



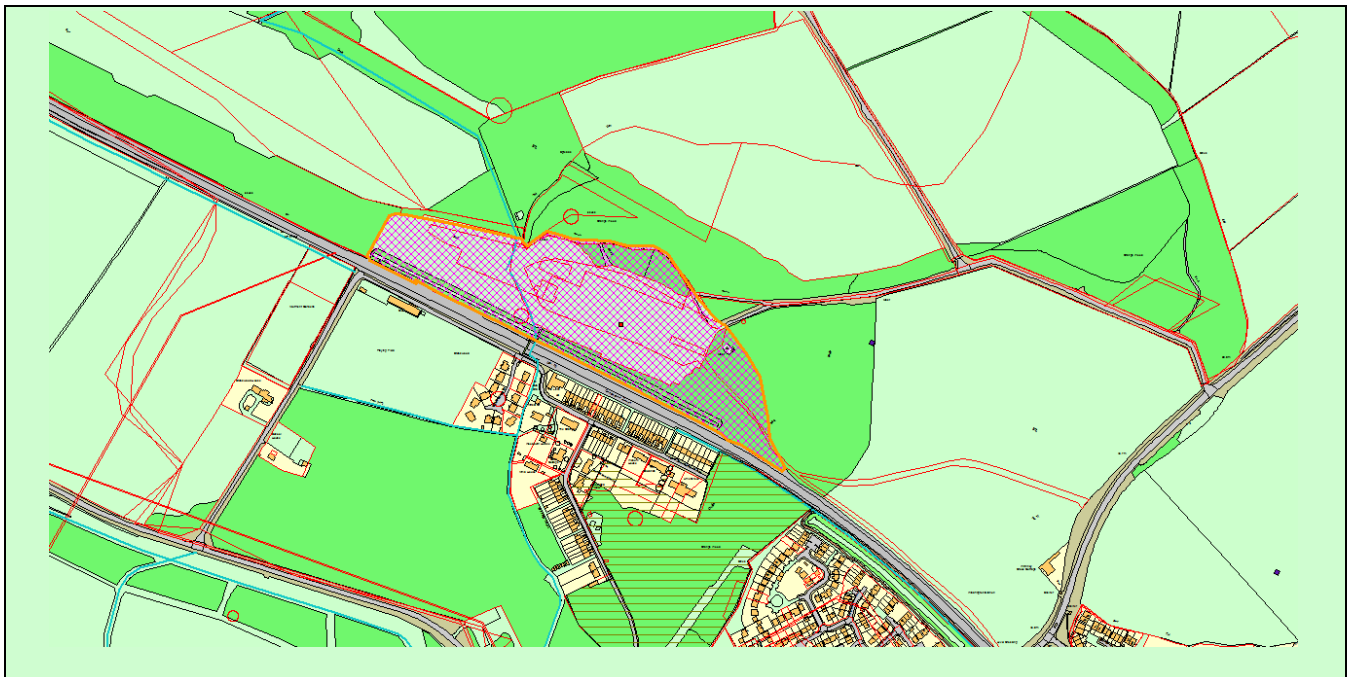
Northumberland

County Council

STRATEGIC PLANNING COMMITTEE

3 SEPTEMBER 2019

Application No:	17/04653/VARYCO		
Proposal:	Variation of condition 29 (approved plans) of planning permission CM/20090001 for up to 149 residential units, combined heat and power plant, enterprise space, allotments and associated open space, parking and means of access to allow for amendment of phase 1 dwelling numbers, layout and design, phasing areas and deletion of enterprise space and allotments.		
Site Address	The Old Brickworks, Stobswood, Morpeth, Northumberland NE61 5PZ		
Applicant:	Mr William Thompson RARE Associates, 8 Gowan Terrace, Newcastle Upon Tyne NE2 2PS	Agent:	Miss Sarah Harrison Squires Barnett Architects, 19 Clayton Road, Jesmond, Newcastle Upon Tyne NE2 4RP
Ward	Druridge Bay	Parish	Widdrington Station and Stobswood
Valid Date:	9 January 2018	Expiry Date:	19 June 2018
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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1. Introduction

- 1.1 This application is being referred to Strategic Planning Committee because it is a major development of significant scale and Section 106 contributions less than those normally sought by the Council are proposed due to the impact of abnormal costs on the viability of the proposed development.

2. Description of the Application Site & Proposal

- 2.1 The application site comprises previously developed land which was formerly occupied by a brickworks but has now been cleared of all buildings with areas of hardstanding only remaining. Historically the site has also been used for coal mining with two disused and capped mine shafts being sited at the western end of the site. The site is located to the immediate north of the village of Stobswood and outside of the village settlement boundary as defined by the Castle Morpeth District Local Plan and the emerging Northumberland Local Plan with the east coast main railway line separating the site from the village. The site covers an area of 7.4 hectares. There is a single vehicle access to the site from the B1337 to the east. This access lies outside of the application site in third party ownership but the applicant has legal rights of access to this. A public footpath runs through the centre of the site in a north-south direction and connects with a footbridge across the railway line which provides a pedestrian link between the site and Stobswood village. The western area of the site is home to a small population of Great Crested Newts.
- 2.2 The site is bounded to the north, east and west by woodland (Grange Wood). As stated above, the east coast main railway line lies to the south and is elevated above the site on an embankment. The village of Stobswood lies beyond the railway line to the south
- 2.3 This application is a submission under Section 73 of the Town & Country Planning Act to vary condition 29 of planning permission reference CM/20090001 which was approved by the Council on the 7 May 2015. Condition 29 details the approved drawings for the approved scheme and this current application seeks approval to amend the phase 1 dwelling numbers, layout and design, phasing areas and delete previously proposed enterprise space and allotments.
- 2.4 Planning permission reference CM/20090001 granted approval for up to 149 dwellings, a combined heat and power plant, enterprise space, allotments and associated open space, parking and means of access. The permission granted was a hybrid approval. Full planning permission was granted in respect of 19 dwellings (Phase 1) with outline planning permission approved in respect of the remainder of the development (Phases 2-5). In terms of the outline element, the principle of development and access details only were approved with details of external appearance, layout, scale and landscaping reserved for later approval.
- 2.5 A Section 106 Agreement runs alongside planning permission reference CM/20090001. This provides for 25% affordable housing (37 units), management plans in respect of adjacent woodland and on-site open space, travel plan implementation and timescales for provision of the combined heat

and power plant, enterprise space and allotments in relation to the construction of housing on the site.

