



Northumberland County Council

Strategic Planning Committee
3 March 2020

ADDENDUM REPORT

Application No: 16/04411/FUL

Proposal:

Full planning application for 327 dwellings

Site Address:

Land at Willow Burn, Whinney Farm Cottages, Choppington

Applicant:

Ascent Homes

RECOMMENDATION:

That Members be minded to GRANT permission and delegate authority to the Director of Planning to determine the application subject to conditions and completion of a legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

1. Introduction

1.1 The purpose of this report is to update Members on any implications arising from the publication of the revised National Planning Policy Framework (NPPF) in July 2018. In light of this, there have also been revisions to Planning Practice Guidance (PPG).

1.2 This application was previously considered by Strategic Planning Committee on the 15 March 2017 with an addendum report presented on 5 September 2017 following the withdrawal of the Council's emerging Core Strategy. Members resolved that planning permission should be granted subject to conditions and resolution of outstanding issues with regard to highway noise, contaminated land, archaeology and drainage. The conclusion of this was:

That Members authorise the Head of Service to GRANT permission subject to resolution of outstanding matters and the imposition of additional conditions deemed necessary and relating to:-

- *Ecology;*
- *Public Rights of Way*
- *Flood Risk and Drainage*
- *Highways*
- *Noise*
- *Contaminated Land*
- *Archaeology*

The recommended conditions

1.3 At the time that the application was considered by Committee the applicant had demonstrated through an independently scrutinised viability appraisal that the provision of contributions towards affordable housing on this site would make the proposals unviable. At the time of the application no response was received from the Council's Education department.

2. NPPF Changes - July 2018

2.1 On the 24 July 2018 the Government published its updated National Planning Policy Framework (NPPF). The officer report previously considered by Strategic Planning Committee in March 2017 made extensive references to the previous version of the NPPF and therefore these may have had a material bearing on the decision of Members that they were minded to grant planning permission.

2.2 As such it is considered that this application should be referred back to Strategic Planning Committee so that it may be re-considered by Members in light of the updated NPPF and additional information submitted by the applicant to address the outstanding technical matters.

2.3 As per the previous report to committee, the Development Plan in respect of the application site remains the saved policies of the Wansbeck District Local Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. As such the development plan policies referred to in the previous report to committee remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF.

2.4 In terms of the principle of the proposed development reference was made in previous officer reports to the presumption in favour of sustainable development outlined in paragraph 14 of the previous NPPF. The updated NPPF, at paragraph 11, retains this presumption but some changes of wording within that presumption have been made.

2.5 Firstly, the previous NPPF presumption in favour of sustainable development stated that Local Planning Authorities should approve development proposals that accord with the Development Plan. The current NPPF qualifies this by stating that the Development Plan in question should be 'up-to-date'.

- 2.6 Secondly, where the scenario identified in the above paragraph does not apply, both the previous NPPF and the current NPPF provide for a 'tilted balance' in favour of a grant of planning permission unless restrictive policies preclude this or any adverse impacts arising would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Policies in the NPPF as a whole. Under the previous NPPF that tilted balance applied 'where the development plan is absent, silent or relevant policies are out-of-date'. Under the current NPPF that tilted balance applies 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date'.
- 2.7 In terms of the NPPF presumption in favour of sustainable development, the previous NPPF adopted a broader definition regarding 'restrictive policies' that could justify a refusal of planning permission even if the tilted balance was applicable. The current NPPF is more prescriptive as to the definition of 'restrictive policies' limiting these to specified policies in the NPPF only concerning certain designated ecological and heritage assets, Green Belt and areas at risk of flooding or coastal change.
- 2.8 Footnote 7 to paragraph 11 of the current NPPF states that the situations where the tilted balance applies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 2.9 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that paragraph 11(d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold. This situation is the principal means (albeit not the only way) by which existing policies relevant to housing can be deemed out-of-date.
- 2.10 As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2019-2029 period, together with the latest 2018 affordability ratio, gives a minimum Local Housing Need of 676 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the SHLAA's identified 7,956 dwellings 'deliverable' supply would equate to a 11.2 years housing land supply (Figures 12-14).

