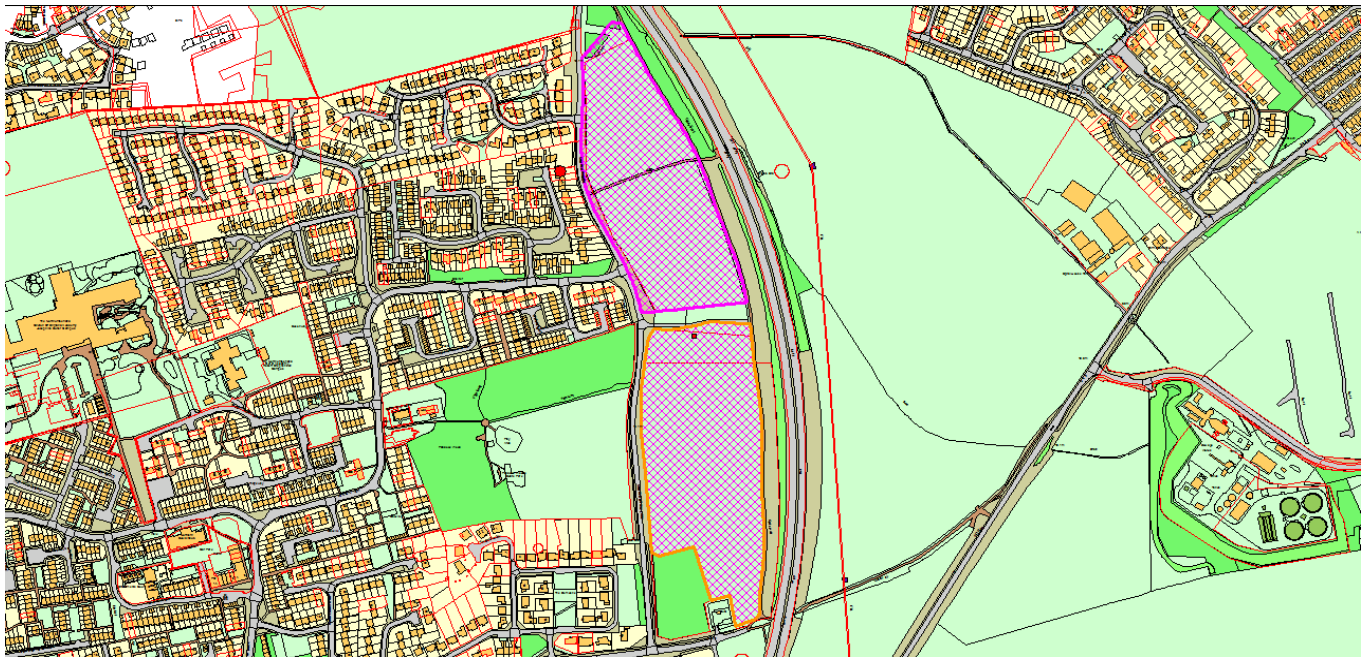


NORTHUMBERLAND

Northumberland County Council

Strategic Planning Committee, 4 April 2017

Application No:	16/04348/OUT		
Proposal:	Outline planning application for the construction of up to 200 new dwellings (C3 use class) associated highways, infrastructure and landscaping with all matters reserved except access to and from the site.		
Site Address	Land East of North Seaton, Summerhouse Lane, Ashington, Northumberland		
Applicant:	Persimmon Homes NE 2 Esh Plaza Sir Bobby Robson Way Newcastle Upon Tyne NE13 9BA	Agent:	As applicant.
Valid Date:	1 December 2016	Expiry Date:	28 April 2017
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



1. Introduction

- 1.1 This application was referred to the Head of Planning Service for consideration as to whether or not it should be determined by Strategic Planning Committee because it proposes large scale major development on a site outside of the settlement boundary for Ashington as defined by the Wansbeck District Local Plan and thus constitutes a departure to that Plan. The matter was duly considered under these provisions at which time it was determined that the application is of significant scale when considered in the context of application reference 16/02432/OUT for 600 dwellings on the adjoining site to the north and that both applications should therefore be decided together by Strategic Planning Committee.

2. Description of the Application Site & Proposal

- 2.1 The application site comprises agricultural land and is sited adjacent to the eastern edge of North Seaton between Summerhouse Lane and the A189. The site comprises two parcels of land and covers an overall area of 8.58 hectares
- 2.2 Access to the site for agricultural vehicles is currently provided from Summerhouse Lane. A public footpath crosses the northernmost part of the site in an east-west direction.
- 2.3 The site is bounded to the north by a small area of woodland and beyond this lies agricultural land which is the subject of a further planning application by the same applicant for 600 dwellings, which is also on the agenda for this committee meeting. To the east is a footpath/cycleway and beyond this the A189 dual carriageway. To the south is further small area of woodland and gas installation. Finally, to the west lies Summerhouse Lane and beyond this a mix of existing dwellings and open space. A sewage pumping station separates the two parcels of land comprising the application site.
- 2.4 The site lies outside of the Ashington settlement boundary as defined in the Wansbeck District Local Plan.
- 2.6 Outline planning permission is sought for up to 200 dwellings with associated highways infrastructure and landscaping. All reserved matters except access to and from the site would be approved at a later date, should the principle of the proposed development be approved.
- 2.7 The proposed site access arrangements comprise a single priority junction access to the northernmost part of the site. The southernmost parcel would be served by a further priority junction and four shared private drives serving smaller numbers of dwellings. All of the access points would incorporate 2.4x43 metre visibility splays.

3. Planning History

Reference Number: 16/02432/OUT

Description: Outline planning permission for the development of up to 600 dwellings with all matters reserved except access

Status: Current

4. Consultee Responses

Ashington Town Council	No comments received
Highways England	Planning permission not be granted until 5 June 2017 or until they have given their full response to the Transport Assessment submitted with the application.
Natural England	No objection subject to conditions regarding mitigation including the provision and management of a compensatory area of habitat to the east of the A189.
The Coal Authority	No objection subject to a condition regarding intrusive site investigation to ascertain ground stability and the provision of appropriate mitigation measures where necessary.
Northumbrian Water	No objection subject to a condition regarding the details of foul drainage.
NCC Highways Authority	No objections subject to conditions and a Section 106 Agreement contribution of £125,000 being secured for improvements to the A189/B1334 Ashwood roundabout.
NCC Public Rights of Way	No objection provided that the existing public footpath which runs through the site is retained and improvements to its surfacing are provided.
NCC Archaeology	No further archaeological work required as investigation to date has not uncovered anything of significance.
NCC Ecology	No objection subject to conditions.
NCC Affordable Housing	A Section 106 Agreement is required to secure affordable housing provision. A total of 30 dwellings are sought (15%) comprising 20 Discount Market Value for sale units which should comprise 2 and 3 bed houses and 10 Affordable Rented properties.
NCC Public Protection	No objection subject to conditions.
NCC Waste Disposal	No comments received.
NCC Education	An education contribution of £1,592,800 is sought, to be secured through the Section 106 Agreement.
NCC Lead Local Flood Authority	No objection subject to conditions.
Active Northumberland	Comments awaited.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	39
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

Site Notice – Major Development: 20/12/16

Press Notice – Major Development 13/01/17

Summary of Responses:

At the time of writing of this report 3 objections have been received which raise the following concerns:

- Highway safety concerns both during construction and once the development is complete.
- Increased traffic congestion.
- Lack of car parking for nearby community centre.
- Concerns over what will happen to the woodland area to the south of the site.
- Noise pollution.
- Loss of countryside.

