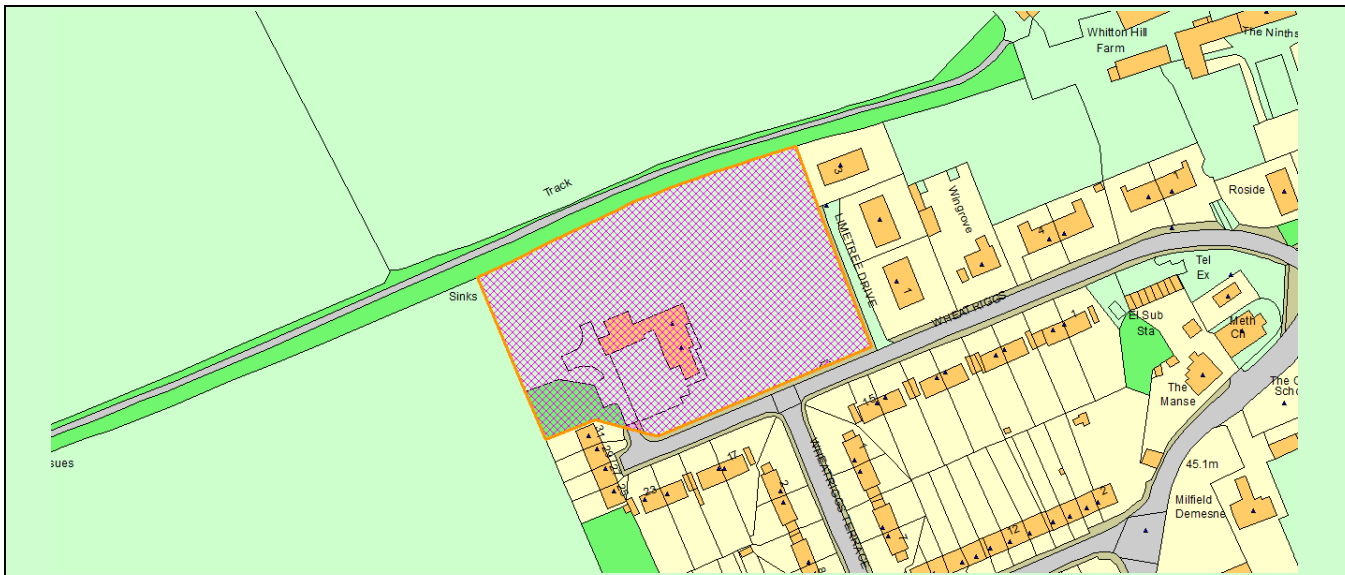




# Northumberland County Council

## North Northumberland Local Area Committee 20<sup>th</sup> September 2018

|                              |   |                     |                |
|------------------------------|---|---------------------|----------------|
| <b>Application No:</b>       | 17/03961/FUL  |                     |                |
| <b>Proposal:</b>             | Demolition of Existing School Building and Development of 30 dwellings - Amended 02/07/18   |                     |                |
| <b>Site Address</b>          | Former Milfield County First School, Wheatriggs, Milfield, Wooler<br>Northumberland<br>NE71 6HZ                                   |                     |                |
| <b>Applicant:</b>            | Mr Chris Dodds<br>Cameron House, Pinetree Way,<br>Gateshead, Tyne And Wear<br>NE11 9XW  | <b>Agent:</b>       | None           |
| <b>Ward</b>                  | Wooler  | <b>Parish</b>       | Milfield       |
| <b>Valid Date:</b>           | 3 November 2017   | <b>Expiry Date:</b> | 31 August 2018 |
| <b>Case Officer Details:</b> | Name: Mr Ragu Sittambalam<br>Job Title: Planning Officer<br>Tel No: 01670 622704<br>Email: Ragu.Sittambalam@northumberland.gov.uk |                     |                |



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## **1. Introduction**

- 1.1 Under the provisions of the Council's Scheme of Delegation, this application site forms part of a Council land sale so the application has been referred to the Head of Service (Planning) who concluded that the application should be referred to the North Northumberland Local Area Council.

The application is recommended for APPROVAL.

- 1.2 The application was amended as follows;

- 21/11/17 - Submission of a Preliminary Ecological Appraisal
- Submission of a Tree Survey
- 27/11/17 - Submission of Drainage Strategy and Economic Benefit Report
- 15/12/17 - Revised Site layout, landscaping and boundary treatment plans submitted
- 19/12/17 - Submission of an Archaeological Desk-Based Assessment
- 05/02/18 - Submission of an Archaeological Geophysical Survey
- 18/05/18 - Submission of drainage sections and schematic plans
- 29/05/18 - Submission of swept path analysis.
- 30/05/18 - Revision to the housing layout reducing the number of dwellings (full consultation carried out)
- 02/07/18 - Update to Drainage Strategy and Plan

## **2. Description of the Proposals**

- 2.1 The application site is located to the north-west corner of the main built of area of Milfield, a village that bears directly to the west side of the A697. The land is accessed directly off Wheatriggs to the north side from an existing lane into the site.
- 2.2 The site is the former Milfield First School which has not been in use since 2009, within a closed and overgrown site housing a school building to the west end with the former playing fields to the east. The site is otherwise surrounded by existing residential properties to the east and south with open countryside to the west and north.
- 2.3 The land is 0.9ha in area with limited defining features given its current state. There is planting to the northern boundary which, alongside the in-settlement location limits the prominence of the site overall.
- 2.4 The application seeks planning permission to;
- Demolish the existing school buildings on site.
  - Form an access as per the existing onto an estate road that would span north and then to the east toward a termination with a turning head that extends south.
  - Erect 30 no. dwellings of a mix as follows;
  - 9 no. 2-bedroom semi-detached properties with a gable roof some of which would benefit from a garage.

