance
- BE8/Appendix B Design in New Dwellings
- CD32 Controlling development that is detrimental to the environment and residential amenity
- TT5 Controlling car parking provision (and Appendix E)
- Appendix E Car parking standards for development

6.2 National Policy

NPPF - National Planning Policy Framework (2018)

PPG - Planning Practice Guidance (2014 - as updated)

6.3 Other Documents/Strategies

6.4 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)

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 Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

The Northumberland Local Plan was published in draft for consultation on 04/07/18, in accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage carry minimal weight in the determination of planning applications.

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

- Principle of Development
 - Sustainability
 - Housing Land Supply
 - Summary
- Planning Obligations
 - Affordable Housing
 - Coastal Mitigation
 - Education
- Visual Impact
 - Landscape
 - Design
- Amenity
 - Neighbour Issues
 - Noise, Odour & Light
- Archaeology
- Environment
 - Ecology
 - Trees
 - Contaminated Land
- Highway Safety
- Water Management
- Other Matters
 - Consultation Issues
 - Conditions

- Procedural Matters

Principle of Development

Sustainability

- 7.3 The NPPF seeks to promote sustainable development with paragraph 8 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 which are interdependent and need to be pursued in mutually supportive ways. The site is subject to an extant consent to develop the site for 15 no. residential dwellings; the principle of residential development in this location been established.
- 7.4 *S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement.*
- S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However limited weight can be attached to this policy as the NPPF does not require a sequential test for this development type.*
- S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/legal agreement but also states that it may be necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts.*
- 7.5 The site is located within Swarland, a 'Sustainable Village Centre' where development is permitted that is well-related to the settlement as per S1 which states that there is a 'strong service base'. Development in this location should accord with the hierarchy and reflect the services present and accessibility. The site is within the settlement and would be also be accessible to the village centre without the need for private car, set within a predominantly residential context.
- 7.6 *Paragraph 78 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*
- 7.7 Whilst there is a service base within the settlement, Swarland is amongst a network of smaller settlements providing an accessible service base (from Felton and Longframlington). Having regard to these other settlements

nearby, residential development in this location is considered permissible through its potential to access services in neighbouring villages which in turn would contribute to the vitality of other smaller settlements.

- 7.8 From this, the site is considered to be a suitable location to support new residential development notwithstanding the fall back position of the previous approval.

Housing Land Supply

- 7.9 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 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.
- 7.10 *Paragraph 73 of the NPPF sets out that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.*

Paragraph 74 of the NPPF clarifies what is required to demonstrate a five year supply of deliverable housing sites.

- 7.11 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.
- 7.12 This supply position updates that presented in the Council's Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

Summary

- 7.13 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.

- 7.14 The principle of development is therefore considered acceptable and in accordance with S1 and S3 of the ACS and the NPPF.

Planning Obligations

- 7.15 *S23 of the ACS sets out that where a planning obligation is necessary to make an application acceptable in planning terms, the district council will request a developer to sign a legal agreement to provide in kind and / or make a contribution towards the provision or improvement of physical or social infrastructure or local environmental improvements necessitated by the development or to provide affordable housing to meet housing need.*
- 7.16 *Paragraphs 54 and 56 of the NPPF sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Obligations must meet all of the following tests;*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 7.17 The following planning obligations have been assessed in respect of this application which is to be secured by legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

Affordable Housing

- 7.18 The application has put forward that 15% of dwellings proposed would be on-site affordable housing to be delivered on site (4 dwellings). The application has been subject to consultation with Affordable Housing (AH).
- 7.19 *S6 of the ACS seeks a appropriate level of affordable housing within the site on all housing sites of 10 units or more or 0.33 hectares or more in Alnwick and Amble. The policy had stated a need for 35% however this is no considered up-to-date.*
- 7.20 *Paragraph 64 of the NPPF stipulates that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.*
- 7.21 The Northumberland SHMA Update (June 2018) provides detailed market analysis of housing needs at the County level, and across local Housing

market sub-areas. It also provides up-to-date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that 50% of affordable homes are provided for rent, and 50% provided as affordable home ownership products.

