

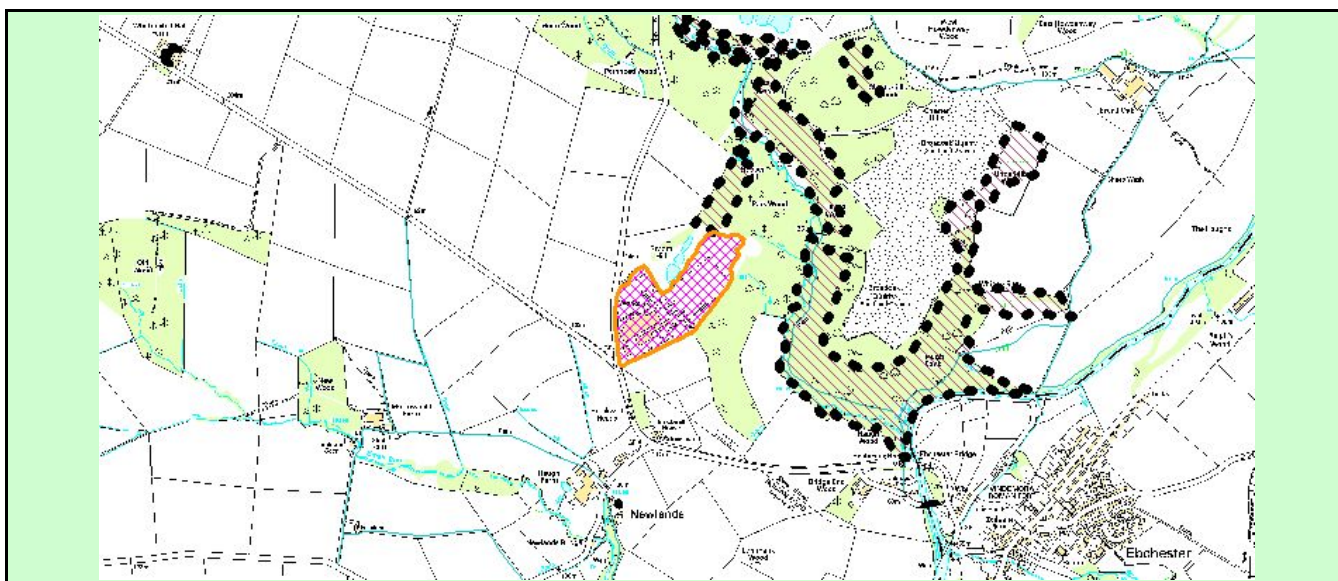


Northumberland County Council

**Strategic Planning Committee
3 December 2019**

Application No:	18/02239/FUL		
Proposal:	Redevelopment of the former Marley Tiles factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout)		
Site Address	Marley Tile Factory, Lead Lane, Newlands, Consett, Northumberland, DH8 9JQ		
Applicant:	Mr Mark Gabriele, Bellway Homes, C/O Agent	Agent:	Mr Chris Smith, Lichfields, The St Nicholas Building, St Nicholas Street, Newcastle Upon Tyne, NE1 1RF
Ward	South Tynedale	Parish	Shotley Low Quarter
Valid Date:	26 October 2018	Expiry Date:	8 November 2019
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That Members are minded to GRANT permission subject to completion of a Section 106 Agreement securing affordable housing provision and Education contribution



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1. Introduction

- 1.1 This application is brought for determination by the Strategic Planning Committee due to the scale of development within the countryside and Green Belt, the strategic implications of the proposal and having regard to representations received during the course of the application.

2. Description of the Proposals

- 2.1 Full planning permission is sought for the construction of 105 dwellings through the proposed redevelopment of the former Marley Tiles factory site located on Lead Lane, Newlands. The red line boundary of the application site extends to around 6.6 hectares in area and comprises the previously-developed parts of this site, which forms part of a larger overall site of 18.7 hectares with the larger area made up of existing woodland.
- 2.2 The site is located within the Green Belt and the countryside around 200 metres at its nearest to the north of a farmstead and group of properties at Newlands, is around 2 km south-east of Whittonstall and 1.2 km north-west of Ebchester, which is located within the County Durham boundary. It is situated at the junction of Lead Lane and Fine Lane (B6309) with vehicular access taken from Lead Lane. The site is surrounded by existing woodland to its north, east and part southern boundaries which is designated as Ancient Woodland (ancient and semi-natural / ancient replanted woodland).
- 2.3 The application was originally submitted seeking the redevelopment of the site and construction of 109 dwellings, incorporating five affordable dwellings on-site (equating to 5% on-site provision) with an off-site affordable housing contribution to meet the then 15% affordable housing requirement. During the course of the application the applicant has amended the scheme several times seeking to address concerns raised by officers in respect of the layout, scale and design of the development, as well as ecological impacts, including an increase to 113 dwellings.
- 2.4 The latest iteration of the plans shows a revised layout for 105 dwellings. Furthermore, the proposals have been amended so that all of the affordable housing provision would be delivered on-site, which now equates to 18 units (shared ownership tenure) to satisfy the 17% requirement. The proposed housing mix for the 105 dwellings is now as follows:
- 7 x two-bedroom semi/terrace (affordable)
 - 10 x three-bed semi/terrace (affordable)
 - 1 x four-bed detached (affordable)

 - 18 x three-bedroom detached
 - 63 x four-bedroom detached
 - 6 x five bedroom detached
- 2.4 The scheme as amended during the application process also proposes the following:

- revised drainage strategy including attenuation basin and swales in addition to central infiltration basin already proposed;
- commitment to delivering a continuous pedestrian footway (to adoptable standards) from the northern site entrance to Ebchester via Lead Lane, Fine Lane and Bridge End;
- provision of 2 no. bus stops on Fine Lane with connecting footpaths and associated infrastructure;
- ecological mitigation and additional ponds to provide Great Crested Newt mitigation; and
- on-site provision of equipped play space, improved open space provision and informal footpath links.

2.5 During the course of the application the applicant has provided a proposed phasing plan. This sets out that the first phase would comprise development of 25 dwellings on the upper area of hardstanding to the north-west of the site with associated access and drainage works; the second phase would be the demolition of the existing buildings to the south-western part of the site and construction of 40 dwellings; followed by the development of 40 dwellings on the area of hardstanding at a lower level to the north-eastern part of the site.

3. Planning History

Reference Number: T/93/E/625

Description: Construction of effluent plant.

Status: Permitted

Reference Number: T/77/E/616

Description: Erection of sand mixer plant and aggregate batch weigher.

Status: Permitted

Reference Number: T/77/E/447

Description: Erection of a mixer plant and aggregate batch weigher.

Status: Permitted

Reference Number: T/76/E/211

Description: Erection of a reception porch to two storey office.

Status: Permitted

Reference Number: T/20000109

Description: Outline - Construction of housing and associated works at

Status: Refused

Reference Number: C/93/CC/014

Description: Details of restoration and aftercare schemes submitted pursuant to condition nos. 31, 33, 36 & 37 of planning permission 85/E/606

Status: Permitted

Reference Number: C/84/E/602

Description: Extension to extraction of sand / gravel and associated coal and fireclay on 15.78 ha

Status: Withdrawn

Reference Number: C/85/E/606

Description: Extension of an existing sand and gravel quarry and the extraction of coal and fireclay on 15 ha

Status: Permitted

Reference Number: T/90/E/816

Description: New entrance to office block.

Status: Permitted

Reference Number: T/89/E/183

Description: Amendment to existing planning permission 88/E/946 to increase the maximum number of vehicles per day from 20 to 60 with an average of 40 vehicles per day over the year.

Status: Permitted

Reference Number: T/89/E/173

Description: Construction works involving raising of roof of existing garage workshop.

Status: Permitted

Reference Number: T/88/E/946

Description: Detailed application for retention of sand processing plant and stockpile area, construction of new access to C259, and associated landscaping.

Status: Permitted

Reference Number: T/85/E/811

Description: Construction of building for packaging of roof tiles (125 sq.m.).

Status: Permitted

Reference Number: T/84/E/70

Description: Construction of silo.

Status: Permitted

Reference Number: T/83/E/440

Description: Erection of chimney and coal silo and relocation of oil storage tank.

Status: Permitted

Reference Number: T/80/E/681

Description: Erection of 2,400 gallon diesel storage tank and bund wall.

Status: Permitted

Reference Number: T/80/E/346

Description: Extension of existing stacking area.

