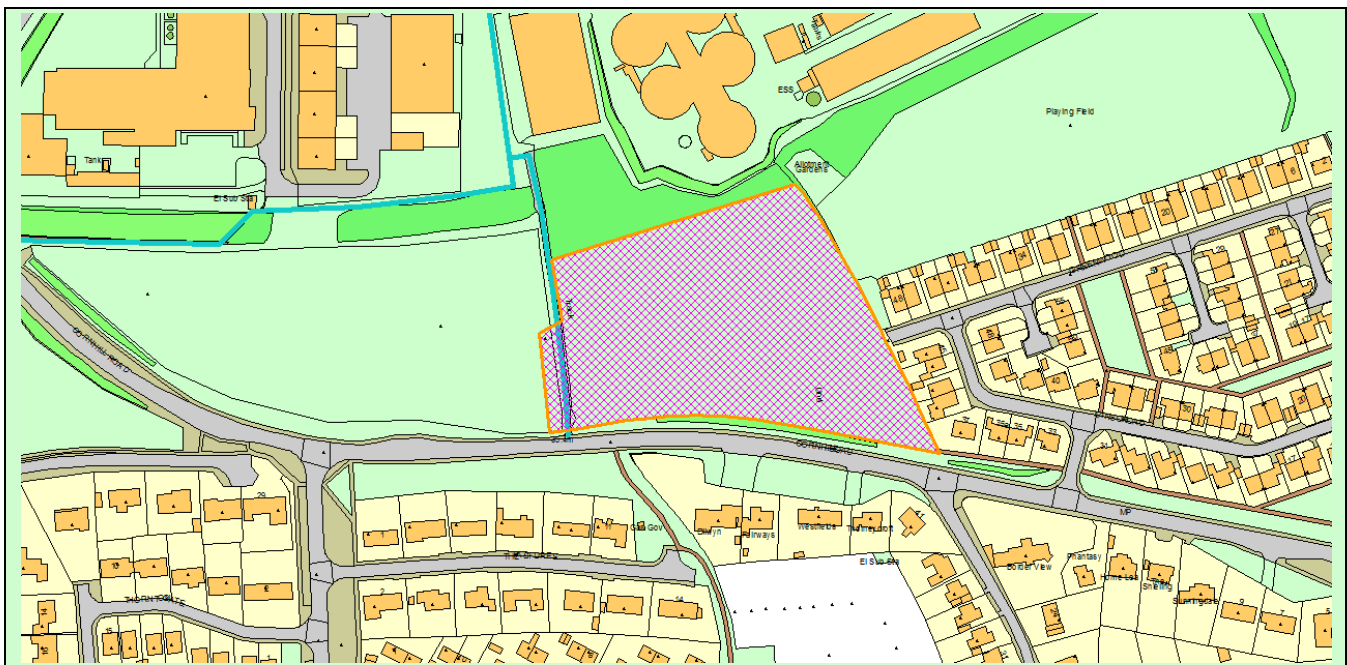




Northumberland County Council

North Northumberland Local Area Council
21st June 2018

Application No:	16/01976/FUL		
Proposal:	Development of 30 Dwellings - Amended 16/04/18		
Site Address	Land West Of Greenwood, Cornhill Road, Tweedmouth, Northumberland		
Applicant:	Mr Simon Maden Eco House , Kings Mount, Ramparts Business Park, Berwick-upon-Tweed TD15 1TQ	Agent:	None
Ward	Berwick West With Ord	Parish	Ord
Valid Date:	23 May 2017	Expiry Date:	30 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 is to be recommended for approval contrary to a valid objection from East Ord Parish Council. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination.

The application is recommended for APPROVAL.

- 1.2 The application was amended as follows;

- 22/03/17 - Submission of Viability Study
- 23/05/17 - Submission of Amended Drawings and Acoustic Assessment
- 31/07/17 - Submission of Amended Drawings
- 06/10/17 - Submission of Noise Bund Details
- 23/03/18 - Submission of Flood Risk Assessment and Drainage Strategy
- 11/04/18 - Submission of Garage Drawings
- 02/05/18 - Publication of Viability Appraisal from District Valuation Service
- 31/05/18 - Revision to the Site Layout to address Highways concerns.

- 1.3 The site immediately west of the application site is subject to extant consent under 11/02689/FUL (allowed at appeal on 14/03/16) for a development of 30 residential dwellings.

