



# Northumberland County Council

North Northumberland Local Area Committee  
18th October 2018

## ADDENDUM REPORT

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**Application No:** 18/01819/OUT

**Proposal:**

Outline Permission with All Matters Reserved; Development of up to 20 dwellings (100% affordable) - Amended 30/04/18

**Site Address:**

Land South West Of St Cuthbert Close, Main Street, North Sunderland

**Applicant:**

Mrs Carr and Mr Dunn c/o  
George F White LLP, 4-6 Market Street, Alnwick, NE66 1TL

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**RECOMMENDATION:**

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

- Provision of 20 no. affordable dwellings to be provided on site in perpetuity;
- Education contribution of £35,200;
- Coastal mitigation contribution of £600 per dwelling (£12,000 total); and

The recommended conditions

### 1. Introduction

- 1.1 This application was previously considered by the North Northumberland Local Area Committee on the 24th of May 2018. Members resolved that outline planning permission should be granted subject to conditions and the applicant entering into a Section 106 Agreement to secure the obligations set out above.
- 1.2 On 11th July 2018 Northumberland County Council received a proposed claim for judicial review pre-action protocol letter in relation to the application, the intention of which is to challenge the decision for judicial review.
- 1.3 The letter sets out that;

*The Town and country Planning Act 1990 (s70 (2)) and The Planning and Compulsory Purpose Act 2004 (s38 (6)) require that planning applications be determined with regard to the development plan and any other material considerations. Based on the officer's report to committee, the council will fail in this duty.*

- 1.4 For clarity it is presumed that the second legislative document referred to is The Planning and Compulsory Purchase Act (2004). The issues raised in summary are as follows;

#### Development Scale

- 1.5 The letter sets out that the policy implications of the North Northumberland Coast Neighbourhood Plan (NNCNP) is such that only small scale development, defined as schemes of up to 9 dwellings will be supported. Further statement is made that Policy S6 of the Berwick-Upon-Tweed Borough Local Plan (BLP) considers only 'small sites' suitable for rural exception housing.
- 1.6 Policy 1 of the NNCNP states that major development in the AONB will not be permitted with a definition of 'major development' included within the glossary which the letter states, is not in the same context as the NPPF definition.
- 1.7 The letter asserts that the officer has erred on neglecting to consider whether the development is major in the specific context of NNCNP Policy 1 and in the local context of North Sunderland.

#### Impact on Sensitive Settlement Edge

- 1.8 The letter sets out that the site is on the 'sensitive settlement edge' interpreting that from the Landscape Sensitivity Capacity Study (2013) (an evidence paper for the NNCNP) which states that the area of the development is on a 'Settlement Edge Sensitive to New Housing Development'.
- 1.9 This aspect has been addressed through comments from the AONB consultant which has been considered to relate to the potential impact on the wider AONB rather than the settlement edges.
- 1.10 The letter asserts that the officer has failed to consider the impact on settlement edges as referred to in the evidence paper and policy.

#### Impact on the AONB

- 1.11 The letter asserts that there is no assessment of the Dark Skies Policy of the AONB Management Plan.

#### Affordable Housing - Local Need

- 1.12 The description of the title should be changed to include 'affordable housing for local need' in order to be in accordance with development permissible as a rural exception site.

- 1.13 The housing evidence paper in support of the NNCNP is stated to not support a local need for affordable housing and that the data used by the officer does not provide a significant basis to override this.
- 1.14 The letter asserts that the evidence within the housing paper offers the most robust analysis that does not identify an immediate shortfall in affordable housing for local need to justify the development.

#### Affordable Housing Obligation

- 1.15 The description of the obligations within the recommendation does not include a requirement to meet 'local need' in line with the requirements of a rural exception site. A condition has been added to secure the details of the affordable units to be provided, to which the letter states;

*only social rented property is likely to meet 'local need' so this should also be explicitly required in the obligation.*

- 1.16 The letter asserts that drafts of the s106 should be made public due to concerns of the parish and members of the planning committee that the dwellings will be for people in local need.

#### Revisions to the NPPF

- 1.17 A copy of the officer report to the May North Northumberland Local Area Committee is appended to this report by way of background information.
- 1.18 In the intervening period, a revised version of the National Planning Policy Framework was published in July 2018 providing a substantive amendment to the policy basis to which planning decisions and policies are based upon.
- 1.19 The aim of this addendum is to address the matters raised in the pre-action protocol letter and consolidate the policy position of the application and the implications this has upon the appraisal of the main considerations set out in the original committee report.