- 7.22 The updated SHMA, helped inform the 20% affordable homes requirement in the draft Northumberland Local Plan. Until the implications of the updated SHMA have been considered further, the Council will not normally seek an affordable housing contribution in excess of 15% unless other up to date evidence indicates a higher contribution is required to meet local need.
- 7.23 However, pending Cabinet ratification, at the present time of writing 15% of new homes will continue to be suggested to be provided as affordable housing products in line with the evidence from the previous 2015 SHMA.
- 7.24 AH have set out that the provision put forward is considered acceptable setting out acceptable setting out that tenure of two discount market value and two affordable rent would be acceptable although alternative options would also be agreeable given that an on-site affordable housing provision is available.

Education

- 7.25 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. Issues raised during consultation are addressed in this section.
- 7.26 *Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities going on to;*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

- 7.27 The consultation response from Education sets out that there is surplus capacity in catchment primary school however there are capacity issues at the secondary level. Pupil numbers at Duchess High School in Alnwick are at capacity and therefore a contribution has been sought, based on the pupil yield from the development (three pupils) to calculate a contribution of £72,000 which has been agreed by the applicant.

Coastal Mitigation

- 7.28 When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone

or in combination with other projects. The County Ecologist has been consulted in conjunction with Natural England.

7.29 *Paragraph 175 of the NPPF states that in determining planning applications, local planning authorities should apply the following principles;*

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest

7.30 *Paragraph 176 of the NPPF affords the same protection as habitat sites to;*

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

7.31 *Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*

7.32 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.

7.33 The 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.

7.34 The applicant has agreed to pay £3,300 toward the Council's coastal mitigation scheme based on £300 per unit which is an adjusted figure due to the distance from the coastal designations (being within 7-10km) and the additional number of dwellings (compared to those approved equating to 11 additional properties) to be secured by legal agreement. From this, the Council has completed a Habitats Regulations Screening Assessment and

Appropriate Assessment 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 designated sites. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.

- 7.35 From this, the off-site ecological impacts of the development can be suitably mitigated.

Visual Impact

Community Involvement

- 7.36 *Paragraph 128 of the NPPF encourages that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*
- 7.37 The application has been submitted with a Statement of Community Engagement following consultation in the form of information leaflets, a consultation event, drop-in event and correspondence with Swarland & Newton-on-the-Moor Parish Council. The main points relating to planning that have informed the development are as follows;
- Detailed drainage design to include a SuDS basin
 - Changed a unit type to a bungalow to accommodate for resident concerns
 - Agreement to a financial contribution toward secondary education
 - Housing mix meets local needs (as opposed to large bungalows originally approved)
 - Affordable housing provision in line with pre-application discussions.

Landscape

- 7.38 The site sits on the South-Western edge of the main built up area of Swarland set around an access lane to a riding arena located to the eastern edge bordering onto open countryside. The boundary to the south is constrained to the line of an existing property although it is limited in visibility due to planting. The appraisal of Landscape considers the physical mass and character impact of a development proposal; the application has been submitted with a Design and Access Statement.
- 7.39 *S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district.*

7.40 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

7.41 The previously approved scheme proposed a layout similar to what has been proposed albeit for an increased height of unit where two storey dwellings are proposed and of a smaller footprint. The impact comparatively to the sensitive eastern and southern boundaries of the development site would not significantly differ with post and rail fencing with hedgerows to the southern edge which is visible when looking north from Park Road.

7.42 Overall the introduction of development in this location would be visually constrained by an existing property to the west along Old Park Road and the agricultural style buildings to the eastern edge. Coupled with the proposed landscaping, the proposal is not considered to give rise to significant landscape impacts.

7.43 *S5 of the ACS sets out the density required for new build housing, at 30 dwellings per hectare as a minimum. In rural areas and elsewhere where there is a need to preserve or enhance the character of the area, particularly on settlement edges, lower densities may be considered.*

S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.

7.44 In considering the density of the proposal, the net area for development (2.53ha) have been used which would result in a density of 10 dwellings per hectare which is of a lower number than set out in S5 but is appropriate given the edge of settlement location.

7.45 The landscape impact of the proposal is therefore considered acceptable in accordance with S5, S13 and S16 of the ACS and the NPPF.

Design

7.46 The application is for full planning permission including details of site levels and materials as part of the proposal. Design considers the appearance of the development independently and as part of the immediate streetscene. Issues raised by the Parish Council have been addressed in this section.

