

Public Document Pack



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Heather Bowers

Email:

Heather.Bowers@northumberland.gov.uk

Tel direct: 01670 622609

Date: Tuesday, 11 October 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CRAMLINGTON, BEDLINGTON AND SEATON VALLEY LOCAL AREA COUNCIL** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **WEDNESDAY, 19 OCTOBER 2022** at **4.00 PM**.

Yours faithfully

Rick O'Farrell
Interim Chief Executive

To Cramlington, Bedlington and Seaton Valley Local Area Council members as follows:-

L Bowman, E Chicken, W Daley, C Dunbar, P Ezhilchelvan, D Ferguson, B Flux, S Lee (Vice-Chair), M Robinson, M Swinburn (Chair), C Taylor and R Wilczek (Vice-Chair (Planning))



Rick O'Farrell, Interim Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. PROCEDURE AT PLANNING MEETINGS

2. APOLOGIES FOR ABSENCE

3. MINUTES

(Pages
1 - 8)

Minutes of the meetings of the Cramlington, Bedlington & Seaton Delaval Local Area Council held on 28 September as circulated, to be confirmed as a true record and signed by the Chair

4. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a) Which directly relates to Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b) Which directly relates to the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c) Which directly relates to their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d) Which affects the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.

- e) Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

5. DETERMINATION OF PLANNING APPLICATIONS

(Pages
9 - 12)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

6. 21/02285/FUL

(Pages
13 - 42)

Erection of 92 dwellings and associated access, infrastructure and landscaping.

Land South Of Plant Based Valley, Avenue Road, Seaton Delaval, Northumberland

7. 22/02237/CCD

(Pages
43 - 52)

Construction of new single storey modular building to house reception and Nursery provision including necessary improvements to boundary fencing for safeguarding and landscaping (soft and hard) to improve circulation and outdoor play space in line with DfE requirements.

Bedlington Station Primary School, School Road, Bedlington, Northumberland, NE22 7JQ

8. APPEALS UPDATE

(Pages
53 - 62)

For Member's information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

9. DATE OF NEXT MEETING

The date of the next meeting will be held on Wednesday 23 November 2022.

10. URGENT BUSINESS

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

NORTHUMBERLAND COUNTY COUNCIL

CRAMLINGTON, BEDLINGTON AND SEATON VALLEY LOCAL AREA COUNCIL

At the meeting of the **Cramlington, Bedlington and Seaton Valley Local Area Council** held in the Community Room, Cramlington Town Council, Bamburgh House, Manor Walks, Cramlington, Northumberland, NE23 6UT on Wednesday 28 September 2022 at 4.00 pm.

PRESENT

M Swinburn Chair (in the Chair for agenda items 1-4 and 10 – 15)
R Wilczek Vice Chair Planning (in the Chair for agenda items 5 – 9)

MEMBERS

Bowman L
Chicken E
Flux B

Lee S
Robinson M
Taylor C

OFFICERS

A Ali
A Bell
H Bowers
M Carle
T Crowe
T Gribbin
S Milne
J Murphy
Z Quinn

Planning Officer
Definitive Map Officer
Democratic Services Officer
Neighbourhood Services Area Manager
Lawyer
Local Services Area Manager
Senior Planning Officer
Planning Area Manager
Definitive Map and Search Technical Officer

Press: 1
Members of the public: 1

31. PROCEDURE AT PLANNING MEETINGS

The Chair explained the procedure which would be followed at the meeting.

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Daley, Dunbar, Ezhilchelvan and Ferguson.

33. MINUTES

The Minutes of the meeting of the Cramlington, Bedlington and Seaton Valley Local Area Council, held on 20 July, as circulated, were confirmed as a true record and signed by the Chair.

Councillor Robinson stated that Mr Dalton had still not received a reply to his request at the meeting of 18 May. This would be followed up by the Democratic Services Officer.

(Councillor Wilczek in the Chair).

34. DETERMINATION OF PLANNING APPLICATIONS

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

35. 22/01487/CCD

**Demolition of existing garage, construction of new garage, new external lighting, resurfacing of existing depot, drainage works and repositioning of existing welfare unit
Land east of Astley Park, Park View, Seaton Delaval, Northumberland**

Stephanie Milne, Senior Planning Officer introduced the report and shared a presentation of the application site.

Following the presentation and in response to questions from Members of the Committee the following information was noted:-

- Highways had been consulted on the proposal and had no objections, subject to conditions.
- Damage to the existing road would have to be taken up with Highways.
- Lux light levels plan showed there was no spillage of light to neighbouring properties.

Councillor Flux proposed approval of the application, seconded by Councillor Swinburn and unanimously agreed.

RESOLVED that the application be granted subject to the conditions and reasons in the report.