Status: Permitted

Reference Number: T/80/E/274

Description: Erection of one non-illuminated advertisement boards (as amended by letter dated 2 May 1980 and attached plan).

Status: Permitted

Reference Number: T/79/E/529

Description: Erection of 10,000 gallon diesel storage tank and bund wall.

Status: Permitted

Reference Number: T/79/E/294

Description: Factory extension.

Status: Permitted

Reference Number: T/79/E/202

Description: Extension to tile factory.

Status: Permitted

Reference Number: T/74/E/34

Description: Extension to Tile Factory.

Status: Permitted

Reference Number: T/950054

Description: Determination - Proposed radio antennae

Status: No objection

4. Consultee Responses

Shotley Low Quarter Parish Council	<p><u>August 2018</u></p> <p>The Parish Council has considered the above application and has unanimously agreed to object to these proposals for the reasons outlined below.</p> <p>The Parish Council have strongly argued for some time that the derelict Marley Tiles site near Newlands must be prioritised for regeneration to lessen the mounting negative impact on the Parish and the surrounding area from incidences of crime and fly-tipping that the current site attracts and the more general negative visual impact it has on the area. The Parish council also agree that these issues will only be exacerbated in the future if the site is left in its current state. The Parish Council have concluded that the site requires a change of use to lessen</p>
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these issues but are mindful that an appropriate proposal of a sustainable nature must be sought. This application does not meet this requirement.

The Parish Council do not believe that this proposal meets the characteristics of a sustainable development and feel that it would present a negative impact on both the current community and on the new inhabitants of the development if this proposal was to be granted. The proposal in its current form does not address how a development of this scale will successfully integrate into the existing rural community and prevent the occurrence of isolated communities from its introduction.

The proposal is clearly a substantial housing development that will have a significant impact on the Parish population and total housing stock. Shotley Low Quarter Parish currently encompasses approximately 147 residential dwelling and a development of this size would increase the Parish housing stock by 73% which is considered by the Parish Council as unacceptable for the current rural community. The question must be asked; is the development of 109 new homes appropriate for this rural area and is it suitable for the communities it will serve?

The Parish Council believe the following areas must be taken into consideration:

- Emerging Local Plan
- The Green Belt and scale of development
- Highways
- Open Spaces
- Health and Safety
- Affordable Housing
- Linking Communities
- Whittonstall First School
- Community Involvement
- Community Benefits

The Parish Council strongly believe that a large scale development of this nature must be sustainable for both the existing and the new communities it will create. The creation of isolated communities must be avoided through mitigation measures that are agreed and enforced. This proposal does not successfully address the Parish Council requirement for a sustainable community development based on the points detailed above. For these reasons the Parish Council has no other option than to object to this planning application and urge Planning Officers to recommend refusal.

January 2019

	<p>SLQPC Members believe that the issues which were documented in detail in the initial response remain unchanged.</p> <p>Although it is accepted that the applicant and their planning consultants have made every effort to listen to the local community we still feel obliged to ensure the Planning Committee are aware of resident's concerns regarding this possible major development.</p> <p>We do however welcome the addition of a new footpath from the proposed development to the village of Ebchester, however we still believe further pedestrian links to Whittonstall are necessary to help link the community.</p> <p>We also welcome the proposed increase in affordable homes, however the Parish Council are concerned that the shared ownership arrangements offered may not satisfy local need and could cause disadvantage from not offering a rental option on site.</p> <p>It was unanimously agreed that the Parish Council has no option to continue their objection to this proposal due to the scale of this development and the associated negative impact it would bring to the surrounding community.</p>
<p>Hedley On The Hill Parish Council</p>	<p><u>July 2018</u></p> <p>Hedley Parish Council Is not opposed to the housing development itself but there is a lot of concern about the access to the site both for potential residents and for construction traffic. The site entrances are to be off Lead Lane, before Broadoak Quarry and although heavy vehicles already use this road, it is often seriously eroded because of outflows from the quarry site. Between Broadoak and Hedley there is a single track road with a weight limit, and it is therefore impassable for any heavy traffic and very unsuitable for any volume of traffic once the houses are occupied. The road from Whittonstall if to be used, would require heavy traffic to have used small country roads; and the road from Consett main road has a very steep hill with a dangerous bend and a river at the bottom, particularly bad in winter conditions.</p> <p><u>November 2018</u></p> <p>Further to our recent comments of objection to the above, in particular regarding the impact on local minor roads: we would like to add that the impact will be greatest on the minor roads to Hedley and to Currock Hill specifically.</p>
<p>Northumbrian Water Ltd</p>	<p>No objection subject to conditions securing details of flood risk assessment and drainage strategy.</p>

Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Highways	No objection subject to conditions.
County Archaeologist	No objection - the proposed development is unlikely to adversely affect significant archaeological remains and no archaeological work will be required.
County Ecologist	Provides advice in respect of the ecological impacts of the development upon habitats and species, and the need to consider the three tests and assessment under the Conservation of Habitats and Species Regulations 2017. Recommends conditions in respect of construction management and ecological management and enhancement should these tests be satisfied.
Public Protection	No objection subject to conditions in respect of contaminated land; ground gas protection; and mitigating impacts during construction.
Education - Schools	Seeks a contribution of £531,000 in respect of first, middle and special educational needs provision.
Environment Agency	No response received.
The Coal Authority	No objection.
NHS CCG	No contribution sought by Northumberland, Newcastle Gateshead or Durham CCG.
Durham County Council	Submit comments including: <ul style="list-style-type: none"> ● it is for NCC to decide whether this is a suitable site for housing taking account of their position with regard to maintain a 5-year supply of deliverable housing and weight afforded to existing and emerging development plan and NPPF; ● highlights potential impact upon adjacent area of Ancient Woodland; ● highlights distance from Ebchester Conservation (including listed buildings) and Area of High Landscape Value. Development sits on higher ground and will be relatively well screened which helps to minimise any visual relationship between the development and Conservation Area/listed buildings and no concerns are raised regarding potential impacts on designated heritage assets; ● in landscape terms the site can be seen on a raised plateau through filtered views from the lower reaches of

	<p>Ebchester Bank over 1km to south-east. Existing tree planting contributes significantly to screening although loss of these would increase exposure. Consider the development would have some negative effect on the visual amenity value and landscape character of mid Derwent Valley and setting of Ebchester Conservation Area; and</p> <ul style="list-style-type: none"> • there appear to be no transport issues arising on County Durham's network due to the development therefore Durham County Council's Highway Section raise no highway objections.
Gateshead Council	No response received.
Natural England	No comments.
The Woodland Trust	Objects on the basis of damage to the adjacent ancient woodland. The lack of appropriate and considered mitigation between the development and the ancient woodland, in particular a suitable buffer zone of at least 30m, will result in adverse impacts and long-term degradation of the ancient woodland.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	26
Number of Support	0
Number of General Comments	3

Notices

Site notice - departure from Local Plan: 6 November 2018

Press Notice - Hexham Courant: 8 November 2018

Summary of Responses:

Following consultation on the application 26 objections have been received with three representations neither objecting nor supporting. The main issues and objections that have been raised include the following matters:

- inappropriate form and scale of development in the countryside and Green Belt and does not comply with development plan;
- adverse impacts upon the character and appearance of the landscape and rural area;
- design, density and suburban form of housing development inappropriate for this location;
- lack of open space within development;

- lack of public transport and increased reliance on private car;
- impacts on existing infrastructure, schools and services;
- increased traffic and adverse impacts upon highway safety and pedestrian safety;
- adverse impacts upon wildlife, habitats and ancient woodland;
- impacts upon surrounding area during construction;
- acknowledgement that some form of development may be required but alternatives should be considered, including restoration and reverting to agricultural use, nature reserve or employment use;
- adverse impacts on residential amenity, noise, air quality and light pollution;
- insufficient amenities and employment to support new housing;
- impacts on adjacent land uses and farming operations;
- impacts on drainage infrastructure;
- adverse impacts upon and little benefit to local community; and
- new footpath link is welcomed although there is limited public transport serving the site.