- 18 no. 3-bedroom properties (9 detached) with a mix of gable and pitched roof units some of which would benefit from a garage.
- 3 no. 4-bedroom detached properties with a gable roof an projecting pitched roof element some of which would all benefit from a single/double garage.
- The dwellings would be of a mix of two different brick treatments with concrete tiles in grey or red. Driveways would be formed from crushed aggregate with timber screen fencing between exposed boundaries to other dwellings (back-back/road facing) or post and wire between plots (side-side).

2.5 The site is not considered to be affected by environmental constraints.

### 3. Planning History

**Reference Number:** C/04/00181/CCD

**Description:** Construction of extension to provide kitchen

**Status:** Permitted

### 4. Consultee Responses

|   |   |
|---|---|
| <p><b>Milfield Parish Council</b><br/>(2<sup>nd</sup> Consultation)</p> | <p><b>No Response Received</b></p>  |
| <p><b>Milfield Parish Council</b><br/>(1<sup>st</sup> Consultation)</p> | <p><b>Objection;</b></p> <p>This email is not only a parish council objection to the current planning but also</p> <ul style="list-style-type: none"> <li>- A request for a public meeting</li> <li>- A request for an explanation of why no pre-application consultation application took place</li> <li>- An FoI/EIR request</li> </ul> <p>The application for 33 dwellings is one of major significance for the Community in Milfield. The 2011 Census showed 180 households within the parish, this development would represent an increase of 18.33%.</p> <p>The Council's comments are combined in one email for ease as elements will overlap within NCC.</p> <p>It has been sent to a number of Council Officers who are likely to have been involved or manage those who are. I would be grateful if it could be forwarded to the correct officers please.</p> <p>I wanted to send a copy to the developer but the application does not contain an agent's email and Google only shows a contact form. I would therefore ask that NCC send them a copy please.</p> <p><u>Committee Determination</u></p> <p>The Council was to request a Committee determination but note that this has already been determined to be a Committee matter by the Head of Service.</p> |

### Planning Objection

The Parish Council considered the application when it met on 10 November 2017 and resolved as follows

The Council confirmed that it had no objection to redevelopment of this site but that an objection should be submitted to this application for the following reasons

- The applicant was seeking a relaxation in the appropriate parking standards but their justification was inadequate as it referred to a school that no longer existed, reference to the availability of Berwick as a mainline station that was accessible but only by car for most practical purposes and reference to a general retail shop within Milfield which does not exist.
- The examples used in support of the relaxation appeared to be urban/suburban developments, not rural villages
- The style of housing is out of character for the village, housing on this site should be faced with Northumberland stone
- There were severe concerns about builders and contractors parking during construction together with delivery traffic using a substandard road. The plans did not show any provision for a works compound or on-site parking for construction workers. If planning permission was granted then the developers should be required to pay for an appropriate traffic regulation order including paying for visits by a civil enforcement officer to prohibit construction workers parking on Wheatriggs
- Given these concerns, NCC should require use of an alternative access for construction related traffic.
- Councillors doubted the demand for the type of housing proposed in this application given the number of properties currently for sale within both the parish and the wider area.
- This concern raised the fear that full development of the site would therefore extend over several years, much to the detriment of neighbouring residents. NCC should therefore impose a requirement for the site to be completed within 12 months.
- The failure of the developer or NCC to provide increased/enhanced community facilities given the proposed increase of over 18% in housing stock.”
- Failure to hold any community pre-application consultation

NCC's documents and website confirm that the land remains in their ownership.

The documents further reveal NCC's financial interest in the application – for example the Head of Service Vetting Decision on 13 November 2017.

The Parish Council is therefore very concerned at the failure to respect the strong advice in paragraphs 188-190 of the NPPF and especially the local community exhortation in paragraph 189.

Will NCC please explain why no such consultation was thought necessary for a development seeking to increase the size of a community by nearly one-fifth?

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|                                       | <p>The result of this failure is to present the Parish Council and Community with almost a <i>fait accompli</i>, in that the Council and the Community are only able to comment on this application rather than have been involved in the initial designs and therefore able to influence and perhaps come to a proposal which might involve give-and-take on all parties but leading to an acceptable development.</p>   |
| <p><b>Affordable Housing (AH)</b></p> | <p><b>Obligation Required; 5 Affordable Units</b></p> <p>Although the draft Northumberland Local Plan indicates that to deliver affordable homes to meet the needs of those not met by the market, a minimum of 20% of homes on new permissions will be expected to be provided as affordable housing products, a 15% requirement is currently sought in this instance.</p> <p>However, please note that as the planning application progresses; the affordable housing requirement may change when the implications of the updated SHMA are considered further. You will of course be notified, if the affordable housing requirement changes.</p> <p>The application site is considered to be a suitable location for affordable homes with good access to reasonable local services.</p> |
| <p><b>Health Care CG</b></p>          | <p><b>Obligation Required; £17,400</b></p> <p>Total number of occupants<br/> <math>0.33 \times 9 = 11.97</math><br/> <math>2.07 \times 18 = 37.26</math><br/> <math>2.73 \times 3 = 8.19</math></p> <p>Total 58 persons</p> <p>Average list size for a GP = 1500</p> <p>Space required per GP is 150m<sup>2</sup> (based on NHS guidance on GP premises sizing, based on list size)</p> <p>Space required for funding purposes 5.8 m<sup>2</sup></p> <p>Equates to £17,400</p>  |
| <p><b>Education - Schools</b></p>     | <p><b>Obligation Required; £52,800</b></p> <p>The site is in the Wooler ward, within the Berwick Partnership Area.</p> <p>First<br/> The first school in the catchment area is Wooler First School. It's current role is 128 of a total capacity of 135, it is therefore 95% full, so in line with DfE guidance to maintain 5% capacity for place planning, in year movement, parental preference etc a contribution is requested in respect of the 4 First school places to be generated by the development.</p> <p>Middle<br/> The middle school within the catchment area is Glendale Middle School. It's current role is 108 of a total capacity of 221, it is therefore 49% full, so no contribution in requested.</p> <p>High</p>   |