36. TREE PRESERVATION ORDER
The Northumberland County Council (Land at Holywell Village First School, Valley Road, Holywell)
Tree Preservation Order 2022 (No 03 of 22)

Adam Ali, Planning Officer informed members the purpose of the report was to seek a decision as to whether or not they wish to confirm the provisional Order following objections received during the statutory consultation.

Mr Ali continued with a presentation with the aid of photographs and slides.

Following the presentation, members made the following comments and responses provided:-

- The TPO would protect the trees and ensure that the trees maintained their amenity value. Previously residents had been hacking at the trees.
- Had residents been cutting trees because they had been diseased? The trees had been assessed by a Tree Consultant and some were worthy of protection. The trees had become overgrown and residents were trying to trim them, if the TPO was granted, the trees would be managed and maintained correctly.
- Would NCC be responsible for looking after the trees in future? The Planning Area Manager advised it would be the school as the trees were within the school boundary.
- The trees had not been maintained by the school and dialogue had failed. Measures should be put in place to maintain the trees by the school. The Planning Area Manager advised that the TPO could not force the school to maintain the trees and suggested dialogue with the school to work with them.

Councillor Flux sympathised with the residents, but he would support the recommendation that the Tree Preservation Order be confirmed. This was seconded by Councillor Swinburn.

Councillor Bowman stated that maintenance of the trees was important, and a maintenance plan be put in place. The Headteacher had confirmed that this would be done. There had been extensive damage when the school closed with residents taking it upon themselves to cut the trees back. He supported the TPO and suggested a plan for maintenance on an annual basis.

Councillor Chicken agreed that a maintenance programme was needed. Residents had tried to speak to the school in the past and the school would continue to leave the trees unattended. Planning Officers confirmed they would speak to the school regarding future maintenance of the trees.

Upon being put to the vote, five members voted in favour of the TPO and 3 voted against. It was therefore:-

RESOLVED that the Northumberland County Council (Land at Holywell Village First School, Valley Road, Holywell) Tree Preservation Order 2022 (No 03 of 2022) be confirmed.

37. APPEALS

RESOLVED that the information be noted.

38. RIGHTS OF WAY

Alex Bell, Definitive Map Officer introduced the report in which members were asked to consider all the relevant evidence gathered in support and rebuttal of the existence of public footpath rights over a route between Collywell Bay Road and Seaton Sluice Harbour.

Following questions from members to the Definitive Map and Search Officer, the following information was provided:

- Further discussion would be required on the responsibility for the handrail.

Upon being put to the vote, members unanimously agreed.

RESOLVED that:-

- (i) There is sufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the route L-M;
- (ii) The route be included in a future Definitive Map Modification Order as a public footpath.

39. PUBLIC QUESTION TIME

No questions had been received.

40. PETITIONS

This item was to:

- a) Receive any new petitions: No new petitions had been received.
- b) Consider reports on petitions previously received: None received.
- c) Receive any updates on petitions for which a report was previously considered: None received.

41. LOCAL SERVICES ISSUES

Michael Carle ,Neighbourhood Services Area Manager provided the following information:-

All Highways Inspectors and maintenance crews continued to work Inspecting, fixing carriageway defects, making repairs, and making safe category one defects across the Southeast area.

Gully emptier was fully deployed dealing with reported issues and cyclic maintenance.

Larger Tarmac Patching had been carried out in the following locations:

- A189 Spine Road
- Forum Way, Cramlington (Cycleway/Footway)
- O/S Lakes & Dales, Avenue Road S/Delaval
- Millfield Court, Bedlington
- Brockwell Centre, Cramlington
- Double Row, New Hartley

Drainage Improvements:

The area teams were continuously looking and programming future planed works, both patching and drainage improvements.

- Additional Gully Tanker deployed
- Klondyke, Cramlington
- Forum Way, Cramlington (Cycleway/Footway)
- A192 Astley Road, S/Delaval

LTP - Carriageway Resurfacing

LTP Carriageway Resurfacing schemes were being programmed and all affected members would be notified in advance.

- Durham Road, Cramlington
- Horton Road, Cramlington

Micro/Surface Dressing

- The Crescent, Seghill
- Poplar Grove Estate, Bedlington
- Nedderton Village

Other Work

- Bedlington Bank (Safety Scheme)
- DVC's (Section 184) - Large influx in work – NCC (Northumberland County Council) continue to deliver.

Winter Maintenance

- Winter Services observation starts on the 1st of October 22.
- Full Winter Services starts on the 31st of October 22.

Over the summer the team had worked with Vaisala Weather Station and Bureau provider to upgrade and add additional weather stations countywide and would also be deploying several embedded road sensors at microclimate locations. These will all be coming online over the next few weeks ahead of full deployment on the 31st of October.