- 2.6 Reserved matters cannot now be submitted in respect of phases 2-5 as condition 1 of the permission requires that these be submitted within 3 years of the grant of permission. This 3 year period expired on the 7 May 2018. However, condition 2 of the permission states that development in respect of phase 1 shall commence within 5 years of the grant of permission (i.e. 7 May 2020). As such the permission remains extant in part.
- 2.7 As part of this current Section 73 application the applicant proposes to expand the phase 1 area to encompass 50 dwellings rather than the 19 previously included within phase 1. The phase 1 area has also been expanded to include open space within the southern and western areas of the site including the creation of new habitat areas for Great Crested Newts.
- 2.8 This Section 73 application as originally submitted also proposed the provision of the enterprise space and allotments in the phase 1 area. However, these elements have now been deleted from the phase 1 area following concerns expressed by the Parish Council that they would duplicate such facilities that are already available within the Widdrington Station/Stobswood area.
- 2.9 The 50 proposed dwellings in the phase 1 area would comprise a mix of 17 x 2 bed dwellings, 5 x 3 bed dwellings and 28 x 4 bed dwellings.
- 2.10 The proposed phase 1 dwellings would be 2-3 storeys in height and of a contemporary design in terms of their materials and elevation details. Materials would comprise a mix of brick, painted brick, stone and timber elements to elevations and tiled roofs.
- 2.11 Although, the original permission, and indeed this Section 73 application, if approved, would allow for up to 149 dwellings to be erected on site, the applicant is now proposing only to provide 104 dwellings across the site as a whole as it proposed that additional land will now be set-aside at the request of Natural England as open space to provide appropriate mitigation habitat for the Great Crested Newts on site. To progress additional development beyond the Phase 1 area included in this current application a further Section 73 application(s) would be required in due course to expand further the phase 1 area, because, as stated above, no Reserved Matters applications can be submitted under the original permission. However, this is not a matter for consideration as part of this current Section 73 application.
- 2.12 A new vehicle access to the B1337 is proposed in respect of the proposed dwellings. This would connect with the B1337 closer to Widdrington Station than the existing site access. A separate footpath/cycleway from the site to the B1337 is also to be provided. These accesses would be across third party land over which the applicant has access rights.
- 2.13 Having regard to the smaller scale of development proposed compared to the previously consented scheme and abnormal development costs associated with Great Crested Newt mitigation, the provision of access to the site and the remediation of ground contamination, the applicant is now proposing to provide

only 10% affordable housing (i.e. 10 dwellings) in respect of the 104 dwellings proposed rather than 17% affordable housing (i.e. 17 dwellings) in line with the Council's current Strategic Housing Market Assessment. Other provisions within the previous Section 106 Agreement related to the management of adjacent woodland would be retained. Provisions regarding management of public open space within the site, provision of the CHP plant and travel plan implementation would be dealt with by means of planning conditions rather than through the Section 106 Agreement. The references to enterprise space and allotments have been removed as these will no longer be provided given concerns expressed by the Parish Council about these duplicating existing local provision.

2.14 In addition to the 10% affordable housing and woodland management plan, the applicant has also agreed to Section 106 contributions of £52,000 for Widdrington Station and Stobswood Parish Council to enhance community recreational facilities in the parish, a contribution of £71,100 for the improvement of local primary healthcare and £62,400 (i.e. £600 per dwelling) for the Council's ecology coastal mitigation service.

2.15 The applicant has provided a financial appraisal in support of their assertion that a scheme which included 17% affordable housing would not be financially viable.

3. Planning History

Reference Number: CM/20090001

Description: Outline application for up to 149 residential units, combined heat and power plant, enterprise space, allotments and associated open space, parking and means of access with submission of all reserved matters for Phase 1, as amended by revised site layout plan received 11/02/09, as supplemented by additional ecology reports received 14/07/09 and as amended by revised site layout plan received 20/07/09

Status: PER

Reference Number: CM/20061042

Description: Outline application for the erection of 26 dwellings with associated roads and access (resubmission of previously refused outline application 05/D/773 for access and siting of 36 dwellings) as supplemented by additional information received 08/12/06.

Status: PER

Reference Number: CM/05/D/773

Description: Outline application for 36 dwellings

Status: REF

4. Consultee Responses

Widdrington Station & Stobswood Parish Council	15% affordable housing should be provided. However, the provision of play areas, the enterprise space (which would include a community hub) and allotments within the site is not considered necessary due to such provision already existing in the local area. As such they request a Section 106 contribution of £52,000 to fund community projects. They are agreeable with the payment of £26,000 of this prior to the 1st occupation of the 10th dwelling. They are still of the opinion that the balance of £26,000 should be paid prior to the occupation of the 50th Dwelling. The Agreement should also include the condition that if the development is sold before completion and occupation of the 50th property the final payment must be increased to £46,000 as a penalty for not occupying the 50th property. In addition the Section 106 Agreement should be included in any transfer of the development to a new owner. Further clarification is sought concerning the composition of a management company for the site proposed in the applicant's draft Section 106 Agreement together with details of responsibilities especially in regard to the combined heat and power plant.
Highways	Overall they raise no objections subject to conditions to ensure the new vehicle and pedestrian/cyclist accesses are provided prior to dwelling occupation with the existing access being closed off to occupiers of the proposed development. Conditions also suggested regarding car and cycle parking, on-site phasing of streets, management/maintenance of on-site streets, pedestrian access to Stobswood, highways drainage, fire hydrants, refuse, a construction method statement and travel planning.
Countryside/ Rights Of Way	No objection on condition that the public footpath that runs through the site is safeguarded either on its present route or a diverted route.
County Archaeologist	No objections.
County Ecologist	No objections subject to conditions and the applicant providing a contribution of £600 per unit towards the Council's coastal mitigation scheme or an alternative mitigation package for coastal zone mitigation which is acceptable to themselves and Natural England.
North Trees And Woodland Officer	No response received.
Housing Department	17% affordable housing sought (i.e. 17 dwellings for a scheme of 104 units) comprising 10 intermediate units (Discount Market Value (DMV) sale or shared ownership) and 7 affordable rented dwellings. These would comprise a mix of 2/3 bedroom houses/bungalows.
Public Protection	Do not object to the proposal subject to the measures detailed in the application documents being implemented as stated. Various conditions and informatives suggested relating to public protection matters.
Education - Schools	No education contributions are required.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Environment Agency	No response received.
Natural England	Coastal zone mitigation required as per NCC Ecology comments.
The Coal Authority	No objection subject to a condition regarding ground stability matters.
Northumbrian Water Ltd	No comment at this stage.