2. Description of the Proposals

- 2.1 The application site is located on the edge of East Ord set to the north side of Cornhill Road (B6435) on a parcel of land that sits immediately adjacent existing residential development to the east and south. To the north is Tweedside Trading Estate, a large industrial estate that spans along the A698 on the approach to Tweedmouth. The land is a greenfield site of open field, separated from the highway by a footway and grass verge with defined highway-side low stone boundary walls, the land sits at a slightly lower level than that of the highway.

- 2.2 The application seeks planning permission to erect 30 no. dwellings comprising of the following works;

- Formation of an access off Cornhill Road to the west of the site onto a distributor road that would provide access to the eastern side to an estate road that would span the width of the site terminating at a cul-de-sac. The highway works would provide footpath links within the site onto Cornhill Road from both the east and west.
- Carry out landscaping to the north of the main development area to provide a noise bund (h:2.5m) that would span along the northern perimeter of the site.
- Erect 4 no. semi-detached two storey 2-bedroom properties (l:8.5m x w:5.7m) with a gable roof. The dwellings would be located to the north side of the estate road.

- Erect 12 no. semi-detached brick built 2-bedroom bungalows (l:8.5m x w:9.5m) with a gable roof. The dwellings would be set to the south and eastern sides of the estate road with Plot 18 benefitting from a detached double-garage.
- Erect 6 no. detached two storey 3-bedroom dwellings (l:6.6m x w:9.8m) with a hipped roof. Plot 2 would have an attached garage with Plots 18, 27 and 29 having detached garages. The dwellings would be clustered to the west of the site with a single unit to the south-east corner.
- Erect 6 no. semi-detached two storey 3-bedroom dwellings (l:8.5m x w:6.6m) with a gable roof. The dwellings would be set to the north side of the estate road.
- Erect 2 no. detached 4-bedroom dwellings (l:8.2m x w:9.8m) with a hipped roof, the dwellings would be set to the west of the site with Plot 28 benefitting from a detached garage (shared with Plot 29).
- Form a shared pedestrian and cycle track along the west side of the access road to upgrade the right of way.

2.3 The application site is subject to the following environmental constraints;

- Public Right of Way (running along the western boundary)
- Health & Safety Executive Site - Alchemia

3. Planning History

Reference Number: 11/02689/FUL

Description: Residential development comprising 30 units.

Status: Refused

Reference Number: 15/03614/FUL

Description: Residential development of 30no units

Status: Application Returned

Reference Number: 17/02772/DISCON

Description: Variation of condition 2 (approved plans) pursuant to planning permission 11/02689/FUL

Status: Application Returned

Reference Number: 17/02883/VARYCO

Description: Variation of Condition 2 (Approved Plans) relating to planning application 11/02689/FUL

Status: Permitted

Reference Number: N/10/B/0432

Description: Development of existing farmland to provide 122 no. dwellings.

Status: Withdrawn

Reference Number: N/91/B/0180/P

Description: Outline - class a1 food store with associated car parking.

Status: Refused

Appeals

Reference Number: 15/00054/REFUSE

Description: Residential development comprising 30 units

Status: Allowed (with costs awarded)