More info will be given to LAC's in November's Winter Resilience Report.

In response to member questions, the following information was provided:

- The legalities of Enforcement would be looked at for the speed along High Pit Road and a highways consultation process for parking at Aged Miners Cottages.
- Shenstone had been in contact regarding the road at Dewley shops and an inspection would be carried out by officers.
- The ramp near the Hope Centre would be investigated.
- Dale Rumney, Principle Programme Officer would be contacted regarding the road at East Farm Terrace.
- Mr Carle would inspect the road at Dudley Lane.

Tony Gribbin, Local Services Area Manager provided the following information:-

NEAT

- Grass cutting had been challenging due to the warm weather.
- Currently on cut 11 at Cramlington, 10 at Bedlington and 14 in Seaton valley.
- Street sweeping continued but would soon be diverted onto collecting leaves.
- Any areas of concern, members please get in touch.
- Winter works schedules being finalised and any suggestions would be welcome.
- Hedges cut in the winter programme, may also be cut back in the summer, if they became a safety issue. Bird nesting will be taken into account too.
- Weeds were a concern all across Northumberland, with 2 and 3 treatments per year. A different approach was being looked at for next year.

Waste/Recycling

- There had been a few minor breakdowns and some staff shortages. All machines were now working well. The demand for bulky waste remained high.
- Domestic tonnages remained high.
- Kerbs/food waste trial had been delayed. The trial would establish where it would be rolled out across the county.

Bereavement

- Cremations were back to normal numbers.
- One of the cremators was being re-lined.

In response to member questions, the following information was provided:-

- A site visit would be carried out to industrial estates.
- Colleagues from the Trees and Woodlands Team would be contacted regarding the trees in the Holywell ward
- A meeting with a community representative would be taking place in respect of the Muslim Cemetery in Bedlington
- The issue with horse riders using green spaces would be taken up with the Greenspaces team.
- The overgrown trees at Storey Street were on target to be done.
- The stream at Barns Park would be investigated and requests to the Environment Agency had again been made to discuss this.
- Mr Gribbin would provide members the date that collection of the brown bins would cease.

Members requested if the ramp at Sainsburys could be cleared of mud and flood areas in Seaton Delaval and Beacon Lane be looked into.

Members thanked the officers for their attendance and the work of their teams in responding to members' requests.

RESOLVED that the information be noted and issues set out in the bullet points above be followed up.

42. MEMBER'S LOCAL IMPROVEMENT SCHEMES

Details of the Cramlington, Bedlington and Seaton Valley Members Local Improvement Schemes for the period 2022-23 were provided for information.

RESOLVED that the information be noted.

43. LOCAL AREA COUNCIL PROGRAMME

The Chair advised that the work programme was for information and should Members wish to ask for any items to be added to the agenda, then they contact either himself or Democratic Services.

RESOLVED that the information be noted.

44. DATE AND TIME OF NEXT MEETING

The next meeting was scheduled for Wednesday 19 October 2022 (planning only).



Northumberland County Council

CRAMLINGTON, BEDLINGTON & SEATON VALLEY LOCAL AREA COUNCIL

22 JUNE 2022

DETERMINATION OF PLANNING APPLICATIONS

Report of the Executive Director of Place

Cabinet Member: Councillor C Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Cramlington, Bedlington & Seaton Valley Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:

- Decision makers are to have regard to the development plan, so far as it is material to the application
 - Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

Important Copyright Notice

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author - Rob Murfin
 Director of Planning
 01670 622542
 Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