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|   | <p>The high school within the catchment area is Berwick Academy. Its current role is 672 of a total capacity of 916, it is therefore 73% full, so no high school contribution is requested.</p> <p>SEND Provision<br/>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<br/>A total contribution of £52,800 is requested in respect of this development, on the basis of first school places.</p>  |
| <p><b>Sport England (SE)</b></p>        | <p><b>Objection;</b></p> <p>A response has been prepared to Sport England's objection by White Young Green, acting on behalf of the applicant.</p> <p>Needless to say, we fundamentally disagree with the response and its conclusions. We consider that the Council was correct to consult Sport England. We wish to maintain our objection and would suggest that the only issue which you may wish to reflect upon is whether Sport England's objection has been made on a statutory or non-statutory basis.</p> <p>Frequently however landowners have prevented sites from being used and stopped maintaining them (so that they can't be used) and then waited for the 5 years to elapse in order to try and side-step Sport England's statutory role. Where evidence of such actions exist, and the 5 year period has expired, we request that Local Planning Authorities still consult Sport England on a statutory basis. In this case the Council's own Estates Officer confirms that;</p> <p>"I confirm the school closed in 2009 and since then NCC has not carried out any maintenance of the grassed areas. The site has remained overgrown and incapable of being used as a playing field"</p> <p>In light of the above we would advise you that we consider that Sport England is a statutory consultee on this application and that you were correct to consult us on this basis.</p> |
| <p><b>County Archaeologist (CA)</b></p> | <p><b>No Objection;</b></p> <p>The archaeological trial trenching report has demonstrated that the high density of significant archaeological remains at Milfield does not extend into the proposed development area. As a result no further archaeological work is required in connection with this development</p> <p>Based on the results of the archaeological evaluation of this site, it has been possible to establish that the proposed development is unlikely to adversely affect significant archaeological remains. I therefore have no objections to the application and no archaeological work will be required.</p>  |
| <p><b>County Ecologist (CE)</b></p>     | <p>No Objection; Conditions Advised</p> <p>The site is within 1km of the River Tweed SAC and the River Tweed Catchment Rivers - Till Catchment SSSI. I note that disposal of foul water is to mains sewer therefore an impact to those designed sites is unlikely.</p>  |

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|   | <p>The site is within a Natural England SSSI Impact Risk Zones (IRZs) which highlight the types of development likely to impact on protected sites. However due to the nature and scale of this development it does not fit those criteria. As such, Natural England do not need to be consulted on the planning application when submitted.</p> <p>The updated application documents and ecological survey reports indicate that there are bat roosts present in the buildings at 4 locations accommodating up to 3 bats of 3 species each and, as a result, a Natural England European Species Development Licence will be required before demolition/development can proceed.</p> <p>Nesting birds may be present during the breeding season (March to August inclusive for most species in Northumberland) and terrestrial animals such as hedgehog are likely to commute and forage across the site. There is a low risk that reptiles may be present on the site at times. No other protected, threatened or notable habitats and/or species are likely to be affected by the proposals.</p> <p>I also note that the bat survey report clearly states that a Natural England License will be required before the conversion of the structure commences.</p> |
| <p><b>Public Health Protection (PHP)</b></p>        | <p><b>No Objection;</b></p> <p>Public Health Protection have already provided comments on this application and recommended a number of conditions. The applicant has submitted an updated ground gas assessment which concludes that protection is not required for the development. This conclusion is based upon the guidance in CIRIA C665.</p> <p>Public Health Protection disagree with the conclusions of this report in respect of deoxygenated air. CIRIA C665 cannot be used to assess the risk from deoxygenated air as it is not considered by the guidance. Public Health Protection have therefore adopted a level of 19% as being the onset level for deoxygenated air. Having reviewed the ground gas monitoring it is clear that several of the oxygen levels are below this 19% level. The applicant has not addressed this issue in the report.</p> <p>In light of the above officers would propose updating our suggested conditions.</p>  |
| <p><b>Highways Development Management (HDM)</b></p> | <p><b>No Objection; Conditions &amp; Informatives Advised</b></p> <p>Further to our previous comments, amended plans have been submitted and further layout changes have been made that were to address our concerns.</p> <p>Whilst some elements are now acceptable, the revised plans continue to not go far enough to address concerns relating to car parking, bins drag routes and cycle parking within the development. Furthermore, items in regard to vehicle swept path analysis and clarification over the Gas Tank servicing continue to remain unsubmitted.</p> <p>However, the outstanding matters are either conditionable or not of a sufficient concern to warrant a reason for refusal of the application under the requirements of NPPF.</p>  |

|   |  |
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|   | It is also noted the applicant's position in regards to further revisions of the layout.   |
| <b>Lead Local Flood Authority (LLFA)</b>      | <b>No Objection; Conditions Advised</b><br><br>Previously we raised an objection to the proposed development on flood risk / drainage grounds. Following this objection we have received additional information from RWO Associates. On reviewing this additional information, we are now in a position to remove our objection to the application. We ask that the relevant drawing is added to the list of approved documents and that the recommended conditions are appended to any approved planning permission.  |
| <b>Northumbrian Water Ltd (NWL)</b>           | <b>No Objection;</b><br><br>Further to our previous response to the application, we note that a Drainage Statement has now been uploaded for the application. It includes reference to Northumbrian Waters pre-development enquiry response, which states that the sewage treatment works to which this development finally discharges to is currently unable to accept the additional foul flows. We would therefore reiterate our request that the applicant informs Northumbrian Water once the site receives detailed conditioned planning permission. We will then commence our investment funding to undertake to necessary works to accommodate the additional flows  |
| <b>Fire &amp; Rescue Service</b>              | <b>No response received.</b>   |
| <b>Architectural Liaison Officer - Police</b> | <b>No Objection; Comments</b><br><br>I have looked at this application in my capacity as the Architectural Liaison officer for the force and in general the layout of the proposed development is good with some positive elements such as in curtilage or optional garage parking, units overlooking the road system and, where possible, back to back gardens. Proposed boundary treatments are again a positive element.<br><br>However I have looked through the security document which Gleeson have included and, although it looks impressive, is really misleading. The crime figures and diagrams they include bear no resemblance to this location and it appears the figures are based on sites which are urban in nature and not the rural location of this application. I have looked at the crime and incident figures for this area and consider it to be a low crime risk. |

