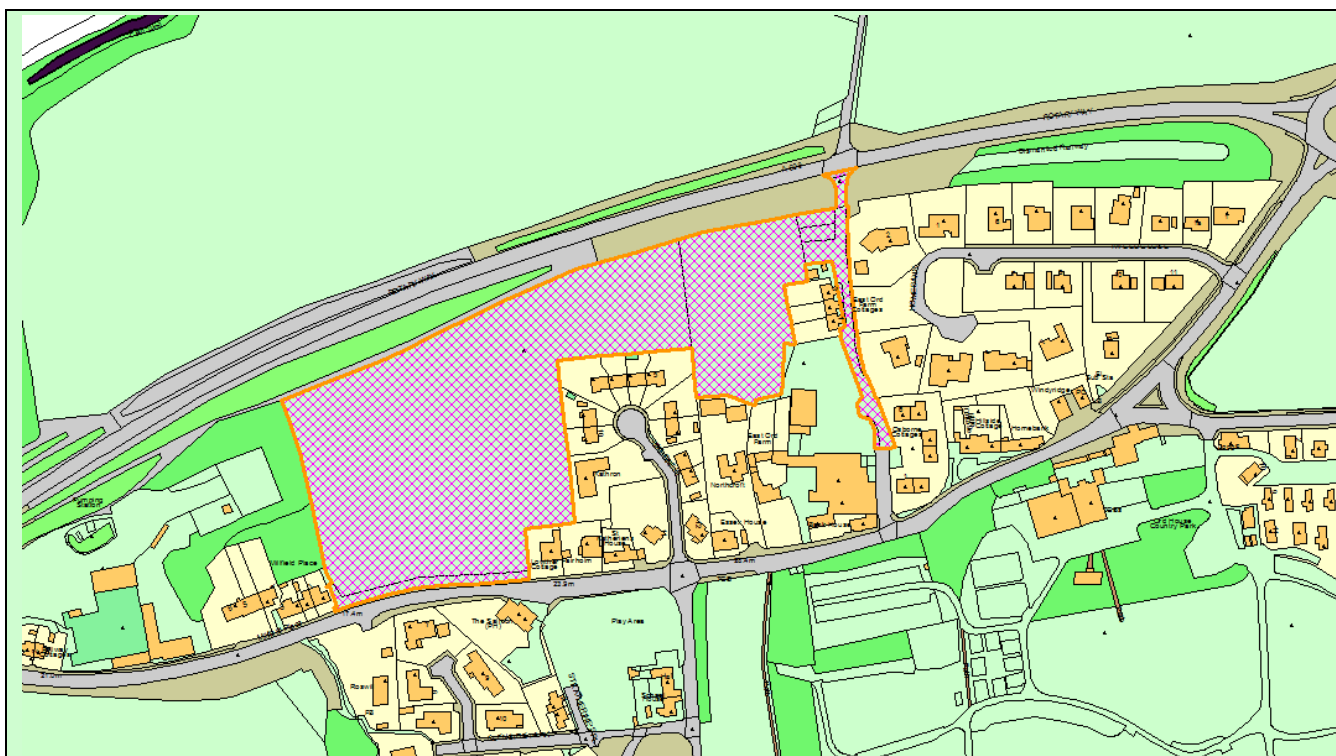




Northumberland County Council

North Northumberland Local Area Council
19th April 2017

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| Application No: | 18/00828/OUT | | |
| Proposal: | Outline Permission: 30 dwellings - Amended 29/03/18 | | |
| Site Address | Land North And West Of Hillcrest, East Ord, Northumberland | | |
| Applicant: | Mr & Mrs John & Margaret Robertson C/o Ferguson Planning, 54 Island Street, Galashiels, Scotland TD1 3NS | Agent: | Mrs Kate Jenkins 54 Island Street, Galashiels, Scotland, TD1 3NS |
| Ward | Berwick West With Ord | Parish | Ord |
| Valid Date: | 7 March 2018 | Expiry Date: | 6 June 2018 |
| Case Officer Details: | Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk | | |



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1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, this application considered to be of a large scale relative to its location. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination.
- 1.2 Under s.92 of the Town and Country Planning Act 1990 (as amended), an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
- 1.3 The application has been amended as follows;
 - 29/03/18 - Submission of Environmental Assessment.