Network Rail	No objection subject to conditions from original permission being carried over into this new application.
Northumberland Clinical Commissioning Group	Section 106 contribution of £71,100 sought for expansion of the Widdrington Station GP practice.
Northumberland Wildlife Trust	No response received.
Architectural Liaison Officer - Police	New dwellings to be built in accordance with Secured By Design guidance.
Fire & Rescue Service	No objection in principle.
Northumbria Ambulance Service	No response received.
Active Northumberland	No response received.
Waste Management - North	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	94
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Site notice - Departure & PROW 15th January 2018

Morpeth Herald 25th January 2018

Summary of Responses:

1 objection received raising concerns regarding local services such as schools and shops not having sufficient capacity to accommodate demand from residents of this development and other recently consented or submitted development proposals. Furthermore the site is contaminated land previously occupied by coal mining and brickworks activities.

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P1D8F6QSLD200>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

RE6 – Service Infrastructure

RE8 – Contaminated Land

RE9 – Ground Stability
C1 – Settlement Boundaries
C10 – Sites of Local Conservation Interest
C11 – Protected Species
C15 – Trees in the Countryside and Urban Areas
H1 – Housing Land Supply
H9 – Affordable Housing in Rural Areas
H15 – New Housing Developments
R4 – Children’s Play
R8 – Public footpaths and bridleways
WSC1 – Widdrington Station Settlement Boundary
WSC2 – Other sites of nature conservation value

6.2 National Planning Policy

NPPF
NPPG

6.3 Other Planning Policy Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

STP 1 – Spatial strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
HOU 2 – Provision of new residential development (Strategic Policy)
HOU 5 – Housing types and mix
HOU 6 – Affordable housing provision (Strategic Policy)
HOU 9 – Residential development management
QOP 1 – Design principles (Strategic Policy)
QOP 2 – Good design and amenity
QOP 4 – Landscaping and trees
QOP 5 – Sustainable design and construction
QOP 6 – Delivering well-designed places
TRA 1 – Promoting sustainable connections (Strategic Policy)
TRA 2 – The effects of development on the transport network
TRA 4 – Parking provision in new development
ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 – Biodiversity and geodiversity
ENV 3 – Landscape
WAT 3 – Flooding
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality
INF 6 – Planning obligations

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
- Highway safety/transportation
- 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 Castle Morpeth District Local Plan (adopted 2003) remain the development plan and the starting point for determining applications. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with paragraph 48 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. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 7.5 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

- 7.6 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.
- 7.7 In terms of housing applications and NPPF paragraph 11 footnote 7 to this paragraph further advises that the consideration of whether relevant existing policies are out-of-date includes where the Council cannot demonstrate a 5-year supply of 'deliverable' housing sites, or where the Housing Delivery Test shows that housing delivery was substantially below the requirement of the previous three years.
- 7.8 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate a 5-year housing land supply, against the County's minimum Local Housing Need figure of 717 net additional dwellings per annum, equivalent to 12.1 years supply of deliverable sites. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.
- 7.9 The housing supply figures contained within the Castle Morpeth 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.
- 7.10 Policy C1 of the Castle Morpeth District Local Plan states that settlement boundaries will be defined around towns and villages within the former district. The Policy states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted by other specified Policies in the Plan. Policy WSC1 defines the detailed settlement boundary for Widdrington Station & Stobswood. The application site lies outside of the settlement boundary and would not be permissible under the various Policies referred to in Policy C1. As such the proposals are contrary to Policies C1 and WSC1.
- 7.11 Policy H1 allocates land to provide 2500 new dwellings in the former district to be provided between 1991 and 2006. The application site is not allocated under Policy H1 and therefore constitutes windfall housing development.
- 7.12 However, notwithstanding all of the above, a further material consideration in assessing the acceptability in principle of this current application is that an extant permission for new dwellings on the site currently exists. This current application seeks only to vary the approved plans in respect of that existing permission to allow for an enlarged phase 1 area and various other detailed changes to the layout and design of the development. The applicant's fall-back position of implementing the currently extant permission would only allow them to provide 19 dwellings on site at the present time as only this

number of dwellings were approved in detail for the phase 1 area as specified in that permission and it would not be possible to submit Reserved Matters in respect of subsequent phases as the time period for submission of those Reserved Matters has now expired. However, the applicant could, as they have done with this current application, seek to vary again the approved plans condition on the original permission to further increase the phase 1 area in order to deliver development across the site as a whole as the full planning permission element of the permission remains extant until May 2020.

- 7.13 The Council's emerging Local Plan acknowledges the extant planning permission covering the site by showing the site on the Local Plan proposals map as a site with permission for housing.
- 7.14 A further consideration in terms of the principle of development is that the site is currently untidy previously developed land in a prominent location adjacent to the east coast main railway line which is elevated above the site. As such it is considered that redevelopment of the site should be supported on visual amenity grounds.
- 7.15 Overall, although the site lies outside of the settlement boundary for Stobswood in the Castle Morpeth District Local Plan it is considered bearing in mind all of the above that the principle of new housing development on the site is acceptable subject to the proposals being acceptable in terms of the detailed matters covered elsewhere in this report.

Housing Mix and Affordable Housing

- 7.16 Paragraphs 62 and 64 of the NPPF advise that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. Where major development is proposed, planning policies and decisions should normally expect at least 10% of the homes to be available for affordable home ownership.
- 7.17 The Council's updated Strategic Housing Market Assessment (SHMA) was published in June 2018 and identifies a total housing need figure for the County as a whole of 885 dwellings per annum and a figure of 151 dwellings per annum for affordable housing. Therefore on this basis it is considered that 17% affordable housing should be provided for.
- 7.18 Policy HOU6 of the Council's emerging Local Plan refers to a different approach to meeting the identified annual need for 151 affordable dwellings. Rather than applying a blanket requirement for 17% affordable housing across the County as a whole, it is proposed that medium value areas such as the area within which the application site lies be required to provide a smaller contribution towards meeting affordable housing need than higher value areas. Under this scenario, 15% affordable housing would be sought in respect of the application site. However, the Council does not consider that it would be appropriate to seek 15% affordable housing at this time as Policy HOU6 in its present form was not included in the previous Regulation 18

version of the emerging plan, is subject to extensive objections and the emerging Local Plan has not as yet been subject to examination in public.