## 5. Public Responses

### Neighbour Notification

|                               |    |
|-------------------------------|----|
| Number of Neighbours Notified | 15 |
| Number of Objections          | 7  |
| Number of Support             | 0  |
| Number of General Comments    | 0  |

### Notices



General site notice - 8<sup>th</sup> November 2017

Press notice - Berwick Advertiser 16th November 2017

### Summary of Responses:

5.1 During the consultation period 7 objections raised the following issues;

- Unsustainable location.
- Lack of affordable housing for rent.
- Loss of visual amenity.
- Large scale increase in the number of dwellings in Milfield.
- Density of development.
- Ecological impact (bats).
- Highway impact of development.

5.2 The following issues were also raised but are not considered material planning issues;

- No pre-application consultation.
- Loss of view.
- Highway impact over construction period.
- Site being identified as an Area of Outstanding Natural Beauty (it is not).
- Concerns over utility supply.

5.3 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=OYOUXNQSK9P00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

BLP - Berwick-upon-Tweed Borough Local Plan (1999)

F1 Environmental Wealth  
F3 Tweed Valley, Kylee Hills, Glendale AHLV  
F10 Protected Species  
F30 Planning Obligation  
F31 Social and Economic Welfare  
M14 Car Parking Standards

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2018)

PPG - Planning Practice Guidance (2014)

### 6.3 Other Documents

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

## 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.
- 7.2 The adopted Development Plan where the site is located comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999) but is primarily lead by policies within the North Northumberland Coast Neighbourhood Plan (2018).
- 7.3 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.
- 7.4 The main issues in the consideration of this application are;
- Principle of Development
    - Sustainability
    - Housing Land Supply
    - Summary
  - Sport England
  - Planning Obligations
    - Affordable Housing
    - Education
    - Health
    - Viability
    - Summary
  - Visual Impact
    - Landscape
    - Design
  - Archaeology
  - Amenity
  - Natural Environment
    - Ecology
    - Contaminated Land
  - Transport
  - Water Management
  - Other Matters
    - Public Consultation
    - Conditions

- Procedural Matters

## Principle of Development

### *Sustainability*

- 7.5 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 environmental elements which are interdependent and need to be pursued in mutually supportive ways. The application seeks to develop an existing school site within a residential area of Milfield. Objections received on this ground have been appraised in this section of the report.
- 7.6 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*
- 7.7 *F3 of the BLP is underpinned by F1 as an area based policy that supports development that;*
- i) within or immediately adjoining an existing settlement;*
  - v) that it accords with policies elsewhere within the plan.*

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

- 7.8 The application seeks development within the settlement which would have access to a good service base without use of private car. The development is considered to contribute to the settlement socially and economically.
- 7.9 *Paragraph 84 of the NPPF sets out that planning decisions involving the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- 7.10 The proposal would redevelop a disused school site which is in a poor state of repair and has become overgrown. The application is therefore afforded strong support in-principle.

### *Housing Land Supply*

- 7.11 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.

- 7.12 *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.*

- 7.13 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.

- 7.14 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.

- 7.15 The housing land supply figure is a minimum and not a maximum, new development on sites that would alter or extend settlement limits are subject to a balanced assessment to consider whether development is sustainable having regard to Paragraph 8 of the NPPF.

### *Summary*

- 7.16 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 to a partially previously developed site, 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.
- 7.17 The principle of development is therefore considered acceptable in accordance with F1, F3 and F31 of the BLP and the NPPF.

### Sport England

- 7.18 The application site includes a playing field associated with the former school, Sport England (SE) has been consulted on a precautionary basis.

7.19 *Paragraph 83 of the NPPF states that planning policies and decisions should enable:*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

7.20 SE has objected to the proposal stating that the school fields met the definition of a playing field up until 2009 when the school was closed. Due to the school's closure the site has ceased being used for sport in excess of five years. SE considers that it is for the LPA to determine whether they are a statutory consultee in this application.

7.21 *The Development Management Procedure Order sets out within Schedule 4 (z) that the following development is subject to Sport England as a statutory consultee where an application;*

*i) is likely to prejudice the use, or lead to the loss of use of land being used as a playing field; or*

*ii) is on land which has been –*

*(aa) used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped; or*

*(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement*

7.22 The site is not allocated within the BLP nor is it used as a playing field or been used in the past five years due to the site being inaccessible. On this basis the position of SE is not as a statutory consultee however the loss of field remains a consideration. As there is no prospect of the school coming back into use, the associated playing fields would also remain redundant and it is not considered that their retention would warrant the withholding of planning permission in this instance.

#### Planning Obligations

7.23 *F30 of the BLP seeks where necessary to secure a planning obligation to ensure that due regard is given to the environment and the interests of the local community. Developers will be required to provide appropriate infrastructure, or other consequential educational, social, recreational, sporting or community facilities and nature conservation benefits commensurate with the scale of the development.*

7.24 *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.*

- 7.25 The following planning obligations have been assessed in respect of this application which are to be secured by legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

*Affordable Housing*

- 7.26 The application has put forward that 100% of dwellings proposed would be on-site affordable housing. The application has been subject to consultation with Affordable Housing (AH).
- 7.27 *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.*
- 7.28 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.
- 7.29 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.
- 7.30 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.
- 7.31 As a major residential development AH have sought an on-site affordable housing provision 5 units although this would be subject to negotiation of the tenure given that the calculation of units for this development would be 4.5. AH consider that based on the location and scale of the development, that discount market value units would more likely be sought on a future development.