2. Description of the Proposals

- 2.1 The application site is set to the south side of the A698 (Rotary Way) off a roundabout to the west that connects directly to the A1, with an additional junction to the East Ord Road that runs through the main village along the southern edge of the site. The site comprises agricultural land that sits at an elevated level to that of the East Ord road that drops in level to the north. Along the East Ord Road frontage is a steep embankment, screening the land from view with existing residential dwellings at single and two storey heights to the east.
- 2.2 The main access is off the A698, a wide road with a grass verge and planting to the southern edge that limits views onto the land. The access junction has a good level of visibility to either side. The access serves existing dwellings and farm buildings connecting with the East Ord Road to the South. From the wider area and main highways spanning around East Ord, the site is visible. From the site there is a strong outlook due to the rising levels with existing dwellings that back immediately onto the site.
- 2.3 The application seeks outline permission with all matters reserved to erect 30 dwellings, the application proposes an indicative access taken off the A698 (to the north-east corner).
- 2.4 The site is subject to the following environmental constraints;
 - HSE Sites - Alchemia Ltd.
 - Impact Risk Zone SSSI
 - Public Right Of Way (running east of site)

3. Planning History

Reference Number: 17/04494/SCREEN

Description: Request for a screening opinion in respect to pre-application enquiry for the erection of approximately 30 dwellings.

Status: Environmental Impact Assessment Not Required

4. Consultee Responses

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| Ord Parish Council | <p>Supports Application;</p> <p>Ord Parish Council have considered the above Planning Application and agreed to support the application. However, Parish Councillors would like to raise the following concerns and observations which they would like Planning Officers to consider:</p> <ol style="list-style-type: none"> 1. The access sight lines needs to be improved. 2. How much hedging will be removed to improve the access?. 3. The speed limit on Rotary Way needs to be reduced from 60mph as there will additional traffic entering and exiting the new housing development. Also, this road is the main sign posted road from the south to Berwick-upon-Tweed from the A1. 4. What is the proposed screening from the site to the existing housing?. 5. Will there be a boundary wall between the development and the rear of the Hillcrest properties, as the Hillcrest properties will be higher than those on the new development which could lead garden slippage. 6. The screening between No 30 and the un-adopted road should be removed to improve the sight line. 7. Properties No 29 & 30 should be removed from the development plan as they are too close to the entrance of the development. 8. Where will the children be educated as the First Schools are currently full? 9. There is currently a lack of health services for the residents in the surrounding area, so additional properties will exasperate the situation. 10. What will the price range be for affordable, and what does affordable mean on this development? |
| Highways | <p>No Objection; Conditions & Informatives Advised</p> <p>When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.</p> <p>The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals. It is considered that the proposal is in accordance with the NPPF in highways terms, and the principle of development acceptable.</p> <p>The application is for outline consent, with all matters reserved, and therefore this assessment considers the principle of the development at this location. Exact details of the internal arrangements of the development site and access will be sought through planning conditions at the subsequent Reserved Matters application.</p> |
| Countryside/ Rights Of Way | <p>No Objection; Informative Advised</p> <p>I have no objection to the application on the condition that Public Footpath No. 19 is protected throughout and that provision is made to safely accommodate users of Footpath No. 19 between the junction with the highway to beyond the proposed new junction into the development, due to</p> |

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| | <p>the increase in traffic movements (both during the construction phase and habitation).</p> <p>In addition, no action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.</p> |
| Lead Local Flood Authority (LLFA) | <p>Further Information Required;</p> <p>The Preliminary Environmental Assessment sets out some hydrological information, the level is not what we would expect to see within a flood risk assessment/drainage strategy as part of any planning application for this size and scale.</p> <p>Whilst the development is in flood zone 1 and is at very low risk of surface water flooding, surface water needs to be disposed of in accordance with the drainage hierarchy i.e. infiltration, watercourse, sewer. No assessment on the above has been undertaken and no associated drawings or calculations have been provided.</p> <p>The layout drawings show no SuDS within the development. This is despite the NPPF saying that the use of SuDS needs to be given as preference within all new developments when disposing surface water.</p> <p>I would wish to be re-consulted once this information has been received.</p> |
| Natural England | <p>No Objection; Condition & Obligation Required</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> o have an adverse effect on the integrity of Northumbria Coast Special Protection Area o damage or destroy the interest features for which Tweed Catchment Rivers - England: Lower Tweed And Whiteadder Site of Special Scientific Interest has been notified. <p>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:</p> <ul style="list-style-type: none"> o an appropriate contribution to a strategic management scheme for the management of the European designated site o the treatment of surface water that flows into the nationally designated site <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p> |
| Northumbrian Water Ltd | <p>No Objection; Condition Advised</p> <p>The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition to secure details of foul and surface water drainage.</p> |
| Health Care CG | <p>No Objection; Obligation Required (£17,400)</p> <p>Average list size for a GP = 1500</p> |