- 7.19 Policy H9 of the Castle Morpeth District Local Plan states that the Council will promote the development of affordable housing to meet local needs, particularly in rural areas, on land outside the general needs allocation identified in Policy H1 subject to certain criteria being met. These are that:
- i) the proposal accords with priorities identified in the Council's housing needs study;
 - ii) the housing provided is reserved for local needs, both initially and on subsequent change of occupant;
 - iii) the development is appropriate in location, scale and design to the settlement;
 - iv) the development is in keeping with local building styles and incorporates appropriate landscaping; and
 - v) notwithstanding the requirement for local needs, the proposals comply with Policy H15 relating to housing design matters.
- 7.20 The proposed phase 1 area, which would accommodate 50 dwellings, provides for a mix of 2, 3 and 4 bed dwellings. Full details have not as yet been provided in respect of the remainder of the development, although it is considered that there is sufficient scope to provide an appropriate mix of housing on the remainder of the site to be developed.
- 7.21 Moving on to the matter of affordable housing, the applicant is willing to provide only 10% affordable housing as part of their revised scheme as they consider that the provision of 17% affordable housing would render the scheme unviable. A financial appraisal has been submitted in support of this contention.
- 7.22 This financial appraisal has been scrutinised by the District Valuer and further examination of the alleged abnormal development costs has also been undertaken by a County Council quantity surveyor. Whilst these assessments have led to some revision of the scheme finances which allow for the full provision of all other Section 106 contributions sought, it is accepted that 10% affordable housing is the maximum achievable to allow for a financially viable scheme, although this assumes that the applicant's estimate of ground remediation costs for the final phase 5 of the development at the western end of the site are correct. The applicant has however acknowledged that further site investigation work would need to be undertaken to fully determine the phase 5 remediation costs, although such work cannot be undertaken at this time due to the need to obtain a licence from Natural England in respect of Great Crested Newt disturbance and such a licence cannot be granted until planning permission for the revised scheme has been granted. As such it is proposed that a viability review clause be included in the Section 106 Agreement to allow for re-assessment of the phase 5 remediation costs prior to the first occupation of 24 open market sale dwellings. Should this further work show that the phase 5 remediation costs are not as great as currently estimated then the Agreement would provide for additional affordable housing over and above the 10% provision currently proposed.

- 7.23 Subject to the above, it is considered that overall the proposals are acceptable in terms of housing mix and affordable housing.

Impact on Character and Appearance of the Area

- 7.24 Policy H15 of the Castle Morpeth District Local Plan seeks to ensure that all new housing development achieves a high standard of design which reflects local character and distinctiveness with proposals taking full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping.
- 7.25 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.
- 7.26 Emerging Local Plan Policies QOP1, 2, 4 and 6 reflect the above design objectives.
- 7.27 In terms of landscape matters in particular NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.
- 7.28 In terms of national landscape classification, the application site itself lies within the South East Northumberland Coastal Plain National Character Area (NCA). A more localised landscape classification is provided by the Northumberland Landscape Character Assessment and this places the site within the Coalfield Farmland Landscape Character Type (LCT 39).
- 7.29 Key landscape characteristics of the above NCA and LCT are large scale fieldscapes, woodland/wetland areas and significant urban fringe/development influences including coal mining legacy influence on the landscape.
- 7.30 The Northumberland Landscape Character Assessment also identifies Landscape Character Areas (LCAs) within each LCT and the application site lies within area 39a – Coastal Coalfields. This LCA is described as relatively flat coastal plain which has been heavily modified by mining and industrial activity. Restoration has generally resulted in oversimplified geometric landscapes of pasture and conifer blocks, which lack distinctive features. Opencast mining operations are ongoing at a small number of large sites. Despite general heavy modification of this landscape, there are pockets of unaltered rural character, including fragments of ancient woodland, and many of the older village centres, such as Ulgham, feature attractive honey coloured

sandstone buildings. There are nature reserves at Druridge Bay and Hauxley. A golf course is situated within the estate of Longhirst Hall near Pegswood.

- 7.31 In terms of LCT39 the Northumberland Landscape Character Assessment vision statement in terms of future management of this landscape advises that in general, it could be argued that the most significant changes to this landscape have already occurred, in the form of extensive mining activity and urbanisation. Where key qualities remain intact, their long-term viability should be secured. The approach for this landscape is therefore one of restoration where possible, and recreation where the landscape has been overly damaged.
- 7.32 With regard to development guidelines reference is made to the redevelopment of major industrial sites and it is stated that restoration proposals which aim to achieve a wide range of habitats and offer opportunities for biodiversity and recreation, are likely to be the most successful in restoring this landscape.
- 7.33 Also of relevance in assessing landscape value is the Northumberland Key Land Use Impact Study which sought to assess the value of the various LCA's against a number of landscape criteria. The study places the LCA's into 4 broad categories of landscape quality with those landscapes of highest value scoring above 30. Upper and lower middle ranking landscapes are then categorised, having scores of 26-30 and 21-25 respectively. The lowest quality landscapes are categorised as those scoring 20 or less.
- 7.34 LCA 39a within which the application site lies has a landscape value score of 19 – i.e. it is generally a low quality landscape.
- 7.35 The visual quality of the landscape within the application site itself is poor given its previous industrial use and currently unkempt appearance. However, it is considered that the proposed development would enhance landscape quality within the application site, given the extensive areas of open space proposed within the revised phase 1 area. These comprise an extensive east-west area of open space running adjacent to the railway line and further open spaces between phases 3 and 5 and within the phase 1 housing area. A condition could be attached were permission to be granted to ensure that these open space areas are appropriately managed.
- 7.36 Of higher landscape quality is Grange Wood which lies to the immediate north, east and west of the application site. Whilst the proposals would result in some adverse impact on this woodland landscape through the improvement of the existing access road from the site to the B1337 and the provision of new vehicle and pedestrian/cyclist accesses from the site to the B1337 through this woodland, such harm would be counterbalanced by benefits arising from the provision and implementation of a woodland management plan for Grange Wood as part of the Section 106 Agreement.
- 7.37 Overall in terms of landscape quality it is considered that the proposals would be beneficial as they would secure the visual improvement of a currently unkempt former industrial site through the redevelopment of the site for housing set within extensive areas of open space and the future management

of Grange Wood as a landscape asset would also be secured. These benefits are considered to align with the landscape management objectives highlighted above in respect of Landscape Character Type 39 of the Northumberland Landscape Character Assessment.