The above is a summary of the comments received. The full written text is available on the Council's website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NZPAHUQSMQQ00>

6. Planning Policy

6.1 National Planning Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014, as updated)

6.2 Development Plan Policy

Wansbeck District Local Plan 2007

GP1 – Locational Strategy

GP4 – Accessibility

GP5 – Landscape character

GP6 – Trees and hedgerows

GP10 – Sites of national importance for nature conservation

GP11 – Sites of local or regional nature conservation significance

GP13 – Biodiversity and wildlife networks

GP20 – Archaeology
GP22 – Flood risk and erosion
GP22a – Land instability
GP23 to GP26 – Pollution and nuisance
GP29 – Land contamination
GP30 – Visual impact
GP31 – Urban design
GP32 – Landscaping and the public realm
GP34 – Resource conservation and integrated renewable energy
GP35 – Crime prevention
H3 – Windfall housing sites
H5 – The design and density of new housing developments
H6 – Density
H7 – Affordable housing
T2 – Provision for buses
T3 – Provision for cyclists
T4 – Provision for walking
T5 – Access for people with reduced mobility
T6 – Traffic implications of new development
T7 – Parking provision in new developments
REC7 – Indoor and outdoor sports provision by developers
REC8 – Childrens play
CF6 – Water supply and drainage
CF7 – Planning conditions and obligations

Northumberland Local Development Plan Core Strategy Pre-Submission Draft

1 Sustainable development
2 High quality sustainable design
3 Spatial distribution
15 Housing provision – scale and distribution
18 Planning for housing
19 Delivering affordable housing
28 Principles for the environment
29 Biodiversity and geodiversity
30 Landscape
35 Water quality
36 Water supply and sewerage
37 Flooding
38 Sustainable Drainage Systems
40 Unstable and contaminated land
41 Promoting sustainable connections
43 The effects of development on the road network
49 Community services and facilities
50 Open space and facilities for sport and recreation
55 Safeguarding mineral resources
70 Planning conditions and obligations

6.3 Other Documents/Strategies

Northumberland Five Year Housing Land Supply (2016 – 2021)
Wansbeck Provision for Sport and Play SPD
Wansbeck Design Guide

7. Appraisal

7.1 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Housing mix and affordable housing
- Impact on the character and appearance of the area
- Residential amenity impact
- Land contamination & stability
- Transportation matters
- Flooding and drainage
- Ecology
- Planning obligations

Principle of Development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The saved policies of the Wansbeck District Local Plan (adopted 2007) remain the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. Consultation has also recently taken place on the emerging Northumberland Local Plan Core Strategy with the latest version being the Proposed Major Modifications (November 2016). In accordance with paragraph 216 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF; and the extent of unresolved objections to the emerging plan. Therefore weight can be given to the policies in the emerging Core Strategy which comprise material considerations in the determination of applications.

7.3 As stated above, the site lies outside of the settlement boundary for Ashington as defined on the Wansbeck District Local Plan Proposals Maps. Policy GP1 of the Plan states that development in the countryside on sites beyond settlement limits will only be permitted if the nature of the use requires a countryside location; or the development involves the re-use of an existing building; or the development involves an extension to a property within an existing curtilage; or in the case of greenfield development, it can be demonstrated that no suitable alternative previously-developed site is available.

7.4 Furthermore Policy H3 states that the construction of new housing on sites not allocated for development in this plan will be permitted provided that the site has been previously developed or the development involves the re-use or conversion of an existing building; to grant permission will not lead to an over-

supply of housing; development will not exacerbate problems of, or lead to, problems of low demand; the site is within a defined settlement limit; the site is well located in relation to local facilities and to public transport; and residents would enjoy a satisfactory living environment. New housing development on greenfield sites not allocated for housing in the plan will not be permitted.

- 7.5 Having regard to the emerging Core Strategy, Policy 1 sets out criteria in respect of achieving sustainable development, as required by the NPPF. Policy 3 relates to the spatial distribution of development. Whilst the application site lies outside of the settlement boundary for Ashington in the Wansbeck District Local Plan it lies immediately adjacent to Ashington and therefore it is considered that the proposals should be considered in relation to parts (a) and (c) of that Policy which relate to Main Towns generally and Ashington in particular. In this regard under part (a) of Policy 3 Ashington is identified as a Main Town and the Policy states that these towns will be key hubs for housing, employment, education, healthcare, retail, transport and tourism and will be the main focus for development to underpin their social, economic, environmental and cultural regeneration. Part (c) of the Policy further states that the regeneration of Ashington will be supported by utilising the wider town centre regeneration proposals as a catalyst for creating the conditions for social growth and resilience within the town. New housing development will be required to support the existing housing market by helping to extend choice to achieve a balanced housing market.
- 7.6 Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 7.7 NPPF Paragraph 6 advises that the policies set out in paragraphs 18 to 219 of the document, taken as a whole, constitute the Government's view on what sustainable development in England means in practice for the planning system. Paragraph 7 provides the key 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. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be undertaken in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 7.8 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.

- 7.9 Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. Paragraph 47 requires Local Planning Authorities to boost significantly the supply of housing. The housing supply figures contained within the Wansbeck District Local Plan are considered to be out-of-date and therefore it is considered that in terms of housing land supply matters greater weight should be afforded to the Council's latest 5 year housing land supply data and the housing allocations within the emerging Core Strategy which seek to provide for 1800 new dwellings within Ashington over the Plan period of 2011-2031.
- 7.10 The Northumberland Five Year Housing Land Supply (2016-2021) (December 2016) is the Council's latest document regarding 5 year supply matters. This identifies that Northumberland demonstrates a deliverable supply of 6.3 years. In the South East Northumberland Delivery Area (NDA), of which Ashington is a part, there is a deliverable supply equivalent to 5.4 years. Therefore a 5 year supply exists and policies relating to the supply of housing within the Wansbeck District Local Plan, which include Policies GP1 and H3, are therefore a material consideration.
- 7.11 In terms of the Plan period as a whole from 2011-2031, the emerging Core Strategy identifies a requirement for 1800 dwellings in Ashington. The current situation in terms of progress towards meeting this target is that 410 dwellings have been completed since 2011 and 716 further dwellings have planning permission. This leaves a shortfall of 674 dwellings for which planning permission would need to be granted in order to achieve the 1800 dwelling target. The Council's SHLAA identifies the application site as potentially suitable for new housing development with a capacity to accommodate 188 units. Within the defined settlement boundary for Ashington only a small number of suitable housing sites are identified in the SHLAA and these are all small scale. Other large suitable sites identified within the SHLAA all lie outside of the settlement boundary. As such it is considered at present that the development of sites outside of the settlement boundary will be required to meet the 1800 dwelling target for Ashington and it is considered that the application site could contribute significantly in this regard.
- 7.12 Notwithstanding the above, consistent with the presumption in favour of sustainable development, the housing figures are a minimum and should not be viewed as a ceiling. The key consideration is whether the proposed development is considered sustainable development, in line with Policies 1 and 3 of the emerging Core Strategy and the NPPF. It is considered that the principle of new dwellings within Ashington would be generally acceptable and would not undermine the ability to manage housing supply. The proposed location is considered to be a suitable location for new development at the proposed scale and it is considered that there would be no adverse effects on housing land supply should permission be granted. The principle of development on the site is therefore considered to be acceptable and the site would be a suitable location for new housing development, subject to other elements of the development being acceptable to be discussed later in the report.

- 7.13 The application site is currently in use as agricultural land. However, the land is categorised Grade 3 (Good/Moderate). The NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 7.14 Given its grading, the land is not considered to be of high quality. As such the loss of this agricultural land to development is considered acceptable.
- 7.15 The proposal is therefore considered to be acceptable in principle despite not being in accordance with Policies GP1 and H3 of the Wansbeck District Local Plan, as it does accord with the more up-to-date Policies 1 and 3 of the emerging Core Strategy and the NPPF.