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| | <p>Space required per GP is 150m² (based on NHS guidance on GP premises sizing, based on list size) Space required for funding purposes 5.2 m²</p> <p>Equates to £17,400</p> |
| Housing Department | <p>No Objection; Obligation Required (15% Affordable)</p> <p>The development would be required to deliver affordable housing of 15% as set out in the application to be delivered preferentially on site. The requirement should be detailed in a section 106 agreement.</p> |
| County Archaeologist | <p>Further Information Required;</p> <p>No significant archaeological features or deposits are currently recorded within the site. The application is currently supported by an archaeological desk-based assessment. The assessment notes that the site is some 1km east of of Chester Crane Camp. The Camp has traditionally been interpreted as the site of an Iron Age promontory fort, though has also been suggested to be of medieval date. The site is approximately 200m south of the River Tweed, close to the confluence with the Whiteadder. This location affords ready access to freshwater fauna as well as being relatively close to the Tweed estuary associated marine resources. The site therefore lies within an area likely to have been attractive to prehistoric populations.</p> <p>The application is currently supported by an archaeological desk-based assessment. The assessment suggests that it is 'unlikely that any hitherto undiscovered buried remains of archaeological significance are preserved within the site', though recognises that this interpretation is subject to discussion with the LPAs archaeological advisor. Having reviewed the application and the desk-based assessment, it is considered that the archaeological potential of the site cannot be robustly evaluated via desk-based exercise alone and that this this assertion is therefore premature. It will therefore be necessary for the applicant to commission a programme of archaeological field evaluation to inform an assessment of the archaeological potential of the site and inform a reasonable and proportionate mitigation response.</p> <p>The applicant should commission an archaeological field evaluation to inform the archaeological potential of the site. In line with paragraph 128 of the NPPF, the results of this assessment should be submitted prior to the determination of an application.</p> <p>I would wish to be re-consulted once this information has been received.</p> |
| County Ecologist | <p>No Objection; Conditions & Informatives Advised</p> <p>No objections to the proposals on ecological grounds are raised on condition that the following avoidance, mitigation and enhancement measures including those detailed in the ecological report are carried out in full. The following conditions are therefore advised for inclusion should permission be granted.</p> <p>The comments from Natural England regarding disposal of surface waters, given the proximity of the site to the River Tweed SAC/SSSI, are noted and it is essential that this issue is fully addressed before the application is determined.</p> <p>As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs</p> |

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| | <p>and European sites, and increased recreational pressure on dune grasslands which are similarly protected.</p> <p>It is understood that the applicant has agreed to the appropriate contribution to the Coastal Management Service to be secured by means of a s106 agreement.</p> |
| Public Protection | <p>No Objection; Conditions & Informative Advised</p> <p>Public Health Protection has reviewed the following documents;</p> <ul style="list-style-type: none"> o Preliminary Environmental Assessment Report, Produced by: Goodson Associates, Dated: 7th December 2017, Ref: P13810 o Noise Impact Assessment, Produced by: KSG Acoustics, Dated: 19 February 2018, Project reference 1622/R1 <p>In principle this Service is in agreement with this proposal subject to the recommended conditions.</p> |
| Highways England | <p>No Objection;</p> <p>This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.</p> |
| Education - Schools | <p>No Objection; Obligation Required (£39,600)</p> <p>First :</p> <p>The first school in the catchment area is Tweedmouth West. Its current role is 141 of a total capacity of 150 it is therefore 94% full, so a Primary Contribution is requested in relation to the 3 of the 4 primary age children likely to be generated by this development.</p> <p>Middle :</p> <p>The middle school in the catchment area is Tweedmouth Community Middle. Its current role is 309 of a total capacity of 440 it is therefore 70% full, so no contribution is requested in relation to this phase.</p> <p>High:</p> <p>The high school within the catchment area is Berwick Academy. Its current role is 620 of a total capacity of 916, it is therefore 68% full, so no contribution is requested in relation to this phase.</p> <p>SEN Provision</p> <p>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</p> <p>A total contribution of £39,600 is requested in respect of this development, on the basis of first school places.</p> |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 52 |
| Number of Objections | 3 |

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| Number of Support | 3 |
| Number of General Comments | 2 |

Notices

Site notice - Public Right of Way, 22nd March 2018

Press notice - Berwick Advertiser 22nd March 2018

Summary of Responses:

During the consultation period 3 no. objections and 2 no. representations raised the following issues;

- Loss of countryside.
- Not in character with the village.
- Overdevelopment of site.
- Impact on privacy.
- Overbearing impact.
- Lack of need for play facilities.
- Ecological impact.
- Traffic impacts of proposal.
- Highway safety.
- Potential flooding issues (following recent events).