## **2. Appraisal**

### Development Scale

- 2.1 Policy S6 of the BLP states;

*Exceptionally, land which would not otherwise be released under the terms of the Plan, may be released, provided the Council is satisfied;*

*iii) that needs arising are not met by other provisions; and,  
iv) that the development is not detrimental to the area's character and appearance.*

*Where affordable housing is provided under the terms of this policy, the developer will be required to enter into binding agreements, to ensure that the*

*affordable dwellings are provided and that they are occupied, and remain available for occupation, only by persons within particular categories of need for such housing.*

2.2 There is no reference within the policy text that this is bound to 'small sites', irrespective of this, given that the saved policies of the BLP are pre- NPPF (2012), the NNCNP takes primacy in decision taking having regard to the NPPF (2018) .

2.3 Policy 1 of the NNCNP states;

*Within the Neighbourhood Area, subject to compliance with Policy 3 and having regard to other material planning considerations, small-scale development will be supported which provides:*

- a) new Principal Residence dwellings, including affordable housing to meet local needs, self-build units, live-work units, housing for older people and schemes which provide for a range of house types, including two, three and four bedroom dwellings and bungalows;*
- b) employment opportunities;*
- c) new and expanded business premises;*
- d) new and expanded social, community, leisure and educational facilities which contribute to the maintenance or growth of local sustainable communities*

*Major development in the AONB will not be supported except in exceptional circumstances and where it can be demonstrated to be in the public interest and where there is no alternative location which could absorb the development without a significant adverse impact on the AONB.*

2.4 The NNCNP provides a Glossary of Terms, the following definitions are offered;

*Small scale housing development: Policy 1 makes reference to small scale housing development which is the preferred means by which new housing will be delivered in the Plan area. Small scale should be seen in general terms as applying to a scheme that is modest and limited in scope or extent.*

*'Small-scale' for the purposes of housing in this Plan is schemes of up to 9 dwellings. Small scale schemes can still be 'major' development within the AONB. (See definition of 'major' development).*

*Major Development: Small-scale development can still be classed as 'major' in the policy context of AONBs. Within the AONB, 'major development' is development which has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by the AONB by reason of its scale, character or nature. As a matter of planning judgement, the decision maker must consider the application in its local context. What could be 'major development' in one place, may not be in another. The local context is a key consideration in assessing whether a development is 'major'. A small-scale development (see definition above) can still be a 'major' development, if its impacts are such that they have a serious adverse impact on the AONB. Relevant considerations in determining whether an application*

*is 'major' will be whether the development is EIA development, whether it falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), whether it is "major development" for the purposes of the 2010 Order, or whether it requires the submission of an appraisal/ assessment of the likely traffic, health, retail implications of the proposal. But, this will not determine the matter. The matter will be determined by local impacts.*

- 2.5 The officer report assessed major development on the basis of NPPF and PPG. The assessment of whether the application was considered 'major development within the AONB' was required to determine the policy test for the suitability of the site.
- 2.6 In light of the pre-action letter content, the definition of major development as per the NNCNP is set out to be development which has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by the AONB by reason of its scale, character or nature. The definition makes no reference to the number of dwellings required to be considered 'major development', only that 'small scale' development can also be considered as major and that it is a matter of planning judgement in line with the procedural approach of Planning Practice Guidance (PPG).
- 2.7 The application is not considered major development within the AONB either through the NNCNP definition or the PPG but cannot be considered 'small scale'. There are no specific details to deal with how development that is neither 'small scale' nor 'major development' as per the NNCNP as the policy is silent on the matter.
- 2.8 Notwithstanding this, accordance with Policy 1 has been incorrectly stated within the report however there would not be conflict.
- 2.9 The application was however offered significant in-principle policy support as development outside the settlement boundary so accordance with Policy 9 would still apply.
- 2.10 Having regard to the revised NPPF, the definition of a Rural Exception Site within Annex 2 is as follows;
- 2.11 *Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.*
- 2.12 Whilst there is no definition of 'small' for the purposes of this application, it is considered that the number of dwellings put forward is suitable to be considered as a rural exception site with no in-principle development plan policies to conflict with this inclusive of Policy 9, which is applied to developments outside of settlement boundaries.