Housing Mix and Affordable Housing

- 7.16 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.
- 7.17 Policy H7 of the Wansbeck District Local Plan states that on all housing sites of more than 0.5 hectares or developments of more than 15 dwellings, the authority will negotiate for the provision of at least 30% of the total dwellings proposed to be in the form of affordable housing. The developer will need to satisfy the authority that affordable housing provided under the policy will remain affordable on subsequent changes of ownership or occupant.
- 7.18 Policy 19 of the emerging Core Strategy sets out that 15% of homes on new permissions will be expected to be affordable to meet the overall target of 30% within the plan period. A contribution in excess of the 15% target would be expected if the overall plan target is not being met or where there is an identified local need which justifies a higher contribution and viability permits.
- 7.19 Although submitted in outline with all detailed matters reserved for later approval except access it is apparent that there is sufficient scope to provide an appropriate mix of housing as part of the proposed development. It is however considered reasonable to attach a condition limiting the maximum number of dwellings to 200 in order to reflect the application as submitted and to ensure that development would be of an appropriate scale in relation to the surrounding area.
- 7.20 The Council's affordable housing team have advised that 15% affordable housing would be required in this instance which equates to 30 units on a 200 dwelling scheme. In terms of addressing local housing need, they consider that 20 of these should be Discount Market Value sale units and 10 should be affordable rented properties. This level of provision is considered to accord with Policy 19 of the emerging Core Strategy, which should be afforded

greater weight than the adopted development plan in this instance as it reflects the current housing need situation.

- 7.21 Discussions are ongoing with the applicant regarding affordable housing numbers and mix and an update will be provided at Committee.
- 7.22 Should permission be granted it is advised that this would need to be subject to completion of a section 106 agreement that would secure provision of the affordable homes on-site.
- 7.23 Overall therefore in terms of housing mix and affordable housing the proposal is considered to be in accordance with Policy 19 of the emerging Core Strategy and the NPPF subject to the scale and mix of affordable housing as recommended by officers being agreed by the applicant.

Impact on Character and Appearance of the Area

- 7.24 Policy GP5 of the Wansbeck District Local Plan states that development must respect the character of the District's landscape. Proposals will be assessed in terms of: a) the siting, scale and design of buildings and materials; and b) the effect on distant views. Development which would have an adverse effect on the character or appearance of those areas which contribute most to the quality and distinctiveness of the local landscape will not be permitted. Such areas will include: a) the coast b) the valley of the River Blyth c) the valley of the River Wansbeck d) the valleys of the Willow Burn and Sleek Burn
- 7.25 Policy GP6 states that the authority will seek to protect trees, woodlands and hedgerows in the District and will encourage new planting, particularly of native species. Tree Preservation Orders will be made to protect trees of value judged to be at risk. When planning permission is granted for development, conditions will be applied or planning agreements entered into to secure the protection of existing trees or hedgerows of value on the site and to secure and maintain new planting. Development which would result in the loss of healthy trees which make an important contribution to the quality of the environment will not be permitted unless there are overriding social or economic benefits to the community and compensatory off-site provision of landscape infrastructure is made. Healthy trees lost as a consequence of development shall be replaced with trees of an equivalent standard.
- 7.26 Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.
- 7.27 Policy GP31 states that when considering any proposed development the authority will require high standards of urban design to a) promote character in townscape and landscape and establish local identity; b) clearly define public and private spaces; c) encourage accessibility; d) make places with a clear image that is easy to understand, by providing recognizable routes, intersections and landmarks; e) encourage adaptability through development that can respond to changing social, technological and economic conditions; and f) promote diversity and choice through a mix of compatible

developments and uses that work together to create viable places that respond to local needs

- 7.28 Policy GP32 requires developers to incorporate a high standard of landscape treatment in their developments. When submitting their planning applications, developers will be required to demonstrate that: a) any existing landscape features of value including trees, shrubs, hedgerows and ponds, will be retained, protected and used to advantage as part of the development; b) new landscape features will be introduced which enhance the visual quality of the development, reduce its impact and provide habitat for the district's wildlife; c) new landscape features to be introduced will be appropriate to the use and character of the development and its location; d) opportunities to create new public spaces and improve existing ones have been considered; and e) arrangements will be made for the future management and maintenance of all landscaped areas, whether public or private.
- 7.29 Policy GP35 states that Development proposals will be expected to have regard to the objectives of 'planning out crime' through the incorporation of measures such as: promotion of mixed use development and other schemes that increase the range of activities that maximize the opportunities for surveillance; maximizing the amount of defensible space which is controlled, or perceived to be controlled, by occupiers and a high standard of street lighting.
- 7.30 Policy H5 relating specifically to new housing developments states that these should be well designed. Developers will be expected to demonstrate in their proposals that: a) movement through the area will be safe, direct and attractive and has been designed to put the needs of non-motorised users before the needs of motor vehicles; b) the impact of motor vehicles has been minimized and streets have been designed for slow speeds; c) residents will enjoy reasonable standards of privacy, outlook and daylight; d) the new development will relate well to its surroundings; e) the new housing area will have its own distinctive character and identity; f) the arrangement of houses, streets and open spaces is clearly defined and easily understood; g) there will be an appropriate mix of dwelling sizes and types which takes account of local housing needs; h) external spaces have been planned as an integral part of the development and are well defined; i) adequate provision is made for gardens or other forms of private amenity open space; j) the layout and design of dwellings allows for future adaptation to meet changing household needs; k) the new development has been designed to conserve energy and water resources; and l) appropriate provision is made for those with reduced mobility.
- 7.31 Finally, Policy H6 states that new housing developments with an average net density of less than 30 dwellings per hectare will not be permitted unless it can be demonstrated that: a) particular characteristics of the site prevent higher densities from being achieved; or b) development at higher densities would have a significant adverse effect on the character of the surrounding area. Densities higher than 30 dwellings per hectare will be encouraged at places with good access to public transport.
- 7.32 Policy 2 of the emerging Core Strategy states that development will be supported where it demonstrates high quality, sustainable and inclusive

design. Design must contribute positively to place-making and be developed in response to a robust analysis of the character of the site and the surrounding area. The Policy sets down a number of detailed design criteria that need to be achieved for development to be supported.

- 7.33 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.34 Whilst layout, scale, appearance and landscaping are reserved matters and subject to further detailed assessment, it is considered that the site could be developed without significant or unacceptable harm upon the character and appearance of the area and wider landscape. The indicative plans demonstrate that a suitable layout could be achieved, with areas of open space within the site and satisfactory distances between dwellings.
- 7.35 In terms of landscape impact the surrounding countryside is not considered to be of high landscape value with the A189 to the east, existing nearby areas of housing and various nearby non-residential uses such as Wansbeck hospital and developed employment sites having an urbanising effect in terms of the landscape character of the locality. The application site does not lie in any of the higher quality landscapes identified in Policy GP5 of the Local Plan. In terms of the Wansbeck Design Guide the site lies within the 'rural' character area. Key objectives identified in the guide in relation to this character area are the enhancement of footpaths and improvements to the connectivity between sites and their adjacent built up areas. These would be provided for as part of the Reserved Matters details through enhancement of the existing public footpath that crosses the site and better linkage to the footpath/cycleway and residential areas to the east and west and to the north (through the site the subject of a separate application for new housing considered also on this agenda).
- 7.36 In terms of existing vegetation there are trees and hedgerows of significance to the site boundaries, particularly to the eastern boundary of the site. On the western boundary there is an attractive hedgerow where the northern part of the site adjoins Summerhouse Lane together with some mature trees in the north west corner of the southern part of the site. Areas of woodland also border the site to the north and south. A condition is suggested to ensure that these areas of planting are incorporated into detailed layouts submitted at Reserved Matters stage.
- 7.37 The density of development proposed would be 23 dwellings per hectare which is less than the 30 dwellings per hectare specified by Policy H6 of the Local Plan. However, the site lies at the edge of Ashington bordering open countryside to the east and the proposed density is considered acceptable

given the location of site and is also reflective of the lower densities prevalent within the housing areas of North Seaton to the west and south.