A representation has also been received from Tarmac Trading Ltd, which operates Ebchester Quarry and inert landfill site approximately 500 metres to the north. The comments highlight the location of the site and does not object but seeks assurance that account has been taken of its operations in the assessment of the proposal.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PAVA7RQSHD300>

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Plan (2000)

GD2 General Design criteria

GD4 Access arrangements

GD6 Car parking standards

NE7 New buildings in the Green Belt

NE8 New dwellings in the Green Belt

NE13 Other employment sites in the Green Belt

NE27 Protection of Protected Species

NE33 Protection of trees, woodlands and hedgerows

NE34 Tree felling

NE37 Landscaping in developments

H16 Community facilities and infrastructure requirements associated with housing development

H31 Public open space within housing areas

H32 Residential Design Criteria

ED12 Criteria to assess change of use or redevelopment of employment use to non-employment use

LR11 Outdoor sports facilities for new residential development

LR15 Play areas in new residential developments (standards and design criteria)

Tynedale Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy
GD2 Prioritising sites for development
GD4 Principles for transport and accessibility
GD5 Minimising flood risk
GD6 Planning obligations
NE1 Principles for the Natural Environment
BE1 Principles for the built environment
H1 Principles for housing
H2 Housing provision and management of supply
H3 Location of new housing and the definition of sustainable settlement
H5 Housing density for new dwellings
H7 Meeting Affordable Housing Needs
H8 Affordable housing on market housing sites
EN1 Principles for energy
EN3 Energy conservation and production in new developments

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

STP 1 Spatial strategy
STP 2 Presumption in favour of sustainable development
STP 3 Principles of sustainable development
STP 4 Climate change mitigation and adaptation
STP 5 Health and wellbeing
STP 6 Green Infrastructure
STP 7 Strategic approach to the Green Belt
STP 8 Development in the Green Belt
HOU 2 Provision of new residential development
HOU 5 Housing types and mix
HOU 6 Affordable housing provision
HOU 8 Residential development in the countryside
HOU 9 Residential development management
QOP 1 Design principles
QOP 2 Good design and amenity
QOP 3 Public realm design principles
QOP 4 Landscaping and trees
QOP 5 Sustainable design and construction
QOP 6 Delivering well-designed places
TRA 1 Promoting sustainable connections
TRA 2 The effects of development on the road network
TRA 4 Parking provision in new development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment

ENV 2 Biodiversity and geodiversity
ENV 3 Landscape
ENV 4 Tranquillity, dark skies and a sense of rurality
ENV 7 Historic environment and heritage assets
WAT 2 Water supply and sewerage
WAT 3 Flooding
WAT 4 Sustainable drainage systems
POL 1 Unstable and contaminated land
POL 2 Pollution and air, soil and water quality
INF 1 Delivering development related infrastructure
INF 5 Open space and facilities for sport and recreation
INF 6 Planning obligations

7. Appraisal

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Council submitted the Northumberland Local Plan, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019 for examination. The Plan is currently in the process of examination.
- 7.3 Following assessment of the application and representations received during the construction period, the main issues for consideration include:
- Principle of development
 - Location
 - Green Belt
 - Affordable housing
 - Landscape and visual impact
 - Residential amenity
 - Highway safety
 - Ecology
 - Flood risk and drainage
 - Ground conditions
 - Planning obligations

Principle of Development

Location

- 7.4 Policy GD1 of the Tynedale Core Strategy sets out principles for the location of new development with the main focus for development being the main towns and then local centres, smaller villages and development in the open countryside being limited to reuse of existing buildings. The Core Strategy states that the open countryside is defined as everywhere outside the built up area of a town or village and includes sporadic groups of buildings. The site is therefore considered to fall within the open countryside.
- 7.5 Policy H1 of the Core Strategy goes on to apply principles for housing, including limiting housing to main towns, local centres and smaller villages with adequate services. New build housing is not permitted in the countryside under Policy H3 of the Core Strategy as this seeks to direct housing to the main towns, local centres and smaller villages which are sustainable.
- 7.6 As set out in the details of the planning history above, outline planning permission has previously been refused on the site under application 20000109 by virtue of being inappropriate development in the Green Belt and open countryside, and conflict with general strategy for the location of housing, having regard to the development plan and national planning guidance at that time.
- 7.7 In addition to the above current development plan policies, consideration has been given to the current national policy context, which is a material consideration in assessing applications. Paragraph 78 of the NPPF states that *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”*.
- 7.8 Paragraph 79 of the NPPF states that *“planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) the development would involve the subdivision of an existing residential dwelling; or*
 - e) the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”.

7.9 Although only limited weight can be given to it at this stage, Policy STP 1 of the emerging Northumberland Local Plan reflects the principles set out within the NPPF, stating that development in the open countryside will only be supported if it can be demonstrated that it:

i. Is directly related to the needs of primary activity in agriculture, forestry, other land based industries, and rural businesses, or the sustainable diversification of such activities; or

ii. Supports the sustainable growth and expansion of an existing business; or

iii. Supports a newly forming business; or

iv. Supports or adds to the range of sustainable visitor attractions and facilities appropriate to the character of the area; or

v. Reuses redundant or disused buildings and leads to an enhancement of to the immediate setting; or

vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or

vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan; or

viii. Is a house, the architecture of which is innovative and of the highest standard, it significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.

h. Development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network, and use previously developed land where opportunities exist.

7.10 The policies of the adopted development plan identified above are considered to be largely consistent with the NPPF’s approach to avoiding isolated new homes in the countryside, although they do not wholly accord with the wider range of circumstances as exceptions.

7.11 Officers have also considered whether the development would be ‘isolated’ in the context of the NPPF given its location and relationship to other existing development in the immediate locality. It is felt that the site could not reasonably be considered to be in a village or settlement in this context. The development could not accord with the Framework’s example of development in a village supporting services in a nearby one as it would not be in a village itself. The development would therefore result in new isolated housing development in the countryside which the Framework seeks to avoid.

7.12 In terms of access to public transport the Travel Plan submitted with the application sets out that as existing the nearest bus stops from the site are located approximately 300 metres to the south and adjacent to the section of the carriageway where Fine Lane junctions with the B6309. This states it has also been observed that there is no physical infrastructure denoting the

'Venture 689' bus service at this section of the carriageway and it is understood the service operates on a 'Hail and Ride' basis. The Venture 689 bus service operates twice daily Mon – Fri and four times on a Saturday providing services between Consett - Shotley Bridge, Ebchester, Whittonstall, Slaley and Hexham. The proposed development will make provision for dedicated bus stops that will improve the accessibility to public transport for occupants of the development.

- 7.13 The additional nearest bus stops with frequent services are in the centre of Ebchester, a 1.7km walk east of the site along the B6039. There is no surfaced footpath or street lighting for large sections of the walk, although during the course of the application the applicant has set out proposals to make provision for a new footway from the site to Ebchester, which would also improve links to services and public transport, making the site more sustainable in terms of connectivity.
- 7.14 In this instance there are also considered to be material considerations with regard to the nature of the site being long-standing vacant previously-developed land in poor condition and that is understood to attract anti-social behaviour. An appropriate form of redevelopment on the site is therefore considered to be a matter that would weigh in favour of development of the site, notwithstanding the concerns over the lack of sustainability.
- 7.15 In terms of the issue of the loss of existing employment land, the site has been vacant since 1998 when Marley Tiles ceased trading and has therefore not been used as an employment site for more than two decades. Marley Tiles still owns the site, however the Planning Statement sets out that there is no prospect of it coming back into use for employment purposes. The site has been available, however no other commercially viable offers have been successful during this time. As identified within the Statement, the site has now fallen into a state of disrepair, is an eyesore for the local area and attracts anti-social behaviour. The redevelopment of the site for housing is not considered to result in a shortfall of employment land and its loss is therefore acceptable in principle.
- 7.16 Part 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching principles – an economic, social and environmental objective.
- 7.17 In terms of social and environmental benefits it is acknowledged that the proposal presents an opportunity to remediate and redevelop a derelict site and deliver a long-term solution for a long-standing derelict site; new family homes including the delivery of affordable housing; areas of landscaping and amenity space; on-site provision of SuDS to manage surface water; long-term management of the woodland; links to existing Public Rights of Way; new habitats to support wildlife conservation (albeit other direct ecological impacts will be discussed later); and new links to public transport with bus stop provision and footway link to Ebchester.
- 7.18 The applicant's Planning Statement suggests that the economic benefits that the development proposals could yield based on the scheme as originally submitted include:

- supporting 35 temporary direct construction jobs and 50 indirect/induced jobs in the supply chain and related services per annum of the four year build period;
- delivering £4.1m of Gross Value Added (GVA) (economic output) throughout the construction period;
- construction value of £15.1m;
- attracting new (predominantly economically active) households to live in the area, resulting in around £1.2m of net additional expenditure per annum in shops and services within Northumberland (which could support the creation of approximately 20 new FTE jobs);
- a further £590,000 of first occupation expenditure on goods and services to make a house 'feel like home' – a proportion of which would be captured locally;
- generating New Homes Bonus payments of approximately £770,000 in total across a four year period; and
- delivering an uplift in Council Tax revenues of £220,000 per annum to Northumberland County Council.