4. Consultee Responses

Ord Parish Council	<p>Ord Parish Council have considered the above Planning Application and agreed to submit the following objections:</p> <ol style="list-style-type: none">1- The Parish Council feel the development will be near Simpson's Malt which is a working Malting Plant 24/7, 365 days a year and is one of the largest employers in the local area.2- The Parish Council have concerns that the proximity of the development to the Industrial Estate causes a health and safety issue.3- The Parish Council have concerns of where the children will be educated as all the surrounding First Schools are to capacity.4- As there will now be up 62 houses on this and the already approved Planning Application there should be a condition attached to say a play area must be provided. The houses are adjacent to a working Industrial Estate and next to a busy road with no play facilities located safely close by.5- The erection of more houses will place additional pressures on the currently stretched Hospital and Emergency Services, as well as there are limited spaces on the 2 Doctor Surgeries which cover Berwick and the surrounding area.
Housing Department	<p>Obligation Required;</p> <p>Tweedmouth is part of the town of Berwick-upon-Tweed which is a main town and has a good range of local services and transport links. It is located on the south bank of the River Tweed and is connected to Berwick town centre, on the north bank, by two road bridges and a railway bridge. It is therefore a suitable and sustainable location for Affordable homes.</p> <p>In light of the above the Affordable Housing team supports this application if it is able to deliver 15% affordable housing onsite with a mix to reflect the needs of the local area.</p>
Education - Schools	<p>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: 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 Due to the relatively small size of the development and consequently the relatively low probability of an impact on SEN pupil numbers, no SEN contribution is requested.</p> <p>Summary and Conclusion A total contribution of £39,600 is requested in respect of this development, on the basis of first school places.</p>
Health Care CG	<p>Obligation Required (£15,600)</p> <p>Average list size for a GP = 1500</p> <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 £15,600</p>
Highways	<p>No Objection; Conditions & Informatives Advised</p> <p>In making our response the Highway Authority assess the impact of any proposed development on the highway network, both during construction, and once a development is completed. To ensure adequate manoeuvring/parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway, and so it does not have an adverse impact on the safety of all users of the highway.</p> <p>The proposed development has been checked against the context outlined above and is considered to be generally in accordance with the National Planning Policy Framework in highways terms, and the principle of the development is acceptable.</p>
Countryside/ Rights Of Way	<p>No Objection; Condition & Informative Advised</p> <p>I note from the Revised Proposed Site Layout Plan,(Plot Layouts & Parking), the route of Public Footpath no.23 will need to be diverted. I would have no objection, in principal, to the proposed development, as long as it was conditioned into any approval, that a successful application is made to divert the Public Footpath, under the Town and Country Planning Act 1990 Section 257, prior to work commencing on site.</p> <p>Also, no action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.</p>
County Archaeologist	No Objection;

	<p>The present application was assessed as part of an earlier planning application submitted in 2011. The assessment included an archaeological desk-based assessment and a programme of archaeological evaluation trenching.</p> <p>No significant archaeological features were identified. I therefore have no objection to the proposed development and no archaeological work will be required.</p>
County Ecologist	<p>No Objection; Conditions Advised</p> <p>A Habitats Regulations Screening Assessment for this development proposal has been completed.</p> <p>The site is within several km of designated sites including;</p> <p>The Northumbria Coast Special Protection Area (SPA) and Ramsar Site, Berwickshire and North Northumberland Coast SAC,</p> <p>Tweed Estuary SAC.</p> <p>As a competent authority under the Regulations the County Council must undertake a habitat regulations assessment for this development, given its close proximity to an internationally designated sites.</p> <p>I note the Extended Phase One report and updated ecology reports by BSG Ecology. The site does not have high value habitats present.</p> <p>Accordingly, the recommended planning conditions should be imposed on any grant of planning permission.</p>
Natural England	<p>No Comment;</p> <p>The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p>
Lead Local Flood Authority (LLFA)	<p>Objects; Further Information Required</p> <p>Reviewing the documents submitted we maintain our previous objection to this application on flood risk and drainage grounds. A detailed technical response is given below:</p> <p>Technical comments</p> <p>The principles for disposing surface water from the development in the latest drainage strategy are acceptable in principle; however, as this is a full planning application, we require further full details over the surface water disposal scheme.</p> <p>A detailed surface water drainage strategy drawing showing the exact location of all surface water and SuDS features is required. The location of any flow restriction device will also be required.</p> <p>What other SuDS are to be included within the development? Details of these are required and reasoning for those features not to be installed will need to be detailed.</p>

	<p>Associated surface water drainage calculations are required. These need to include an allowance for climate change (+40%) and an allowance for urban creep (+10% on the impermeable area). The calculations will need to look at the 1 in 100 year plus climate change event. Ideally no flooding shall occur on site in this event.</p> <p>Drawings of the proposed SuDS pond will be required.</p> <p>A supporting SuDS health and Safety assessment needs to be submitted for all SuDS features. Please look at Health and safety principles for SuDS CIRIA RP992.</p>
Northumbrian Water Ltd	<p>No Objection; Condition Advised</p> <p>We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled 'Flood Risk & Drainage Strategy'. In this document it states that foul flows will discharge to either of the manholes identified in Northumbrian Water's pre-development enquiry response, whilst a restricted surface water discharge of 5.6l/sec will discharge to the existing surface water sewer.</p> <p>We would therefore request that the recommended condition be attached to any planning approval, so that the development is implemented in accordance with this document.</p>
Public Protection	<p>No Objection; Conditions Advised</p> <p>The applicant has submitted several noise assessments which has allowed Public Health Protection withdrawing its objection to the scheme, following the agreement to install a noise bund between the residential buildings and Simpsons Malt.</p> <p>Officers feel that the applicant has provided sufficient information and mitigation to demonstrate that the amenity of the proposed residential receptors will not be impacted by excessive noise.</p>
Environment Agency	<p>No Objection; Comments</p> <p>We wish to withdraw our previous objection to the proposed development. However, we have significant concerns regarding the potential noise impact on the proposed development from the activities from Simpson Malt.</p> <p>We are of the opinion that the proposed development will be impacted by noise from activities at the Simpson Malt site and that the noise levels are likely to fall between adverse and significant adverse impacts.</p> <p>The Agency accepts that the provision of an earth bund as described will provide some attenuation to noise sources and agrees with the applicant that it will provide some noise reduction in relation to the impact of ground level noise sources on site that will be screened by the bund. The Agency also notes that the applicant acknowledges that the bund will have little effect on elevated noise sources such as conveyors, grain handling equipment etc.</p>
Health and Safety Executive	<p>No Objection;</p> <p>The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at</p>