- 7.38 Overall in terms of appearance and impact on the character of the area the proposals would therefore be in accordance with the Wansbeck District Local Plan, the emerging Core Strategy and the NPPF.

Residential Amenity Impact

- 7.39 There are a number of residential properties sited immediately adjacent to the site. A development of this scale may also have wider effects on amenity, which has also been considered.
- 7.40 Having regard to the proposed indicative layout and scale of development, it is considered that, in principle, a suitable form of development could be achieved on the site that would not have unacceptable effects upon the privacy or amenity of adjacent residents.
- 7.41 There would be a change to the character of the area with new housing, residents and increased traffic and use of the site. However, this is not considered to be of such a scale that would be to the detriment of residential amenity. Based on the indicative layout the development would provide adequate separation distances to prevent adverse effects on privacy, outlook and visual intrusion. The Wansbeck Residential Development Design Guidance does not lay down specific separation distances to be achieved between properties. However, overall subject to detailed design considerations, it is considered that an acceptable form of development can be achieved that would accord with the Design Guidance, the Wansbeck District Local Plan, the emerging Core Strategy and the NPPF.
- 7.42 Policy GP23 of the Local Plan states that when determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either: a) human health and safety b) the amenity of local residents and other land users or c) the quality and enjoyment of all aspects of the environment
- 7.43 Policy GP24 states that when determining planning applications for development within the proximity of an existing or approved source of pollution, the authority will take into account the following factors: a) the impact of the polluting activity on the health of users of the proposed development; b) the standard of amenity likely to be enjoyed by the users of the proposed development; c) whether the proposed development has particular sensitivities to pollution; d) the additional costs or other constraints which may be imposed on the polluting use as a result of permitting the proposed development; and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. If after having considered the above factors the, the authority considers that the uses cannot reasonably co-exist, the proposed development will not be permitted
- 7.44 Policy GP25 advises that when determining planning applications, the authority will consider the levels and characteristics of any noise which may be generated as a result of permitting the development. The likely impact will

be assessed in terms of the following: a) any disturbance to people living in the area; b) any disturbance to other noise-sensitive uses such as hospitals, schools, colleges, offices and community buildings; c) any effect on people's enjoyment of the outdoor environment including gardens, parks, the coast and the countryside; d) any disturbance to wildlife or livestock and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. Proposals which would cause significant harm in terms of the above criteria will be refused.

- 7.45 Finally Policy GP26 states that when determining planning applications for development which could be exposed to an existing or potential source of noise, the authority will consider the following: a) the level and characteristics of the noise from existing activity; and b) whether the proposed use is particularly sensitive to noise. If after considering the above factors the authority concludes that the proposed development would not be compatible with the existing activity, the proposals will not be permitted.
- 7.46 The application is accompanied by a Noise Assessment which considers in particular the impact of traffic noise from the A189 to the east on future residents of the proposed development. The Council's Public Protection team raise no objections on noise pollution grounds subject to imposition of conditions.
- 7.47 It is not considered that the proposed development would result in significantly increased pollution to existing residents living to the west and south of the site.
- 7.48 Concerns regarding nuisance during construction works could be addressed by means of a condition requiring submission and approval of a Construction Environment Management Plan.

Land Contamination and Stability

- 7.49 Policy GP22a of the Wansbeck District Local Plan states that development on unstable land will not be permitted unless satisfactory measures to stabilise the site are carried out and done so at the expense of the developer. If risk from unstable ground conditions is suspected, developers will be required to submit a stability report with their planning applications to demonstrate that the site is stable or can be made so and that the development will not affect land stability beyond the site.
- 7.50 Policy GP29 advises that where there is reason to suspect that land is affected by contamination, applicants for planning permission will be required to submit a report of a desk study of previous uses of the site and their potential for contamination. Unless the study clearly demonstrates that the risk to the proposed uses from contamination is acceptable, further more detailed investigations will be required before the application is determined to assess the risks and identify and appraise the options for remediation. Development will only be permitted if sustainable and feasible remediation solutions are adopted to secure the removal of unacceptable risk and make the site suitable for its new use. Contaminated materials should be decontaminated and re-used on site if this can be achieved economically and

without unacceptable adverse impacts upon the environment or the health and safety of the community.

- 7.51 Policy 40 of the emerging Core Strategy seeks similar objectives to those set down in Policies GP22a and GP29.
- 7.52 The application site lies within a Coal Authority Development High Risk area and therefore a geo-environmental desk study report was provided with the application. This has been examined by the Coal Authority who raise no objections subject to a condition regarding further intrusive site investigation and remediation. NCC Public Protection raise no objections concerning contaminated or unstable land subject to gas protection measures being provided for in respect of the proposed dwellings. Such measures could be secured by means of a condition.

Transportation Matters

- 7.53 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including buses, walking and cycling.
- 7.54 Policy T2 advises that improvements to bus service provision in the District and the introduction of measures to make bus travel more attractive will be sought. Planning permission for developments which are likely to generate a significant number of journeys will not be permitted unless proposals include new or improved access by bus to the development including the provision of appropriate infrastructure and/or financial support for services. Developments which affect existing facilities for bus users will not be permitted unless the facilities are retained or enhanced as part of proposals.
- 7.55 Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.
- 7.56 Policy T4 advises that measures to assist and encourage walking will be sought including the development of a comprehensive network of footpaths and footways. Developers will be required to provide safe, convenient and pleasant routes for pedestrians.
- 7.57 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d)

adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.

- 7.58 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.
- 7.59 Finally Policy T7 of the Local Plan states that developers should make appropriate provision in their developments for the parking of motor vehicles and motorcycles. The appropriateness of proposed provision will be assessed in terms of the following: a) the scale and type of development; b) accessibility by public transport, on foot and by cycle; c) the potential for road safety and environmental problems as a result of increased parking demand in the area; d) the extent and nature of any parking restrictions in force on highways in the area; and e) county-wide maximum parking standards as set out in Appendix T3 (or any local standards published in a future Supplementary Planning Document).
- 7.60 Policy 41 of the emerging Core Strategy looks to promote sustainable connections and Policy 43 considers the effects of development on the road network. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.61 The application is accompanied by a Transport Statement. The document appraises the impact of the proposed development and includes an assessment of matters such as the accessibility of the development; trip generation; highway safety; and highways works necessary to facilitate the development.
- 7.62 The Council as Local Highway Authority have assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations. Following assessment of the application documents the Local Highway Authority have advised that they have no objections subject to conditions and the Section 106 Agreement providing for a contribution of £125,000 for improvements to the A189/B1334 Ashwood roundabout.
- 7.63 Highways England have advised that they wish to examine in further detail the impact of the proposals on their strategic highway network and in particular the A189/A19 Moor Farm junction to the south. They have advised that the application should not be decided until further transport assessment work has been undertaken by them. Highways England have raised the same issue in respect of a number of current planning applications for major housing development in the south east of the County and it is anticipated that their further work will be completed in May. It will then be clearer as to whether or not any mitigation works need to be secured to the strategic network as a consequence of these schemes, although all of these schemes seek to bring forward dwellings to meet the housing targets as set out in the emerging Core

Strategy, which have been the subject of previous discussions with Highways England.