- 2.11 The Housing Delivery Test result records that Northumberland achieved 197% delivery against its minimum housing need for the initial three years 2015-18, while delivery over the last three years 2016-19 means that the HDT result for 2016-19 is expected to be even higher at 238% (Figure 2).
- 2.12 Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.
- 2.13 However, it should be noted that any site around the edge of settlements that already has permission granted or was minded to approve, but not lapsed, before the publication draft Northumberland Local Plan was finalised in Nov./Dec.18 has been included within the proposed revised settlement boundaries. In addition, the site also forms part of the recently updated 5 year housing land supply as a potentially suitable, available and achievable site in the new SHLAA.
- 2.13 As such the application site remains an acceptable location in principle for the proposed development due to its close proximity to existing built development and local services in Guide Post and Choppington.
- 2.14 Policy GP1 gives preference to the development of previously developed land over green field sites, such as the application site. This policy remains inconsistent with the updated NPPF and therefore cannot be afforded significant weight. The current NPPF does not specifically seek to preclude development such as this on land outside of settlement boundaries or development on greenfield sites that have not been allocated for housing in a Development Plan, although paragraph 170 of the NPPF does refer to the need for planning decisions to recognise the intrinsic character and beauty of the countryside and the need to protect and enhance valued landscapes. As such proposals on sites such as this, in the open countryside, need to be assessed on their individual merits taking into account all material planning considerations.
- 2.15 In this regard, the NPPF continues to seek to promote sustainable development and a judgement needs to be made as to whether or not overall the proposal amounts to sustainable development.
- 2.15 Paragraph 7 of the previous NPPF identified three dimensions to sustainable development – an economic element, a social element and an environmental element. Paragraph 8 of the new NPPF continues to refer to these 3 subject areas, although they are now referred to as objectives and some changes have been made to detailed wording in respect of the specification of these objectives (as outlined later in this report) which in the view of officers does not have implications for the acceptability in principle of the proposed development.
- 2.16 In terms of the overall planning balance, having regard to the new NPPF economic, social and environmental sustainability objectives, the proposed development is acceptable in principle.

- 2.17 The original assessment of the application considered that, subject to conditions, and resolution of outstanding issues, the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing and in social terms would deliver market and affordable housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. In terms of its environmental role there would not be any significant or unacceptable harmful impacts on the site and wider area.
- 2.18 Other potential effects were also considered where there were not considered to be any harmful impacts, or effects could be mitigated where necessary. It was therefore considered that sustainable development would be achieved in this case having regard to the relevant policies of the development plan and the NPPF. The identified development plan policies were considered to be consistent with the NPPF, and the scheme was therefore felt to represent sustainable development.
- 2.19 The changes to the NPPF have been considered in the context of the previous assessment of the application and the resolution from the Strategic Planning Committee, and there would not be any material change in the original assessment or conclusions of the officer report. The proposed development would still achieve a sustainable form of development that would be in accordance with the relevant development plan policies and the NPPF.
- 2.20 Moving onto elements of the new NPPF related to specific aspects of development which differ from the previous NPPF, paragraph 55 of the new NPPF states that planning conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. Some pre-commencement conditions are proposed in this instance but these are considered justified and the wording of all conditions has been agreed with the applicant as set out within the original committee report.
- 2.21 In respect of transportation matters, paragraph 109 of the new NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. This paragraph differs from paragraph 32 of the previous NPPF which did not include specific reference to highway safety as a ground for refusal. However, the Council as Local Highway Authority raises no objection to the proposals subject to conditions.
- 2.22 The new NPPF provides greater detail in respect of high quality design than its predecessor and also refers to the need to make effective use of land. The social and environmental objectives of sustainable development at paragraph 8 of the updated NPPF are expanded to reflect this with detailed policy provided from paragraphs 117-132. The proposed development still accords with the provisions in the updated NPPF for the reasons specified in the previous report to committee, although the detail in respect of layout, scale has been amended slightly due to the change in applicants. This relates more

to Housing typology than other matters of design such as context, identity, movement, landscape or open space provision and, as such, the proposals remain in accordance with the policies of the Wansbeck District Local Plan such as Policies H5 and H6.