	<p>least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.</p> <p>HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.</p>
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	178
Number of Objections	3
Number of Support	8
Number of General Comments	1

Notices

Site notice - Public Right of Way, 26th May 2017

Press notice - Berwick Advertiser 8th June 2017

Summary of Responses:

During the consultation period 3no. objections and 1 no. representation raised the following issues;

- Loss of open space.
- Adverse impact on privacy.
- Impacts on future residents from Simpsons Malt.
- Properties would appear overbearing.
- Adverse impact on industrial units.
- Development could compromise economic viability.

8 no. representations of support were in favour on the following grounds;

- Development would bring additional housing.
- New housing would bring people to the area.
- The proposal would add to housing mix.
- Bungalows are needed in the area.

Further issues such as loss of view, issues arising during construction and service infrastructure (namely gas mains) were also raised but are not material consideration and have not been appraised further.

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=O8EHT9QSI0D00>

6. Planning Policy

6.1 Development Plan Policy

BLP - Berwick-upon-Tweed Borough 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

W6 Bad Neighbour Uses

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2012)

PPG - Planning Practice Guidance (2014)

Viability Guidance (2014)

6.3 Other Documents

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

Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

Northumberland Landscape Character Assessment (2010)

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 Norham and Islandshire 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

- Viability
- Summary
- Visual Impact
 - Landscape
 - Design
- Amenity
 - Residential Amenity
 - Noise
 - Health & Safety
- Transport
 - Highway Safety
 - Public Right of Way
- Ecology
- Water Management
- Procedural 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 application seeks to site residential development on land set between existing residential development and East Ord Industrial Estate. As open land with a public right of way running to the site and planting to the north, the site better relates to residential properties to the east and south, constrained in site area by the existing field access and public right of way. Residential development in this location is considered to contribute to the vitality of East Ord, Tweedmouth and Berwick, compatible with the main surrounding land use in accordance with development plan policy. Objections raised that the proposal would result in the loss of open space however the site is not subject to a policy designation and is white land in policy terms.

- 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 in the area and in social terms would deliver market housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.
- 7.7 It is therefore considered that the principle of development is 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.*

Affordable Housing

- 7.11 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.
- 7.12 *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.

- 7.13 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.
- 7.14 The application proposes development in excess of ten dwellings; therefore an affordable housing provision is sought on this application. Affordable Housing have responded to formal consultation stating that this calculates at 4.8 affordable homes (rounded up to 5) would be required as part of the development. It is considered that this would be through an on-site provision secured through s106 legal agreement.

Education

- 7.15 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements.
- 7.15 *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.*
- 7.18 Education have responded to formal consultation requesting a contribution of £39,600 toward education which would be secured through s106 legal agreement.

Health

- 7.19 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 from the total number of people that would accommodate the development.
- 7.20 *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.*
- 7.21 Health have returned consultation requesting a figure of £15,600 based on the space required being 5.2sqm (£3000/sqm) which would be secured through a s106 legal agreement.