- 7.64 In terms of the public footpath that runs across the application site, this is earmarked to be retained and the request of the NCC footpaths team that the surfacing to this footpath is improved has been agreed by the applicant. There are existing footpaths around the site which can be connected into the development as well as a cycle way to the immediate east with connections north and south of the site to the Woodhorn Museum/Queen Elizabeth II Country Park and Newbiggin respectively.
- 7.65 With regard to public transport provision, there are bus stops on Summerhouse Lane which are easily accessible from the site. These are served by the No.35 bus route which runs between Morpeth and Newbiggin with frequencies of 20 minutes Monday-Saturday during the day time and an hourly service in the evenings and on Sundays. Also within walking distance to the south are bus stops serving the X20, X21 and X22 services which provide connections to Newcastle, Cramlington, Amble and Alnwick. The X20 provides an hourly service Monday to Saturday whilst the X21/X22 route provides services every 20 minutes Monday to Saturday during the daytime and hourly in the evenings and on Sundays.
- 7.66 Given the above, the application site is considered to be accessible by a choice of means of transport.
- 7.67 Moving onto the matters of parking for both cars and cycles, detailed standards are laid down in Appendices T2 and T3 of the Wansbeck District Local Plan. These require at least 1 cycle parking space per dwelling. In terms of car parking the requirement in a location such as this which is accessible by a choice of means of transport would be between 1 and 3 spaces per dwelling depending on dwelling size. It is considered that the detail of car and cycle parking would be agreed at Reserved Matters stage.
- 7.68 Overall subject to resolution of outstanding matters raised by the strategic highway authority the proposals are considered acceptable on transportation grounds subject to conditions and a Section 106 contribution being secured for the A189/B1334 Ashwood roundabout.

Drainage and Flooding

- 7.69 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and erosion and to consider any possible effect of their development on flood risk or erosion elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.
- 7.70 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply,

surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.

- 7.71 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA).
- 7.72 Policies 35, 27 and 38 of the emerging Core Strategy likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.73 As stated above, the application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high.
- 7.74 After reviewing the applicant's submitted information relating flood risk and surface water drainage, the Council's LLFA team raise no objections subject to imposition of conditions.
- 7.75 Overall, it is considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage subject to conditions and would be in accordance with the Wansbeck District Local Plan, the emerging Core Strategy and the NPPF.

Ecology

- 7.76 Policy GP10 of the Local Plan states that development proposals in or likely to affect sites designated as being of national importance to nature conservation will be subject to special scrutiny. Development which is likely to have an adverse affect will not be permitted unless the authority is satisfied that: a) the reasons for the development clearly outweigh the nature conservation value of the site including its importance in relation to the national network of sites; and b) there are no reasonable alternative means of meeting the development need. Where development affecting a site is permitted, the use of conditions and/or planning agreements will be used to ensure the protection and enhancement of the site's nature conservation interest or to provide compensatory measures for any harm.
- 7.77 Policy GP11 advises that development likely to have an adverse effect on a site designated of local or regional importance to nature conservation will not be permitted unless the authority is satisfied that the benefits of the development clearly outweigh the nature conservation value of the site including its importance in relation to the local or regional network of sites. If development is permitted which would cause damage to the nature conservation interest of a site, such damage should be kept to a minimum. Planning conditions and/or agreements will be used to ensure compensatory measures are undertaken.

- 7.78 Finally, Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined whether or not they are designated sites. Particular importance will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.
- 7.79 Policy 29 of the emerging Core Strategy seeks to minimise the adverse impacts of development on biodiversity.
- 7.80 Paragraph 118 of the NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.
- 7.81 Paragraph 119 states 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.
- 7.82 The application site itself is not of significant ecological value
- 7.83 In terms of the impact of the development on the nearby coastal zone which is covered by European and SSSI designations Natural England and the Council's Ecologist do not object to the proposals and conclude that they are not likely to have a significant adverse effect on the coastal zone. However, this is subject to mitigation being provided to minimise the risk of coastal disturbance. Such mitigation is to be provided for through the provision of a Suitable Alternative Natural Green Space (SANG) on the opposite side of the A189 from the site. This area would provide new areas of wildlife and also dog walking routes to minimise the likelihood of dogs causing disturbance to the coastal areas. There are footpath connections from the site to the compensatory habitat area and this area is in the control of the applicant and would also provide mitigation in respect of redevelopment of the land to the north of the application site considered elsewhere on this agenda.
- 7.84 NCC Ecology team also suggest various other conditions to be imposed to safeguard protected species and retained trees/hedgerows during construction. There would be further ecological assessment at reserved matters stage, however at this stage the development of the site would not be likely to result in significant impacts and would be in accordance with relevant policies in the Wansbeck District Local Plan, the emerging Core Strategy and the NPPF.

Planning Obligations

- 7.85 When considering the potential content of a legal agreement regard must be had to the tests set out in the Community Infrastructure Levy Regulations. By law, the obligations can only constitute a reason for granting planning permission if they are:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and

- Fairly and reasonably related in scale and kind to the development.
- 7.86 Policy CF7 of the Local Plan states that where necessary to the grant of planning permission and in order to meet a planning need arising from a proposed development, the authority will apply planning conditions or seek to enter into a planning obligation with the developer. Circumstances where planning obligations to be negotiated will include where additional social, physical or environmental infrastructure is required to be provided in order for the development to go ahead.
- 7.87 Reference has been made earlier in this report to contributions for affordable housing and off-site highway works. In addition to the above, contributions are also being considered in respect of off-site sport, education infrastructure and primary health care.
- 7.88 Policy REC7 of the Local Plan states that planning permission will not be granted for residential development unless the developer meets the anticipated need generated by the development for additional indoor and outdoor sports provision. If provision can more appropriately be met by either new or improved facilities off-site, the developer can enter into an agreement to make a financial contribution towards a communal fund established by the local planning authority for sports provision and improvement. Details of a commuted payments scheme will be set out in a Supplementary Planning Document
- 7.89 Policy REC8 advises that planning permission will not be granted for residential development unless the developer meets the anticipated need generated by the development for additional children's play facilities. Play areas should form an integral part of the design of the development taking into account local circumstances such as the type and scale of development proposed and the extent of existing provision in the area. They must be designed and located to provide for safe and constructive play and avoid nuisance to neighbouring dwellings. If provision can more appropriately be met by either new or improved facilities off-site, the developer can enter into an agreement to make a financial contribution towards a communal fund established by the local planning authority for pitch provision and improvement. Details of a commuted payments scheme will be set out in a Supplementary Planning Document.
- 7.90 Detail regarding sport and play space contributions is set out in the 2009 Wansbeck Sport and Play SPD. Applying the formulas within the SPD would generate a contribution of £153,200 for play provision and £164,000 for sports facilities. The applicant has agreed to the £164,000 outdoor sports contribution and discussions are ongoing as to where such a contribution could be used in the local area. In terms of play provision it is anticipated that this will be made on-site and therefore a contribution would only be required for off-site sports provision.
- 7.91 Discussions are also ongoing with the applicant regarding the extent of the education contribution, affordable housing provision and the off-site highway works contribution, although the principle of these has been agreed by the applicant. The need for primary healthcare contributions will need to be the subject of further discussion.

7.92 Overall, it is anticipated that the Section 106 Agreement would provide for affordable housing, an off-site highway contribution for the A189/B1334 Ashwood roundabout, education contributions, an off-site sports contribution and provision of the Suitable Alternative Natural Green Space (SANG) to the east. The justification for a primary healthcare contribution is currently being examined. An update regarding Section 106 contributions will be provided at Committee.