*Education*

- 7.32 In respect of major housing applications, issues of school capacity and the impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements based on capacity. Issues raised during consultation are addressed in this section.

7.33 *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.*

7.34 Education has responded to consultation setting out that the catchment first school is at capacity so a contribution has been sought, no further contribution is necessary for middle or secondary education. The provision of 4 pupils is to be funded based on a designated amount of floorspace and build cost to derive a figure of £52,800 which has been agreed by the applicant.

#### *Health*

7.35 Where major applications propose residential development of 30 units or above, the application is subject to consultation with the Northumberland Clinical Commissioning Group (NCCG). Contributions are based on the cost of space required from the total number of people that would accommodate the development taken in the context of GP capacity at catchment practices.

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

7.37 NCCG have responded consultation requesting a figure of £17,400 which has been agreed by the applicant.

#### *Viability*

7.38 The developer has put forward that the requested obligations would amount to a sum that would render the scheme unviable with a report submitted in support of this. In assessing this aspect, a viability appraisal has been carried out by an independent consultant who has cross examined a breakdown of costs provided by the applicant and produced a report in response.

7.39 *Paragraph 57 of the NPPF states that Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*

- 7.40 *Paragraphs 16-24 of the PPG on Viability sets out the basis for assessing viability in decision taking which includes how planning obligations can be handled where issues of viability arise.*
- 7.41 The applicant's report shows that the development would be unable to deliver a profit of less than 20% in the absence of any obligations. The findings of the independent viability appraisal shows that there would be a difference in the Benchmark Land Viability value for the site resulting in a level of contribution which could be provided totalling £95,766. This difference in value is due to the valuation associated with the land based on what the market is willing to pay and what the landowner is willing to release the site for. Notwithstanding this, planning obligations are known 'abnormals' for new development and must be considered in the appraisal of land value.
- 7.42 The NPPF sets out that the weight given to the viability assessment is a matter for the decision maker, the NPPF (2012) set out that sites are viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken, there is no guiding figure or margin set out as a benchmark.
- 7.43 Looking to case law, profit levels are generally around 20% but are an approximation as opposed to a 'set in stone' figure subject to variables, namely 'risk' where developers would expect greater levels of return from schemes with greater level of risk as per APP/W0530/W/16/3162178. A profit level of 20% has been set out in the viability submission which is considered reasonable given the partially remote location of Milfield attributing an element of risk to the development.
- 7.44 Following negotiations with the land owner the developer has agreed to provide the contributions requested by Education and Health totalling £70,200 but would not provide affordable housing. This obligation is considered reasonable to forgo given the sales valuation of the properties, which is set in the recommendation and would be secured for first disposal in a future legal agreement.
- 7.45 The properties are not considered affordable but an appropriate level of restriction is considered reasonable given that affordable housing is not being provided. It is likely that a legal agreement would offer provision for inflation in the final disposal price.

### *Summary*

- 7.46 The applicant has made a case that the development with the obligations proposed would not be viable, this has been independently assessed to show that the development could provide some contributions. It has been agreed that this would include;
- £52,800 Education contribution;
  - £17,400 Health contribution.



- 7.47 From this it is concluded that the anticipated profit of the scheme would be sufficient to ensure the development's delivery in the absence of an affordable housing provision.

### Visual Impact

#### *Landscape*

- 7.48 The site is a former school site set within a housing estate in the village. The appraisal of Landscape considers the physical mass and character impact of a development proposal. Objections received in relation to this have been considered in this section.
- 7.49 *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*
- 7.50 The scheme would comprise of two storey dwellings in keeping with that of properties on Wheatriggs although the individual plot sizes would be smaller in scale. Overall the site is viewed in the context of the settlement and so the imposition of built form in this location despite introducing development to the wider site is not considered to have a significant landscape impact.
- 7.51 Whilst there would be a change in character given the existing density of the area, the development, following reduction in the unit numbers would be a minor deviation from the surrounding context but is not considered to pose a substantial adverse character impact on the immediate or wider area being of a density of 33 dwellings per hectare.
- 7.52 From this, it is considered that the development can be accommodated without adverse landscape impact in accordance with F1 of the BLP and the NPPF.

#### *Design*

- 7.53 Design considers the appearance of the development independently and as part of the immediate streetscene. The Site fronts onto Wheatriggs, a development of two storey semi-detached gable units and terraced bungalows of a roughcast render/pebbledash finish. Issues raised in relation to design have been considered in this section.
- 7.54 *F3 of the BLP permits development that accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access.*
- 7.55 *Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:*

*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)*

- 7.56 The application proposes a series of units differing in appearance with some that would be semi-detached, gable formed and gable fronting. Whilst this would provide a series of smaller dwellings versus the immediate site context, the number of dwellings and constrained nature of the site is such that the properties could be accommodated without having an adverse impact on the wider streetscene. The application was modified to reduce the number of dwellings increasing separation levels and open space whilst having units facing out of the development rather than rear curtilage. Details of the design and materials are considered acceptable providing adequate variation between units as a modern development.
- 7.57 The design of the proposal is therefore considered acceptable in accordance with F2 of the BLP and the NPPF.

#### Archaeology

- 7.58 The site is considered to retain potential for unrecorded archaeological features of significance. The site has been subject to archaeological evaluation in at the recommendation of the County Archaeologist (CA) following assessment of a submitted Desk Based Assessment. The evaluation involved trial trenching which has been assessed by the CA.
- 7.59 *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.*
- 7.60 The CA has raised no objection to the proposal requiring no further work. The archaeological impact of the proposal is therefore not considered significant in accordance with F1 of the BLP and the NPPF.