7.47 *S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.*

7.48 *BE8 of the ALP specifies the relevant appendix to assess proposals for new dwellings and extensions (in this case Appendix A). Appendix A covers criteria relating to layout, access, car parking, design, materials and landscaping. It is acknowledged that this policy in part is not fully compliant with the NPPF in terms of its prescriptive nature.*

7.49 *Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

7.50 The proposal would introduce development to an enclosed part of Swarland that is not readily visible from the wider area but of a scale and number to carry an architectural style independent of the immediate vernacular.

7.51 The properties would be a mix of house types with further variation offered through changing material treatments consisting of two different brick types along with natural stone for the walls with pantile and slate roof coverings. The material treatments have been detailed in a submitted plan with streetscene elevations to illustrate how the properties would sit alongside one another.

7.52 Looking to the layout, there would be good levels of separation afforded between properties with areas of open spaces and trees retained that would add to the visual amenity of the streetscenes created, boundary treatments would be of a rural style with landscaping to mitigate the built form of the proposal.

7.53 Overall the design of the development would be acceptable, in accordance with S16 of the ACS and the NPPF.

Amenity

7.54 *Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.*

7.55 *Paragraph 127 of the NPPF states that planning decisions should;*

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Neighbour Issues

7.56 The assessment of neighbour issues 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.

- 7.57 As part of the consultation response from Highways Development Management (HDM), a construction method statement has been approved that secures 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.
- 7.58 Due to the separation from other properties in the area, scale of the dwellings proposed and the distances afforded between elevations within the proposed layout; there are not considered to be substantive impacts arising in terms of amenity.
- 7.59 It is considered that impacts on amenity arising from the development would not have an adverse impact on neighbouring properties, proposed properties or the wider environment. The neighbour issues of the proposal is therefore considered acceptable in accordance with CD32 of the ALP and the NPPF.

Noise, Light & Odour

- 7.60 The proposal is set in close proximity to existing buildings that has potential to have noise, light and odour impacts on new residential development. The application has been subject to consultation with Public Health Protection (PHP).
- 7.61 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.*
- 7.62 PHP have acknowledged that the riding arena is to demolished as part of the proposal however the retention of an outbuilding, shed and stables; has potential to have impacts on the site in terms of lighting, noise and odour. It is not considered necessary to require information relating to this prior to determination however conditions have been applied to secure these details for implementation.

Archaeology

- 7.63 The site is beyond the main built form of the settlement but is considered to retain potential for significant unrecorded archaeology. The application has been submitted with an Archaeological Desk-based Assessment informed by geophysical survey work which has been reviewed by the County Archaeologist (CA).
- 7.64 *S15 of the ACS sets out that the District Council will conserve and enhance a strong sense of place by conserving the district's built and historic environment.*

- 7.65 *BE2 of the ALP sets out that planning permission will not be granted for development detrimental to sites of regional or local archaeological importance, unless there is an overriding need for the development and no alternative location can be found. Where the impact of the development is not clear, the developer will be required to provide an archaeological assessment.*
- 7.66 *Paragraph 189 sets out that In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*
- 7.67 The submitted assessment sets out that there is Bronze Age burial activity and stray finds and a number of Iron Age enclosures in the wider area. The potential for medieval remains is likely to be low given its moorland location in the medieval period. The CA has set out that it would be difficult to justify further work given the position regarding archaeology on the previous application. Therefore no further work has been requested as part of this application.
- 7.68 The archaeological impact of the proposal has therefore been suitably mitigated in accordance with BE2 of the ALP and the NPPF.

Environment

Ecology

- 7.69 Due to the site bordering the open countryside and proximity to wooded areas both within and around the site, there is considered to be potential for the development to have on-site ecological impacts. The application has been submitted with an Ecological Assessment which has been reviewed by the County Ecologist (CE).
- 7.70 *S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity.*
- S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.*
- 7.71 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.72 The CE has set out that there are no issues arising from the proposal subject to the avoidance, mitigation and enhancement measures set out in the report.

- 7.73 Therefore the ecological impact of the proposal can be suitably mitigated in accordance with S3 and S12 of the ACS and the NPPF.

Trees

- 7.74 The site contained trees protected by Tree Preservation Order (TPO) and has been submitted with an Arboricultural Impact and Method Statements along with detailed plans for the trees on site. The documents have been assessed by the Council's Trees and Woodland Officer (TWO). PKT 0462 & PKT 0465 (along access road) would be subject to tree felling however PKT 0657 (south-west corner) would be retained as existing.
- 7.75 The TWO have reviewed the submission raising no objection to the proposals subject to a condition to secure an arboricultural method statement and tree protection plan which would need to be submitted prior to works to the trees taking place.
- 7.76 The impact on trees is therefore considered acceptable in accordance with the NPPF.