7.19 It is accepted the site lies outside any settlement boundary where new housing would generally be considered acceptable. However, on balance, it is considered that greater weight should be afforded to the economic, social and environmental benefits within the sustainability criteria of the NPPF as the scheme would be making effective use of the land and would avoid further encroachment into the open countryside beyond the existing areas of physical development. There would be improved sustainable connections secured as part of the development through the new bus stops and footway.

7.20 Furthermore, significant weight has been given to the environmental benefits of the proposal. The proposal would be re-using a previously developed site that would avoid further development pressure on other greenfield land which is considered to be a more efficient and effective use of the land. The construction of an appropriate housing scheme would enhance its immediate setting by replacing disused, unsightly buildings and a vacant site with a form of development that has the opportunity to enhance the visual amenity of the surrounding landscape and improve the built and natural environment. The proposal is also considered to result in an acceptable and viable reuse of the site that would secure and enhance its longer-term future.

Green Belt

7.21 In addition to being new housing in the countryside, the proposal would also result in development within the Green Belt. Policy NE7 of the Tynedale Local Plan sets out circumstances when the construction of new buildings in the Green Belt may be permitted, including limited infilling within identified villages, limited affordable housing and proposals for the limited extension, alteration or replacement of existing dwellings. The proposal would not fall within any of the purposes identified. Furthermore, Policy NE8 of the Local Plan relates specifically to new dwellings and states there will be a presumption against the construction of new dwellings in the Green Belt.

- 7.22 The Marley Tiles site is identified within Policy NE13 of the Local Plan, which states that proposals for limited infill development, re-use, partial re-use or redevelopment for employment uses on those developed sites in the Green Belt defined on the Proposals Map will be permitted subject to identified criteria. These include that the proposal would have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it and where possible have less; and where total or partial redevelopment is proposed, new buildings do not occupy a larger area of the site nor exceed the height of the existing buildings, except where the overall scheme would result in a more beneficial visual impact upon the landscape than the existing situation. The application relates to housing development rather than employment uses as covered by Policy NE13, although this gives an indication of the nature of development that could be considered to be supported.
- 7.23 The most up-to-date Green Belt policy guidance is set out within the NPPF. Paragraph 133 states that *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.
- 7.24 Paragraph 143 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 goes on to state that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 7.25 Paragraph 145 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.

- 7.26 One of the most notable changes that the Government has made to the NPPF with changes in the last year is the greater support for the housing redevelopment of previously-developed land in the Green Belt. Criterion g) of Paragraph 145 means that housing proposals involving the redevelopment of previously developed land in the Green Belt that contribute towards affordable housing provision within the area of the authority, and which do not result in ‘substantial harm’ to openness will not be regarded as inappropriate development.
- 7.27 Policy STP 8 of the emerging Northumberland Local Plan sets out criteria for assessing new development in the Green Belt. These include that development which is appropriate in the Green Belt, as defined in national planning policy, will be supported; and development which improves access to the countryside; provides opportunities for outdoor sport and recreation; enhances landscapes and biodiversity; or improves damaged and derelict land will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt.
- 7.28 The application proposes to deliver 18 on-site affordable units in meeting the target provision of 17%. On this basis, a less stringent test is applied to assessing the impact to the openness of the Green Belt having regard to paragraph 145 g) of the NPPF. The measurement is a matter of judgment on whether the impact would result in ‘substantial harm’, rather than identifying if a proposal has a ‘greater impact’ than the existing development.
- 7.29 In addition, the recently updated NPPG in July 2019 advises that “*assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. This includes “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”.*
- 7.30 On this basis, as part of the assessment of this application, the proposal should not result in ‘substantial harm’ to the openness of the Green Belt and the visual impact is also to be given significant consideration.

7.31 The overall application site is comprised of three distinct areas: an area to the south-west where the main access onto Lead Lane is located as well as the existing vacant buildings; an area of hardstanding to the north of the existing buildings that is located at a higher level; and a larger area of hardstanding to the east that is located at a lower level to the other areas and is well screened by the adjacent woodland.

7.32 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which concludes that:

“The site is derelict land on the edge of Derwent Valley. It is a former industrial site that contains abandoned and deteriorating buildings and large areas of hard standing within a strong pattern of adjacent woodland. The site lacks any distinction of landscape, quality, utility, access or heritage value, being land in need of reclamation. The most significant landscape features on the site are its development plateaux, and perimeter hedges and tree groups.

Visibility of the site is constrained by the effects of relative topography and the woodland, tree and hedgerow pattern, to a primary area around the site and a secondary area of wider visibility in which the development may be visible as a component of a larger panorama but at distances that make the visible development of negligible impact. This makes it a discreet location for the introduction of housing, with landscape and visual effects kept to a relatively small area. As the planting proposals of the development come to maturity, the visible effect of the development will diminish further.”

7.33 In assessing the impact upon the openness of the Green Belt officers have taken into account that the existing buildings are only concentrated in one part of the site, whilst the proposal would result in new buildings dispersed across a wider area. On the basis of the previous NPPF assessment it is considered that the development would be deemed to have a greater impact on the openness of the Green Belt than the existing development as a result of new housing being spread over a larger area. The applicant has provided information to show that the built footprint across the site is only increased by 3% and there is a decrease in hardstanding of 24%.

7.34 However, under the requirements of the current NPPF assessment it is felt that whilst there would be some harm to the openness of the Green Belt, and this would be more evident on the higher area of hardstanding to the north-west of the site, in assessing the totality of the impact the scheme would not result in ‘substantial harm’ to the openness of the Green Belt. There is already an existing impact on openness from the existing buildings on the site and the developed nature of this as a whole. However, it is officer opinion that the new development would improve the overall visual character through the removal of the existing vacant buildings and the comprehensive redevelopment of the site, which would include new areas of planting, open space and opportunities to enhance the visual appearance of the area.

7.35 The visual impact of development on the site is also mitigated given the existing woodland planting around a large part of the site and the topography that limits views and visual impact further. The proposed development as a whole would therefore not be substantially detrimental to the surrounding

landscape than the current arrangement and could in fact be said to provide an opportunity for enhancement to this site within the Green Belt. On this basis it is felt that the proposal would not be inappropriate development in the Green Belt.

- 7.36 Overall in terms of the principle of development there is non-compliance with development plan policies that seek to restrict development outside of settlement boundaries in locations that are not accessible to local services by a choice of means of transport and sections of the NPPF that seek to avoid isolated housing in the countryside. However, the proposal is considered to be appropriate development in the Green Belt and beneficial in visual terms, does not result in further encroachment into open countryside and would remove an unsightly form of development. Bearing in mind the scale of development proposed, it is considered in the on balance, the benefits of the proposal outweigh its harm in terms of matters of principle.

Affordable Housing

- 7.37 Policies H7 and H8 of the Core Strategy set out the development plan position in relation to affordable housing provision on new developments. Policy H8 states that provision will be sought on developments of 5 or more dwellings or 0.2ha or more in settlements outside of Hexham, Prudhoe and Haltwhistle, and depending on the assessment of need in the local area, the proportion of affordable houses sought will be between 30% and 50% of the total dwellings on the site.
- 7.38 The NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.
- 7.39 Evidence prepared to inform the emerging Northumberland Local Plan is a material consideration in the determination of planning applications. In particular, the Northumberland Strategic Housing Market Assessment Update (SHMA, June 2018) indicates a residual countywide affordable housing need for the period 2017-22. In the context of the evidence based housing requirement in the emerging Northumberland Local Plan for the plan period 2016-2036, this equates to a residual need for 17% of homes on new permissions to be affordable. To meet this identified need, Policy HOU 6 of the emerging Northumberland Local Plan sets out the emerging policy position, with different affordable housing requirements based on housing viability value areas. As this proposed approach is still subject to a number of consultation objections, it will not be used in the determination of applications at this stage.
- 7.40 During the course of the application the proposals have been amended from having a lower level of on-site affordable housing provision with a commuted sum for off-site provision. It is now proposed for all 18 units required through the 17% target provision to be delivered on site as Shared Ownership (SO) tenure.