- 7.38 The layout and design of the housing proposed for the phase 1 area is considered of high quality. The layout provides for essentially six perimeter blocks of built development with dwellings in each of those blocks positively addressing street frontages. Generous areas of open space are provided for including a play area, together with extensive soft landscaping to street frontage areas. The 2-3 storey dwelling heights and contemporary house type designs including their elevational detailing are innovative and would provide for good visual interest and contribute to providing a distinctive character and sense of place for the site. There is not considered to be any distinctive built form character in terms of the surrounding locality of Stobswood and Widdrington Station that would need to be adhered to in respect of the development.
- 7.39 In terms of community safety, the proposed phase 1 layout is considered acceptable. In this regard streets and open spaces are generally well overlooked by dwelling primary elevations. 10 of the 50 phase 1 dwellings do have car parking within rear parking courts but again these are well overlooked from properties and have single entry/exit points. Overall there is a clear distinction between public areas to the front of perimeter blocks and private areas internally within these blocks. Gating of access points into parking courts and shared pedestrian accessways to rear gardens could be secured by condition. Details in respect of security features for dwellings themselves (e.g. door/window locks) would be addressed outwith the planning process under the Building Regulations (Part Q).
- 7.40 Whilst for those parts of the site beyond the phase 1 area, layout, scale, appearance and landscaping are reserved matters and subject to further detailed assessment, it is considered that these remaining parts of the site could be developed without significant or unacceptable harm upon the character and appearance of the area and wider landscape. An illustrative master plan for the entire site demonstrates that a suitable layout could be achieved for these areas.
- 7.41 The density of development is relatively low. Even if the scheme were built out to the maximum of 149 dwellings this would still only deliver a density of 20 dwellings per hectare and if only 104 dwellings are provided, as currently envisaged by the applicant, a density of only 14 dwellings per hectare would result. However, these relatively low densities are considered to be commensurate with the site's semi-rural edge of settlement location and are therefore acceptable.
- 7.42 Overall in terms of appearance and impact on the character of the area the proposals would therefore be in accordance with the Castle Morpeth District Local Plan, the NPPF, the Council's emerging Local Plan and the Northumberland Landscape Character Assessment.

Residential Amenity Impact

- 7.43 Policy H15 of the Castle Morpeth District Local Plan states that the distance between primary elevations containing windows to habitable rooms of new and existing dwellings, particularly at first floor level or above should not fall below 20 metres unless it can be demonstrated by the developer that allowances should be made because of site specific circumstances.
- 7.44 There are no existing dwellings that would lie in close proximity to any of the proposed dwellings with the nearest existing properties within Stobswood being at least 70 metres distant from those parts of the application site earmarked for new housing. Existing properties are also separated from the application site by the east coast main railway line which is raised on an embankment as it passes adjacent to the site.
- 7.45 In terms of the relationships between dwellings within the application site, details are only provided in respect of the proposed phase 1 area (50 dwellings). The phase 1 layout does show some separation distances between habitable room elevations of 18 metres which is less than the 20 metres minimum referred to in Policy H15. This small relaxation is considered acceptable in order to allow for additional frontage perimeter block space for soft landscaping including street tree planting.
- 7.46 The phase 1 layout is considered acceptable in all other respects in terms of residential amenity matters subject to the condition regarding the details of landscaping for phase 1 providing for some screen planting where plots 21 and 31 border plots 22 and 30 respectively to minimise overlooking.
- 7.47 Concerns regarding nuisance during construction works would be addressed by means of conditions already attached to the extant permission regarding construction management that would be carried over were this current application to be approved.

Land Contamination and Stability

- 7.48 Policy RE8 of the Castle Morpeth District Local Plan states that the Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the Council may assess any direct threat to health, safety or the environment.
- 7.49 Policy RE9 states that the Council will require proposals for development which is on unstable or potentially unstable land to be accompanied by a statement on ground stability, together with details of measures proposed to deal with any instability.
- 7.50 Parts of the application site lie within a Coal Authority Development High Risk area and as stated above there are two disused and capped mine shafts at the western end of the site. Given the above 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 conditions imposed on the extant permission being carried over and updated.

- 7.51 Overall, therefore the proposals are considered acceptable in terms of land contamination and stability subject to conditions.

Highway Safety/transportation

- 7.52 Castle Morpeth District Local Plan Policy H15 in respect of new housing developments refers to the need for adequate off-street parking, for pedestrians and cyclists to be given priority through layouts that are not highways dominated and for traffic calming measures to be designed into layouts.
- 7.53 NPPF paragraph 109 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 7.54 Policies TRA1 and TRA2 of the emerging Local Plan reflect the above planning policy.
- 7.55 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.
- 7.56 This documentation has been examined by the Council as Local Highway Authority. Overall they raise no objections subject to conditions to ensure the new vehicle and pedestrian/cyclist accesses are provided prior to dwelling occupation with the existing access being closed off to occupiers of the proposed development. Conditions also suggested regarding car and cycle parking, on-site phasing of streets, management/maintenance of on-site streets, pedestrian access to Stobswood, highways drainage, fire hydrants, refuse, a construction method statement and travel planning.
- 7.57 The existing public footpath route which runs north-south through the centre of the site would be retained, although it may need to be diverted to accommodate built development in later phases. The details of any such diversion would be agreed once the layout of later development phases is known.
- 7.58 In terms of improving the accessibility of the site to local services and public transport in Widdrington Station (e.g. primary school, GP/dental surgery, shops), it is proposed that a dedicated footpath/cycleway be provided during phase 1 from the site to the B1337 close to where it crosses the east coast main line. This would bring the phase 1 housing area within around 600 metres of Widdrington Station which is considered an acceptable walking/cycling distance.

- 7.59 The application site is accessible by a choice of means of transport as it is within walking distance of regular bus routes and also Widdrington railway station. Bus services comprise the No.1 route which provides an hourly service Monday to Saturday to/from Blyth and Ashington with a two hourly service on Sundays. The X18 and X20 services combined provide a half hourly service Monday to Saturday to Newcastle and Blyth, with the X18 also providing an hourly service to Morpeth Monday to Saturday. The X18 provides an hourly service to Morpeth and Newcastle on Sundays also. Train services from Widdrington are much more limited but there is a single daily commuter service to/from Newcastle.