Contaminated Land

- 7.77 The site is within the low risk coal referral area, the site otherwise has no history of previous significant contaminative uses. The application has been submitted with a Phase 1 and 2 ground investigation reports as well as a CON29M non-residential mining report (within Phase 1 Assessment) which have been assessed by Public Health Protection (PHP).
- 7.78 *S3 of the ACS sets out within its sustainability criteria that any physical and environmental constraints on the development of the land as a result of contamination, or land stability can be mitigated.*
- 7.79 *Paragraph 178 of the NPPF states that decisions should ensure that;*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation.*

Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 7.80 PHP have reviewed the submission setting out that there are not considered to be significant issues arising in terms of land contamination advising precautionary conditions which have been set out in the recommendation.
- 7.81 The application has demonstrated that through gas monitoring, that there is no recorded presence of ground gases. Ground gas mitigation has been recommended through condition but could be addressed should further monitoring yield the absence of it.

- 7.82 From this, issues arising from contaminated land have been suitably addressed in accordance with S3 of the ACS and the NPPF.

Highway Safety

- 7.83 Highway safety considers the impact the development would have in terms of vehicle movements, the internal layout of development and pedestrian connectivity. The application has been assessed by Highways Development Management (HDM).
- 7.84 *S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.*
- 7.85 *Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 7.86 The proposal would utilise the existing access with the documents proposing an estate road that would be to an adoptable standard with associated footway connectivity into and within the site. The application would also propose a footway from the site through Vyner Park which would improve walking routes from the site to access services within Swarland. HDM have raised no objection to the proposal subject to conditions and informatives set out in the recommendation.
- 7.87 The Parish Council has raised the inclusion of the footway through Vyner Park as a condition which is reflected in the HDM response and the recommendation, the landscaping to the border onto Vyner Park would be agreed through the submission of further details to discharge the condition.
- 7.88 The impact on highway safety is therefore considered acceptable in accordance with S11 of the ACS and the NPPF.

Water Management

- 7.89 The application is for major development and has been accompanied by a drainage strategy which has been subject to consultation with the Lead Local Flood Authority and Northumbrian Water. Surface water drainage is proposed by Sustainable Drainage System (SuDS) basin to the east of the site with foul drainage via mains.
- 7.90 *Paragraph 165 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 7.91 NWL has raised no objection subject to a condition to secure the manhole to discharge foul water. The LLFA have also raised no objection following amendments to the drainage strategy subject to conditions in the spirit of Paragraph 165 of the NPPF.

- 7.92 Therefore water management can be successfully undertaken on site in accordance with the NPPF.

Other Matters

Consultation Issues

In response to other issues raised over the consultation period;

- 7.93 Issues over increase in the number of dwellings
Whilst the site was subject to an extant consent for 15 dwellings, the increase in number has allowed for the provision of on-site affordable units and has improved the housing mix on the site.
- 7.94 Site is outside the settlement boundary.
The settlement boundaries of the Alnwick District Wide Local Plan are not saved, notwithstanding this there is a residential consent that can be implemented on the site.
- 7.95 Impacts on infrastructure and ongoing issues.
Whilst there may be ongoing issues with infrastructure in Swarland, the development has made provision for a financial contribution towards education with the scale of the proposal not being of a level that would warrant further contributions as part of the suite of obligations.
- 7.96 Road improvements required due to increased traffic.
The application proposes improvements to the existing estate road which have been considered acceptable by Highways Development Management.
- 7.97 Viner Park footway may impact on restricted covenant.
This aspect of the proposal would fall outside of the planning process and would be a civil matter. Notwithstanding this, the link is not contingent to secure approval on the site.
- 7.98 Issues from previous discharge of conditions.
This application if approved, would sit as a new consent and so aspects from previous submissions would be reviewed in light of the new permission.
- 7.99 Housing Mix toward larger properties.
The Parish Council has recognised the need for 1 and 2-bedroom units as set out in the draft Northumberland Local Plan. Whilst the plan is emerging with minimal weight attributed, it is supported by the SHMA. Notwithstanding this, the proposed mix proposes a suitable balance against the previous approval and whilst increasing the numbers, would not compromise the character of the site in its edge of settlement location.
- 7.100 Adherence with landscaping scheme
The implementation of the landscaping scheme has been secured by condition from the County Ecologist.
- 7.101 The Police and Fire Service returned consultation raising no objection to the proposal.

