



Northumberland County Council

Strategic Planning Committee 6th August 2019

Application No:	19/00389/ REM		
Proposal:	Reserved matters application to 14/03016/Ful- To provide a remix of development previously approved under 16/02972/rem and subsequently 17/03723/varyco, to plots 14-38 inclusive, involving the removal of apartments, bungalows, and 5no type 5 houses, replacing these with Type 2a, 7, 11, 12, and new type 15, with an overall loss of 8 units on Phase 1.		
Site Address	Land South Of Aiden Grove And Lynemouth Road, Lynemouth Road, Ellington, Northumberland		
Applicant:	Mr Turnbull Land South of Lynemouth Road, Ellington, NE61 5HR,	Agent:	Mr Terry Palmer Heriot House , 12 Summerhill Terrace, Newcastle upon Tyne, NE4 6EB United Kingdom
Ward	Lynemouth	Parish	Ellington And Linton
Valid Date:	12 February 2019	Expiry Date:	14 May 2019
Case Officer Details:	Name:	Mrs Tamsin Wood	
	Job Title:	Senior Planning Officer	
	Tel No:	01670 625545	
	Email:	tamsin.wood@northumberland.gov.uk	

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 This application is being reported to the Strategic Planning Committee as the proposal has been submitted by Ascent Homes, the Council's regeneration company.

2. Description of the Proposals

- 2.1 Planning Permission Ref: 14/03016/FUL which was a hybrid planning application comprising - Outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross), associated access details and full planning approval for football pitches and access via Lynemouth Road' was approved on 1/9/15. Phase 1 of the development which provided 99 dwellings was approved under 16/02972/rem, on 7/12/16. This application was then varied under 17/03723/VARYCO in order to account for a minor remix of the development which would see the introduction of additional Type 4 houses in lieu of Type 2 houses. These house types fitted the same footprint but were 2.5 storeys, rather than 2 storeys. The site of this current Phase 1 proposed residential development site sits to the north and west of Phase 2 and to the south of Lynemouth Road, Ellington. Phase 2 of the development which is being dealt with separately seeks to extend the residential element to the south and east of phase 1, utilizing the same principal and secondary access points into the site from Lynemouth Road.
- 2.2 This current reserved matters application in effect seeks a variation to 17/03723/VARYCO. Procedurally however you can not make an application to vary a condition on a reserved matters application and a further reserved matters application needs to deal with any proposed changes, hence this new reserved matters application. In summary the changes include the following:

The removal of all units to the original plots 14-38 inclusive (including all apartments and bungalows) - 25no units

The addition of 17no housing units.

A reduction of 8no units overall from 99 to 91.

Removal of house Type CT3

New house Type 15

New house Type 2A

Plots 14,15- House Type 11

Plots 16,17- House Type 12

Plots 18,19, 22,23- House Type 7

Plots 20, 21, 24, 25m, 26, 27- House Type 2a

Plot 28- House Type 10

Plot 29- House Type 5

Plot 30 – House Type 15

The road pattern has changed slightly too between Plot 59 and 63 and next to Plot 22 to Plot 28.

- 2.3 The overall outline approval for the site is for up to 400 units. The reserved matters approval for Phase 1 (17/03723/VARYCO) contained 99no dwellings. This current application for Phase 1 (19/00389/REM) reduces the number by 8 units. The approved reserved matters scheme for Phase 2 (18/03001/REM) contains 96no units. The current varyco application proposal is for 97 no dwellings. This represents a loss of 7 units across Phases 1 and 2.
- 2.4 The land at Ellington extends to approximately 18.17 hectares (45.3 acres). The site constitutes the former Ellington Colliery in its entirety, along with agricultural fields to the south of the development site, which form part of the detailed application proposals. The application site is irregular in shape, fairly flat, and for the most part is overgrown grassland. Access to the site comes from Lynemouth Road, the main street linking the A1068 to the west to Lynemouth in the east, and immediately surrounding the site is a mix of residential and agricultural land. The site is bounded to the south and east by agricultural fields; to the north by Lynemouth Road with residential properties beyond it; and to the west by agricultural fields with residential properties beyond. There are a number of wind turbines located immediately to the south and west of the site. Phase 1 of the development is under construction and a number of houses are complete. The site is allocated for mixed use development under Policy ELE1 of the Castle Morpeth Local Plan.