Drainage and Flooding

- 7.60 Castle Morpeth District Local Plan Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Where development is likely to require the improvement or provision of additional services, consideration will be given to the need to impose planning conditions or seek legal agreements as appropriate.
- 7.61 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.
- 7.62 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.63 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).
- 7.64 After reviewing the submitted information the Council's Sustainable Drainage (SuDS) Officer raises no objections subject to conditions. Northumbrian Water have no comments on the proposals.
- 7.65 Overall subject to conditions, it is considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage, in accordance with the Castle Morpeth District Local Plan and the NPPF.

Ecology

- 7.66 Policy C10 of the Castle Morpeth District Local Plan states that the Council will not permit development which would affect the integrity of sites of local conservation interest unless it can be demonstrated that the benefits from the proposed development outweigh the need to safeguard the intrinsic nature conservation value of the site.
- 7.67 Policy C11 further states that the Council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse effect on the species or their habitat.

- 7.68 Policy WSC2 states that the Council will not permit development which would affect the integrity of the Grange Wood Site of Local Conservation Interest unless it can be demonstrated that the benefits from the proposed development outweigh the need to safeguard the intrinsic nature conservation value of the site.
- 7.69 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. It 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.
- 7.70 Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.
- 7.71 The Council's ecologist raises no objection to the development proposals themselves in respect of their ecological impact on the site and the adjacent Grange Wood subject to conditions. Overall, the proposals provide for satisfactory Great Crested Newt mitigation on site which is more substantial than that provided for under the original permission and generous areas of open space are also provided for. The details of planting would be secured by means of a condition as was the case with the original permission.
- 7.72 Whilst the access improvements required in respect of the proposed development would result in the loss of some trees within Grange Wood, such loss is counter-balanced by the implementation of a woodland management for a large area of Grange Wood to the immediate east of the site to be secured through the Section 106 Agreement and overall the Council's ecologist considers the proposals to be acceptable in terms of Castle Morpeth District Local Plan Policy WSC2.
- 7.73 The applicant has agreed to provide, through the Section 106 Agreement, a contribution of £600 per unit to the Council's coastal mitigation scheme to mitigate the impacts of the development on the nearby coastal zone. As such the proposals are considered acceptable in this regard and would not have a significant harmful adverse effect on the nationally and internationally designated sites at the coast.
- 7.74 As such the proposals are considered overall to be acceptable in ecology terms and in accordance with relevant policies in the Castle Morpeth District Local Plan, the NPPF and the Council's emerging Local Plan.

Planning Obligations

- 7.75 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.
- 7.76 As stated above the original permission for this site which the applicant now seeks to vary includes a Section 106 Agreement which provides for 25%

affordable housing (37 units), management plans in respect of adjacent woodland and on-site open space, travel plan implementation and timescales for provision of the combined heat and power plant, enterprise space and allotments in relation to the construction of housing on the site.

7.77 However, following discussions with consultees including Widdrington & Stobswood Parish Council, the applicant was advised that a different package of Section 106 contributions was now being sought to reflect current circumstances and planning policy. These are as follows:

- a) 17% affordable housing 17% affordable housing sought (i.e. 17 dwellings for a scheme of 104 units) comprising 10 intermediate units (Discount Market Value (DMV) sale or shared ownership) and 7 affordable rented dwellings. These would comprise a mix of 2/3 bedroom houses/bungalows.
- b) £71,100 Primary Care Contribution for expansion of Widdrington Station GP Practice
- c) £62,400 Ecology Mitigation Contribution @ £600 per unit to mitigate the impacts of recreational disturbance to the nearby nationally and internationally designated ecologically sensitive coastal zone from residents of the development and their dogs.
- d) £52,000 Parish Council request for funding towards community centre enhancement and play provision in the locality.

7.78 The applicant has agreed to provide all of the above Section 106 contributions with the exception of 17% affordable housing. As stated above they propose to provide 10% affordable housing due to matters that have arisen regarding the financial viability of the proposed development, although again as stated above, they are willing to accept a viability review clause in the Section 106 Agreement that would allow for additional affordable housing to be provided for if phase 5 ground remediation costs were less than currently estimated.

7.79 The above contributions and proposed viability review clause are considered by officers to be acceptable, following on from scrutiny of the scheme finances by the District Valuer and a County Council Quantity Surveyor.

7.80 A further matter that would need to be included in any Section 106 Agreement is an overage clause that would allow for additional Section 106 contributions for primary healthcare, community recreational facilities, ecology coastal mitigation and affordable housing if more than 104 dwellings up to the maximum of 149 were to be brought forward on the site as the applicant's submitted viability documentation relates to the currently submitted scheme of 104 dwellings which they are stating is the maximum number they intend to bring forward on the site notwithstanding that their extant planning permission and any approved variation of that would allow for up to 149 dwellings on site.

7.81 In terms of the detailed comments of the Parish Council, discussions are ongoing with the applicant regarding timescales for payment of the Section 106 contributions and an update will be provided at Committee. The detail of management arrangements would be agreed at a later date through the Section 106 Agreement in respect of woodland management and conditions in

respect of open space areas within the application site and the Combined Heat and Power Plant.

- 7.82 Bearing in mind the above the proposals are considered acceptable in respect of planning obligation matters.

Equality Duty

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

Crime and Disorder Act Implications

- 7.84 The implications of these proposals in relation to crime and disorder have been considered earlier in this report.