- 7.41 Consultation and discussions have taken place with the Council's Affordable Housing team on the application. They advise that the application site is a suitable location for a number of affordable homes with reasonable access to local services. Discussions with local Registered Providers (RP) identified that there was an appetite to provide affordable homes on this site which will deliver a significant number of market sale homes. The RPs expressed reservations about providing affordable rented homes in this location with SO being the preferred tenure. This stance was re-examined following concerns from the Parish Council about not providing any homes for affordable rent. However, further discussions with a RP on the tenure and mix have confirmed that their strong preference is for SO homes in this particular location.
- 7.42 The Affordable Housing team has advised that the current offer represents 17% and is therefore acceptable. A suggested housing mix would normally be 50% affordable rent and 50% discount market value sale or shared ownership as supported by SHMA evidence. However, in this case given the feedback from local RPs providing all the affordable homes as SO is considered to be acceptable and will provide an affordable route into home ownership for those who may otherwise have to rent. The proposals are therefore supported by the Affordable Housing team and this provision is considered to be acceptable and will need to be secured through a Section 106 Agreement. It is proposed by officers that the Agreement will include a clause to allow for the tenure to be changed from SO to affordable rent should sufficient SO sales not materialise.

Landscape and Visual Impact

- 7.43 In addition to Policy GD1 of the Core Strategy, which requires the scale and nature of development to respect the character of the town or village concerned, Policies GD2 and H32 of the Tynedale Local Plan seek to ensure that development is appropriate for its location in terms of matters such as layout, scale, design and impact upon the amenity of residents. Policy BE1 of the Core Strategy seeks to conserve and enhance Tynedale's built environment. Policy NE1 of the Core Strategy sets out principles for the natural environment, including protecting and enhancing the character and quality of the landscape and avoiding the urbanisation of the countryside.
- 7.44 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and recognises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 7.45 A number of the objections received raise concerns over the scale and form of the development, and this is an aspect that officers have discussed in detail with the applicant throughout the application process. These concerns, which officers have also concurred with, include the scheme would result in the

creation of a new suburban housing estate within the Green Belt and a more rural location within the open countryside that is not well related to its location.

- 7.46 Given the current nature of the existing buildings and the overall site, which has been vacant for a considerable period of time, it is felt that there is a need for some form of sympathetic redevelopment that would enhance its character and appearance and that of the wider landscape. An appropriate form of development would also help to address current concerns with anti-social behaviour and security of the site and buildings.
- 7.47 The layout and design of the scheme has evolved during the application process in response to concerns raised by officers and through the consultation process. Improvements have been made the overall scheme through the frontage on to Lead Lane and additional landscaping measures; use of materials, including the introduction of stone to the Lead Lane frontage and other key points within the development; enhanced central area of open space; and better connectivity between the three distinct areas of the site.
- 7.48 Officers fully acknowledge the concerns raised regarding the scale and form of development, including the potential the scheme could appear as a suburban form of housing estate within the countryside setting and development incorporating the local vernacular would be more appropriate.
- 7.49 The proposed development will clearly change and have some effect on the character and appearance of the site and wider area through the introduction of new housing. However, it is officer opinion that the revisions secured through the application process now result in a better quality form of development that would be acceptable given the context of the site's current condition and its comprehensive redevelopment. The layout, scale and density of development on the site are felt to be acceptable and the retention of existing planting to the boundaries alongside new landscaping and significantly improved areas of open space would result in a good design and quality of environment, which would also mitigate the visual impact in the wider landscape.
- 7.50 The proposed new housing itself would be the applicant's standard house types as opposed to a more bespoke design or that reflects more traditional local vernacular. However, subject to securing further approval of the material finishes, which will include stonework, the proposed house types are considered to be acceptable in this location alongside the overall layout of the site, including additional and enhanced landscaping and open space provision.
- 7.51 Comments received from Durham County Council highlight that the Durham County boundary and River Derwent lie within approximately 900m of the application site, which also forms the boundary to Ebchester Conservation Area. The comments stated that the proposed development site sits on higher ground and will be relatively well screened by existing vegetation. This helps to minimise any visual relationship between the proposed development and the Ebchester Conservation Area and listed buildings. As such the Design and Conservation Officer has not raised any specific concerns regarding the potential impact on the designated heritage assets within County Durham.

Given the location, scale of development, existing and proposed landscaping and relationship with heritage assets in the locality, officers do not consider that there would be effects on these heritage assets.

- 7.52 In light of the development as proposed and the revisions made during the application process, as well as the quality and character of the site and wider area, it is officer opinion that the overall development would result in an acceptable scheme that would, on balance, enhance and redevelop the site in an acceptable form. Having regard to the conclusions of the LVIA and the context of the current form of the site, the proposal would result in an acceptable form of redevelopment that would not result in significant or adverse impacts on the visual amenity of the area or landscape character. The development is therefore considered to be an acceptable design in accordance with Policies GD2 and H32 of the Local Plan, Policies NE1 and BE1 of the Core Strategy and the NPPF.

Residential Amenity

- 7.53 As well as looking to achieve a good quality of design in new residential development, Policies GD2 and H32 of the Local Plan set out the requirements for developments to ensure there would be no adverse effects upon residential amenity, and future occupants would also achieve acceptable standards of amenity.
- 7.54 The site does not have any immediately adjoining neighbouring properties, with the nearest located around 200 metres to the south at Brockwell House and separated by open agricultural land. As a result the proposed development is not considered to result in any significant or harmful impacts upon the amenity of residents in the locality in relation to matters of visual amenity, outlook, daylight/sunlight or privacy.
- 7.55 The proposal would introduce new residential development with associated increased traffic movements and use into the area that could result in some impacts on amenity. However, it should be recognised that this is previously-developed land that has operated as a factory and for employment purposes, and is also allocated for redevelopment under Policy NE13 of the Tynedale Local Plan. The potential effects of an employment use in comparison to a residential development has therefore been considered in the assessment of the application. In this context, the proposed scale and form of development and associated impacts are not considered to result in any significant or harmful impacts upon the amenity of residents in the wider locality.
- 7.56 The proposed design and layout is also considered to achieve an acceptable level of amenity for future occupiers of the new dwellings. There are some areas of the layout where the separation and extent of private gardens are not entirely in line with identified policy standards. However, an acceptable level of amenity is provided throughout the development broadly in accordance with Policies GD2 and H32 of the Local Plan. Furthermore, consultation has taken place with the Council's Public Health Protection team and no objections or other matters in respect of potential impacts upon residential amenity have been identified that would impact upon the development of the site other than

conditions relating to ground conditions (contamination and ground gas), construction times and dust management during the construction period.

Highway Safety

- 7.57 New development will need to deliver an appropriate form of development in terms of highway safety and infrastructure having regard to Policies GD4 and GD6 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF. Paragraph 109 of the NPPF states 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.
- 7.58 The proposal has been the subject of consultation and ongoing discussions between the applicant and Highways Development Management (HDM). This has involved amending the plans to include new bus stop provision at the Lead Lane/Fine Lane junction and new extensive footway link heading south from the site to Ebchester.
- 7.59 HDM has previously advised that further to initial comments made on the submitted Transport Assessment, a Highways Technical note has been submitted with the application. This note addresses the points raised on the Transport Assessment and as such, there are no outstanding matters or concerns in respect to the assessment of the impacts of the proposed development on the wider highway network. HDM suggest continued engagement with the adjacent Durham County Council and whether any additional improvements are required. Durham CC has advised that there appear to be no transport issues arising on its network as a result of the development and no highway objections have therefore been raised. No further comments were offered by Durham CC following re-consultation on amended plans that included the proposed footway link to Ebchester.
- 7.60 HDM have been seeking clarification on a range of matters associated with the development, including in respect of matters of internal layout, visibility splays at the access and the need for Road Safety Audit of proposed highway works. This has resulted in revisions to the proposed layout of the development. The revised layout is acceptable in highways terms and provides for appropriate levels of car parking, turning facilities, and physical measures to retain slow speeds of vehicles traveling through the site.
- 7.61 HDM have referred to consideration of bus services and the potential for Section 106 funding, although it is considered that due to the location of the site that any pump primed service is unlikely to operate commercially following the cessation of reasonable funding under a S106. As such, it is considered that the provision of new bus stops on the B6309 and the footway connection towards Ebchester are more deliverable, reasonable and permanent improvements to sustainable transport access than a subsidised bus service. The internal highways works are acceptable and the delivery of external highways works are recommended to be conditioned to tie in with the phasing of the development, although in order to encourage sustainable transport the majority of the highways works will be required prior to first occupation on the site. The applicant will be required to enter into a Section

278 Agreement with the Highway Authority to undertake the works with further Road Safety Audits undertaken at the appropriate times.