Conditions

- 7.102 *Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*
- 7.103 Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation. No pre-commencement conditions have been imposed as part of this permission.

Procedural Matters

Equality Duty

- 7.104 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

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

Human Rights Act Implications

- 7.106 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.
- 7.107 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.

7.108 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 stating accordance with relevant Neighbourhood Plan and Local 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 legal agreement to secure the obligations/contributions is set out in the recommendation.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:

- Affordable housing provision of 15% on site (4 units);
- £72,000 Education contribution;
- £3,300 Coastal Mitigation contribution; and

The following conditions;

Conditions

01. Time to Commence Development

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. Approved Plans

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. PL-01 - Red Line Plan
2. PL-02 Rev A- Site Plan
3. PL-03 Rev A - Proposed Boundary Treatments
4. PL-04 Rev A - Proposed Materials
5. PL-MA-H303E-1 Rev B - 3 Bed / 5 Person
6. PL-MA-H402P-1 Rev C - 4 Bed / 7 Person
7. PL-MA-H402P-2 Rev A - 4 Bed / 7 Person
8. PL-MA-H404-1 Rev A - 4 Bed / 7 Person
9. PL-MA-H404-2 Rev A - 4 Bed / 7 Person
10. PL-MA-H405-1 Rev C - 4 Bed / 8 Person
11. PL-MA-H405-2 Rev B - 4 Bed / 8 Person
12. PL-MA-H501-1 Rev F - 5 Bed / 9 Person
13. PL-MA-H501-2 Rev E - 5 Bed / 9 Person
14. PL-MA-H504-1 Rev B - 5 Bed / 9 Person
15. PL-MA-H504-2 Rev B - 5 Bed / 9 Person
16. G201-3 - Detached Dble Garage
17. Swarland 04 Rev 03 - Impact Assessment (Trees to be Felled)
18. 820 - 01 B - Hardworks, Planting and Management Plan

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

Development Management

03. Details of Material Finishes 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 until;

- a) 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);
- b) 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; and
- c) Details of the materials proposed to the boundary treatments.

Have been submitted to, and approved in writing by, the Local Planning Authority. All approved details 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 S16 of the Alnwick LDF Core Strategy.

04. Approved Site Levels

Notwithstanding details contained within the approved documents, the site levels for the development hereby approved shall be in accordance with those set out in the following documents;

1. 2000-P2 - Proposed Levels Layout Sheet 1 of 2
2. 2001-P2 - Proposed Levels Layout Sheet 2 of 2

Reason: To ensure that the approved site levels are implemented throughout the development to ensure a acceptable form of development in accordance with Policy S16 of the Alnwick LDF Core Strategy.

05. Approved Materials & Boundary Treatments

Notwithstanding details contained within the approved documents, the materials and boundary treatments for the development hereby approved shall be in accordance with those set out in the following documents;

1. PL-04 Rev A - Proposed Materials
2. PL-03 Rev A - Proposed Boundary Treatments

Reason: To ensure that the visual impact of the development is acceptable in accordance with Policy S16 of the Alnwick LDF Core Strategy.

County Ecologist

06. Details of Mitigation to be Submitted

Notwithstanding details contained within the approved documents, prior to construction of the development hereby approved. Details of Ecological mitigation measures to include.;

- a) Production and implementation of a planting scheme and management plan for the area of green space including the sustainable drainage system provision, including species list comprising species native to Northumberland;
- b) Production and implementation of a wildflower management plan, including species list comprising species native to Northumberland;
- c) Installation of a minimum of No.26 integrated bat boxes, No. 5 integrated bird boxes and No.15 bird boxes on trees, in addition to 6No. starling boxes. Numbers, types and positions shall be provided;
- d) Production and implementation of a pollution prevention method statement to ensure the continued ecological functionality of the Mere Burn; and
- e) Program of Delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the program of delivery.

Reason: To suitably mitigate for the ecological impact of the development in accordance with Policy S12 of the Alwrick LDF Core Strategy and the National Planning Policy Framework.