Issues were raised regarding the site not being within the settlement boundary; the settlement boundaries of the Berwick-Upon-Tweed Borough Local Plan were not saved and therefore the former boundaries hold no weight in the assessment of planning applications.

Issues relating to loss of view were also raised but are not considered a material planning issue.

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

- Need for affordable housing.
- Economic benefits associated with new housing.
- The housing would be well related to the village.
- Future homes for the village.

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=P54KJYQSMR500>

6. Planning Policy

6.1 Development Plan Policy

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

F1 Environmental Wealth

F5 Berwick-Upon-Tweed
F6 Special Protection Areas, Special Areas of Conservation and Ramsar Sites
F10 Protected Species
F12 Trees and Woodlands
F30 Planning Obligation
F31 Social and Economic Welfare
M14 Car Parking Standards
S6 Affordable Housing

6.2 National Planning Policy

NPPF - National Planning Policy Framework (NPPF) - 2012
PPG - Planning Practice Guidance (PPG) - (2014)

6.3 Other Documents/Strategies

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)
Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

7. Appraisal

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

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

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

- Principle of Development
- Housing Land Supply
- Planning Obligations
 - Affordable Housing
 - Education
 - Health
- Landscape
- Design
- Amenity
- Archaeology
- Ecology
- Contaminated Land
- Highway Safety
- Public Right of Way

- Water Management
- Procedural Matters
- Other Matters

Principle of Development

- 7.3 The NPPF seeks to promote sustainable development with paragraph 7 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element. The application is located immediately adjacent to the settlement of East Ord in and amongst existing residential development. East Ord has a strong access to services within the settlement and in close proximity at Tweedmouth, Berwick-Upon-Tweed and Spittal (within 1-2 miles of the site).
- 7.4 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*
- F5 of the BLP is underpinned by F1 as an area based policy permitting development within the town of Berwick-Upon-Tweed, including Tweedmouth, Spittal and East Ord provided that;*
- i) it accords with its surroundings...; and*
ii) it accords with Policies elsewhere in the Plan
- Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.*
- 7.5 The proposal seeks to develop agricultural land that is bound by existing residential development on the edge but well contained within the settlement, it is considered that residential development in this location would provide a positive contribution to the sustainability of East Ord. Notwithstanding the current operations of the site, the proposed land use would be compatible; in a location that would support new residential development in accordance with the development plan.
- 7.6 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 to the area and in social terms would deliver market housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.
- 7.7 The principle of development is therefore considered acceptable and in accordance with F1, F5 and F31 of the BLP and the NPPF.

Housing Land Supply

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

Planning Obligations

- 7.10 *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.*
- 7.11 The following planning obligations have been assessed in respect of this application.

Affordable Housing

- 7.12 Paragraph 31 of the PPG sets out that there are specific circumstances where contributions for affordable housing and tariff style planning obligations on developments of more than 10 units; or where the combined gross floorspace is greater than 1,000 square metres (gross internal area). The way in which this is delivered is in consultation with Affordable Housing. Objections received regarding affordable housing have been considered in this section.
- 7.13 *Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.*
- 7.14 The Northumberland Strategic Housing Market Assessment (SHMA - October 2015) includes up to date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 191 dwellings per annum over the period 2014 to 2019. To address this, an affordable housing contribution will continue to be sought on all proposals involving residential development except in the circumstances set out in Planning Practice Guidance paragraph 31. This will be expected to be delivered on-site.

- 7.15 *S6 of the BLP states that the development of affordable housing to meet an identified community need will be permitted on sites which are suitable in terms of proximity to local services and facilities and access to public transport.*
- 7.15 The application proposes in excess of ten dwellings; therefore an affordable housing provision is sought on this application. Affordable Housing have responded to formal consultation stating that a provision of 4.8 affordable homes (rounded up to 5) would be required as part of the development which has been agreed by the applicant. It is considered that this would be through an on-site provision secured through a s106 legal agreement. To allow flexibility and given that the application is submitted with all matters reserved, an affordable housing strategy is to be provided to secure the method of delivery, the default position on this matter is that affordable housing would be delivered on site.
- 7.16 The affordable housing provision is therefore considered acceptable in accordance with the NPPF and PPG.