- 7.62 Following the submission of further information it is considered that the applicant has been able to demonstrate that an acceptable form of development can be achieved, whilst subject to conditions securing necessary highway works and improvements, it would also be acceptable in relation to the accessibility of the site and in terms of sustainable development. On this basis it is not felt that there are significant or unacceptable impacts in respect of highway safety, or that the residual cumulative impacts on the road network would be severe. The proposal is therefore considered to be acceptable having regard to Policies GD2, GD4 and GD6 of the Local Plan, Policy GD4 of the Core Strategy and the NPPF.

Ecology

- 7.63 The Local Plan, Core Strategy and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area, including watercourses and impacts upon trees and hedgerows. Policies NE27, NE28, NE33, NE34 and NE37 of the Local Plan and Policy NE1 of the Core Strategy are therefore relevant. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity.
- 7.64 Consultation has taken place with the Council's Ecologists and Natural England on the proposals given the proposed location and scale of development and potential ecological impacts, including upon protected species and designations such as the Ancient Woodland. Natural England has offered no comments on the application. Comments have been received from the Woodland Trust that raise an objection over impacts upon the Ancient Woodland.
- 7.65 Detailed comments have been received from the Council's Ecologist on the proposals and there have been ongoing discussions and requests for additional information in order to be able to fully assess the impacts of the development and proposed mitigation. The Principal Ecologist (PE) has identified that the Marley Tiles site has a range of important ecological features in and around the site. These include Open Mosaic Habitat on brownfield land, which is a habitat of principal importance in England under the Natural Environment and Rural Communities Act 2009 and is therefore a material consideration; Ancient Woodland; areas of ancient semi-natural and ancient plantation woodland immediately adjacent to the site; mosaics of scrub, species-rich grassland and ponds within and adjacent to the site – the grassland and ponds are both habitats of principal importance in England; populations of European protected species (great crested newts and bats); and breeding bird assemblage.
- 7.66 The PE identifies that direct impacts will occur on the open mosaic habitat and its associated species, and on populations of European protected species. The main great crested newt and common toad breeding pond will not be directly affected by development, and new ponds will be created to compensate for those that will be lost. However, concerns have been raised

that terrestrial habitat will be affected. The bat roosts to be lost comprise day roosts for low numbers of common species, and therefore it will be possible to deliver satisfactory compensation for these features.

- 7.67 Indirect impacts will occur on ancient woodland, open mosaic habitat, ponds, scrub, species-rich grassland and scrub and their associated species. These arise from establishing a community of 105 households immediately adjacent to these habitats, especially as the proposed community is remote from other communities and community facilities, and given the more limited green space that is being provided within the development. The PE also identifies that further harm is likely to be caused by the very strong inclination of many people to tidy up their immediate environment. The new development will lie immediately adjacent to habitats that many people perceive to be untidy or unsightly or which they will worry will harbour 'vermin', such as the open mosaic habitat and scrub-grassland mosaics; or which have the potential to form pleasant recreational areas should they be tidied up and managed as amenity land, such as the area around the pond.
- 7.68 The applicant has been advised of measures to reduce the ecological impacts, and the most important measure would be to pull the red line boundary back so that it does not exceed the concrete pad left by the former works. This would eliminate the loss of open mosaic habitat, species-rich grassland and scrub. This has been reduced to a degree as part of the most recent plans, although there would still be loss and resultant ecological impacts. The next measure would be to ensure that there is adequate and appropriately designed greenspace within the development, to reduce recreational pressure on surrounding habitats. The semi-natural habitats surrounding the site will still be attractive walking and play space, and it is recognised that interaction with nature is very important. Accordingly there will still be the potential for a range of impacts associated with disturbance, mis-guided 'tidying' etc. as outlined above. A comprehensive habitat management, access and interpretation plan will help to reduce these impacts and provide compensation for those that cannot be avoided.
- 7.69 Following consultation on the latest plan the PE notes that there has been a modest change in the layout to reduce the magnitude of loss of Habitats of Principal Importance in England and habitats used by protected species, although comments it is very disappointing that a more significant change has not been made. As well as these direct impacts, they continue to have concerns about the indirect impacts arising from the creation of 105 households at this location. Natural England development licences will be required to enable the development to proceed without an offence being committed in respect of great crested newts and bats. Case law shows that it is necessary for the LPA to consider the three tests that must be met for a licence to be granted and to refuse planning permission if it considers that a licence is unlikely to be granted.
- 7.70 The Local Planning Authority has a duty to have regard to European protected species when discharging functions including planning applications under the Conservation of Habitats and Species Regulations 2017. There are three limbs to the derogation test for a licence to be issued by NE:

1. “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” (IROPI) and
2. “that there is no satisfactory alternative” and
3. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

All three limbs must be satisfied before a licence can be issued.

Imperative reasons of overriding public interest

- 7.71 This test is generally considered to have been met if a development is meeting an identified development need, although some planning inspectors have decided that it is not met in situations where there is a five year supply of deliverable housing land (which applies in this case), the economic and social benefits of further housing do not amount to imperative reasons of overriding public interest. In this case the need to remediate the site, including the demolition of increasingly unsafe buildings that are used for anti-social behaviour including arson, is considered to be relevant.

No Satisfactory Alternative

- 7.72 Regarding the bats on the site, their roosts are within derelict buildings that are deteriorating and so doing nothing or using an alternative site are not satisfactory alternatives. Regarding great crested newts, where LPAs can demonstrate a five year supply of deliverable housing land, appeal decisions show that this test is not considered to be met, because satisfactory alternatives demonstrably do exist, which is applicable in this case given the current housing land supply position. However, doing nothing or building elsewhere does not address the need to remediate the site and deal with the unsafe derelict buildings and so may not be regarded as satisfactory alternatives. The PE advises that a slightly smaller housing scheme confined to the hardstanding on the site would have a lower impact on great crested newt habitat, and so could be regarded as a satisfactory alternative unless there was clear evidence that this reduction in scale made the scheme (and therefore the remediation of the site) non-viable. Although no direct evidence of viability has been submitted in support of the application, this has been raised by the applicant in discussions and it is understood that a smaller scheme is unlikely to be deliverable on this site.

Not detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

- 7.73 The PE advises that the development is proposed to be located within about 20m of the main breeding pond for great newts and inevitably at such very close proximity, adverse effects will arise through a combination of tidying of key terrestrial habitats around the pond, and damage to such habitat through trampling, cycling and other forms of informal recreation. This is especially the case as this is a relatively large development of 105 houses with very little greenspace being provided. Direct impacts on the breeding pond will be

significant if it were to be stocked with fish, as sometimes happens when housing development occurs close to ponds. All these matters will need to be addressed through ongoing management of the site secured through a planning condition or obligation and it is imperative that the developer is fully aware of these relatively onerous ongoing requirements.

- 7.74 In addition to seeking improvements to the layout and design of the development, officers have been in ongoing discussions with the applicant and their ecological consultants over the likely ecological impacts of the development. Improvements to the layout have been sought alongside measures to reduce the potential ecological impacts as described above. Whilst it is felt that there could potentially be further reductions to the impact of the development, having regard to the assessment in respect of the three tests set out above, the proposal is considered to be acceptable, on balance.
- 7.75 If it is to be accepted that a scheme that is any smaller than that currently being proposed is not viable, and that on this basis the second test is passed, the PE has identified planning conditions that should be imposed on any grant of planning permission. These relate to securing details through a Construction Environment Management Plan as well as an Ecological Management and Enhancement Plan, which would also cover ongoing woodland management and impacts upon the ancient woodland. On this basis, and subject to proposed conditions securing the necessary mitigation, the proposal is considered to be acceptable and would accord with the development plan and the NPPF.

Flood Risk and Drainage

- 7.76 The site is located within Flood Zone 1, which is therefore at a lower risk from flooding. The application has been assessed against Tynedale Core Strategy Policy GD5 and the NPPF in relation to ensuring development is directed to areas at a lower risk of flooding and that it would not increase flood risk elsewhere. Consultation has taken place with Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA) in this respect.
- 7.77 NWL has raised no objection to the application subject to a condition requiring the development to be undertaken in accordance with the submitted flood risk assessment and drainage strategy.
- 7.78 The LLFA had initially objected to the proposals and further information on the proposed drainage scheme were requested. Following the submission of additional information the LLFA has raised no objection subject to conditions. On this basis the proposal would be acceptable in respect of matters of flood risk and drainage, in accordance with Policy CS27 of the Local Plan, Policy GD5 of the Core Strategy and the NPPF.