Viability

- 7.22 The developer has put forward that the requested obligations would amount to a sum that would render the scheme unviable with a report submitted in support of this. In assessing this aspect, a viability appraisal has been carried out independently by the District Valuer Services (DVS) who have cross examined a breakdown of costs provided by the applicant and produced a report in response. This report has been made publicly available.
- 7.23 The use of the DVS in appraising aspects of viability has been looked at in appeal decision APP/R1038/W/17/3187999 (10/04/18) which followed the refusal of an application against officer recommendation which sought to allow a lower level of affordable housing provision than what the policy position sought on new development.
- 7.24 The Inspector found no conflict with the approach of the DVS against PPG guidance. Of further relevance to the appeal was in the decision of costs which was awarded against the Local Planning Authority (North East Derbyshire District Council) on the basis that the Council had presented little evidence to support its reason for refusal, with references to comparable sites, not to be of relevance due to the site specific nature of how viability should be assessed. As a result the cost decision ruled that the refusal of planning permission constituted unreasonable behaviour.
- 7.25 *Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
- 7.26 *Paragraphs 16-24 of the PPG on Viability sets out the basis for assessing viability in decision taking which includes how planning obligations can be handled where issues of viability arise.*
- 7.27 Both reports have provided a detailed breakdown of how the development has been costed to construct and market the development, which derives the Gross Development Value (GDV); an estimated value of development. The figures set out below are based on methodologies set out in the respective reports to collate the construction costs and land values. It is important to note that the two are not directly comparable as the applicant's viability assessment does not take into account the planning obligations.

	<u>Applicant</u>	<u>DVS</u>
GDV	£4,840,000	£5,342,000
Construction Cost	£3,842,066	£3,403,685
Land Value	£600,000	£258,000 / £312,000 (without obl)
Profit	(seeking £1.21m)	£988,270
Profit (%)	seeking 25%	18.2%

- 7.28 From the figures above, the DVS has concluded that the imposition of the planning obligations would discount the land value to a point that produces a land value of £258,000 which is below DVS estimated site value and would not incentivise the landowner to release the land for development.
- 7.29 Whilst there are clear disparities between the figures above, the DVS assessment provides a more optimistic GDV, a pessimistic construction cost, a lower benchmark land value and factors in planning obligations associated with the development. This, taken against the applicant's more favourable figures toward an unviable scheme, is considered to provide a more stringent basis to test against. The overall conclusion from the DVS assessment is that the profit level for the development including planning obligations would be 18.5% with the opinion that the development is unviable.
- 7.30 Both the NPPF and PPG set out that sites are viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken, there is no guiding figure or margin set out as a benchmark.
- 7.31 Looking to case law, profit levels are generally around 20% but are an approximation as opposed to a 'set in stone' figure subject to variables, namely 'risk' where developers would expect greater levels of return from schemes with greater level of risk as per APP/W0530/W/16/3162178. From the developers appraisal note, there are not considered to be significant elements that would contribute to risk so as to warrant a higher level of profit necessary to deem the development as viable, there is a sizeable portion of the site that would not be developed with a bund required due to noise issues arising from the operations at Simpsons Malt. As a result the profit level of 20% is considered reasonable to base viability upon.

Summary

- 7.32 The applicant has made a case that the development with the obligations proposed would not be viable, this has been assessed by the DVS who, despite taking a more optimistic provision on the value generated from the site and a reduced construction cost, have concurred that the development would not be viable.
- 7.33 From this it is concluded that the anticipated profit of the scheme would compromise the viability of its delivery to derive a profit of 18.2% if the obligations set out above were to be imposed. Therefore, no planning obligations have been pursued in respect of the application.

Visual Impact

Landscape

- 7.34 The site is open land set against existing residential development located to the east and south that serves as a buffer between the highway and industrial estate to the north. The visibility of the site is relatively high due to the site being at a lower level than that of the highway and through the site's accessibility from the existing rights of way and footway along its frontage.

The site is however is bound by existing residential development to the east with and approved housing scheme to the west. The appraisal of Landscape considers the physical mass and character impact of a development proposal.

- 7.35 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*
- 7.36 The application proposes residential development that would be set to the southern portion of the site along its width with single storey properties focused to the south side of the estate road (toward the main highway) and two storey properties set further back. Whilst the introduction of development to open land would inevitably have an impact, the layering of development in this way alongside the decrease in land levels would assist with reducing the overall massing against existing development. In addition, the proposed landscaping to the northern section of the site and formation of a bund taken alongside the good levels of separation from properties to the east and a density of development that would be in keeping with the surrounding residential estates would overall allow the development to integrate well both in terms of character and mass. As part of the recommendation a site levels condition has been imposed to ensure that the development is delivered in this way.
- 7.37 The landscape impact of the proposal is therefore considered acceptable and in accordance with F1 of the BLP and the NPPF.