Other Matters

7.93 Policy GP20 of the Local Plan states that development which would affect other sites of archaeological significance will only be permitted if: a) the archaeological remains would be preserved in situ as part of the proposals; or b) the significance of the remains is outweighed by the need for and benefits of the development. Where development affecting archaeological remains is permitted, the developer will be required to make proper provision for the excavation and recording of the site and its remains before and during development and also for post-excavation analysis and publication of findings.

7.94 NCC archaeology raise no objections to the proposals.

7.95 The application site lies within a Minerals Safeguarding area for coal and sand/gravel as defined in the emerging Core Strategy. However, it is considered that it would not be economically viable to extract any coal from the site even if this were to be discovered and therefore there are no objections to the proposals in this regard.

7.96 Policy GP34 of the Local Plan states that developers are required to demonstrate that their developments have been designed to conserve energy and water resources. For all major developments, including residential development comprising 10 or more units, and non-residential development exceeding 1000m² gross floorspace, the Council will require 10% of predicted energy requirements to be provided, on site, from renewable sources.

7.97 Policy 2 of the emerging Core Strategy states that new development should demonstrate a commitment to achieving high levels of energy efficiency and low or zero carbon energy generation. Given that the current application is in outline it is considered that these objectives could be secured by means of a condition.

8. Conclusion

8.1 Subject to the recommended conditions and section a 106 agreement, 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 and in social terms would deliver market and affordable housing in an appropriate location, which would help to sustain the existing community and associated services. In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area and the development could be assimilated into this location, subject to further consideration of the final layout and appearance of the dwellings.

8.2 The report also considers potential effects in relation to effects on heritage assets, residential amenity, highway safety, drainage and flood risk and ecology. There are not considered to be any harmful impacts whilst any effects can be mitigated through appropriate conditions, or will require further assessment at the reserved matters stage. It is therefore considered that sustainable development would be achieved in this case having regard to the relevant policies of the development plan and the NPPF. The identified development plan policies and those of the emerging Core Strategy are considered to be consistent with the NPPF, and the scheme therefore represents sustainable development.

9. Recommendation

That Members be minded to **GRANT** permission, subject to the resolution of outstanding transport matters with Highways England and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure 15% affordable housing provision through on-site provision; education contribution; outdoor sport contribution; highway infrastructure contribution; provision of ecological mitigation and SANG area to the east of the A189 and (if justified) a primary healthcare contribution, and subject to the following conditions:

Conditions/Reason

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) in each phase shall be obtained from the Local Planning Authority in writing before any development is commenced in that phase. Thereafter, development shall not be carried out other than in accordance with the approved details.

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

02. 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.

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

03. 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).

04. Prior to the commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, on and off site public open space and residential areas of the development hereby approved. Thereafter the

development shall be undertaken in full accordance with the approved Phasing Programme.

Reason: To ensure that the development progresses in a co-ordinated manner in accordance with Policies GP30, GP31 and H5 of the Wansbeck District Local Plan and the National Planning Policy Framework.

05. The development hereby approved shall be limited to no more than 200 dwellings.

Reason: In the interests of the satisfactory appearance of the development upon completion in accordance with Policies H3 and H5 of the Wansbeck District Local Plan and the National Planning Policy Framework.

06. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents are:-

Location Plan SHL/LOC/01;

Transport Assessment including TA Addendum and drawing no. 1409/TA01 Rev.D dated 07.03.17.

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents and to ensure that a satisfactory form of development is obtained in accordance with Policies H3 and H5 of the Wansbeck District Local Plan and the National Planning Policy Framework.

07. No dwelling in a phase hereby approved shall be occupied unless and until a detailed Open Space Management and Maintenance Scheme for the maintenance and management of all areas of open space (excluding private gardens) within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full upon the substantial completion of the landscaping works approved under Condition 1 (or as may otherwise be approved in writing by the Local Planning Authority) in respect of that phase. Details to be submitted shall include;

- i) Details of landscape management and maintenance plans
- ii) Details of planting, grass cutting, weeding and pruning
- iii) Inspection, repair and maintenance of all hard landscaping and structures
- iv) Management, monitoring and operational restrictions
- v) Maintenance and planting replacement programme for the establishment period of landscaping
- vi) Establish a procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying which shall ensure that any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

The open space areas provided shall be retained for their intended purpose at all times thereafter unless otherwise is approved in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance and management of open space having regard to Policy GP32 of the Wansbeck District Local Plan and the National Planning Policy Framework.

08. Any landscaping approved under condition 1 above in respect of a phase shall be completed in all respects within 6 months of the substantial completion of plot development in that phase.

Reason: In the interest of amenity, ensuring a satisfactory form of development having regard to Policy GP32 of the Wansbeck District Local Plan and the National Planning Policy Framework.

09. The Reserved Matters to be submitted under Condition 1 shall include details of the proposed boundary treatments for each dwelling in the phase to which those Reserved Matters relate and no dwelling shall be occupied in that phase unless and until the boundary treatments for that dwelling as approved by the local planning authority have been provided in full. All garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: In the interests of visual amenity, highway safety and biodiversity, in accordance with Policies GP13, GP30 and T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

10. The Reserved Matters to be submitted under Condition 1 shall include details of car and cycle parking for all dwellings in the phase to which those Reserved Matters relate and no dwelling shall be occupied in that phase unless and until the car and cycle parking for that dwelling as approved by the local planning authority has been provided in full. Thereafter, all such car and cycle parking arrangements shall remain in place at all times.

Reason: In the interests of highway safety and sustainable transport choices, and in accordance with Policies T3 and T7 of the Wansbeck District Local Plan and the National Planning Policy Framework.

11. No dwelling shall be occupied unless and until vehicle and pedestrian access from the public highway at the site boundary to that dwelling has been provided in full accordance with Reserved Matters details submitted under Condition 1 that have been approved in writing by the local planning authority. Thereafter such access shall remain in place at all times.

Reason: In the interests of highway safety from the outset of development, and in accordance with Policy T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

12. No development shall commence unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. This shall set out the completion sequence and construction

standards for all estate streets in respect of the development hereby permitted. Thereafter the development shall be undertaken in full accordance with the Estate Street Phasing and Completion Plan approved by the local planning authority.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety from the outset of development, and in accordance with Policy T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

13. No dwelling hereby permitted in a phase shall be occupied unless and until details regarding the future management and maintenance of the proposed streets in that phase have been submitted to and approved in writing by the local planning authority. At all times thereafter those streets shall be managed and maintained in full accordance with the details approved by the local planning authority.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with Policy T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

14. No development shall commence in a phase until full engineering, drainage, street lighting and constructional details of the streets in respect of the development in that phase have been submitted to and approved in writing by the local planning authority. Thereafter, the development in that phase shall be constructed in full accordance with the details approved by 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 from the outset of development, and in accordance with Policy T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

15. No development shall take place in a phase until a Construction Method Statement for that phase has been submitted to and approved in writing by the local authority. This shall include:

- i) parking for site operators and visitors;
- ii) storage for plant materials and all elements required for the construction of the development;
- iii) hoardings, decorative displays and areas of public access (sales area);
- iv) wheel washing facilities;
- v) measures to control emissions and dust during construction;
- vi) routing of heavy construction vehicles and deliveries;
- vii) site access and any turning facilities required for construction vehicles;
- viii) the approximate phasing of construction works;
- ix) vehicle movements and numbers;
- x) measures to be put in place to safeguard during construction works the existing trees and hedgerows on and adjacent to the boundaries of the site;
- xi) details in respect of any temporary lighting, which shall be designed so that lighting levels are minimised in accordance with the document 'Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2009; and
- xii) arrangements to ensure that all trenches and excavations deeper than 0.3 metres left open overnight have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals;

The approved statement shall be implemented and complied with for the full duration of the construction works associated with that phase.