Ground Conditions

- 7.79 Given the nature of the site's former use, its existing condition and location within the higher risk Coal Authority Referral Area, as well as the nature of the proposed development, matters raised by the Council's Public Health Protection (PHP) team and the Coal Authority are particularly important in

considering the suitability of the site for the proposed development. Policy CS23 of the Local Plan is relevant to these proposals in relation to potential matters of contaminated land.

- 7.80 The Coal Authority has considered the findings of the applicant's Geoenvironmental Appraisal, which concludes that risk of surface instability as a result of coal mining is considered to be low. The Coal Authority considers that an adequate assessment of the risks to the proposed development have been carried out. The submitted assessment is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.
- 7.81 Following initial consultation on the application PHP had requested additional information in respect of the risk of ground gas and contaminated land. This has been undertaken and PHP have subsequently raised no objection subject to conditions in respect of contaminated land and ground gas protection measures. On this basis it is considered that the development of the site would be acceptable in relation to ground conditions, with any potential impacts capable of being mitigated. The proposal would therefore be in accordance with Policy CS23 of the Local Plan and the NPPF.

Planning Obligations

- 7.82 Having regard to Policy H16 of the Local Plan and Policy GD6 of the Core Strategy there is considered to be a requirement to secure planning obligations should Members be minded to grant planning permission, which would need to be secured by a Section 106 Agreement.
- 7.83 As referred to earlier the applicant is proposing the delivery of 18 affordable units on the site in order to meet the target provision of 17% affordable housing. This is proposed to be for Shared Ownership tenure, however it is proposed that the S106 Agreement will include a clause to allow for the tenure to be changed from SO to affordable rent should sufficient SO sales not materialise.
- 7.84 Following consultation with the Council's Education team officers have been advised that the first school in the catchment area is Whittonstall First. Its current roll is 62 compared to a capacity of 55, therefore a primary contribution of £252,000 is requested in respect of the 14 additional pupils likely to be generated. The catchment area Middle School is Corbridge Middle. Its current role is 354 of a total capacity of 360, therefore a middle school contribution of £180,000 is therefore requested in respect of the 10 places likely to be produced from the development. No contribution is sought with regard to high school provision given the current capacity at the Queen Elizabeth High School in Hexham. A contribution of £99,000 is sought in respect of Special Educational Needs and therefore the total Education request is £531,000, which has been agreed with the applicant.
- 7.85 With regard to a potential contribution in respect of healthcare consultation has taken place with NHS Northumberland Clinical Commissioning Group (CCG). They have advised that none of the Northumberland based GPs

include this site location in their practice area and therefore no comments have been made. Further advice has been sought on this aspect with Newcastle Gateshead CCG and North Durham CCG and no contribution has been requested in this instance.

Equality Duty

- 7.86 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

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

Human Rights Act Implications

- 7.88 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.
- 7.89 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.
- 7.90 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

- 8.1 The development of the site for housing would conflict with development plan policies in respect of new housing in the countryside. In terms of the overall planning balance the proposals are considered to constitute sustainable development having regard to the NPPF. Whilst the application site lies outside of a settlement boundary in open countryside and is not readily accessible to local services for pedestrians and public transport users, there is some connectivity with public transport that would be improved through the development along with footway links to nearby services.
- 8.2 The site is visually unattractive previously developed land occupied by vacant buildings and hardstanding areas and the proposals present an opportunity to improve the visual appearance of the site. The comprehensive redevelopment of the site would include the removal of industrial buildings in a rural setting and provide an opportunity for enhanced landscaping and the improvement of the overall visual amenity of the area. The proposal would not cause 'substantial harm' to the openness of the Green Belt, and as such would not result in inappropriate development within the Green Belt having regard to paragraph 145 g) of the NPPF.
- 8.3 Following the receipt of amended plans with revisions to the layout and appearance of the development, the proposals are considered to be acceptable in respect of matters of scale and design and impact on the landscape and residential amenity. It is also felt to be acceptable in all other respects subject to conditions mitigating any impacts where identified, and the applicant entering into a Section 106 Agreement to secure affordable housing provision on site and Education contribution.

9. Recommendation

That Members GRANT planning permission subject to the completion of a Section 106 Agreement securing 17% affordable housing provision and an Education contribution of £531,000 and the following conditions:

Conditions/Reason

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

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

02. 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:-

- 16-038-001 Rev A - Site Location Plan
- 16-038-P01 Rev V - Site Layout Plan
- 16-038-P02 Rev L - Boundary Treatment Plan
- 16-038-P03 Rev J - Adoption Plan
- 16-038-PO6 Rev A - Phasing Plan

18-071/101 Rev C - General Access Arrangement
18071/102 - General Access Arrangement - Southern Access
18071/003-07 - Proposed 2m Footway Link (B6309)
18071/003-01 Rev D - Potential Footway Provision Sheet 1 of 6
18071/003-02 Rev B - Potential Footway Provision Sheet 2 of 6
18071/003-03 Rev B - Potential Footway Provision Sheet 3 of 6
18071/003-04 Rev B - Potential Footway Provision Sheet 4 of 6
18071/003-05 Rev B - Potential Footway Provision Sheet 5 of 6
18071/003-06 Rev B - Potential Footway Provision Sheet 6 of 6
5849-99-001 Rev I - Landscape Masterplan
5849-99-002 Rev A - Landscape Masterplan – POS Detail
QD1424-00-01 Rev J - Engineering Layout Sheet 1
QD1424-00-02 Rev D - Engineering Layout Sheet 2
QD1424-00-08 Rev F - Infiltration Basin General Arrangement
QD1424-00-09 Rev F - Swale GA
QD1424-00-12 - Land Drainage Details
QD1424-00-14 Rev A - Headwall Details
QD1424 SW 30 04 19 - Microdrainage calculations dated 29.06.2019

A/643/v1/00/01 Rev B - Ash (2b semi/ter) Planning Layouts
A/643/v1/00/02 Rev C - Ash (2b semi/ter) Planning Elevations
A/802c/v3/00/01 Rev B - Cherry (3b semi/ter) Planning Layouts
A/802c/v1/00/02 Rev A - Cherry (3b semi/ter) Planning Elevations
A/974/v1/00/01 Rev A - Hornbeam (3b semi/det) Planning Layouts
A/974/v1/00/02 Rev A - Hornbeam (3b semi/det) Planning Elevations
A/1057/v1/00/01 Rev C - Peony (3b det) Planning Layouts
A/1057/v1/00/02 Rev A - Peony (3b det) Planning Elevations
A/1199/v1/00/01 Rev B - Walnut (4b det) Planning Layouts
A/1199/v1/00/02 Rev A - Walnut (4b det) Planning Elevations
A/1336/v1/00/01 Rev C - Maple (4b det) Planning Layouts
A/1336/v1/00/02 Rev B - Maple (4b det) Planning Elevations
A/1394/v1/00/01 Rev D - Lilac (4b det) Planning Layouts
A/1394/v1/00/02 Rev A - Lilac (4b det) Planning Elevations
A/1550/v1/00/01 Rev C - Acacia (4b det) Planning Layouts
A/1550/v1/00/02 Rev B - Acacia (4b det) Planning Elevations
A/1701/v1/00/01 Rev C - Pine (4b det) Planning Layouts
A/1701/v1/00/02 Rev C - Pine (4b det) Planning Elevations
A/1796/v1/00/01 Rev C - Plane (4b det) Planning Layouts
A/1796/v1/00/02 Rev C - Plane (4b det) Planning Elevations
A/2243/v1/00/01 Rev C - Redwood (5b det) Planning Layouts
A/2243/v1/00/02 Rev B - Redwood (5b det) Planning Elevations
A/plcGa/00/001 Rev B - Portfolio Garages
S6/D06 - 1800mm High Wall & Close Boarded Fence
S6/D08 - 1800mm to 900mm "Transitions" Close Boarded
S6/D14 - 1800mm High Close Boarded with Trellis (SBD Sites)
S6/D17 - 900mm High Post & Rail Fence
S6/D18 - Standard Construction Details

Former Marley Tiles Factory Site, Newlands Flood Risk Assessment And Drainage Strategy Rev H Produced by Queensbury design dated 26.09.2019

Framework Travel Plan (Milestone Transport Planning / MTP Ref: 18-071 N - Rev A
Sept 2019)