Education

- 7.17 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements. Issues raised during consultation are addressed in this section.
- 7.18 *Paragraph 72 of the NPPF states that Local Planning Authorities should take a proactive, positive approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. This includes giving great weight to the need to create, expand or alter schools.*
- 7.19 Education has responded to formal consultation requesting a contribution of £39,600 toward education which has been agreed by the applicant and would be secured through a s106 legal agreement.

Health

- 7.20 Where major applications propose residential development in of 30 units or above, the application is subject to consultation with the Council's Health team. Contributions are based on the cost of space required for local medical facilities to manage the total number of people that would accommodate the development where there are capacity issues. Issues raised during consultation are addressed in this section.
- 7.21 *Paragraph 7 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.*

- 7.22 Health has returned consultation requesting a figure of £17,400 based on the space required being 5.2sqm (£3000/sqm) indicating that there is a capacity issue. The contribution would be secured through a s106 legal agreement which has been agreed to by the applicant.

Landscape

- 7.23 The site is agricultural land comprising of a range of portal frame structures that sit immediately on the north and eastern boundaries of the site. There has been partial proliferation of the site area through development at Hilcrest. The appraisal of Landscape considers the physical mass and character impact of a development proposal. The application has been submitted with a Landscape Site Appraisal and an indicative street scene elevation. Objections raised in respect of landscape and character have been considered within this section.
- 7.24 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*
- 7.25 *Paragraph 17 of the NPPF sets out its core planning principles to be applied in plan-making and decision-taking, taking account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- 7.26 The Landscape Site Appraisal carries out a comprehensive site analysis to set out the landscape and visual constraints and opportunities of the site, this is supplemented by a plans and series panoramic images both within and looking toward the site to identify its prominence relative to nearby landmarks and notable features. The conclusions drawn from the report are that the development would result in agricultural land being locally affected but that the impacts on landscape character would be restricted entirely to the development footprint and immediate area with a negligible impact from the wider area. The report goes onto note that landscape mitigation would assist in limiting impact to the southern boundary of the site and that existing boundary woodland should be maintained and expanded to the east, integrate planting within the site, enhance residential boundaries adjacent to the site and establish a new landscape boundary to the southern boundary to enhance visual integration.
- 7.27 The site is currently unoccupied but in an agricultural use that sits alongside existing residential dwellings at Hilcrest that crosses the site between the main steading to the east and open fields to the west. There is a change in levels across the site rising towards its centre affording wider views to the north and west. As a result the introduction of dwellings in this location would inevitably have a landscape impact but this would be limited due to existing extensive screening that sits both along Rotary Way, the East Ord Road (through an embankment) and on a wider basis from the A1. It is considered that based on the indicative proposed site plan, that the development could be occupied on site without significant adverse impact in terms of massing.

- 7.28 In terms of character the introduction of residential properties to this location would not be significant. This is because the main agricultural character of the site is limited due to the site's proportions versus built residential development that sits hard against its boundaries particularly from dwellings on Hilcreast that cut into a fair portion of the main field. Notwithstanding this, the site is well related to the core of East Ord and would be accommodated within the settlement as opposed to extending it due to natural landscape features that help to define the separation of East Ord to the open countryside (particularly to the north). Therefore there are not considered to be issues of character arising from the proposal.
- 7.29 It is acknowledged that a detailed assessment of landscape could only be carried out the reserved matters stage; however the recommendations as set out in the landscape appraisal are welcome to mitigate the overall impact of development and provide a level of assessment to allow the Local Planning Authority to consider this aspect despite the application being outline.
- 7.30 Overall it is considered that the development could be accommodated without having a significant adverse landscape impact in accordance with F4 of the BLP and the NPPF.

Design

- 7.31 Design considers the appearance of the development independently and as part of the immediate streetscene.
- 7.32 *F5 of the BLP permits development that accord with its surroundings by virtue of its scale, density, height, massing, layout and materials, hard and soft landscaping including indigenous species, means of enclosure and access.*
- 7.33 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure that developments conform to.*
- 7.34 A detailed assessment of the visual impact can only be carried out at the reserved matters stage. However based on the submitted indicative plan, it is considered that a residential development could be accommodated on site without causing a significant adverse visual impact.