07. Works in Accordance with Outlined Measures

No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Swarland Equestrian Centre Ecological Assessment. BSG Ecology June 2018') and this condition, including, but not restricted to;

- a) Adherence to 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2009'
- b) Any deep (in excess of 300mm) excavations left open overnight to be either securely covered, fenced or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.
- c) No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- d) Adherence to landscaping scheme on Drawing number 810-01-C
- e) Pre-felling checks of trees for bats
- f) Root protection zones will be implemented around all retained trees and hedgerows in accordance with the guidance given in BS5837.
- g) Removal of cotoneaster in accordance with Drawing number 810-01-C
- h) Production and implementation of a management plan, including species list comprising species native to Northumberland, for the area of green space including the SUDS pond.
- i) Gaps of 15cm are provided in every boundary fence for houses to allow for free movement of hedgehogs.

Reasons: Integrating bat and bird boxes within the structure of the new building/s ensures the longevity of the feature.

Public Health Protection

08. Details of Contaminated Land to be Submitted

Excluding Demolition, the development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing;

a) As identified in the Phase II Geo-Environmental Assessment (produced by 3e Consulting Engineers Ltd, Report Ref: P17-565/SI(Issue 1) and dated 19.06.18) further, targeted site investigations shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

The scheme(s) shall be submitted to and approved in writing by the Local Planning Authority to be implemented in accordance with the programme of delivery. The scheme shall include all the measures unless the Local Planning Authority dispenses with any such requirement in writing.

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.

09. Details of Noise to be Submitted

Excluding Demolition, the development hereby permitted shall not be commenced until noise information to include;

- a) Noise assessment; or
- b) Clarification of; the nature and duration of noise emitted from the buildings to the east of the development site ("out building", "shed" and "stables").
- c) Noise mitigation measures if required; and
- d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. In the event that mitigation is required, it shall be implemented in accordance with the programme of delivery.

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

10. Details of External Lighting to be Submitted

Excluding Demolition, the development hereby permitted shall not be commenced until lighting information to include;

- a) Lighting assessment; or
- b) Clarification of; the nature and duration of lighting originating from the buildings to the east of the development site ("out building", "shed" and "stables").
- c) Light mitigation measures if required; and
- d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. In the event that mitigation is required, it shall be implemented in accordance with the programme of delivery.

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

11. Details of Odour to be Submitted

Excluding Demolition, the development hereby permitted shall not be commenced until odour information to include;

- a) Odour assessment; or
- b) Clarification of; the nature and duration of odour originating from the buildings to the east of the development site ("out building", "shed" and "stables").
- c) Odour mitigation measures if required; and
- d) Programme of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. In the event that mitigation is required, it shall be implemented in accordance with the programme of delivery.

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

12. Details of Further Contamination to be Submitted

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

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

Northumbrian Water

13. Works in Accordance with Drainage Scheme

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood risk Assessment" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8701 via a private section of 100 mm drain and ensure that surface water discharges to the existing watercourse.

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

Highways Development Management

14. Construction Method Statement (with plan) to be Submitted

Development shall not commence until a Demolition and Construction Method Statement, together with supporting plan to include;

- 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

Has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/ construction period.

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

15. Details of Highway Works to be Submitted

Prior to commencement but excluding demolition of the development hereby approved, details of highway works;

- a) As shown in WYG drawing C001 contained in Appendix B of the approved Transport Technical Note;
- b) The replacement of the concrete surfacing at the site access junction with flexible pavement construction;
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the program of delivery which will be expected to be prior to occupation of the development.

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

16. Management and Maintenance of Estate Streets

Prior to commencement (but excluding demolition) of the development hereby approved details of;

- a) Proposed arrangements for future management of streets;
- b) Details of maintenance of the proposed streets.

Shall be submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

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

17. Estate Street Phasing and Completion Plan to be Submitted

Prior to commencement but excluding demolition of the development hereby approved. Details to include;

- a) An Estate Street Phasing;
- b) Completion Plan; and
- c) Program of delivery.

Shall be 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 in line with the program of delivery.

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.

18. Details of Adoptable Streets to be Submitted

Prior to construction of the development hereby approved, details to include

- a) Full engineering;
- b) Drainage;
- c) Street lighting; and
- d) Constructional details

For 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 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

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

Prior to occupation of development of the development hereby approved, details of;

- a) Surface water drainage to manage runoff from private land to the adoptable highway elements of the estate;
- b) Maintenance details; and
- c) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the programme of delivery before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water runoff 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.