#### Amenity

- 7.61 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Issues raised over the consultation period in respect of this have been considered in this section.
- 7.62 *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.*

- 7.63 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.
- 7.64 Given the density of development, location relative to existing development and detailed layout, there are not considered to be significant issues arising in terms of amenity in terms of privacy or from buildings appearing overbearing. There would be lower separation distances afforded than properties along Wheatriggs and Wheatriggs Terrace however properties within the development would not be subject to high levels of privacy impact to warrant refusal.
- 7.65 The impact on amenity is therefore considered acceptable in accordance with the NPPF.

#### Natural Environment

##### *Ecology*

- 7.66 The site comprises a disused building with overgrown fields within its curtilage bordering onto the open countryside. The application has been submitted with an ecological appraisal which has been reviewed by the County Ecologist (CE) which has been supported by a checking survey and mitigation plan. Objections received relating to this has been addressed in this section of the report.
- 7.67 *F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species-protection provisions which apply.*
- 7.68 *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*
- 7.69 The CE has reviewed the submitted information and raised no objection the proposal subject to conditions including suitable mitigation to manage the on-site impacts of the proposal including appropriate bat provision. It is likely that a low impact license as part of the works.
- 7.70 From this, it is considered that the ecological impact of the proposal is acceptable in accordance with F10 of the BLP and the NPPF.

## *Contaminated Land*

- 7.71 Given the site is previously developed, there is considered to be potential for contaminated land with sensitive receptors (residential dwellings) proposed. The submission includes a Ground Gas Assessment which has been subject to review by the Council's Public Health Protection team (PHP).

*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.*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessment.*

- 7.72 *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.*

- 7.73 PHP has raised no objection subject to conditions to deal with potential contamination (should it be found) and measures to deal to prevent the ingress of ground gases which have been set out in the recommendation.

- 7.74 From this, it is considered that the contaminated land issues can be successfully mitigated in accordance with the NPPF.

## Transport

- 7.75 The site would be accessed from the existing school entrance onto an estate road that would span east to a turning head/shared surface area. There would also be properties that would have driveways directly onto Wheatriggs. The application has been subject to consultation with Highways Development Management (HDM). Objections received on this issue have been considered within this section.

- 7.76 *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.*

- 7.77 HDM have raised no objection to the proposal setting out that there are not considered to be significant issues of highway capacity arising from the introduction of the development to this location especially given its former use. The internal layout is considered acceptable but is subject to conditions to address detailed aspects of the proposal but is considered reasonable to be addressed at a later stage in the development process.

- 7.78 As a result the development is not considered to have an unacceptable impact on highway safety nor result in a severe impact on the road network. The highway impact of the proposal is therefore considered acceptable.

### Water Management

- 7.79 The site is located within Flood Zone 1 and proposes foul water and surface disposal via mains drainage subject to consultation with Northumbrian Water (NWL). The application is for major development to which the Lead Local Flood Authority (LLFA) is a statutory consultee to ensure that water management can be successfully undertaken on site and that there will not be an increased chance of flooding elsewhere. There will be on site impacts of the development and off-site impacts in terms of water displacement. The application has been submitted with a Drainage Strategy and associated plan which sets out principles of drainage pertaining to the site.
- 7.80 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.81 Both NWL and the LLFA have raised no objection to the proposal with the LLFA recommending conditions relating to how surface water will be managed over the construction period and adoption/maintenance details for Sustainable Drainage Systems as set out in the recommendation.
- 7.82 Overall it is considered that water management can be successfully be undertaken on site in accordance with the NPPF.

### Other Issues

#### *Public Consultation*

In response to issues raised by Milfield Parish Council that have not been addressed in the main body of the report;

- 7.83 *The style of housing is out of character for the village, housing on this site should be faced with Northumberland stone*

Given the appearance of properties within the immediate area, it is not considered necessary to impose the use of stone as a requirement. The development would be of a number to be of an individual style and would be of an appropriate form when read as part of the streetscene.

- 7.84 *There were severe concerns about builders and contractors parking during construction together with delivery traffic using a substandard road. The plans did not show any provision for a works compound or on-site parking for construction workers. If planning permission was granted then the developers should be required to pay for an appropriate traffic regulation order including paying for visits by a civil enforcement officer to prohibit construction workers parking on Wheatriggs*

The application would require a construction method statement to set out the principles of how the development impact on the highway would be managed. This would include material storage areas, contractor parking and vehicle cleaning. As a condition, it would have an approved document that could be enforced.

- 7.85 *This concern raised the fear that full development of the site would therefore extend over several years, much to the detriment of neighbouring residents. NCC should therefore impose a requirement for the site to be completed within 12 months.*

Planning would not be able to restrict the time in which development could be completed, development would be required to commence within three years and would remain open if subsequently implemented.

- 7.86 *The failure of the developer or NCC to provide increased/enhanced community facilities given the proposed increase of over 18% in housing stock.*

The development would provide contributions toward health and education as part of the permission. There are no further policies or infrastructure frameworks to secure further community facilities as part of the development.

- 7.87 Failure to hold any community pre-application consultation

*The NPPF does encourage pre-application consultation however it is not considered a requirement. It is understood that the developer has met with the Parish over the course of the application.*

#### *Conditions*

- 7.88 *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.*

- 7.89 Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation. Pre-commencement conditions have been imposed as part of this permission where considered necessary.

#### Procedural Matters

##### *Equality Duty*

- 7.90 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*

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

#### *Human Rights Act Implications*

7.92 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.

7.93 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.

7.94 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**

### Planning Balance

8.1 The location of development is considered a suitable location for new residential properties on previously developed land within the settlement providing an overall environmental benefit.