Human Rights Act Implications

- 7.85 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.86 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.
- 7.87 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 and overall balance

- 8.1 As stated earlier in this report, it is necessary to consider in the round the benefits and harm arising from the proposed development in terms of the three objectives of sustainable development outlined in the NPPF – economic, social and environmental and also to consider in terms of NPPF paragraph 11 whether or not there are any restrictive Policies in the Framework which indicate that development should be refused.
- 8.2 Considering first the economic objective of sustainable development, a benefit of the proposals are that they would contribute to the NPPF objective of boosting significantly the supply of housing and the economic benefits that arise as a consequence. In this regard, if this proposal was to be supported it a development of this scale would create/safeguard construction jobs for the lifetime of the construction process and have a construction value of around £20 million. Economic benefits would also arise in terms of future resident expenditure and New Homes Bonus Payments are also a material consideration if such monies were to be expended in the local area. However, notwithstanding the above, the proposed development is not considered to be necessary in order to meet overall housing need across both the County as a whole and within Widdrington Station locally, given that the Council is able to demonstrate well in excess of a 5 year housing land supply. The redevelopment of this site for housing rather than employment development is not considered problematical in planning policy terms given the unattractiveness of the site for employment purposes due its location, the difficulties in delivering a financially viable employment redevelopment of the site due to abnormal development costs and the existence of the extant permission for housing. The emerging Local Plan also does not allocate the site for continued employment use but rather acknowledges the existing extant housing permission. There are also large areas for employment development within the wider area including the nearby Lynefield Park (former Alcan) site and business parks/industrial estates in Ashington.
- 8.3 In terms of the social objective of sustainable development, the proposed provision of at least 10% affordable housing is a significant benefit which would need to be afforded weight and Section 106 contributions sought by the Parish Council and Clinical Commissioning Group for local recreational and primary healthcare facilities would also ensure that the proposed development is acceptable in terms of impact on local infrastructure.
- 8.4 Moving on to the environmental objective of sustainable development, some benefit would arise to biodiversity from the more proactive management of Great Crested Newt habitat within the site and part of Grange Wood to the east outwith the site, although there would be some small scale tree loss to provide appropriate access to the site. Impact arising from the development on the coastal zone would also be satisfactorily mitigated. Significant visual amenity benefits would arise as a result of the redevelopment of this prominent but unkempt previously developed site as well as the remediation of current ground contamination arising from the site's previous employment use.

- 8.5 Having considered matters in the round it is considered overall that the proposals amount to sustainable development and that there is no restrictive NPPF policy which indicates that development should be restricted. As such it is considered that planning permission should be granted subject to conditions and the applicant entering into a Section 106 Agreement as detailed above.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and the applicant entering into a Section 106 Agreement to provide for 10% affordable housing and contributions in respect of primary healthcare provision, ecology coastal

Conditions/Reason

- 1 (a) Applications for approval of any reserved matter in relation to phases 2 - 5 must be made not later than the expiration of three years from the 7 May 2015; and
(b) The development to which the permissions relate must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure the development is commenced within a reasonable period of time from the date of this permission.

- 2 In relation to phase 1, the development hereby permitted must be commenced within five years from the 7 May 2015.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission.

- 3 The plans and particulars of the reserved matters, relating to the external appearance, layout, scale and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To achieve a form of development that complies with the development plan and other material considerations.

- 4 No development shall be commenced until details of all fences and boundary walls to be constructed as part of the development have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1995, no boundary fence or wall shall be erected other than in accord with the approved details.

Reason: In the interests of the amenity of the area in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 5 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roof(s) of the building(s) have

been submitted to and approved by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 6 No development shall commence until a landscaping scheme for Phase 1 has been submitted to and approved in writing by the Local Planning Authority. This shall include screen planting where plots 21 and 31 border plots 22 and 30 respectively and utilise primarily Northumberland native species. Unless otherwise agreed by the Local Planning Authority, the approved scheme shall be carried out not later than the next planting session following the commencement of any development. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from its planting shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

Reason: In the interests of visual amenity in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 7 No phase of the development shall be occupied until a detailed open space management and maintenance plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accord with the approved details.

Reason: In the interests of visual amenity in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 8 The development hereby approved shall be carried out in accordance with the noise mitigation measures shown in part 6 of the Noise and Vibration Assessment for the Former Stobswood Bricks Northumberland dated May 2009 by Highham Ventures Ltd forming part of the approved application documentation in respect of planning permission ref: 17/04653/VARYCO.

Reason: To ensure that residents enjoy a satisfactory level of amenity in terms of noise attenuation from traffic passing along the adjacent East Coast mainline railway and in the interests of visual amenity in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 9 No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS 8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties in accordance with Policy RE9 of the Castle Morpeth District Local Plan

- 10 No development approved by this planning permission shall be commenced until:

a. A site investigation for phases 2 - 5 has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

b. The site investigation for Phases 2-5 has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

c. A Method Statement detailing the remediation requirements, including measures to prevent or minimise the impact on receptors, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to the remediation being carried out on site.

Reason: To ensure that all contaminants are removed from the area and any risk from contamination of the development by mobile contaminants is mitigated to ensure the protection of receptors and that the proposed site investigation and remediation will not cause pollution of controlled waters in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF.

- 11 The development of the site should be carried out in accordance with the approved Method Statement, referred to in the above condition.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF.

- 12 If during development of the site, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF.

- 13 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides 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 report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF.

- 14 No dwelling within Phase 1 shall be occupied until the car parking areas indicated on the approved plans have been implemented in accordance with the approved plans. Thereafter those car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the NPPF.

- 15 No dwelling in any phase other than Phase 1 shall be occupied until details of car parking areas in that phase have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, those car parking areas shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the NPPF.

- 16 No dwelling shall be occupied until details of the proposed pedestrian route from Phase 1 via the footbridge across the East Coast Mainline to Stobswood, including the provision of a new footway to Grangewood Terrace to the south east of the footbridge and associated works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the NPPF.

- 17 No dwelling shall be occupied until the proposed pedestrian/cyclist access route to the B1337 to the north east of the East Coast Mainline including the connection to the footway/cycleway on the B1337 and associated works have been completed in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter this pedestrian/cyclist access route shall remain in place and be available for such use at all times.

Reason: In the interests of highway safety, in accordance with the NPPF.

- 18 Prior to the commencement of development a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, will be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include details of how the entire site will maintain a discharge rate that, unless otherwise agreed by the Local Planning Authority in consultation

with the Environment Agency, shall not exceed 45 l/s. This scheme shall also incorporate infiltration and permeable paving as much as is feasible and other SuDS measures throughout the development.

Reason: To prevent the increased risk of flooding in accordance with the NPPF.

- 19 Full details of foul water drainage, which must be on separate system, shall be submitted to the local planning authority for approval in consultation with the Environment Agency. Thereafter no dwelling shall be occupied unless and until foul water drainage for that dwelling has been provided in full accordance with the details approved by the Local Planning Authority.

Reason: In order to ensure a satisfactory form of development in accordance with the NPPF.