- 2.23 In terms of housing mix the social objective in respect of sustainable development at paragraph 8 of the updated NPPF refers to developments providing for a sufficient number and range of homes as opposed to the previous NPPF which made reference only to housing supply in respect of the social dimension of sustainable development. A range of homes can be delivered given the scale of development proposed and the provision of 17% affordable housing be secured in the Section 106 Agreement.
- 2.24 In respect of affordable housing, the updated NPPF widens the definition of affordable dwellings to include starter homes and other affordable routes to home ownership. Reference is also made to affordable housing for rent being let in accordance with Government Rent Policy at least 20% below market rents and to Discount Market Sale dwellings being sold at a value of at least 20% below open market value.
- 2.25 In order to meet the affordable housing identified in the SHMA, a minimum of 17% of homes on new permissions will be expected to be provided as affordable housing products.
- 2.27 The site is located to the south of Guidepost and North of Scotland Gate which already have large amounts of affordable rent. The two areas do differ in demand with Guidepost in some demand and Scotland Gate experiencing less demand due to lack of services.
- 2.28 A site of this size would contribute 56 affordable homes with 32 DMV/share ownership and 24 affordable rents. The affordable rented units are recommended to be pepper potted throughout the development to cause minimal impact on existing affordable rented stock. However, as set out later in the report, the applicant has made a case relating to viability.
- 2.29 In terms of Ecology, since the consultee comments provided on 27th February 2017 there has been a considerable change in the LPA's approach to determining applications within a buffer zone for recreational disturbance impacts on coastal designated sites. This is partly due to a European Court judgement concerning the Habitats Regulations Assessment process, and partly due to a change in Natural England's advice concerning mitigation for increasing levels of recreational disturbance within coastal designated sites.
- 2.30 The developer should be aware that paragraph 177 of the NPPF which relates to developments likely to impact on European Sites has been amended (in the most recent version dated February 2019) to reflect this ruling. It now states that *"the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

- 2.31 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.
- 2.32 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £600 per unit within 7km of the coast and £300 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £600 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements. Based on the distance of the site to the Coast a contribution of £196,200 would be sought. Once again, the applicant has argued against this contribution on the basis of viability.
- 2.33 In terms of Contaminated Land, Public Health Protection have been consulted and, in principle, is in agreement with this proposal subject to the measures detailed in the application documents being implemented as stated and conditions being attached.
- 2.34 In terms of drainage and flooding LLFA originally objected to the proposed development. However, following the submission of revised information on the disposal of surface water from the development they have now removed their objection to the development subject to the conditions attached.
- 2.35 The applicant submitted an the Economic Viability Assessment with the application to determine the fair and reasonable level of Section 106 contributions that can be supported by the proposed development. This report was sent to an independent specialist. The conclusion of this report is that it is appropriate to adopt a nil planning policy provision from the outset.
- 2.36 However, it is recommended that a review mechanism be built into any permission granted which allows the Council the ability to test viability throughout the delivery of the scheme. This would allow the Council the ability to clawback any planning policy requirement in the event that sales values exceeded expectations. In this regard, the applicant has already suggested this as an option, which is welcomed.

- 2.37 To do this it would be important to set a 'base' viability position to work from (both in terms of sales values and build costs).

3. Conclusion

- 3.1 In conclusion, in this instance the revisions to the NPPF would not have a material impact on the application's recommendation.

4. Recommendation

That Members are minded to GRANT permission subject to conditions and subject to the completion of a Section 106 Agreement securing a review clawback mechanism which will allow the Council the ability to test viability throughout the delivery of the scheme and seek planning policy contributions as appropriate.