Amenity

- 7.35 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. The application has been submitted with a Noise Impact Assessment to address the impact on new dwellings from noise sources (namely highways) Objections on this issue have been noted but can only be robustly assessed at reserved matters.
- 7.36 *Paragraph 17 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*

- 7.37 As part of the consultation response from Highways Development Management (HDM), a demolition and construction method statement is to be discharged from the outset of development to secure details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.38 Public Health Protection (PHP) has raised no objection recommending conditions relating to an acoustic barrier and protection to individual dwellings to address noise issues. PHP has also recommended conditions in relation to hours of noisy working and restrictions on collections and deliveries which have been included within the recommendation.
- 7.39 A detailed assessment of amenity can only be done at the reserved matters stage. However given the proximity of neighbouring properties to the application site relative to the indicative layout, it is considered that the development could be accommodated without having a significant adverse impact on amenity in terms of privacy, mass and land use.

Archaeology

- 7.40 The application has been submitted with an Archaeological Desk-Based Assessment which has been subject to assessment by the County Archaeologist.
- 7.41 *Paragraph 126 of the NPPF requires Local planning authorities to adopt a positive strategy for the conservation and enjoyment of the historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.*
- 7.42 The County Archaeologist has set out in their response that whilst no significant archaeological features or deposits are currently recorded within the site, that the site lies within an area likely to have been attractive to prehistoric populations. The conclusion from assessing the submitted information is that the archaeological potential cannot be robustly evaluated via desk-based assessment alone and that a programme of archaeological field evaluation is required to inform the archaeological potential of the site and a reasonable/proportionate mitigation response. The recommendation is that the application is not determined until this information has been submitted.
- 7.43 The applicant is in the process of undertaking the works in agreement with the County Archaeologist regarding the scope. The recommendation of the application is that Members would be minded to approve the application subject to receipt of the additional work. The County Archaeologist has agreed is acceptable to progress the application.
- 7.44 The archaeological impact of the proposal is therefore acceptable and in accordance with F1 of the BLP and the NPPF.

Ecology

7.45 The site is currently open agricultural fields with woodland planting to the north and western boundaries. There are considered to be potential on-site ecological impacts arising from the development. In addition, the site is located within close proximity to a number of designated sites including the Tweed Estuary Special Area for Conservation and the Tweed Catchment Rivers - England: Lower Tweed and Whiteadder Site of Special Scientific Interest (SSSI) designations. Coastal protected sites (Special Protection Area and SSSIs) lie approx. 3km to the east with the proposal as residential development having potential to affect them. The application has been submitted with an Ecological Assessment which has been subject to assessment in consultation with the County Ecologist and Natural England. Objections relating to ecological impact have been addressed in this section.

7.46 *F6 of the BLP only permits development that would not adversely affect the integrity of the internationally important nature conservation interest of the site, either directly or indirectly. Where such development does proceed, it may be subject to Planning Conditions and Obligations to secure all compensatory measures necessary.*

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.

7.47 *Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.*

Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

7.48 The County Ecologist has raised no objection on issues relating to on-site impacts subject to conditions to secure works in accordance with the submitted ecological appraisal, restrict timings of works, to secure a tree and hedgerow protection plan and to provide a landscaping plan. Further issues would be revisited at the reserved matters stage, from this however the on-site impacts can be suitably addressed.

7.49 In terms of off-site issues Natural England require information regarding the treatment of surface water to ensure no adverse effect where there is disposal of surface water to a watercourse which may affect a designated site. This has been requested as part of a condition as set out in the recommendation in agreement with Natural England.

7.50 There is also consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these

protected areas to support features for which they were designated is not compromised.

- 7.51 This impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.
- 7.52 The applicant has agreed to pay a contribution of £600 per unit for coastal wardening work, secured by s106 legal agreement. On this basis the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation.
- 7.53 It is considered that the ecological impacts arising from the proposal can be suitably mitigated in accordance with F6, F10, and F30 of the BLP and the NPPF.