Design

- 7.38 Design considers the appearance of the development independently and as part of the immediate streetscene. The development would comprise of a number of house types but proposes a sizeable proportion as single storey properties located toward the highway with larger units set behind.
- 7.39 *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.*
- 7.40 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments.*
- 7.41 The development would comprise of a mix of dwellings in terms of height, size and materials whilst being of a number to carry an individual street style. The elevations treatments are relatively simple but have consistent features between house-types, being in-character with the wider area. As part of the recommendation a schedule of materials and samples have been requested by condition to manage how each property would be treated, however it is anticipated that the mix of materials as set out in the application form would allow the development to sit within the area without having an adverse visual impact.
- 7.42 The design and appearance of the proposal is therefore considered acceptable and in accordance with F5 of the BLP and the NPPF.

Amenity

Neighbour Issues

- 7.43 The assessment of neighbour issues seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Objections received on this issue have been taken into account within the appraisal.
- 7.44 *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.*
- 7.45 As part of the consultation response from Highways Development Management (HDM), a construction method statement is to be discharged from the outset of development to secure details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.46 The dwellings proposed to the north of the site as well, benefit from a good level of separation so as not to appear overbearing or impact on the privacy of nearby properties. The condition recommended to secure site levels, would add an element of control so as not to cause an adverse impact on the amenity of properties that would back onto the development to the east although there would be a minimum separation from bungalows to houses of 27m (back-back) which is considered to be a good level of separation. There are not considered to be issues arising in terms of the development appearing overbearing or impacting upon privacy.
- 7.47 On this basis, the impact on amenity is considered acceptable and in accordance with the NPPF.

Noise

- 7.48 The site sits south of an industrial estate, where there are operations that can be up to 24 hours a day, 7 days a week. The application has been submitted with a noise assessment which has been supplemented with further information over the course of the application alongside proposed design drawings for a noise bund. There is an extant approval under 11/02689/FUL (allowed at appeal on 14/03/16) for 30 dwellings which sits on the site to the west. The application has been subject to consultation with the Council's Public Health Protection (PHP) team and due to the proximity to the Industrial Estate, the Environment Agency (EA). Objections received on this ground namely from Simpsons Malt have been taken into account within this section.
- 7.49 *Paragraph 123 of the NPPF states that planning policies and decisions should aim to;*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.*

- 7.50 The EA have taken an interest in the application due to potential noise impact due to the proximity to Simpson's Malt (north of the site) having received noise complaints from existing residents who live beyond the proposed development, originally objecting to the proposal; acknowledging that the site to the west allowed at appeal is further away from the principal noise source. PHP had also originally objected on grounds that the noise assessment not being carried out in accordance with up to date requirements.
- 7.51 Following the submission of the proposed noise bund drawings alongside a technical note from an acoustician in support. PHP removed its objection having appraised consultee responses from the EA and representations from the applicant's acoustician. It has been highlighted that there are difficulties in assessing noise relevant to this site, PHP and the EA have rejected proxy locations to establish background noise levels due to the unusual characteristics of the site (in terms of nearby uses) but the applicant was able to collate noise information following a temporary shut down of Simpson's Malt to establish a background noise level. The assessment showed that the noise level was at the upper level of the Significant Observed Adverse Effect Level (SOAEL), from this a noise barrier was proposed which PHP agreed would reduce the noise rating to well below the SOAEL. PHP acknowledged that the dwellings would be closer to the noise source than existing dwellings and therefore susceptible to greater noise exposure, however taking the proposed mitigation into account, the noise level would be lower overall.
- 7.52 The conclusion is that the existing noise impacts would not significantly adversely affect the future occupants of the development with limited potential for the existing operations at Simpson's Malt (which operate on a 24/7/365 basis) to greater impact the area. The EA subsequently withdrew their objection but highlighted that there are still significant concerns regarding potential noise impact on the proposed development.
- 7.53 Overall the noise impact affecting the proposal can be successfully mitigated in accordance with the NPPF.

Health and Safety

- 7.54 A small area to the west within the application site is located within the Health and Safety Executive's (HSE) consultation zone.
- 7.55 The HSE have raised no objection to the proposal setting out that that the scope and site area would not trigger an objection to prevent development in this location.