Revised Conditions

01. The development hereby permitted must be commenced within three years from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission and 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 plans and reports reference:

Combined Location Plan and Red Line Boundary P20 Rev A
Proposed Site Layout – Sheet 1 P21 Rev F
Proposed Site Layout – Sheet 2 P22 Rev G
Proposed Site Layout – Sheet 3 P23 Rev F
Phasing Plan P25
Combined Site Plan and Red Line Boundary P24 Rev E
Landscape Masterplan 059_WB_02 Rev C
House Type 02 – Planning Plans Rev G
House Type 02 – Planning Elevations Rev G
House Type 04 – Planning Plans Rev H
House Type 04 – Planning Elevations Rev H
House Type 07 – Planning Plans Rev I
House Type 07 – Planning Elevations Rev H
House Type 08 – Planning Plans Rev H
House Type 08 – Planning Elevations Rev F
House Type 10 – Planning Plans Rev H
House Type 10 – Planning Elevations Rev I
House Type 12 – Planning Plans Rev F
House Type 12 – Planning Elevations Rev G
House Type 15 – Planning Plans Rev A
House Type 15 – Planning Elevations Rev B
House Type CT1 – Planning Plans Rev C

House Type CT1 – Planning Elevations Rev F
House Type CT2 – Planning Plans Rev E
House Type CT2 – Planning Elevations Rev G
Bungalow BU4 Affordable – Planning Plans and Elevations Rev B
Typical House Types – Sheet 1 of 7 P25
Typical House Types – Sheet 2 of 7 P26
Typical House Types – Sheet 3 of 7 P27
Typical House Types – Sheet 4 of 7 P28
Proposed Drainage Sheet 1 18134-01-T3
Proposed Drainage Sheet 2 18134-02-T3
Proposed Drainage Sheet 3 18134-03-T4
Proposed Drainage Sheet 4 18134-04-T2
Proposed Drainage Sheet 5 18134-05-T2
Proposed Drainage Sheet 6 18134-06-T2
Proposed Drainage Sheet 7 18134-07-T2
Proposed Drainage Sheet 8 18134-08-T2
SUDS Details Phase 1 18134-121-T2
SUDS Details Phases 2-6 18134-122-T1
SW Catchment Plan Sheet 1 18134-123-T1
SW Catchment Plan Sheet 2 18134-124-T1
Proposed Engineering 18134-1001-T3
Whinney Hill Coast Merge rev1.MDX
SW 2 Year
SW 30 Year
SW 100+40% Year
Proposed Longsections Sheet 1 (Phase 1) 18134-11-T2
Proposed Longsections Sheet 2 (Phase 1) 18134-12-T2
Proposed Longsections Sheet 3 (Phase 1) 18134-13-T2
Proposed Longsections Sheet 4 (Phase 1) 18134-14-T2
Proposed Levels Sheet 1 18134-06-T1
Proposed Levels Sheet 2 18134-07-T1
Drainage Construction Details Sheet 1 of 4 18134-061-P1
Drainage Construction Details Sheet 2 of 4 18134-062-P1
Drainage Construction Details Sheet 3 of 4 18134-063-P1
Drainage Construction Details Sheet 4 of 4 18134-064-T1
Section 104 Sheet 1 18134-51-P1
Section 104 Sheet 2 18134-52-P1
SUDS Maintenance Plan Rev A
Engineering Layout Detailed Surface Water Sheet 1 N16055-200 Rev P1
Engineering Layout Detailed Surface Water Sheet 2 N16055-201 Rev P1
Engineering Layout Detailed Surface Water Sheet 3 N16055-202 Rev P1
Engineering Layout Detailed Surface Water Sheet 4 N16055-203 Rev P1
Engineering Layout Detailed Surface Water Sheet 5 N16055-204 Rev P2
Engineering Layout Detailed Surface Water Sheet 6 N16055-205 Rev P1
Drainage Details 1 N16055-290 Rev P1
Drainage Details 2 N16055-291 Rev P1
Drainage Details 3 SUDS Basins N16055-292 Rev P1
Drainage Details 4 SUDS Basins N16055-293 Rev P1
Swale Area Sketch Rev P1
Section 104 Sheet 1 18134-51