## Impact on Sensitive Settlement Edge

- 2.13 *Policy 9 of the NNCNP states that Outside the settlement boundaries as defined on the Policies Map, development will be restricted to appropriate development in the open countryside. Support will be given to:*
- d) proposals for 'exception' sites of affordable housing provision where they do not have a negative impact on sensitive settlement edges;*
- 2.14 In addressing this issue, the Local Planning Authority commissioned an independent appraisal, providing landscape advice in the form of a Technical Note which has been uploaded to public access as a viewable document. The Technical Note provides guidance and recommendations as set out below.
- 2.15 *Summary of Landscape Effects*
- *Landscape effects will be localised;*
  - *There will be direct adverse effects to the site area resulting from the loss of agricultural land and introduction of built development;*
  - *There will be localised indirect adverse effects on the landscape character of the agricultural landscape adjoining the site resulting from the change from agricultural land to built development;*
  - *There will be adverse effects on southern parts of North Sunderland where views of the agricultural landscape to the south are lost and there will be a reduced sense of 'openness';*
  - *The characteristics of the southern settlement edge and entrance to the village will be changed. The extent to which this change effects landscape character is to some extent dependent on the ultimate composition and detailing of the development; Overall effects on the North Northumberland Coast AONB will be negligible; and Overall effects on the host LCA: 3b Lucker will be negligible*
- 2.16 *Summary of Visual Effects*
- Generally visual effects will be localised and will not be perceived in the wider landscape;
  - Adverse visual effects would be experienced by residents at the southern edge of North Sunderland;
  - Adverse visual effects would be experienced by people visiting the cemetery resulting from the introduction of housing adjacent to the western edge of the cemetery extension;
  - Adverse visual effects would be experienced for a short section of the PRoW 232/008 for northbound walkers; and
  - Adverse visual effects would be experienced by road users for a short section of the southern approach to the village. This would include users of the NCR No. 1 for this short section.
- 2.17 The information and conclusions consider the sites location and its relation to the Landscape Capacity Study to which the conclusions support the stance set out in the Committee Report and the response from the Northumberland Coast AONB Partnership. However the Committee Report does not reference Policy 9 of the NNCNP within the appraisal of 'AONB' or Landscape'.

- 2.18 Notwithstanding this the proposal, subject to further assessment at Reserved Matters is considered capable of being accommodated without negative impact upon the sensitive settlement edge.

#### Impact on the AONB

- 2.19 The AONB Management Plan does not form part of Northumberland County Council's Policy Framework. However there is regard to dark skies policies within responses from Northumberland Coast AONB Partnership.
- 2.20 *Policy CE13 of the AONB Management Plan states that the quality of the dark sky will be maintained and improved through advocacy and advice. All development proposal will be assessed concerning their impact on the dark skies of the AONB.*
- 2.21 In considering the impacts on this development, this aspect would be better assessed at the Reserved Matters stage where details of the layout, appearance and scale of the development would be known. At outline, the site would however be read against the existing site context of modern properties that have extended from the previous edge of North Sunderland and therefore is not considered to have or contribute to a significant adverse cumulative impact that would warrant refusal.

#### Affordable Housing - Local Need

- 2.22 The description of the development is not considered to require change as it describes the development put forward. Restrictions of the future operation of the development would be governed by conditions of the planning permission and the legal agreement that would sit alongside it.
- 2.23 Whilst the evidence paper of the NNCNP may be interpreted to show no affordable housing need, this is not reflected within the content of the NNCNP which states that there are issues with affordability of housing to buy with a lower than average availability of affordable rented properties in the area.
- 2.24 The application was supplemented with an expression of interest from a Registered Provider with further research undertaken by the Local Planning Authority with other providers to ascertain a level of demand.
- 2.25 North Sunderland/Seahouses is considered a suitable and sustainable location for affordable homes although this should be balanced against other sites in the area which could meet identified housing needs. This was balanced against committed and proposed development which subsequently has changed through the refusal of 17/00931/FULES which would have provided 6 affordable dwellings and the withdrawal of 18/00887/FUL which would have provided up to 9 affordable dwellings.
- 2.26 Overall, given the position of the NNCNP with regards to affordable housing, it is considered procedurally robust to research the potential of the proposal as a rural exception site which in this case, yielded sufficient interest to conclude that the site was eligible for consideration as a rural exception site and that

the evidence paper is not sufficiently robust, nor is the extrapolated conclusions expressed within the content of the NNCNP.