3. Planning History

Reference Number: 14/03016/FUL

Description: Hybrid planning application comprising - Outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross), associated access details. Full planning approval sought for football pitches and access via Lynemouth Road.

Status: Approval

Reference Number: 15/03109/REM

Description: Approval of Reserved Matters: Details of appearance, landscaping, layout and scale for proposed Cop-op convenience store pursuant to planning permission 14/03016/FUL - Hybrid planning application comprising - Outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross), associated access details. Full planning approval sought for football pitches and access via Lynemouth Road.

Status: Approval

Reference Number: 15/03110/DISCON

Description: Discharge of Conditions 5(external materials), 6(landscaping), 7(means of enclosure), 8(foul and surface water), 9(surface water management), 18(site investigations), 19(gas emissions), 20(accesses), 22(roads and footpaths etc) and 23(roadworks) (Phase 1 Retail Unit) of planning permission 14/03016/FUL - Hybrid planning application comprising - outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross),

associated access details. Full planning approval sought for football pitches and access via Lynemouth Road.

Status: Approval

Reference Number: 16/02401/DISCON

Description: Application to discharge conditions 11 (Archaeology), 12 (Remedial Strategy - specifically in relation to residential plots 1 - 99 on reserved matters consent 16/02972/REM)) 18 (Coal) and 19 (Gas) from Hybrid application 14/03016/FUL (Revised Description 19.10.2017).

Status: Approval

Reference Number: 16/02972/REM

Description: Reserved matters application for the submission of details of appearance, landscaping, layout and scale for the erection of circa 400 no. dwellings in respect of outline application 14/03016/FUL dated 20/8/15

Status: Approval

Reference Number: 16/03101/NONMAT

Description: Non Material amendment of application 14/03016/FUL to amend the wording of conditions 13 (Method Statement) and 14 (Noise assessment).

Status: Approval

Reference Number: 16/03915/DISCON

Description: Discharge of Conditions 9 (Surface Water Management), 10 (Trapped Gullies) and Submission of Details in Respect of Phase One for Condition 14 (Noise Assessment) on Planning Application 14/03016/FUL

Status: Approval

Reference Number: 17/00224/DISCON

Description: Discharge of conditions 5 (material samples), 6 (landscaping scheme), 7 (boundary walls and fencing), 8 (foul and surface water), 20 (access) and 21 (highways and site management method) from application 14/03016/FUL (Hybrid planning application comprising - Outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross), associated access details. Full planning approval sought for football pitches and access via Lynemouth Road)

Status: Partial consent/partial refusal

Reference Number: 17/01822/DISCON

Description: Discharge of Condition 25 (Drainage Arrangement) relating to planning application 14/03016/FUL - (Outline Application fo Hybrid planning application comprising - Outline application for residential development of up to 400 dwellings, small scale retail provision (up to 350 sqm gross), associated access details. Full planning approval sought for football pitches and access via Lynemouth Road).