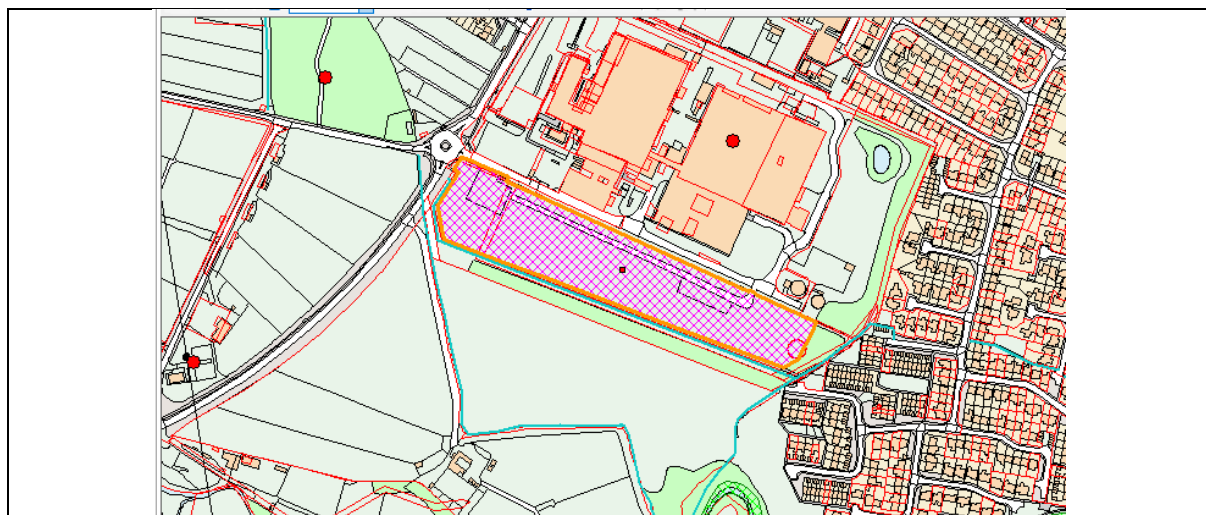


Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council, 19 October 2022

Application No:	21/02285/FUL		
Proposal:	Erection of 92 dwellings and associated access, infrastructure and landscaping.		
Site Address	Land South Of Plant Based Valley, Avenue Road, Seaton Delaval, Northumberland		
Applicant	Mr Mark Gabriele Bellway House, Kings Park, Kingsway North, Gateshead Tyne And Wear NE11 0JH		
Agent	Michelle Robinson The Pearl, New Bridge Street West, Newcastle Upon Tyne, NE1 8AQ		
Ward	Holywell	Parish	Seaton Valley
Valid Date	23 June 2021	Expiry Date	22 July 2022
Case Officer Details	Name: Mrs Tamsin Wood Job Title: Principal Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to further comments from Public Protection and a Section 106 agreement securing Affordable Housing on site and contributions towards education facilities, healthcare, parks and gardens, provision for children and young people and coastal Mitigation.



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1. Introduction

1.1 This application is to be determined at committee given the objection from the Town Council.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of 92 dwellings and associated access, infrastructure and landscaping on land measuring 3.10 hectares in size, directly south of the former Proctor and Gamble site which is now used by the NHS. The site which is located to the south of Seaton Delaval, but not in the Green Belt, is mainly covered in overgrown grass, with an area of hard standing to the western side.

2.2 12 house types are proposed comprising 11x 2bed houses, 46 3x bedroom, 35 x 4 bedroomed. These will be terraced, semi and detached dwellings, predominantly of 2 storeys in height, with car parking and garden areas. Of these 10 will be affordable houses. Landscaped SUDs basins will be provided to the west of the site. The dwellings would be located mainly along a linear west/ easterly road through the centre of the site, with 5 off shoots, which would lead to a double ended cul de sac at the eastern end of the site. The applicant's aim is to create a high quality and varied street scene.

2.3 Under the provisions of the Northumberland Local Plan there is a requirement for the provision of 10% affordable homes across the site. It is proposed to deliver 10 no affordable dwellings, consisting of 5 3-bed semis (Turner style) and 4 2-bed semis (Cooper). The location of the affordable housing within the proposals is shown on the proposed layout.

2.4 The site is bounded by residential development to the east, employment land to the north, the A190 Avenue Road to the west and greenfield land to the south. The site is south of the former Procter & Gamble factory which is now used by the NHS. The site was previously used as private playing pitches for Procter & Gamble employees only before the factory closed. No remnants of the playing pitches remain. The site is not subject to any ecological designations and does not have any designated heritage assets. The closest ecological designation is Holywell Pond, Site of Special Scientific Interest, which is over 1.3km away to the north east and is separated from the site by existing development. The closest heritage asset is the Grade II Seaton Delaval War Memorial located over 400m north and again is separated by existing development. The vast majority of the site is classed as 'white land' in the local plan, although a small part to the west, closest to Avenue Road, is designated as Green Belt. The Seaton Valley Neighbourhood Plan, which concentrates on open space designations, has not identified this land for open space protection.