### Affordable Housing Obligation

- 2.27 The description of obligations within the recommendation is to guide Members in their determination of the application. Further details of obligations would be set out within a future legal agreement which in this case would be on the basis of local need and in perpetuity.
- 2.28 Whilst the letter sets out that social rented property is the only appropriate tenure, some flexibility should be available to tailor the scheme toward the need as it changes (to allow for shared ownership, discount market value, etc) and so the imposed condition is considered to be appropriate in the delivery of the Reserved Matters.
- 2.29 A final copy of the s106 would be made available publicly at the determination of the application.

### Revisions to NPPF

- 2.30 Following assessment of the application against the provisions, definitions and tests of the revised NPPF, there are not considered to be any changes in stance to the conclusions of considerations set out in the appraisal of the committee report unless modified otherwise through this addendum.

## **3. Conclusion**

- 3.1 The implications of the pre-action protocol letter have been addressed through this addendum.
- 3.2 It is therefore considered by officers that in this instance the revisions to the NPPF would not have a material impact on the application's recommendation.
- 3.3 A minor amendment has been made to authorise the Head of Service to grant planning permission as opposed to the Director of Place. Planning obligations and conditions would remain as per the officer report to the North Northumberland Local Area Committee in May 2018.



#### 4. Recommendation

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

- Provision of 20 no. affordable dwellings to be provided on site in perpetuity;
- Education contribution of £35,200;
- Coastal mitigation contribution of £600 per dwelling (£12,000 total); and

The following conditions.

##### Conditions

##### 01. Reserved Matters

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Notwithstanding details contained within the approved plans, approval of the details of;

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

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

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

##### 02. Commence Development

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

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

##### 03. Approved Outline Site

The development hereby permitted at outline stage shall be in complete accordance with the approved plan. The approved plan for this development is:-

1. Amended Location Plan V2 - land South of St Cuthberts Close, North Sunderland

Reason: To provide the site extents of the outline permission.

## Development Management

### 04. Remove Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no;

- a) Extensions;
- b) Outbuildings;
- c) Porches;
- d) Roof Openings;
- e) Cladding/Rendering; or
- f) Roof extensions.

Shall be added to or constructed within the curtilage of the resulting property hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the dwellings would be affordable in perpetuity in accordance with the National Planning Policy Framework.

### 05. Design Guide to be Submitted

Prior to submission of the reserved matters a Design Strategy Document shall be submitted to and approved in writing by the Local Planning Authority. The document shall;

- a) Make clear reference to the location of the site as within but on the edge of North Sunderland, the local built vernacular and Area of Outstanding Natural Beauty (AONB) status of the local area and compliance with the Northumberland Coast AONB Design Guide for the Built Environment and the need for any developer to have regard to relevant design guidance pertaining at the time to this area, including the North Northumberland Coastal Neighbourhood Plan.
- b) The document shall provide specific guidance on the scale of the new dwellings and the appropriate use of materials for the site.
- c) The document shall also make clear the requirement for developer(s) of the individual plots to provide details of existing and proposed finished ground and floor levels of the site and new dwellings.

The development shall thereafter be carried out in accordance with the principles of the approved document.

Reason: To achieve a satisfactory form of development in the interests of visual amenity and in accordance with the provisions of Policy F2 of The Berwick-upon-Tweed Borough Local Plan and the provisions of the National Planning Policy Framework.

### 06. Affordable Housing Strategy to be Submitted

Notwithstanding details contained within the application, prior to commencement of development, an affordable housing strategy incorporating all dwellings approved within this permission to include;

- a) The tenure of the affordable units proposed;
- b) Details of who will manage the properties; and
- c) Means by which to maintain the affordability of units in perpetuity.

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

The affordable housing provision shall only be delivered on site.

Reason: To allow for flexibility in the provision of affordable housing relative to local need as an exception site.

07. Details of Site Levels to be Submitted

Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

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

### **Highways Development Management**

08. Construction Method Statement to be Submitted

Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, 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;
- e) storage of plant and materials used in constructing the development;
- f) measures to control the emission of dust and dirt;

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

09. Refuse Strategy to be Submitted

No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason : To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning policy Framework.

10. Details of Footway Connections to be Submitted

Development shall not commence until details of a proposed footway, to be provided from the existing footway network at the junction with South Lane, leading through St Cuthberts Close to the first development plot, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the footway shall be provided in accordance with the approved details prior to the occupation of the fifth dwelling.