- 20 Prior to the commencement of development in any phase the following shall be submitted to the Local Planning Authority in respect of that phase:

- a) Intrusive site investigations for both underground coal workings and the recorded mine entries;
- b) A report of findings arising from the intrusive site investigations, including the results of gas monitoring;
- c) A scheme of remedial works for underground coal mine workings for approval;
- d) A scheme of remedial and mitigatory measures for the recorded mine entries for approval.

Thereafter no dwelling shall be occupied in a phase until any remedial/mitigatory works and measures approved by the Local Planning Authority in respect of that phase have been undertaken in full.

Reason: To ensure that appropriate mitigation is provided for in respect of ground stability and associated coal mining legacy matters in accordance with Policy RE9 of the Castle Morpeth District Local Plan.

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

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

- 22 No development in any phase shall commence until an Estate Street Phasing and Completion Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development sub-phases, completion sequence and construction standards that estate streets serving each

sub-phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

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

- 23 No development in any phase shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within that phase of the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on each phase, the streets shall be maintained in accordance with the approved management and maintenance details.

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

- 24 No development, removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless an 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 C11 of the Castle Morpeth District Local Plan and the NPPF.

- 25 No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports ('Habitat Creation, Management and Maintenance plan - Stobswood, Morpeth, Northumberland', Elizabeth Ross, Version RO2, March 2018 and 'Great Crested Newt Overview - Proposed Redevelopment - Stobswood, Morpeth, Northumberland', Elizabeth Ross, Version RO1, 18.2.18) and as shown on the architect's drawings ('Proposed Masterplan', Squires Barnett Architects, Drawing No: 1516-P-201, Revision D, 21.12.17) including, but not restricted to, obtaining a Natural England European Protected Species Development Licence; adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers guidance; 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 before the end of December 2019 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development/demolition works commence.

Reason; To maintain the favourable conservation status of protected species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 26 All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 27 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1516-P-001A Location Plan;
1516-P-002A Site In Context;
1516-P-101C House Type A Floor Plans;
1516-P-102D House Type A Elevations;
1516-P-103C House Type B Floor Plans;
1516-P-104C House Type B Elevations;
1516-P-105C House Type C Floor Plans;
1516-P-106D House Type C Elevations;
1516-P-107C House Type C Annexe;
1516-P-108C House Type D Floor Plans;
1516-P-109C House Type D Elevations;
1516-P-110C House Type E Floor Plans;
1516-P-111C House Type E Elevations;
1516-P-112C House Type F Floor Plans;
1516-P-113C House Type F Elevations;
1516-P-114C House Type G Floor Plans;
1516-P-115C House Type G Elevations;
1516-P-116B House Type H Floor Plans;
1516-P-117C House Type H Elevations;
1516-P-201D Proposed Master Plan;
1516-P-204A Land in UK Coal Ownership;
1516-P-205F Phasing Plan;
1516-P-500D Phase 1 Site Layout Plan;
JN025-Dwg-0019A Swept Path Analysis Refuse Vehicle;
Design & Access Statement December 2017;
Design Code December 2017;
Transport Statement October 2017.

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

- 28 Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed in writing by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of the development shall be comprised within and thereafter those approved details shall be implemented forthwith throughout the lifetime of the development.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the lifetime of the development in accordance with the NPPF.

- 29 Surface water from the development through the construction phase shall be disposed of in full accordance with details submitted to and agreed in writing by the Local Planning Authority.

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 the NPPF.

- 30 The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 9, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of mine gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF.

- 31 No dwelling shall be occupied until the proposed new access road to the B1337 has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, no vehicular access shall be provided to the site via the existing access road unless otherwise agreed in writing by the local planning authority under Condition 36.

Reason: In the interests of highway safety and residential amenity, in accordance with the NPPF.

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

Reason: In the interests of highway safety and sustainable development in accordance with the NPPF.

- 33 Prior to occupation of any phase, details of surface water drainage to manage run off from private land within that phase shall be 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 each 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 NPPF.

- 34 Prior to the installation of any services (i.e. water/electric/gas/telecommunication) within each phase of the development

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

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

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

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste, in accordance with the NPPF.

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

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the NPPF.

- 37 No dwelling shall be occupied unless and until the existing public right of way within the application site have been stopped up and a replacement public right of way provided within the application site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The broad locations of the replacement public right of way in that scheme shall be as shown on drawing no.1516-P-205F Phasing Plan forming part of the approved application documentation and the construction detail of the replacement public

right of way shall be in accordance with specification details submitted to and approved in writing by the Local Planning Authority as part of that scheme. Thereafter this replacement public right of way shall remain in place at all times.

Reason: To ensure that appropriate mitigation is provided for the loss of an existing public right of way within the application site in accordance with Policy R8 of the Castle Morpeth District Local Plan and the NPPF.

- 38 No dwelling hereby permitted served by a shared car parking court or shared rear pedestrian entry passageway shall be occupied unless and until access to any such shared parking court or shared rear pedestrian passageway has been controlled by means of a lockable gate the details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any such lockable gate shall remain in place at all times.

Reason: In the interests of community safety in accordance with the NPPF.

- 39 Construction shall not commence in respect of any dwelling hereby permitted unless and until details on how that dwelling will be sustainable with regard to energy efficiency and/or renewable energy generation have been submitted to and approved in writing by the Local Planning Authority including details in respect of the proposed Combined Heat and Power Plant and its management. Thereafter, any such dwelling(s) and associated infrastructure shall be constructed and operated in full accordance with those approved details.

Reason: To ensure that the development contributes to a reduction in carbon emissions in accordance with the National Planning Policy Framework.

- 40 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 until a Full Travel Plan has been approved by the Local Planning Authority under Condition 43. 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.

- 41 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

- 42 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the following elevations of the plot dwellings specified unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority - 2 north, 4 south, 7 north, 9 south, 13 south, 15 south, 16 south, 17 north, 22 north, 25 south, 27 south, 30 south, 33 west, 36 west, 38 north, 39 south, 40 south, 48 north.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

- 43 Development within any phase shall be undertaken in full accordance with 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, which have been submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the area having regard to Policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

- 44 No development shall be carried out in any phase 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 with a tree protection plan for that phase to be submitted to and agreed in writing with the LPA before development commences in that phase.

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

Date of Report: 30/07/19

Authorised by:

Date:

Background Papers: Planning application file(s) 17/04653/VARYCO