3. Planning History

N/A

4. Consultee Responses

Sport England	<p>1) Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.</p> <p>2) We are unable to sustain our objection as the playing field use has been superseded by another permission.</p>
Forestry Commission	No response received.
Waste Management - South East	<p>Looking at the house positions collection points will need to be established as some are set back well away from the roadside also I object to the road layout as shown for an RCV.</p> <p>In response Highways have confirmed they have checked a refuse vehicle entering and turning so are happy this can be covered with a condition. As such this matter can be addressed with a further condition proposed by Highways.</p>
Affordable Housing	Require on site affordable housing.
Open Spaces South East Area	No response received.
Health Care CG	£60,600 is required from the developer.
Education - Schools	£243,000 required towards Educational facilities.
Natural England	No objection subject to appropriate mitigation.
Lead Local Flood Authority (LLFA)	<p>1)Object</p> <p>2)Object</p> <p>3)Objection still stands</p> <p>4)No objection subject to conditions.</p>
South SE Tree And Woodland Officer	No response received.
Northumbrian Water Ltd	1)Do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy". Propose condition.
Fire & Rescue Service	No objection in principle.
Architectural Liaison Officer - Police	<p>1) Offer suggestions to change boundaries.</p> <p>2) We would like to reiterate those submitted on 15th July</p>
Northumbria Ambulance Service	No response received.
Highways England	No objection.
Seaton Valley Parish Council	1) The site is more suitable and preferable for commercial development, the proposed development would be disconnected from the villages of both Seaton Delaval and Seghill, there doesn't appear to be a need for additional housing in Seaton Valley over and above developments on sites that have already been identified in NCCs emerging local plan, and if the proposed development is allowed, the first, middle and high schools in the area would need to be

	enlarged to accommodate the new pupils generated by the development.
County Ecologist	1) No objection subject to conditions and a contribution to the Coastal Mitigation Service. 2) No objection subject to conditions and a contribution to the Coastal Mitigation Service. 3) No objection subject to conditions and a contribution to the Coastal Mitigation Service.
Highways	1) Further information required. 2) Further information required. 3) No objection subject to conditions.
Public Protection	1) Object 2) Removes objection 3) Objects to the proposed development due to the insufficiency of the submitted noise impact assessment in relation to the requirements of Paragraphs 185 (Noise) and 187 (compatibility of New Development with surrounds) of the NPPF 4) Await further response.
County Archaeologist	1) Necessary for the applicant to undertake a programme of archaeological evaluation (trial trenching) prior to the determination of this application. 2) No objections to the proposed development on archaeological grounds. No further archaeological work is recommended.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	47
Number of Objections	4
Number of Support	0
Number of General Comments	1

Notices

Stat Pub & PROW 20th July 2021

News Post Leader 2nd July 2021

Summary of Responses:

4 letters of objection have been received consisting of 2 from the same household and one from the NHS, 1 letter with comments was also submitted by the NHS, summarised below:

- Seaton Valley has adequate housing provision
- The Site makes a positive contribution to local amenity and the surrounding Green Belt and, does not represent an appropriate 'windfall site'.
- The Application Site is not allocated for housing in the emerging Local Plan
- The Application Site (Ref 9401) was 'discounted' in the SHLAA- and therefore not considered suitable at the present time for residential development,

- The proposal introduces unnecessary and unacceptable future constraints in terms of its employment use and, as such, the employment role of Seaton Delaval
- The Glossary in the emerging Local Plan explains that Service Centres, such as Seaton Delaval, are the second tier of settlements.
- Future needs and changes of the factory complex
- Requirement of the 'new car park for increased staff parking' on the Application Site that formed part of the Planning Application for the "Packing hall extension, waste area alterations, improvements to site services" approved under Reference 14/02914 as well as additional parking demands for the intensification indicated in the NHS Foundation Trust's letter
- The proposal would result in a very poor relationship between the commercial and residential areas. The prospective occupiers of the dwellings would have poor living conditions- noise- here is no assessment on intrusiveness, air pollution, lighting, privacy levels etc (the Ecology Report confirms that the factory complex has security lighting)
- The Red Application Site does not extend to the eastern boundary of the factory complex, next to my property. The omitted area of land could potentially be the only space left for additional needs of the factory complex
- New housing places new demands on open space provision.
- The proposal would cause significant harm to the natural environment in this part of Seaton Delaval, especially the setting of the Green Belt and the much-valued amenity of the Public Right of Way
- there is conflict with a number of design principles in emerging Policies HOU 9, QOP 1 and QOP 4 (which builds on Development Control Policy DC1). Concerns about design, layout and landscaping.
- No Landscape and Visual Impact Assessment has been submitted contrary to Policy ENV 3(e) the proposal would have a significant impact on visual amenity in terms of the surrounding landscape
- not consider that this Application safeguards the Service Centre's current commercial provision, supports its employment role or represents sustainable development as set out
- The proposed development would increase traffic flow on the A190 which lies west of the Site
- Impacts on local and visual amenity, especially the loss of valued green space.
- Impact on ecology
- The Parish Council and local Sports Clubs have identified the need for more playing field provision. The Land East Of Avenue Road could still offer this provision.
- Is a site where the NHS could expand to in the future

Summary of NHS's representation and objection

- The Trust is the owner of the adjoining 'Northumbria Healthcare Manufacturing and Innovation Hub which has been used by the Trust for a range of 'back of house' NHS services including clerical functions, the storage of medical records, and PPE manufacture. The wider site has huge potential to provide Northumbria Healthcare with office, manufacturing and warehousing space to service their own supply chain and meet clinical and operational functions both within Northumberland and across the wider region moving forward.
- The facility as it stands currently comprises around 38,000m² of floorspace within a mix of Use Classes E (offices), B2 and B8.

- Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. In this context, Paragraph 182 goes on to establish the 'agent of change' principle, stating that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- Only a small proportion of the facility is used on a daily basis, with up to 70 FTE employees on site. It is intended that by the end of the year up to 360 office based or manufacturing staff will be operating at this site.
- The Trust's site will soon accommodate up to 590 employees, providing a range of jobs available to the local community and contributing to sustainability through a reduction in traffic movements to and from the Trust's other facilities across the county. The Trust's proposals for the site, comprise either uses already falling within the facility's existing lawful use, or permitted development under Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015
- The Trust's site is currently unfettered in terms of planning restrictions, with no operating hours restrictions 24 hours a day and 365 days a year. The NHS need to retain this flexibility. Anything which could impact on these operations in future could put services at risk.
- Trust has strong concerns regarding the potential impact of the neighbouring housing development upon the operation of the Manufacturing and Innovation Hub over the coming years. The nature of these concerns are twofold; residential amenity and the resulting potential for restrictions to be placed upon the Trust's facility, and also highway safety.
- It is considered a real prospect that future residents of the housing development will complain and seek to place restrictions upon the operation of the facility.
- Noise surveys, submitted in support of the subject planning application, were undertaken shortly after the Trust's acquisition of the site and are not representative of the scale of employment and manufacturing which will shortly take place on the site
- The Trust are obliged to act reasonably in any decisions they make in connection with the site, including in relation to the development of the access road. In considering any third-party proposals affecting the access road, the Trust must be satisfied that any new junction arrangement is suitable and satisfactory for the passage of HGVs, vehicular and pedestrian traffic to and from the Trust's land, whether for its current use or any future development that the Trust is considering. At this time, the Trust is not content that the proposed alterations to, and adoption of, the main access into this site will not jeopardise their future safe operation of the Manufacturing and Innovation Hub.
- For the reasons described above, Northumbria Healthcare NHS Foundation Trust objects to the subject planning application on the basis of Northumberland Local Plan Policy ECN7 and paragraph 182 of the NPPF.

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=QU6APHQSOMD00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

STP 1 – Spatial strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
STP 6 – Green Infrastructure (Strategic Policy)
STP 8 - Development in the Green Belt.
HOU 2 – Provision of new residential development (Strategic Policy)
HOU 5 – Housing types and mix
HOU 9 – Residential development management
QOP 1 – Design principles (Strategic Policy)
QOP 2 – Good design and amenity
QOP 4 – Landscaping and trees
QOP 5 – Sustainable design and construction
QOP 6 – Delivering well-designed places
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
TRA 3 - Improving Northumberland's core road network
TRA 4 – Parking provision in new development
ENV 2 – Biodiversity and geodiversity
ENV 7 -Historic environment and heritage assets
WAT 3 – Flooding
WAT 2 - Water supply and sewerage
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality
INF 6 – Planning obligations

Seaton Valley Neighbourhood Plan September 2021

Policy SV1: Local green space
Policy SV2: Protected open space

6.2 National Planning Policy

NPPF (2021)
NPPG (2021)

7. Appraisal

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

- Principle of development
- Section 106 requirements
- Design, landscaping and impact on residential amenity impact
- Noise impact / conflict with the adjacent factory use
- Highways
- Flood Risk/ Drainage
- Ecology matters
- Archaeology
- Contamination

Principle of Development

7.2 The majority of the application site is not allocated as anything within the Northumberland Local Plan. It is known as 'white land'. This covers that part of the site from where the houses are located to the western side of the site to the most eastern side of the site. Only a small proportion of the western side of the site falls in the Green Belt.

7.3 The plan defines settlement boundaries for all Main Towns, Service Centres and Service Villages (except in the Green Belt where inset boundaries are defined) unless local communities, through the neighbourhood planning process are defining boundaries. The Seaton Valley Neighbourhood Plan does not define settlement boundaries. That part of the site which is 'white land' lies directly next to the built-up area of Seaton Delaval but within the Green Belt inset boundary and as such this part of the site is considered to be within the settlement limit. Under Policy STP1 Seaton Delaval is identified as a service centre which can accommodate employment, housing and services that maintains and strengthens their roles and under criteria e) of this policy it specifically states 'Sustainable development will be supported within Green Belt inset boundaries and within settlement boundaries defined on the Local Plan policies map or in neighbourhood plans.' In terms of this site it is located in a sustainable location with two bus stops located within 120m of the site which connect the site to the regional centre of Newcastle and the main towns of Cramlington and Blyth. The site is located 2 miles from the A189 which connects to the A19 which in turn connects to the A1. Seaton Delaval County First School, Whytrig Community Middle School and Astley High School are also within walking distance from the site as is the local library. The centre of Seaton Delaval is also located 600m walking distance north of the site. It is therefore considered that the site is acceptable as a sustainable windfall housing site, being close to services. As such the development would be a sustainable form of development within the Green Belt inset and as such the principle of the majority of the development accords with Policy STP1 b) and e).