Status: Approved

Reference Number: 17/02294/DISCON

<p>Description: Variation of Condition 2 (Cycle Parking), Condition 3 (Refuse Storage), Condition 4 (Bird Boxes) and Condition 5 (Street Lighting) pursuant to planning application 16/02972/REM to improve cycle and refuse storage and enhanced ecological measures.</p> <p>Status: Partial consent/partial refusal</p>
<p>Reference Number: 18/01205/NONMAT</p> <p>Description: Non-material amendment to vary condition 27 relating to approved planning application 14/03016/FUL due to unavailability of land to complete development</p> <p>Status: Approved</p>
<p>Reference Number: 18/02848/DISCON</p> <p>Description: Discharge of condition 14 (noise assessment) as on approved planning application 14/03016/FUL</p> <p>Status: Approved</p>
<p>Reference Number: 18/03001/REM</p> <p>Description: Reserved Matters Application - for submission of details of access, appearance, layout and scale for 95no residential dwellings within Phase 2 of the development (Outline agreed under 14/03016/FUL)</p> <p>Status: Approved</p>
<p>Reference Number: 18/03796/DISCON</p> <p>Description: Discharge of Conditions 12 (Remedial Strategy) 18 (Coal Investigations) on approved application 14/03016/FUL</p> <p>Status: Partial consent/partial refusal</p>
<p>Reference Number: 19/01116/DISCON</p> <p>Description: Discharge of Conditions 2 (bird boxes and bat boxes), 3 (installation of any permanent and temporary lighting), 4 (external lighting), 6 (future management and maintenance of the proposed streets), 7 (full engineering, drainage, street lighting and constructional details), 9 (surface water drainage) , 10 (Construction Method Statement), 11 (refuse storage facilities) pursuant to planning approval 18/03001/REM</p> <p>Status: Pending consideration</p>
<p>Reference Number: 19/01133/VARYCO</p> <p>Description: Variation of condition 1 (approved plans) of application 18/03001/REM - A remix of development, removing apartment blocks, and Type 4, 10, and 11 house types, increasing use of remaining house types and introducing further 4 bed house type 15, restricting height throughout to 2 storeys.</p> <p>Status: Pending decision</p>

4. Consultee Responses

Highways	No objection
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Ellington And Linton Parish Council	No response received.
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5. Public Responses
Neighbour Notification

Number of Neighbours Notified	13
Number of Objections	0
Number of Support	0
Number of General Comments	0

Copies of all representations can be viewed on public access.

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PHTTP3QSK5100>

Notices

General site notice, 21st February 2019
 No Press Notice Required.

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan 2003
 ELE1 Ellington Colliery site
 R4 Children's Play
 H15 New Housing Developments
 C7 Ramsar Sites, Special Areas of Conservation and Special Protection Areas
 C8 Sites of Special Scientific Interest
 C11 Protected Species
 C23 Agricultural Land
 C41 Archaeology
 RE1 Energy Conservation
 RE5 Surface Water Run Off and Flood Defences
 RE6 Service Infrastructure

6.2 National Planning Policy

National Planning Policy Framework (2018)
 National Planning Practice Guidance (2018, as updated)

6.3 Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19)
Policy STP 1 Spatial strategy (Strategic Policy)
Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)
Policy STP 3 Principles of sustainable development (Strategic Policy)
Policy HOU 1 Making the best use of existing buildings (Strategic Policy)
Policy HOU 2 Provision of new residential development (Strategic Policy)
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
Policy HOU 5 Housing types and mix
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity 1
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 3 Flooding
Policy WAT 4 Sustainable Drainage Systems
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 Following officer assessment and in light of the comments received the main issues for consideration in the determination of this application are as follows:

Principle of development
Design and Impact on residential amenity
Affordable Housing
Highways
Surface water

Principle of development

7.2 The principle of the development was established when the original hybrid planning application Ref: 14/03016/FUL was approved on 1/9/15. As this is a reserved matters application the principle of the proposal does not need to be revisited. This application relates to the approval of reserved matters which in effect are a variation to the plans approved under the reserved matters permission 16/02972/rem and subsequently permission 17/03723/varyco. The details of the amendments are set out in the description

of the proposals which mainly consist of the change in house types on some plots and over all would include the reduction of 8 dwellings.

Design and impact on residential amenity

- 7.3 It is considered the proposed amendments to the scheme which includes the introduction of 2 new house types would still ensure the design of the scheme is of a good quality and the alterations proposed would not have any significant detrimental impact upon the character and appearance of it. The proposed amendments would also still ensure the proposal would not have a detrimental impact upon the residential amenity of both existing and new residents. Thus in these respects the proposal would still accord with Local Plan Policy H15 which aligns with the provisions of the NPPF, as one of its core planning principles seeks to always ensure high quality design.

Highways

- 7.4 The Highway Authority has no objection to the proposal as such the Highway Authority are therefore satisfied that the layout and parking provided at the site and that the impact on highway safety are acceptable. The proposal is therefore acceptable under the NPPF and would accord with Policy H15 of the Local Plan.