Contaminated Land

- 7.54 The application is located within a Health and Safety Executive (HSE) constraint area and has been submitted with a Phase 1 Contamination Assessment which has been subject to assessment by the Council's Public Health Protection team (PHP).
- 7.55 *Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.*
- 7.56 PHP has raised no objection to the proposal recommending a condition to secure a Phase 2 site investigation to provide further information regarding ground contamination. The site also lies within a HSE constraint area, which based on the consultation tool from the HSE, would not cause objection to be raised and subsequently no further consultation has been carried out.
- 7.57 It is therefore considered that mitigation of contamination issues can be successfully undertaken, in accordance with the NPPF

Highway Safety

- 7.58 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The

application has set out an indicative access from Rotary way to the north-east corner of the site (that serves as an existing access point). Layout and access are reserved matters and would be addressed in a future application. There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles, pedestrians and the delivery of appropriate off-site works. Due to the proximity to the A1; Highways England has been consulted. Objections made in regarding highways issues have been addressed below.

- 7.59 *Paragraph 32 of the NPPF sets out the considerations of decisions with regard to highways impacts, stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 7.60 HDM has reviewed the application setting out in their response that there are no objections to the proposal subject to the conditions set out in the recommendation. The proposal would retain an existing gated arrangement to prevent the use of the access as a through route from Rotary Way to the Village Centre to remain in the control of the applicant. In addition HDM have raised no concern over the capacity of the highway network to accommodate the new development with the recommended conditions set out in the recommendation.
- 7.61 Highways England has responded to formal consultation raising no objection to the proposal to address impacts on the strategic highway network.
- 7.62 The impact on highway safety is considered acceptable and in accordance with the NPPF

Public Right of Way

- 7.63 There is a public right of way (referred to as no.19) to the east of the site that runs along the access track connecting Rotary Way to the village road. There are no works proposed to the right of way as part of this application. Proposals that affect rights of way are subject the council's Public Rights of Way (PRoW)
- 7.64 *Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access.*
- 7.65 PRoW have raised no objection on the basis that no works or obstructions are carried out to the footpath, which has been set out in a condition and informative within the recommendation.
- 7.66 The impacts on Public Rights of Way is therefore acceptable in accordance with the NPPF.

Water Management

- 7.67 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 Preliminary Environmental Assessment which sets out hydrological information pertaining to the site.

7.68 *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.*

7.69 The LLFA have set out that further information is required in respect of this issue but has stated that as the development is within Flood Zone 1 and is at very low risk of surface water flooding but further details to set out principles of surface water drainage is required prior to determination. The recommendation of the application is subject to this aspect of the proposal being resolved with recommended conditions applied.

Procedural Matters

Equality Duty

7.70 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

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

Human Rights Act Implications

7.72 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.

7.73 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain

development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Other Matters

7.74 In response to issues raised over the consultation period;

- Parish Council Comments
Comments regarding details of the scheme would be assessed at the reserved matters stage.

8. Conclusion

- 8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 Subject to resolution of outstanding Archaeology and LLFA issues prior to determination, The application would address the main considerations and accord with relevant policy. The proposal is therefore supported
- 8.3 A s106 Legal Agreement is to secure the obligations/contributions as set out in the recommendation.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to the resolution of the LLFA and County Archaeologist's objections, a s106 Legal Agreement to secure the following contributions:

- Coastal mitigation contribution of £600 per dwelling (£18,000 total)
- Affordable Housing contribution of 15% to be provided on site.
- Education contribution of £39,600.
- Health contribution of £17,400.

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;
- Layout; and
- Scale

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

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

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 Plans

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

1. 1201 LP01 Rev D - Location Plan

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

Highways Development Management

04. Construction Method Statement (including plan) to be Submitted

Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

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

05. Details of Highway Works to be Submitted

Development shall not commence until details of the proposed highway works to include site access and pedestrian link and possible public transport improvements - subject to timetable of implementation, have been submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the highway works have been constructed in accordance with the approved details

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

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

No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

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

07. Details of Future Street Management to be Submitted

No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning

Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

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

08. Details of Adoptable Streets to be Submitted

No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

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

Prior to occupation, details of surface water drainage to manage run off from private land 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.

10. Details of Fire Hydrants to be Submitted

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

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

11. Details of Cycle Parking to be Submitted

The development shall not 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 the 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.

12. Refuse Strategy to be Submitted

The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

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

13. 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.

14. Details of Car Parking to be Submitted

The development shall not be occupied until details of car parking area have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details

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

15. Details of Surface Materials to be Submitted

Prior to commencement of development samples of the materials to be used in the construction of the external highway surfaces of the development hereby approved; have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

16. 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 implemented before the development is occupied.