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

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

Prior to occupation, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

12. Details of Boundary Treatments to be Submitted

The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented no later than the first full planting season (November - March inclusive) following the first occupation of the development.

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

13. Details of Cycle Parking to be Submitted

No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

14. Details of External Lighting to be Submitted

The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

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

15. Details of Car Parking to be Submitted

No dwelling shall be occupied until details of car parking area associated with that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details

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

### **Northumbrian Water**

16. Details of Foul Drainage to be Submitted

No development shall commence until full details of the works for the disposal of sewage have been agreed with Northumbrian Water following the completion of the integrated hydraulic study for the Seahouses WWTW catchment or unless otherwise agreed in writing by the Local Planning Authority. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory means of foul drainage is provided on site due to the potential restriction in capacity of the Seahouses Wastewater Treatment works drainage catchment which requires further investigation.

## **Lead Local Flood Authority**

### 17. Details of Surface Water Drainage to be Submitted

Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. This scheme shall;

- a) Restrict discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and the local planning authority.
- b) Adhere to the principles as set out in the drainage strategy from M Design reference MD1111/rep/001.
- c) Provide attenuation on site for the 1 in 100 year plus climate change event (currently +40%) and an allowance for urban creep.
- d) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

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

### 18. Investigation of Overland Surface Water Flow to be Submitted

Prior to commencement of development, the existing overland surface water flow route through the development shall be investigated further and where appropriate and necessary mitigation works carried out and implemented throughout the development in a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved scheme and retained thereafter.

Should no works be required, a statement outlining the investigation and findings shall be submitted to the Local Planning Authority to be approved in writing to discharge the condition.

Reason: To ensure the risk of flooding does not increase on and off-site site in accordance with the National Planning Policy Framework.

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

Prior to first occupation details of the adoption and maintenance of all Sustainable Drainage System (SuDS) features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

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

## **Coal Authority**

20. Details of Intrusive Site Investigations to be Submitted

Notwithstanding the submitted details, prior to the commencement of development a scheme for intrusive site investigations shall be undertaken, submitted to and approved in writing by, the local planning authority. Thereafter the approved scheme shall be undertaken.

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

21. Details of Site Investigation and/or Remedial Works to be Submitted

Following the completion of the approved scheme of intrusive site investigation, a report detailing its findings, to include any remedial works required shall be submitted to and approved in writing by the local planning authority. Thereafter the approved remedial works shall be implemented prior to any further development on the site.

Reason: In the interests of public safety in accordance with the National Planning Policy Framework

**Public Health Protection**

22. Further Details of Contaminated Land to be Submitted

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

a) A site investigation (Phase 2) 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.

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.

23. 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.

24. Details of Ground Gas Protection to be Submitted

No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standards required in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain 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)

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

## **Ecology**

25. Detailed Landscape Planting Plan to be Submitted

No development shall commence until the applicant has submitted a detailed landscape planting plan including the planting of locally native species of local provenance and 'gapping up' of retained hedges to be agreed in writing with



the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

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

26. Tree & Hedge Protection Plan to be Submitted

No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012: Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012 and a Tree & Hedge Protection Plan to be submitted to and agreed in writing with the Local Planning Authority before works commence. The approved plan shall be implemented in full throughout the construction phase.

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

27. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Assessment North Sunderland, May 2017, Final', E3 Ecology Ltd., Version R02, 9.5.17) including, but not restricted to;

- a) retention and protection of existing hedges and trees;
- b) incorporation of 6No. integral bat roost features and 8No. nesting bird features into the fabric of the new buildings;
- c) adherence to timing restrictions;
- d) adherence to precautionary working methods and reptile Method Statement;
- e) adherence to external lighting recommendations and in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2008;
- f) any deep (in excess of 300mm) excavations left open overnight to be either securely covered 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;
- g) an updating ecological survey to be carried out in the event that development works do not commence before the end of June 2019 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.

Reason: To maintain the favourable conservation status of protected species.

28. Restrict Removal of Vegetation

No removal of vegetation, felling of trees or hedges shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.'

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

**Author and Contact Details**

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Appendix:

Report to North Northumberland Local Area Committee 24 May 2018

**Date of Report:** 14.09.2018

**Background Papers:** Planning application file(s) 17/00499/OUT