Affordable Housing

- 7.5 In respect of affordable housing provision, a Section 106 legal agreement has been secured at outline stage, confirming agreement to the provision of affordable housing as part of the proposed development. It was highlighted at the outline application stage that due to the current economic conditions it was concluded that the site could only support the delivery of a small number of affordable houses, in the region of 2.5% across the whole site. The Section 106 legal agreement, following viability assessments, established across the site that 3.5% affordable housing, which represents 14 houses, would be provided. The Section 106 legal agreement states a trigger whereby affordable units must be provided before the occupation of the 100th unit. Phase 1 proposes less than 100 units and the Housing officer has confirmed that they are currently in discussions to provide the affordable dwellings in Phase 2 and it understood the original s106 AH obligations will be met.

Surface Water

- 7.6 As this is a reserved matters application the conditions attached to permission 1/03016/ful in regard to surface water details would still need to be adhered to and as such there would be no reason to attach them again to this permission. In respect of drainage the proposal would therefore still be acceptable and in accordance with the NPPF and Local Plan Policy RE5.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

It is considered that the scale, layout, access and parking, landscaping and appearance is acceptable and in accordance with Local Plan Policies and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out other than in complete accordance with the detail contained within the application form, and the following approved plans unless alternative details are approved as a non-material amendment or in accordance with other conditions attached to this permission:

16030/P02, A4 - Planning Site Layout
16030, P03 Rev V- Phase 1 Materials and enclosures
16053-02-001 rev E - House type 2 floor plans
16053-02-002 rev D - House type 2 elevations
House Type 2 Planning Plans, 02-001, Rev F
House Type 2 Planning Elevations, 02-002, Rev E
House Type 15- Planning Elevations, 15-002
House Type 15- Planning Plans, 15-001
16053-04-001 rev F - House type 4 floor plans
16053-04-002 rev F - House type 4 elevations
16053-05-001 rev A - House type 5 floor plans
16053-05-002 rev A - House type 5 elevations
16053-06-001 rev C - House type 6 floor plans
16053-06-002 rev B - House type 6 elevations
16053-07-001 rev C - House type 7 floor plans
16053-07-002 rev C - House type 7 elevations
16053-08-001 rev D - House type 8 floor plans
16053-08-002 rev B - House type 8 elevations
16053-10-001 rev C - House type 10 floor plans
16053-10-002 rev C - House type 10 elevations
16053-11-001 rev B - House type 11 floor plans
16053-11-002 rev B - House type 11 elevations
16053-12-001 rev D - House type 12 floor plans
16053-12-002 rev C - House type 12 elevations
16053-CT1-001 rev B - House type CT1 floor plans
16053-CT1-002 rev B - House type CT1 elevations
16053-CT2-001 rev C - House type CT2 floor plans
16053-CT2-002 rev C - House type CT2 elevations
16053-CT3-001 rev A - House type CT3 floor plans
16053-CT3-002 rev A - House type CT3 elevations
16053-BU2-001 rev B - House type BU2 floor plans (renamed from BU3)
16053-BU2-002 rev B - House type BU2 elevations (renamed from BU3)

Reason: To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

02. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

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

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

04. Prior to the erection of any dwelling above ground floor level, a scheme for the provision of integrated bird boxes shall be submitted for the written approval of the LPA. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. The approved scheme shall be implemented in full prior to the dwellings being occupied.

Reason: to protect and enhance the biodiversity of the site in accordance with Local Plan Policy C11 and the National Planning Policy Framework.

05. Prior to the erection of any dwelling above ground floor level, a scheme for the installation of any permanent and temporary external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme should 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. The approved scheme shall be implemented in full prior to the dwellings being occupied.

Reason: to prevent the risk of harm to protected species from the outset of the development in accordance with Local Plan Policy C11 and the National planning Policy Framework.

06. All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

Reason: to enhance the biodiversity of the site for a UK BAP priority species in accordance with Local Plan Policy C11 and the National Planning Policy Framework.

Date of Report: 10.06.2019

Background Papers: Planning application file(s) 19/00389/VARYCO