Reason: In order to achieve a satisfactory form of development and protect general amenity in accordance with the NPPF.

16. The reserved matters to be submitted under Condition 1 above in respect of each phase of the development hereby permitted shall include a schedule of all proposed external facing and hard surfacing materials to be used in respect of the dwellings, their curtilages and associated highways. The development in that phase shall be carried out in full accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H5 of the Wansbeck District Local Plan and the National Planning Policy Framework.

17. Prior to the commencement of development in a phase a scheme for the management and disposal of foul sewerage from development in that phase shall be submitted to and approved in writing by the local authority. Thereafter that approved foul sewerage infrastructure shall be provided in full prior to the first occupation of any dwelling in that phase and shall remain in place at all times thereafter and shall be managed and maintained in full accordance with the approved details.

Reason: To safeguard the water environment having regard to Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

18. No development shall commence unless and until an intrusive site investigation has been undertaken regarding the matter of ground stability and contamination and the results of that investigation have been submitted to and approved in writing by the local planning authority. Thereafter any Reserved Matters application(s) submitted under Condition 1 relating to the matter of layout shall be accompanied by details regarding ground stabilisation works and/or development stand-off areas associated with coal mining features affecting the land to which those Reserved Matters relate to address all ground stability issues highlighted by the intrusive site investigation. Thereafter any approved ground stabilisation works approved in writing by the local planning authority shall be undertaken in full prior to the commencement of plot construction works in that phase.

Reason: In order to safeguard the development and/or the occupants thereof from the adverse effects of unstable ground having regard to Policy GP22a of the Wansbeck District Local Plan and the National Planning Policy Framework.

19. No development shall commence in a phase unless and until a report detailing the protective measures to be provided within that phase to prevent the ingress of ground gases, to the standards required in BS8485:2015 (Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), has been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken in respect of any installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). Thereafter, the approved protective measures shall be provided in full in respect of that phase.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties having regard to Policy GP29 of the Wansbeck District Local Plan and the National Planning Policy Framework.

20. No dwelling shall be occupied in a phase unless and until the applicant has submitted to and had approved in writing by the local planning authority:

- i) a verification report confirming that all ground stabilisation works as approved under Condition 18 above in respect of that phase have been undertaken in full; and
- ii) a validation and verification report in respect of gas protection measures installed to dwellings in that phase, which shall be to the approved methodology as agreed under Condition 19.

Reason: In order to ensure that any unstable ground is appropriately stabilised and to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties having regard to Policies GP22a and GP29 of the Wansbeck District Local Plan and the National Planning Policy Framework.

21. The Reserved Matters to be submitted under Condition 1 above in respect of any phase of the development hereby permitted, shall include full details of the proposed levels for that phase including finished floor levels of any buildings and associated structures, compared to existing levels on the site. Thereafter the development in that phase shall be constructed in full accordance with the approved levels unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the area having regard to Policy H5 of the Wansbeck District Local Plan and the National Planning Policy Framework.

22. The Reserved Matters to be submitted under Condition 1 shall include details to ensure that the dwellings in the phase to which those Reserved Matters relate are sustainable with regard to energy efficiency and/or renewable energy generation. Thereafter, the construction of those dwellings shall incorporate in full the approved energy efficiency / renewable energy generation measures.

Reason: To ensure that the development contributes to a reduction in carbon emissions in accordance with Policy GP34 of the Wansbeck District Local Plan, Policy 2 of the Council's emerging Core Strategy and the National Planning Policy Framework.

23. Unless otherwise approved in writing by the local planning authority the landscaping Reserved Matters to be submitted under Condition 1 shall provide for the retention of existing hedgerows and trees on the boundaries of the application site and new planting shall comprise locally native trees, shrubs, grasses and wildflowers of local provenance.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

24. No external lighting shall be installed within the application site unless and until details regarding the siting and design of such lighting including details on how such siting and design will minimise impact on bats within and adjacent to the site have been submitted to and approved in writing by the local planning authority. Thereafter the external lighting shall be installed in full accordance with those approved details.

Reason: In the interests of biodiversity in accordance with Policies GP13 and GP30 of the Wansbeck District Local Plan and the National Planning Policy Framework.

25. 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 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) If the Phase 1 Desktop Top Study has identified further site investigations to be required, this site investigation 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 site's 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) Prior to the first occupation of any dwelling, 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 in accordance with Policy GP29 of the Wansbeck District Local Plan and the National Planning Policy Framework.

26. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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.

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 in accordance with Policy GP29 of the Wansbeck District Local Plan and the National Planning Policy Framework.

27. Prior to first occupation, the building envelope of plots at the east of the site shall be constructed so as to provide sound attenuation against external noise, to achieve an internal noise level LAeq of 35dB(A) and a maximum noise level LAMax of 45dB(A). Details of the final glazing and ventilation option(s) shall be submitted to the Local Planning Authority for approval in writing. Those details should demonstrate clearly that these internal levels will be achieved; this should be done by showing the calculated internal reverberant noise level accounting for attenuation provided by glazing and ventilation. All noise mitigation measures approved by the Local Planning Authority shall remain in place at all times thereafter.

Reason: To protect future occupants from undesirable noise impacts in accordance with Policies GP24 and GP26 of the Wansbeck District Local Plan and the National Planning Policy Framework.

28. No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise levels of 35dB LAeq during the day and 30dB LAeq and 45dB LAMax during the night can be achieved in the main habitable rooms with windows open at the dwellings closest to the A189. The scheme shall include internal room layouts to show that the main habitable rooms shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall be implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.

Reason: To ensure a commensurate level of protection against obtrusive noise in accordance with Policies GP24 and GP26 of the Wansbeck District Local Plan and the National Planning Policy Framework.

29. The development shall be undertaken in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports;

- Preliminary Ecological Appraisal Land East of Summerhouse Lane, E3 Ecology Ltd., Version R04 (Final), 23.6.16 .
- Great Crested Newt Survey Ashington Compensation Area, E3 Ecology Ltd., June 2016 .
- Ecological Assessment Ashington Compensation Area, E3 Ecology Ltd., Version R04 (Final), August 2016 .
- Great Crested Newt Survey Land at Ashington North, E3 Ecology Ltd., Version R03 (Final) 25.5.16 .
- Ornithological Assessment Land to the East of Summerhouse Lane (Plots 10 & 11), E3 Ecology Ltd., Version R03 (Final), 23.6.16

including, but not restricted to,

- Creation of large mitigation/compensation Suitable Alternative Natural Greenspaces (SANGs) area to the east of the A189 (as per the areas indicated on Habitat Enhancement Proposals, E3 Ecology Ltd., Job No.: 3893, 23.11.16 and on Land East of Summerhouse Lane Landscape

Masterplan, Robinson Landscape Design, Drawing No.: 99-002, Dated: 8.9.16) and to include additional scrapes, broadleaved woodland, species rich hedgerows, managed grasslands and management of land for wading birds, particularly those associated with the Northumberland Shore SSSI and Northumbria Coast SPA, production of a detailed long term management plan for the retained and created habitats including the large mitigation area to the east of the A189 and means for securing that, e.g. s106 agreement or by way of s39 of the Wildlife & Countryside Act 1981 (as amended) to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling.