8.2 *Paragraph 8 of the NPPF sets out the three overarching objectives (economic, social and environmental) stating that they are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure gains across each of the different objectives).*

- 8.3 *Paragraph 9 of the NPPF sets out that the objectives are not criteria which every decision can or should be judged and that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so take local circumstances into account, to reflect the character, needs and opportunities of each area.*
- 8.4 The site including its playing field is not allocated within the development plan and is not considered to be of significant sporting or open space value to the public given that it is not accessible. On this basis the loss of the field is outweighed by the benefits associated with the development of the site for new housing.
- 8.5 The proposal has demonstrated that the requested obligations would not result in a viable scheme to deliver new development. However following independent review, the applicant has agreed to provide some financial contribution as compensatory measures for Education and Health. Affordable Housing is considered reasonable to forgo on the basis that a Registered Provider would be unlikely to take on a low number of units in this area and that the first disposal values of the properties could be controlled by legal agreement.
- 8.6 Overall, the benefits provided as part of the scheme are considered to outweigh the drawbacks. The proposal is therefore considered sustainable development in the context of the NPPF.

#### Summary

- 8.7 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.
- 8.8 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.
- 8.9 Notwithstanding the scale of the proposal which ordinarily would require planning obligations as part of the approval. The application has been independently assessed in terms of viability which has concluded that the imposition of all the requested planning obligations would render the scheme unviable. The development is therefore considered to be acceptable and in accordance with Paragraph 57 of the NPPF.



## 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:

- £52,800 Education contribution;
- £17,400 Health contribution;
- Sale Values for First Disposal as follows;

*2-Bedroom Units*

*Type 201 - £97,000 / Type 212 - £97,000*

*3-Bedroom Units*

*Type 301 - £111,000 / Type 309 - £119,000*

*3-Bedroom Detached Units*

*Type 304 - £127,000 / Type 307 - £134,000*

*4-Bedroom Detached Units*

*Type 401 - £165,000*

And the following;

### 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;

#### Layout Drawings

1. Location Plan - Dwg No. 1646.01.01
2. Planning Layout - Dwg No. 1646.04.01 Rev C
3. Landscaping Layout - Dwg No. 1646.06.01 Rev C
4. Boundary Treatment drawing - Dwg No. 1646.07.01 Rev C
5. Garage/Drive Detail drawing - Dwg No. SD712 Rev G
6. Schematic Layout - Dwg No. D900 Rev C
7. Proposed Longsections - Dwg No. D300 Rev A

#### Garage Drawings

8. Single Garage drawing - Dwg No. SD700 Rev A
9. Double Garage drawing - Dwg No. SD701 Rev A

### Boundary Treatment Drawings

10. 1800mm Timber Fence drawing - Dwg No. SD100 Rev D
11. Post and Wire Fence drawing - Dwg No. SD103 Rev B

### House Drawings

12. 201 - Dwg No. 201/1F
13. 201 rural elevation - Dwg No. 13/201-8 Rev D
14. 212 - Dwg No. 212/1-
15. 212 rural elevation - Dwg No. 13/212-9 Rev -
16. 301 - Dwg No. 301/1G
17. 301 rural elevation - Dwg No. 13/301-8 Rev D
18. 309 - Dwg No. 309/1E
19. 309 rural elevation - Dwg No. 13/309-10 Rev C
20. 304 - Dwg No. 304/1E
21. 304 rural elevation - Dwg No. 13/304-10 Rev E
22. 307 - Dwg No. 307/1B
23. 307 rural elevation - Dwg No. 13/307-10 Rev E
24. 403 - Dwg No. 403/1H
25. 403 rural elevation - Dwg No. 13/403-9 Rev B

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

### 03. Materials in Accordance with Approved Documents

The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

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

### 04. Details of Ground Gas Protection to be Submitted

Prior to construction of the development hereby approved details of ground gas protection to include;

- a) A report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings);
- b) Full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases);
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented in accordance with the program of delivery and retained thereafter.

Reason: In order to prevent any accumulation of mine gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

05. Details of Validation and Verification of Ground Gas Protection to be Submitted

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

a) A validation and verification report to the approved methodology in Condition titled 'Details of Ground Gas Protection to be Submitted'

Which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of mine gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

06. Noisy Working Hours

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 -

- a) 0800 to 1800;
- b) Saturday 0800 to 1300.

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

07. Demolition and Construction Method Statement (including Plan) to be Submitted

Prior to commencement of the development hereby approved a Demolition and Construction Method Statement where applicable, to provide for:

- a) Details of temporary traffic management measures, temporary access, routes and vehicles;
- b) Vehicle cleaning facilities;
- c) The parking of vehicles of site operatives and visitors;
- d) The loading and unloading of plant and materials; and
- e) Storage of plant and materials used in constructing the development.

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

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

08. Details of Vehicular Access (Plots 1-7) to be Submitted

Plots 1 to 7 of the development as set out in the approved plans of this permission shall not be occupied until;

a) Details of the vehicular access to the said plots.

Have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

09. Details of Highway Works Prior to be Submitted

Prior to commencement of development (but excluding demolition) details of the proposed highway works, comprising;

- a) The site access;
- b) New footway provision on Wheatriggs from the site access to Plot 7;
- c) Pedestrian dropped crossing point on Wheatriggs in the vicinity to Plot 7, at the junction to Wheatriggs Terrace and at the pedestrian footway crossing point near the junction of the U1018 to the east of the site
- d) Program of delivery

Have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the program of delivery.

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

10. 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.

11. 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

#### 12. 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.

#### 13. Details of Gas Tank Servicing to be Submitted

Prior to commencement (but excluding demolition) of the development hereby approved, details of a servicing strategy for the proposed gas tanks to include;

- a) The arrangement for servicing of the gas tanks, including parking and vehicle turning during the servicing of the gas tanks.