Planning Statement (November 2016)
Design and Access Statement including Sustainability Statement
Affordable Housing Statement (November 2016)
Statement of Community Involvement (November 2016)
Transport Assessment (November 2016)
Travel Plan (November 2016)
Flood Risk Assessment and Drainage Strategy Rev. 3 (April 2016)
Arboricultural Impact Assessment (November 2016)
Pre Development Tree Survey (February 2016)
Noise Assessment Rev. 2 (August 2016)
Acoustic Memo (January 2017)
Acoustic Design Statement (July 2019)
Archaeological Rapid Desk Based Assessment (April 2016)
Archaeological Geophysical Survey AD181 (April 2016)
Archaeological Geophysical Survey Additional Areas AD181b (January 2017)
Archaeological Evaluation AD189 (February 2017)
Archaeological Evaluation Addendum AD189b (March 2017)
Habitat Regulations Assessment Screening Opinion Report (September 2019)
Bat Survey (September 2019)
Ecological Impact Assessment (September 2019)
Ornithology (September 2019)
Utilities Assessment (February 2017)
Phase I Geoenvironmental Desk Study and Coal Mining Risk Assessment (March 2016)
Phase II Site Appraisal (July 2016)
Rotary Drilling Works (June 2015)
Supplementary A Rotary Drilling Works (12 October 2016)
Supplementary B Rotary Drilling Works (20 October 2016)
Hazardous Gas Assessment (October 2016)
N16055b Gas Risk Assessment Letter
Additional Ground Investigation of Made Ground Deposits (April 2017)
Remediation Strategy Report (September 2019)

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

03. No development will take place unless in accordance with the mitigation proposals contained within the reports Habitat Regulations Assessment Screening Opinion Report Development Of Land At Whinney Hill November 2016 Final and Ecological Impact Assessment Willow Burn, Guidepost November 2016 Final by E3 Ecology, including:
- o Lighting design will be agreed with the local authority
 - o Pre-site clearance/construction works checking surveys will be undertaken for nesting birds and badger
 - o Precautionary works in relation to badger and reptiles
 - o A habitat management and maintenance plan for all retained and created habitats will be produced and agreed with the local authority.

Reason: To maintain and enhance the biodiversity value of the site and safeguard the habitats of protected species in accordance with the National Planning Policy Framework.

04. No development will commence until a Construction Environmental Management Plan and Biodiversity Enhancement Plan for the site have been submitted to, and approved in writing by, the Local Planning Authority, to include detailed:
- o Pollution control measures
 - o In-built provision for bats and birds in the new dwellings including swift and bat bricks
 - o Lighting design
 - o Habitat management plan details
 - o Construction phase protection measures for protected species
 - o Construction phase protection measures for trees and hedges on site in accordance with BS 5837:2012 Trees in relation to design, demolition and construction

Reason: To maintain the biodiversity value of the site to protected species and habitats including bats and coastal designated sites in accordance with the National Planning Policy Framework.

05. Public Footpath No. 49 shall be protected throughout and no action shall be taken to disturb the path surface, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided without prior consent from the Highway Authority.

Reason: To ensure the Public Right of Way remains accessible to the public in the interests of public amenity.

06. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated April 2016. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8402, whilst ensuring that surface water discharges directly to the watercourse.

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

07. A programme of archaeological work is required in accordance with the brief provided by Northumberland Conservation (NC ref 16/04411/FUL dated 08/03/2017). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on the brief has been submitted to and approved in writing by the Local Planning Authority.

- b) The archaeological recording scheme required by the brief must be completed in accordance with the approved written scheme of investigation.
- c) The programme of analysis, reporting, publication and archiving if required by the brief must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest and in accordance with the National Planning Policy Framework.

08. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

09. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: To prevent nuisance in the interests of residential amenity and highway safety and in the interests of pedestrian/cyclist safety in accordance with the National Planning Policy Framework.

10. No development shall commence until schemes to:

- a) provide a roundabout on the A1068, together with associated works;
- b) Upgrade and widen the footway/cycleway network along A1068/A196 to local facilities, together with links to the A1068 from the development site, including related works

Reason (a): In the interests of highway safety and in accordance with the National Planning Policy Framework.