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

17. Details of Glazing & Ventilation to be Submitted

Prior to the commencement of the development, details of the final glazing and ventilation option(s) shall be submitted to the Local Planning Authority for approval in writing. The building envelope of plots shall be constructed so as to provide sound attenuation against external noise, to achieve an internal noise level LAeq of 30dB(A) and a maximum noise level LAMax of 45dB(A) during the day and night. This should demonstrate that these internal levels will be achieved. Using the calculated internal reverberant noise level provided by the selected glazing and ventilation.

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

18. 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.

19. Future Contamination

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.

20. 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 - 0800 to 1800, Saturday 0800 to 1300.

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

21. Construction Delivery & Collection hours:

Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority. The condition shall be considered discharged upon completion of the development in full.

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

22. Acoustic Barrier Details to be Submitted

Prior to the development being brought into use or continuing in use, the applicant shall provide full details of the acoustic barrier, including location, specification, design and performance to the local planning authority for written approval. The approved scheme shall be implemented in full.

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

Ecology

23. Details of Works in Accordance with Approved Ecology Report to be Submitted

No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('East Ord, Berwick upon Tweed, Northumberland - Preliminary Ecological Appraisal', Brindley Associates, Revision A, 16.1.18) including, but not restricted to;

- i) adherence to timing restrictions;
- ii) adherence to precautionary working methods;
- iii) adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2008;
- iv) inclusion of 'in built' bird boxes in the new dwellings with numbers, types and locations to be agreed in writing with the Local Planning Authority before development commences;
- vi) submission of a Method Statement for the removal of invasive non-native plant species (e.g. giant hogweed) as listed in Schedule 9 of the Wildlife & Countryside Act 1881 (as amended) to be agreed in writing with the Local Planning Authority before development commences should such species be discovered on site;
- vii) any deep (in excess of 300mm) excavations left open overnight to be either securely fenced, 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;
- viii) checking survey for badgers on site and within 30m of the northern boundary of the site to be carried out not more than 3 calendar months before works commence with the results of that survey together with any avoidance, mitigation and/or enhancement measures as may be required to be forwarded to and agreed in writing with the Local Planning Authority before works commence;
- ix) in the unlikely event that high impact ground works (such as piling, blasting, or heavy percussion drilling, etc) within 30m of the farm buildings to the south east of the site are required then a preliminary bat roost assessment

will be carried out on those buildings with the results of that survey together with any avoidance, mitigation or enhancement measures (which may include subsequent emergence/return activity surveys and obtaining a Natural England European Protected Species Development Licence) as may be required to be forwarded to and agreed in writing with the Local Planning Authority before development commences;

x) an updating ecological appraisal survey to be carried out in the event that development works do not commence before the end of April 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.

24. Landscaping Plan to be Submitted

No development shall commence until the applicant has submitted a detailed landscape planting plan including the planting of substantial proportions of locally native species of local provenance to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development'.

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

25. Tree & Hedgerow Protection Plan

No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012 which shall include a tree and hedge protection plan to be forwarded to, agreed in writing with the Local Planning Authority before development begins and adhered to throughout the construction phase.

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

26. Restrict Tree & Hedgerow Removal

No removal of vegetation or felling or pruning 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.

Public Right of Way

27. Protect Right of Way

Public Footpath No. 19 shall be protected throughout and provision shall be made to safely accommodate users of Footpath No. 19 between the junction with the highway to beyond the proposed new junction into the development, due to the increase in traffic movements (both during the construction phase and habitation) during the construction phase of development.

Reason: To protect the public right of way.

Affordable Housing

28. Affordable Housing Strategy to be Submitted

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

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

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

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

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

Northumbrian Water / Lead Local Flood Authority

29. Details of Surface and Foul Water Drainage to be Submitted

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

Informatives

1. s38 Agreement & Adoption of Highways

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

2. Condition Survey

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

3. No Materials on Highway

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

4. Highways Structures

You should note that Technical Approval of Highways Structures may be required. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

5. Contact Street Lighting

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

6. Estate Street Phase 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 for Estate Street Phase and Completion Plan; 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

7. Street Management

The applicant is advised that to discharge condition for the Management and Maintenance of Estate Streets the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk

8. 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 condition for the submission of details of adoptable streets; of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

9. No Debris on Highway

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

10. Road Safety Audit

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

11. Waste Containers

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

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

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

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

12. Adoption of Highway (s38 Agreement)

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

13. Protected Species

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

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

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

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

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

14. Acoustic Design

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.

In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

15. Protect Public Footpath

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

Date of Report: 09.04.2018

Background Papers: Planning application file(s) 18/00828/OUT