Transport

Highway Safety

- 7.56 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). The application has set out that the access would be from an existing field entry onto a distributor road that in turn would connect to the estate road toward a cul-de-sac to the east. There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles, pedestrians and the delivery of appropriate off-site works. The application has been submitted with a Transport Assessment and Travel Plan. Comments made in respect of highway safety have been addressed below.
- 7.57 *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.*
- 7.58 HDM has reviewed the application setting out in their response that there are no objections subject to conditions to secure details of site levels, boundary treatments at the access, details of the access, information relating to adoption of the estate road, cycle storage, surface water drainage from private land, construction method statement and refuse strategy as set out in the recommendation.
- 7.59 The impact on highway safety is considered acceptable and in accordance with the NPPF

Public Right of Way

- 7.60 There is a public right of way running through the site to the western boundary, the proposal would install a footpath/cycleway as part of the development with a crossing point at the estate road. Applications that affect public rights of way are subject to consultation with the Council's Public Rights of Way team.
- 7.61 Paragraph 75 of the NPPF states that planning policies should protect and enhance public rights of way and access.
- 7.62 Countryside Rights of Way have raised no objection to the proposal subject to an application being submitted to divert the existing footpath, in addition, an informative to prevent obstruction of the public right of way has been set out in the recommendation.
- 7.63 The impacts on public rights of way can be successfully addressed in accordance with the NPPF.

Archaeology

- 7.64 The application has been submitted with an Archaeological Desk-Based Assessment which has been subject to assessment by the County Archaeologist.

- 7.65 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.
- 7.66 The County Archaeologist has set out in their response that the application site was assessed as part of previous application which included an archaeological desk-based assessment and a programme of trenching which found that no significant archaeological features were identified. On this basis, no objection has been raised.
- 7.67 The archaeological impact of the proposal is therefore acceptable and in accordance with the NPPF.

Ecology

- 7.68 The land is open field with limited planting. 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, which as residential development has potential to affect them. The application has been submitted with an Extended Phase One report which has been subject to assessment in consultation with the County Ecologist and Natural England. Objections on ecological grounds are considered within this section.
- 7.69 *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.*
- 7.70 *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.

- 7.71 The County Ecologist has raised no objection to the proposal subject to conditions which have been set out in the recommendation to secure a biodiversity and enhancement plan, restrict vegetation clearance, a construction environmental management plan for working practices over the development period and a landscaping plan for the land to the north of the dwellings. The conditions are considered necessary to mitigate the on-site impacts of the development.
- 7.72 This site lies within proximity of the Northumbria Coast Special Protection Area and Ramsar Site, Berwickshire and North Northumberland Coast SAC and Tweed Estuary SAC. The application has also been subject to consultation with Natural England who have raised no objections concluding that the proposal is unlikely to affect any statutorily protected sites or landscapes.

- 7.73 On this basis the impact on ecology is considered and in accordance with F10 of the BLP and the NPPF.

Water Management

- 7.74 The application is for major development whereby the Lead Local Flood Authority (LLFA) is a statutory consultee with surface water proposed to be discharged through sustainable drainage system. Northumbrian Water (NWL) has also been consulted as mains foul drainage is proposed. There will be on-site impacts through the introduction of built form and off-site impacts in terms of water displacement. The application has been submitted with a drainage strategy and flood risk assessment.
- 7.75 *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.*
- 7.76 Despite the submissions made, the LLFA have maintained their objecting requiring further information to be submitted to robustly demonstrate the drainage strategy for the proposal. The applicant has agreed a scope and parameters for an updated drainage strategy which may be ready prior to the committee meeting. Notwithstanding this, the LLFA are in agreement that a recommendation by members can be made in the absence of this information; however the recommendation of the application is subject to this aspect of the proposal being resolved with recommended conditions applied prior to determination.
- 7.77 NWL have considered the application and have requested a condition to secure details of surface and foul water disposal prior to commencement of development which has been set out in the recommendation.

Procedural Matters

Equality Duty

- 7.78 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

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

Human Rights Act Implications

- 7.80 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.
- 7.81 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.

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 Notwithstanding the scale of the proposal which ordinarily would require planning obligations as part of the approval. The application has been independently assessed in terms of viability which has concluded that the imposition of planning obligations would render the scheme unviable. The development is therefore considered to be acceptable and in accordance with Paragraph 173 of the NPPF.
- 8.2 Subject to resolution of outstanding LLFA issue prior to determination, the application would address the main considerations and accord with relevant policy. The proposal is therefore supported

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to the resolution of the LLFA objection and the following conditions;