Reason (b): In the interests of pedestrian/cyclist safety, encouraging sustainable travel modes and in accordance with the National Planning Policy Framework.

11. Notwithstanding the details provided, prior to commencement of development of the highways elements of the proposals, samples of the materials to be used in the construction of the external surfaces of the adoptable highway

elements shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

12. No dwelling shall be occupied unless the parking area serving that dwelling, including garage, as indicated on the approved plan(s), has been hard surfaced, and sealed. 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 the National Planning Policy Framework.

13. Within 6 months of the development commencing, details of proposed arrangements for future management and maintenance of the proposed streets within the site shall be submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on 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 the National Planning Policy Framework.

14. Prior to commencement of development of the highways elements of the proposals, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

16. Before each phase of the development a Drainage Strategy for this phase shall be undertaken and submitted to the Local Planning Authority. This Drainage Strategy shall look at plot drainage within this phase; make

reference to the Drainage Strategy overview drawing number – 18134_1001_T3 “Proposed Engineering”; and shall implement further source control / site control SuDS wherever possible and practical. All approved works shall be implemented in full.

Reason: To ensure the effective disposal of surface water across the development, ensuring sustainable principles are adhered to.

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

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development’s lifetime.

18. Prior to first occupation details of the SuDS basins, swales, land drains, permeable paving and all other associated features shall be submitted to and agreed by the local planning authority. Accompanying these drawings and details shall be a health and safety assessment, with any recommended measures/features incorporated within the detailed drawings.

Reason: To ensure the safety of all potential users to the development and to ensure the effective disposal of surface water across the development.

19. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

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.

20. 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-statutory technical standards.

21. Notwithstanding the details provided, the development shall not be occupied until details of refuse storage facilities and a refuse storage strategy have been submitted to and approved in writing by the Local Planning Authority.

The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.

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

22. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen to the specifications as detailed in the Hazardous Gas Risk Assessment (from Patrick Parsons, ref: AC/N16055b and dated 19 November 2019) and following BS 8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

23. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 22, which has been approved in writing by the Local Planning Authority.

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.

24. The building envelope of all units shall be constructed so as to provide sound attenuation against external noise, not to exceed an internal noise level LAeq of 35dB(A) during the day, 30dB LAeq and 45dB LAMax at night. Details of the final glazing and ventilation option(s) shall be submitted to the Local Planning Authority for approval in writing. This should demonstrate clearly that these internal levels will be achieved; this could be done by showing the calculated internal reverberant noise level accounting for attenuation provided by glazing and ventilation.

Reason: To provide a commensurate level of protection against obtrusive noise

25. Prior to the commencement of the development, no dwelling shall be constructed until details of the 1.8 metre high acoustic barrier for the proposed dwellings located adjacent to the A189 Spine Road as suggested in the Measurement and Assessment of Noise Levels (NVA 246.51/2 dated 8 June 2016) has been submitted to and approved in writing by the Local Planning Authority. The barrier shall attenuate external noise levels in gardens to not exceed 55dB LAeq during daytime. The submission shall include a plan

showing the location and extent of the acoustic bund/barrier, a specification of materials to be used, the design of the barrier and a full spectrum calculation of the noise attenuation to be expected. Thereafter, the approved acoustic screening shall be implemented in full before the occupation of the first dwelling, maintained as approved and retained in perpetuity.

Reason: To ensure a commensurate level of protection against obtrusive noise

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

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

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.

27. 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 building 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.

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.

28. During the construction or demolitions phase of the development there shall be no deliveries or collections from the site outside the hours of Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00.

Reason: To protect residential amenity and provide a commensurate level of protection against noise without unacceptable risks to any future occupants.

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise

30. No development shall commence until a scheme to control dust, to be implemented for the duration of the site works, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include methods to control dust from works and site management responses to incidents and complaints about dust arising from the site.

Reason: To protect residential amenity and provide a commensurate level of protection against dust.

Author and Contact Details

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Appendix:

Report to Strategic Planning Committee 5 March 2017

Date of Report: 21st January 2020

Background Papers: Planning application file(s) 16/04411/FUL