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

03. Notwithstanding any description of the materials in the application, no construction of the dwellings above damp proof course level shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the dwellings have been submitted to, and approved in writing 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: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Notwithstanding the details submitted with the application, a detailed landscaping scheme for each phase of the development (phasing details to be submitted as part of the landscaping scheme), showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development in that phase, or within such other time as may be approved with the Local Planning Authority.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Prior to the commencement of the first phase of landscaping as approved through condition 4, a detailed landscape management plan and details of management for the provision and subsequent maintenance of the areas of open space (excluding private gardens) shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment and management of the approved scheme in accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. All trees and hedges within, and to the boundaries, of the site identified on either the approved Arboricultural Impact Assessment (ref. ARB/AE/1792, September 2019), or the approved application plans as being retained, shall be retained and protected throughout the course of development in accordance with a detailed scheme of works which shall first be submitted to, and approved in writing by, the Local Planning Authority. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity, in accordance with the provisions of Policies GD2, NE33, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment and Drainage Strategy (Queensberry Design Limited – Revision H dated 26/09/19). The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 1402 and ensure that surface water discharges to the existing watercourse via infiltration and the illustrated discharge point.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy CS27 of the Tynedale Local Plan, Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. Prior to the commencement of development of the infiltration basin, full details of the infiltration basin, including a health and safety assessment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and undertaken in accordance with the approved details prior to first occupation of the dwellings.

Reason: To ensure the basin is constructed in line with best practice and to prevent the risk of flooding elsewhere, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing with 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 Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework..

10. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- as built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc.);
- construction details (component drawings, materials, vegetation);
- Health and Safety file;
- details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

11. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority. The measures approved in that scheme shall be implemented in accordance with a timetable to be included within any approved scheme. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a. A written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

b. Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

12. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No dwelling

shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

13. No dwellings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (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 health & amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

14. No individual dwelling shall be occupied until a validation and verification report to the approved methodology in Condition 13 has been submitted to and approved in writing by the Local Planning Authority for that individual dwelling.

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 CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

15. During the site preparation and construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policies CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

16. No development shall commence until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: To protect residential amenity and provide a commensurate level of protection against dust, in accordance with Policy CS19 of the Tynedale Local Plan and the National Planning Policy Framework.

17. No site clearance or development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority, including but not restricted to the following:

- appointment of an Ecological Clerk of Works, with full details of that role being set out in the CEMP;
- details of how retained areas of open mosaic habitats will be protected during construction; how areas of open mosaic habitat that will be damaged by construction activities will be restored; and how populations of important plant species (including fern grass, common cudweed, early forget-me-not and small-flowered cranesbill) will be protected;
- details of how surface water gullies will be designed to protect amphibians;
- a method statement for the protection of great crested newt and common toad during construction;
- a method statement for the protection of bats during construction; and
- a method statement for the protection of ancient woodland during construction.

The CEMP shall thereafter be fully implemented as approved.

Reason: To ensure the protection of habitats and species of principal importance in England and species protected by law, in accordance with saved Policies NE26 and NE33 of the Tynedale District Local Plan and paragraph 174 of the National Planning Policy Framework.

18. No construction shall commence until an Ecological Management and Enhancement Plan has been submitted to and approved by the Local Planning Authority, including but not restricted to:

- details of the management of areas of open mosaic and grassland habitats including measures to avoid deterioration arising from impacts such as excessive trampling and dog-fouling;
- details of the management of the terrestrial habitats used by great crested newts including how the management of swales and detention basins is going to be undertaken without harm to this population, how habitat degradation caused by the human population (eg excessive trampling; tidying up etc) is to be avoided;
- details of the management of waterbodies on the site, including how the unregulated introduction of fish for angling is to be discouraged and remedial action to be undertaken should this occur;
- details of woodland management, including the spread of ancient woodland ground flora and access management;
- in-built bat and bird provision at a ratio equivalent to 1 per each house; at least 50% comprising swift bricks in groups of 4 - 6 in suitable locations (such as high in gable ends that have unobstructed flightlines and are not south-facing);
- details of an ecological monitoring plan; and
- details of a review of the Ecological Management and Enhancement Plan every five years

The Ecological Management and Enhancement Plan shall be fully implemented as approved for the lifetime of the development.

Reason: To ensure the protection and enhancement of habitats and species of principal importance in England and species protected by law, in accordance with saved Policies NE26 and NE33 in the Tynedale District Local Plan and paragraphs 170 and 174 of the National Planning Policy Framework.

19. In the event that development has not commenced by 1 September 2020 no site clearance or construction shall commence until an updated ecological impact assessment based on updated ecological surveys has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with any further identified mitigation as approved.

Reason: To ensure that avoidance, mitigation and compensation measures are based on up to date ecological information, in accordance with saved Policies NE26 and NE33 in the Tynedale District Local Plan and paragraphs 170 and 174 of the National Planning Policy Framework.

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

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

21. Prior to construction of the sub-station, full details of the proposed elevations of the structure, including materials, shall be submitted to the Local Planning Authority for approval. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policy GD2 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

22. No dwelling shall be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area 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 Policies GD4 and GD6 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

23. Notwithstanding the submitted details and plans hereby approved, no development shall commence on Phase 1 as shown the approved Phasing Plan, other than demolition and site clearance, until details of the proposed highways works comprising: the Phase 1 site access junction; pedestrian footways along Lead Lane; the introduction of new bus stops and associated infrastructure on the B6309; footway connection along the B6309 towards Ebchester; junction works to the B6309 and Lead Lane; provision of street lighting to Lead Lane and the B6309; improvements to Lead Lane from the junction of the B6309 to the Phase 1 access junction; and all other associated highways 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 Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

24. Notwithstanding the submitted details and plans hereby approved, no development shall commence on Phases 2 and 3 as shown on the approved Phasing Plan, other than demolition and site clearance, until details of the proposed highways works comprising the Phase 2 and 3 site access junction and all other associated highways works have been submitted to and approved in writing by the Local Planning Authority. No dwelling in Phases 2 or 3 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 Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

25. No development on any Phase as shown on the approved Phasing Plan shall commence, other than demolition and site clearance, 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 completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development of the phase 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 Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

26. No development shall commence in any phase, as shown on the approved Phasing Plan, beyond damp proof course level 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 that phase of

the site, 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 Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

27. No development in any phase as shown on the approved Phasing Plan, other than demolition and site clearance, 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, that phase of the development shall be constructed in accordance with the approved details.

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 Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

28. 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 Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

29. Prior to occupation of any dwelling on each phase as shown on the approved Phasing Plan, details of surface water drainage to manage run off from private land shall be submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

30. 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 travel to work survey;
- ii. clearly specified ongoing targets for 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 Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other re-enacting or revoking Order with or without modification), no fence, gate, wall, or other means of enclosure other than those expressly authorised by this permission shall be erected or constructed within the curtilage of any property without planning permission being obtained from the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, in accordance with Policies GD2, GD4 and H32 of the Tynedale Local Plan and the National Planning Policy Framework.

32. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

33. Development shall not commence on any phase as shown on the approved Phasing Plan, 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 and 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
- vi. highway dilapidation survey, including photographic evidence of the condition of the highway along the construction traffic route on Lead Lane.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policies GD2 and GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

34. The Phase 1 site access junction shall not be brought into use until it has been provided with visibility sightlines extending from a point 2.4m back from the carriageway edge, measured along the centreline of the access, for a distance of 120m in each direction, measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any obstruction exceeding 0.6m above adjoining nearside carriageway level.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

35. The Phase 2 and 3 site access junction shall not be brought into use until it has been provided with visibility sightlines extending from a point 2.4m back from the carriageway edge, measured along the centreline of the access, for a distance of 120m in a northerly direction and 92m in a southerly direction, measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any obstruction exceeding 0.6m above adjoining nearside carriageway level.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

36. Notwithstanding the details submitted, no works on Phase 3 as shown on the approved Phasing Plan shall commence, other than demolition and site clearance, until revised proposals showing the connection of the private path to the future adopted highway outside Plot 53 have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be constructed in accordance with the approved plans.

Reasons: In the interests of highway safety and sustainable development, in accordance with Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

37. Prior to the installation of any external lighting in association with the development hereby permitted, details of the external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include:

- the specific location of all external lighting units;
- design of all lighting units;
- details of beam orientation and lux levels; and
- any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme for shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

Background Papers: Planning application file(s) 18/02239/FUL