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

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

1. BR 005 - Revised 30 Plots Layout & Parking
2. CR 001 - 3 Bedroom Semi Detached House Type Plots 5,6,7,8,9 & 10
3. CR 002 - 2 Bedroom Semi Detached Bungalow Type
4. CR 003 - 2 Bedroom Semi Detached House Type Plots 3.4.11.12
5. CR 004 - 3 Bedroom Detached House Type Plots 3, 18,27 & 29
6. CR 004a - 3 Bedroom Detached House Type with Garage
7. CR 004b - 3 Bedroom Detached House Type with Garage Plot 32
8. CR 005 - 4 Bedroom Detached House Type Plots 1 & 28
9. CR 006 - Plots 28 & 29 Garage
10. CR 007 - Plot 18 Double Garage
11. CR008 - Plot 27 Single Garage
12. CR 106 - Layout Plan Noise Bund
13. CR 107 - Layout Plan Noise Bund

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

Development Management

03. Details of Site Levels to be Submitted

Notwithstanding details contained within the approved documents, prior to the construction of any dwelling hereby approved, details to include;

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

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

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in

accordance with Policy F5 of the Berwick-Upon-Tweed Local Plan and National Planning Policy Framework.

04. Details of Materials to be Submitted

Notwithstanding any description of the materials in the application, no development above damp proof course level (or 150mm above ground level) shall be commenced until;

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

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

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with the provisions of Policy F5 of the Berwick-Upon-Tweed Borough Local Plan.

Highways Development Management

05. 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:

- 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
- vi) 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

06. Details of Vehicular Access to be Submitted

The development shall not be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Thereafter, the vehicular access shall be retained in accordance with the approved details

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

07. Details of Car Parking Area 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

08. Details of Adoptable Features 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 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. Refuse Strategy to be Submitted

The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area and highway safety, 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 development 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. Details of Site Levels to be Submitted

Development shall not commence until details of the existing and proposed site levels to include the proposed footways and estate road 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

13. 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

Public Rights of Way

14. Details of Public Footpath Diversion to be Submitted

Notwithstanding details contained within the approved plans, prior to any works being carried out to Public Footpath no.23 a scheme shall be submitted to an approved in writing by the Local Planning Authority to divert the public footpath. Any works to the public footpath shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect the public right of way in accordance with the National Planning Policy Framework.

Ecology

15. Construction Management Plan to be Submitted

Prior to development commencing, a Construction Environmental Management Plan (or equivalent documentation) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be fully implemented as approved, including all reasonable measures to control pollution (noise, dust and to water) which will be undertaken.

Reason: To prevent harm by pollution to nationally and internationally designated wildlife sites in accordance with Policy F6 of the Berwick-Upon-Tweed Borough Local Plan.

16. Biodiversity Enhancement Plan to be Submitted

Prior to development commencing, a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be fully implemented as approved, the plan will include;

- i) A detailed landscape/hedge planting plan including the planting of locally native trees and shrubs of local provenance to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.
- ii) At least 10 permanent nesting sites for swifts in the new buildings where height allows.
- iii) At least 10 'bat bricks' or bat slates in suitable locations.
- iv) 13cm x 13cm gaps to the base of each boundary wall/fence to allow passage through the site for hedgehog, a priority species.

Reason: To ensure that ecological enhancement is secured through the development process in accordance with Policy F10 of the Berwick-Upon-Tweed Borough Local Plan.

17. Restrict Site Clearance

No vegetation clearance will take place during the bird nesting period March to August inclusive unless a suitably qualified ecologist has first confirmed that no active nests are present.

Reason: To prevent harm to nesting birds, all species of which are protected by law.

Northumbrian Water / Lead Local Flood Authority

18. Drainage Scheme to be Submitted

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk & Drainage Strategy. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5701 or 6602 and ensure that surface water discharges

to the surface water sewer at manhole 5703. The surface water discharge rate shall not exceed the available capacity of 10l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

Informatives

1. No Equipment 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

2. Contact Street Lighting Section

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.

3. Keep Highway Clear

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

4. s278 Agreement

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

5. Highways 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.

6. Technical Approval

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 of the relevant condition of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

7. Road Safety Audit Service

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

8. Section 38 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.

9. Section 38 Condition

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

10. Stopping Up/Diversion of Footway/Bridleway

You are advised of the necessity to formally stop up or divert the footpath(s) or bridleway(s) affected by this development, prior to the commencement of any works. You should contact the Council's Asset and Infrastructure Management Division on 01670 624134 at your earliest convenience, as this is a lengthy procedure.

11. Ord Public Footpath No 23 Diversion

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.

12. Noise 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.

Date of Report: 06.06.2018

Background Papers: Planning application file(s) 16/01976/FUL