Shall be submitted to and approved in writing by the Local Authority. The approved servicing strategy shall be implemented before the development is occupied and thereafter shall operate in accordance with the approved details.

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

#### 14. Details of Adoptable Streets to be Submitted

Prior to occupation of the development hereby approved, details for the streets proposed for adoption to include;

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

Shall be 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

#### 15. Driveway Materials to be Submitted

Notwithstanding details contained within the application, prior to commencement (but excluding demolition) of development hereby approved, details of;

- a) The materials to be used in the construction of the external surfaces of the private shared drives; and
- b) Individual parking areas

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

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

#### 16. Details of Materials for Refuse Drag Routes to be Submitted

Notwithstanding details contained within the approved documents. Prior to commencement (but excluding demolition) of the development hereby approved, details of;

- a) The materials to be used on paths and bin drag routes from the approved bin storage locations to the highway or temporary refuse storage areas.

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

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

#### 17. 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.

#### 18. Details of Cycle Parking to be Submitted

No dwelling shall be occupied until details of cycle parking to include;

- a) Cycle parking provision; and
- b) Programme of delivery

Has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in accordance with the programme of delivery.

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

#### 19. Complete Parking Area

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.

#### 20. Details of Surface Water Drainage During Construction Phase to be Submitted

Prior to commencement of the development hereby approved, details of surface water drainage over the construction phase to include;

- a) Drainage information;
- b) Annotated site plan; and
- c) Programme 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 programme of delivery during the construction phase.

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

## 21. Details of Adoption & Maintenance of SuDS to be Submitted

Prior to first occupation details of the SuDS features hereby approved to include;

- a) Details of Adoption and maintenance of all SuDS features;
- b) A maintenance schedule and log, which includes details for all SuDS features; and
- c) Programme of delivery

Shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery.

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

## **County Ecologist**

## 22. Landscaping Plan to be Submitted

Prior to commencement (but excluding demolition) of the development hereby approved, a plan to include;

- a) A detailed landscape/hedge planting plan including the planting of locally native trees and shrubs of local provenance
- b) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall be implemented in accordance with the program of delivery which will expected to be during the first full planting season (November - March inclusive) following the commencement of development.

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

## 23. Construction Method Statement to be Submitted

Prior to commencement (but excluding demolition) of the development hereby approved a Construction Method Statement to include;

- a) Details for the protection of the watercourse;
- b) The prevention of pollution or contamination of the watercourse; and
- c) It's associated habitat during construction works.

Shall be submitted to and approved in writing by the Local Planning Authority. thereafter the Construction Method Statement shall be adhered to throughout the development phase.

Reason: To ensure that a watercourse is not polluted or contaminated during development works.

## 24. In Accordance with Ecological Measures



No development is to take place unless in full accordance with the recommendations and enhancement measures of 'Ecology Method Statement, Milfield First School Demolition', dated 23 November 2017, including:

- a) Works will not commence until a Natural England development licence has been granted.
- b) Prior to works commencing a site induction meeting will be held, attended by the project ecologist and lead contractors.
- c) Works will not be undertaken during the bird nesting season (March to August inclusive) unless a checking survey undertaken by a suitably experienced ornithologist has confirmed nesting birds are absent.
- d) All high risk structures will be stripped by hand under direct supervision of a licensed bat ecologist under licence, combined where appropriate with exclusion measures and/or dawn surveys, including, roof tiles, soffits/barge boards, timber cladding, temporary window boards, window and door frames and porch structures.
- e) Tree mounted bat boxes shall be erected prior to the commencement of development at a height of no less than 4m, under the instruction of the project ecologist.
- f) Any water tanks present in the roof space shall be covered to prevent bats from drowning.
- g) Timber treatments that are toxic to mammals shall not be used.
- h) If bats are found during the works, works shall stop in that area and the project ecologist shall be informed immediately.
- i) A re-survey of the site and buildings for bats in the event that development does not commence within 2 years of the date of the emergence surveys (i.e. on or before 24 September 2019). If the mitigation requires significant amendment following a re-survey this shall be reported to and agreed in writing by the Local Planning Authority

Reason: To maintain the favourable conservation status of protected species

#### 25. Works in Accordance with Tree Report

No development shall be carried out other than in accordance with the report, "Tree Survey at Wheatriggs, Millfield", by Elliot Environmental Surveys Ltd, dated 13 November 2017 and the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012.'

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

#### 26. Hedgehog Mitigation

Notwithstanding details contained within the approved documents, the following working practices shall be observed over the development phase;

- a) All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.
- b) All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

c) Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: to enhance the biodiversity of the site for a UK BAP priority species

## **Informatives**

### **1. Permeable Surfaces**

Any areas within the front garden of the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable driveway:

- o Using gravel or a mainly green, vegetated area.
- o Directing water from an impermeable surface to a border rain garden or soakaway.
- o Using permeable block paving, porous asphalt or concrete.

Further information can be found here -

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

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

### **2. Section 38 Agreement and adoption of highways**

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

### **3. Section 278 Agreement and works in adopted highway**

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

### **4. 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](mailto:highwaysplanning@northumberland.gov.uk)

### **5. 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.

6. Contact Lighting Section

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

7. 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](mailto:highwaysplanning@northumberland.gov.uk)

8. 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](mailto:highwaysplanning@northumberland.gov.uk)

9. 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](mailto:highwaysplanning@northumberland.gov.uk)

10. 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.

11. 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.

12. Highway Authority Position on Parking Design

The Highway Authority considers that the overall provision of car parking on the site is not well designed and has the potential for adverse implications for the operation of the residential highway network in some locations. Whilst this may fall short of the creation of severe harm that would justify refusal of planning permission it is recommended that the developer and future residents are aware of the possibility of indiscriminate parking resulting in obstruction and nuisance.

13. Statutory Nuisance

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

**Date of Report:** 11.09.2018

**Background Papers:** Planning application file(s) 17/03961/FUL