7.4 The western end of the site does fall within the Green Belt however where development is strictly controlled. Housing does not fall within any of the uses considered to be appropriate development in the Green Belt under para 149 of the NPPF. It does however, under para 150, allow engineering operations as long as it preserves the sites openness and does not conflict with the purposes of including land within it. As no houses are proposed on this part of the site and only the Suds, access road and landscaping, which are considered to be engineering operations that would help to maintain the openness of this part of the site, it is

considered this principle of this part of the development is therefore acceptable and in accordance with the NPPF and Local Plan Policies STP1 and STP8. Overall, it is therefore considered the principle of the proposal is acceptable and in accordance with the NPPF and Local Plan.

7.5 In addition, whilst the site had previously been used as a sports ground for workers at the former Proctor and Gamble site, and Sport England originally objected to the application because it was not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF, they have since withdrawn their objection as the playing field use has been superseded by another permission. The site is also fenced off and is not open to the public. Neither the Seaton Valley Neighbourhood Plan nor the Local Plan also protect the site as open space. For these reasons the proposal has not been assessed in terms of any loss of open space. The open space needs generated by the houses now being proposed has however been addressed below. In response also to the objections raised that Seaton Valley has adequate housing provision, the site is not allocated for housing in the emerging Local Plan and that the Application Site (Ref 9401) was 'discounted' in the SHLAA. It is noted that the SHLAA has, in the past, discounted the site as unsuitable and unachievable. However, the site had been put forward and originally assessed as part of the factory premises as a whole, during the 'interregnum' between the closure of Procter and Gamble and new owners taking over. The site is now being promoted as a separate entity and has to be reassessed as such. In terms of whether the site is needed to contribute to the distributed housing requirement for the designated neighbourhood plan area in Policy HOU 3 (and Table 7.1) of the emerging new Local Plan, it is the case that the indicative requirement for Seaton Valley of 540, over the Northumberland Local Plan period, can be met from other committed sites. However, this figure is not a maximum limit.

Section 106 contributions

7.6 Policy INF 6 Planning obligations sets out 'Where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable...Planning obligations will be used, as necessary, to ensure that development meets relevant planning policy requirements set out in the Local Plan and any made neighbourhood plans.... Planning obligations will only be sought where they meet all of the following tests which require that they are: a. necessary to make the development acceptable in planning terms; b. directly related to the development; and c. fairly and reasonably related in scale and kind to the development.'

Housing Mix and Affordable Housing

7.7 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.

7.8 The proposed housing mix comprises 12 house types of which there are 11x 2bed houses, 46 3x bedroom, 35 x 4 bed roomed. These will be semi and detached dwellings, predominantly of 2 storeys in height, with car parking and garden areas. Of these 10 will be affordable houses. This mix is considered to be acceptable and along with other dwellings in the Cramlington South West Sector site a much wider range of dwelling types are provided.

7.9 In terms of affordable housing the local plan identifies this site falling within a low value area where 10% of dwellings should be affordable homes. In this case as 92 dwellings are proposed 10 affordable homes are required to meet Policy Hou6. The applicant has agreed to provide this. NCC Housing confirm the proposal is in accordance with the Section 106 and all to be 10 to be home ownership products. "Home Ownership" is a NPPF definition that provides options ie discount market or shared ownership.

Open space requirements

7.10 Under Appendix H of the Local Plan 'Major' residential development proposals reflecting the legal planning definition of such development i.e. those with 10 or more dwellings or a site of 0.5 hectares or more will be required to provide open space, either on-site or off site or make a contribution to improve existing provision. This sets out that three different types of open space that should be provided as follows:

Amenity green space and natural and semi-natural green space

Parks and Gardens

Provision for children and young people

7.11 The Appendix also includes when this is required on site or off site, standards that should be met and formulas for working out the exact provision required. Using the formulas set out the following provisions are required.

Amenity Green Space-

2326.2 sq m of amenity green space / natural semi natural green space is required-on-site. 2,916 sqm of amenity green space / natural and semi natural green space is provided on site however and as such no contribution is required towards this.