- Retention and improvement of connective features to include the mature hedges along the eastern and sections of the western boundary of the housing site
- Inclusion of native species hedgerows in the landscape planting scheme
- Provision of Sustainable Urban Drainage System (SUDS) features on and off site
- All works to be undertaken to the Amphibian Method Statement
- Provision of a range of roosting opportunities for bats within the new buildings particularly those adjacent to site boundaries, landscaped areas and SUDS features with types, numbers and locations of such features to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling
- On-site landscaping to include provision of trees, hedgerows, scrub and species rich grasslands of locally native species of local provenance and to include habitat suitable for species such as grayling and dinky skipper
- Range of fruiting trees to be included in gardens and open spaces
- Any protected species encountered during works to be reported immediately to project ecologists
- Assessment of sites for any plant species included in Schedule 9 (Invasive non-native species) of the Wildlife & Countryside Act 1981 (as amended) with any found to be removed to a detailed Method Statement to be submitted to and agreed in writing with the LPA before development commences
- Adherence to external lighting recommendations and in accordance with Bats & Lighting in the UK, Bat Conservation Trust/Institution of Lighting Engineers, 2009
- Provision of green infrastructure to include interpretation and signage to highlight biodiversity value of the wider area and highlighting linkages to publicly accessible sites away from the high level protected sites on the coast including the Suitable Alternative Natural Greenspaces (SANGs) and QE2 Country Park with details of such interpretation to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling

- Creation of additional footpath route(s) through the SANGs formalising current informal routes where possible with details to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling
- SANGs to include a managed area suitable for free running dogs with details to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling
- The SANGs provision to the east of the A189 to be implemented in accordance with timescales agreed under condition 31 below to ensure no temporary increase in disturbance on the nationally and internationally protected SSSI, SPA/Ramsar and pSPA sites - Site management aims to increase overall biodiversity value of the site and surrounding areas whilst alleviating visitor pressure on designated coastal sites
- Incorporation of bird nesting boxes/features into new houses and garages prior to their first occupation particularly in/on those buildings abutting site boundaries and landscaped areas with types, numbers and locations to be submitted to and agreed in writing with the LPA
- Creation of diverse wetland and grasslands particularly in association with SUDS features with details to be submitted to and agreed in writing with the LPA prior to the first occupation of any dwelling
- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped
- updating ecological surveys to be carried out in the event that development works do not commence on or before the end of June 2018 with the results of those surveys together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before development works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policy GP13 of the Wansbeck District Local Plan and the National Planning Policy Framework.

30. Prior to commencement of the development an Ecological Management Plan, including a timetable for implementation, for the proposed Suitable Alternative Natural Greenspace (SANG) provision east of the A189 shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be completed in accordance with the mitigation proposals detailed on plan ref. 'Habitat Enhancement Proposals - November 2016' and should include for the creation of scrapes, broadleaved woodland, species rich hedgerows, managed grasslands and management of land for wading birds particularly those associated with the Northumberland Shore SSSI. The Ecological Management Plan and measures shall be implemented in complete accordance with the approved details and agreed timetable.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policy GP13 of the Wansbeck District Local Plan and the National Planning Policy Framework.

31. No development, removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no 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 in accordance with Policy GP13 of the Wansbeck District Local Plan and the National Planning Policy Framework.

32. 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 and the measures as set out in Land East of Summerhouse Lane, Ashington Pre-Development Tree Survey, July 2015 and Arboricultural Impact Assessment - Land East of Summerhouse Lane, Ashington, Elliott Consultancy Ltd., September 2016 and in accordance with a Tree Protection Plan to be submitted to and agreed in writing with the LPA before development begins.

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with Policy GP13 of the Wansbeck District Local Plan and the National Planning Policy Framework.

33. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i) Restrict discharge from the development to 22.01 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the lead local flood authority and the local planning authority.
- ii) Adhere to the principles as set out in the flood risk assessment / drainage strategy from Coast reference 1542-1 Revision F.
- iii) Provide attenuation on and/or off site for the 1 in 100 year plus climate change event, including an allowance for urban creep.
- iv) Incorporate sustainable drainage techniques such as swales to drain private drives throughout the development wherever possible and practicable.

Reason: To ensure the effective disposal of surface water from the development in accordance with Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

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

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime in accordance with Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

35. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. The development shall thereafter be undertaken in full accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features in accordance with Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

36. Finished floor levels shall be raised 300mm above ground level in the lower lying areas of the development and as identified as being at a current medium surface water risk from the Environment Agency maps in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure any new dwellings are not at risk of surface water flooding in accordance with Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

37. Prior to first occupation a health and safety assessment on all surface water drainage features shall be undertaken, submitted to and agreed by the Local Planning Authority. The development shall thereafter be undertaken in full accordance with the approved details.

Reason: To ensure all surface water drainage features will be safe to all residents and users in accordance with Policy CF6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

38. The reserved matters to be submitted under condition 1 in respect of any phase of the development involving the erection of dwellings shall include details regarding the location and specification of the play area provision for that phase and a timetable for its provision. Thereafter the play areas shall be implemented in full accordance with the approved timetable and thereafter such play area provision shall be maintained.

Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with Policy REC8 of the Wansbeck District Local Plan and the National Planning Policy Framework.

39. The development in a phase shall not be occupied until details of refuse storage facilities and a refuse storage strategy for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented before the development in that phase 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 Policy T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

40. No development shall commence in a phase which adjoins the eastern or south eastern site boundaries until details of the proposed highway works to provide new access points to the NCN1 on the eastern boundary and South Side on the south

eastern boundary in that phase and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The access points shall be constructed in accordance with the approved details and to the agreed timescale for implementation unless otherwise agreed in writing by the Local Planning Authority.

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

41. Development shall not commence in any phase until details of the proposed highway works in that phase, including the site accesses, footway works to Summerhouse Lane and the provision of improved bus stop facilities on Summerhouse Lane, have been submitted to and approved in writing by the Local Planning Authority. The dwellings in that phase shall not be occupied until those highway works have been constructed in accordance with the approved plans.

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

42. Prior to the occupation of any dwelling in a phase, details of surface water drainage to manage run off from private land within that phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before any dwelling in that phase 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.

43. Notwithstanding details submitted, the development shall not be occupied until details of a Framework Travel Plan in respect to the development have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter, the approved Framework Travel Plan shall be implemented in accordance with the approved details. This must include:

- i. the contact details of a suitably qualified Travel Plan Co-ordinator;
- ii. an implementation programme;
- iii. an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems;
- iv. clearly defined aims and objectives in relation to travel modes; and
- v. clearly defined responsibilities and roles in the implementation of the Framework Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

44. Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- i. details of and results from an initial residents travel to work survey;
- ii. clearly specified ongoing targets for resident travel mode shares;
- iii. a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and

iv. a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework

Informatives

Dust Management

Dust minimisation and control shall have regards to accepted guidance and in Particular: The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at: <http://iaqm.co.uk/guidance/> Additionally, the Mayor of London's office has produced a supplementary guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at:

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

Noisy Working During the Construction Phase

During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

Clean Cover System Specification and Verification

The specification and verification of any clean cover system should adopt the Public Protection adopted guidance on the "Verification Requirements for Cover Systems – Technical Guidance for Developers, Landowners and Consultants" produced in collaboration with the Yorkshire and Lincolnshire Pollution Advisory Group; this can be found in the related documents section on the following webpage:

<http://www.northumberland.gov.uk/Protection/Pollution/Contaminated.aspx>

Burning Materials Onsite

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

Statutory Nuisance

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice. Failure to address issue of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance

Advisory Note:

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

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). 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.

Accordingly any vegetation removal or soil stripping undertaken between 1 March 31 August carried out as part of the proposal should be preceded by checks to confirm that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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 nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078.

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

Date of Report: 15.02.2017

Background Papers: Planning application file(s) 16/04348/OUT