20. Details of Fire Hydrant Installation to be Submitted

Prior to the installation of any services (i.e. water/electric/gas/telecommunication) within the development site, details of;

- a) The specification of a fire hydrant(s) to serve the development; and
- b) 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; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Northumberland Fire and Rescue Service. The approved details

shall be implemented in accordance with the program of delivery and retained thereafter.

21. Implement Cycle Parking

No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

22. Implement Car Parking Areas

No dwelling shall be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

Lead Local Flood Authority

23. Surface Water Drainage Scheme to be Submitted

Prior to commencement of development a scheme to dispose of surface water from the development that shall;

- a) Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by Lead Local Flood Authority and the local planning authority.
- b) Adhere to the principles as set out in the drainage strategy from 3e Consulting Engineers Ltd. Titled "Flood Risk Assessment for Cussins Homes"
- c) Provide attenuation on site for the 1 in 100 year plus climate change event.
- d) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment; and
- e) Provide a program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the program of delivery.

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

24. Details of Adoption & Maintenance of Sustainable Drainage Systems (SuDS) to be Submitted

Prior to first occupation details of SuDS management to include details of;

- a) The adoption of all SuDS features;
- b) Maintenance schedule and log; and
- c) Programme of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The scheme for SuDS management shall be implemented in accordance with the programme of delivery and the approved details.

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

25. Details of Surface Water Disposal over Construction Phase to be Submitted

Prior to commencement of development, details to include;

- a) Measures for the disposal of surface water from the development through the construction phase.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction phase until such time that the approved surface water drainage scheme (of this permission) has been fully implemented.

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.

Tree & Woodlands Officer

26. Details of Works to Trees to be Submitted

Notwithstanding details contained within the approved documents, prior to works to trees covered by Tree Preservation Order (TPO) taking place, a scheme to include;

- a) Arboricultural method statement;
- b) Tree protection plan;
- c) Details of arboricultural supervision; and
- d) Measures for the protection of retained trees

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full accordance with the details throughout the implementation of the planning permission.

Reason: To ensure suitable management of protected trees.

Informatives

1. Dust Management

Dust minimisation and control shall have regards to guidance such as : The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at:

<http://iaqm.co.uk/guidance/>Additionally, the Mayor of London's office has produced robust supplementary

guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at:

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

2. Noisy Working during the Construction Phase

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

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

Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

3. Restriction on Deliveries / Collections during the Construction Phase

No deliveries or collections shall be made to or from the premises outside the hours of:

Monday to Saturday 0800 to 1800
and not at all on Sundays or Bank Holidays.

4. Statutory Nuisance

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors.

Developers should, therefore, fully appreciate the importance of professional advice.

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

5. Burning Materials Onsite

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

6. Protected species

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

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

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

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

7. Trees

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

<https://www.nwt.org.uk/sites/northumberland.live.wt.precedenthost.co.uk/files/files/Notes%20on%20Tree%20Planting%20And%20The%20Use%20of%20Native%20Species%20In%20North%20East%20England.pdf>

8. In Built Bird and Bat Boxes

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

Further information on bats in buildings can be found at http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html

9. Native Species

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

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

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

10. Section 38 Agreement and adoption of highways

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

11. Section 278 Agreement and works in adopted highway

You are advised that off-site highway works required in connection with this permission are under the control of the Council's 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.

12. Highway condition survey

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

13. Reminder to not store building material or equipment on the highway

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

14. Contact Local Highway Authority - Estate Street Phasing and Completion Plan

The applicant is advised to obtain the written approval of the Local Highway Authority for the details required under the relevant 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

15. Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge the relevant condition 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

16. Contact Local Highway Authority - Submission of details of adoptable streets

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

17. Reminder to not deposit mud/ debris/rubbish on the highway

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

18. Section 59 Agreement - Extraordinary Expenses

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the Section 59 Agreement of the Highway Act 1980 relating to extraordinary expenses.

19. Containers Required for the Storage of Waste

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

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

Developers should be aware that an additional 240 litre brown bin may also need to be accommodated for garden waste which is a subscription seasonal scheme.

Date of Report: 13.08.2018

Background Papers: Planning application file(s) 18/02250/FUL