Parks and gardens- to be provided off site

232.62×3 (Sq per person)= 697.86 sq m of parks and gardens is required- multiplied by £103 (cost and maintenance cost of 5 years) = £71,879.58 to be secured via financial contribution through section 106

Provision for children and young people

232.62×3 (Sq per person) = 697.86 sq m of play - to be provided on site.

Development is underproviding play space by 492.86 sqm.

Therefore £100 (cost and maintenance) x 492.86 sqm = £49,286 is required and to be secured via financial contribution through a section 106.

7.12 The applicant has agreed to enter into a section 106 agreement to secure these costs and as such in this respect the proposal accords with Appendix H of the local plan and Policies Inf 5.

Coastal Mitigation

7.13 As this is a proposed residential development within 10km of the coast, consideration has been given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.

7.14 When developers apply for planning permission for new residential development within the coastal zone of influence, the Local Planning Authority 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. 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.

7.15 Contribution to the Coastal Mitigation Service (CMS) 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 £615 per unit within 7km of the coast.

7.16 In this particular case the site lies within 7km distance from the relevant protected sites and as a result a contribution of £615 per dwelling is required, totalling £56,580. The applicant has agreed to pay. The County Ecologist has therefore confirmed this will ensure that adequate mitigation will be provided to address increased recreational disturbance and damage within the coastal designated sites and so will enable the Council to reach a conclusion that there will be no adverse effect on site integrity in respect of this issue when undertaking the Habitats Regulations Assessment for this development. The proposal would therefore accord with Local Plan Policy ENV2 in this respect.

Education

7.17 The Education officer has confirmed that the development would require a contribution of £243,000 towards Astley High School (£144,000) and Sen provision (£99,000). The applicant has agreed to pay this contribution and as such the proposal would not have an unacceptable impact on Education provision, in accordance with Local Plan Policy Inf 6.

Healthcare

7.18 The Northumberland Clinical Commissioning group has confirmed that the development would require a contribution of £60,600 towards healthcare provision. The applicant has agreed to pay this contribution and as such the proposal would not have an unacceptable impact on Healthcare provision, in accordance with Local Plan Policy Inf 6.

Design, landscaping and impact on Residential Amenity

7.19 The proposal consists of a residential development, comprising 12 house types, predominantly of 2 storeys in height, with car parking and garden areas, located mainly along a linear west/ easterly road through the centre of the site, with 5 off shoots, which would lead to a double ended cul de sac at the eastern end of the site. Landscaped SUDs basins will be provided to the west of the site. The house types will be predominantly finished in facing bricks with roof tiles. The proposed house types have a range of design detailing which will help to provide character and visual interest. The accompanying plans provide full details of the house types proposed. Whilst objections have been made over the design of the dwellings it is considered that the design of these are all acceptable. The variety in design will help to create a diverse and interesting streetscape that adds more interest than using just a couple of designs. So whilst some dwellings may appear more plain than others the number of actual different styles and materials used will on balance help to provide the interest. The scale of these is also similar to other 2 storey properties in the area, with only a few being three storey in height, and the building heights reflect the character of this edge of Seaton Delaval location. Overall, the house types are considered to be generally acceptable in terms of their design and detailing and materials proposed.

7.20 In terms of landscaping there are number of trees surrounding the site, particularly to the south and east but there are few trees within the red line. Those that are at the eastern end are immature and primarily comprise an outgrown hawthorn hedge. The Landscape Masterplan has been updated to provide additional details regarding the proposed play area, public open space and the strategy for street trees. This reflects recent discussions regarding the NPPF requirement at paragraphs 98 and 131, for the consideration of a network of high-quality open space, physical activity for the health and well-being of communities and the important contribution of street trees to the character and quality of the urban environment including mitigating and adapting to climate change. To reflect the revised layout, the Arboricultural Report has been updated in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction'. The Assessment concludes that Tree 26, Group 3 and a small section of Group 4 will require removal as part of the construction works. Tree 26 is a small immature oak tree, and its removal will have no significant arboricultural or aesthetic impact. Tree Group 3 is a short section of Hawthorn hedging that was planted as low screening into the site, and which has never been subject to management. It has little arboricultural merit. Its loss is considered to have a very minor impact. Tree group 4 is an immature, dense, mixed species plantation group which is dominated by Ash. Whilst the arboricultural report sets out that 4m depth of this needs to be removed beyond the residential boundaries, it is considered that this is quite significant, as although the individual trees may not have much visual merit, the group as a whole does provide an attractive dense woodland setting for the houses to the east of the site. The slight removal of trees in this group to the south east of the site is considered to be acceptable though. It is therefore considered that a condition should be attached to limit any tree removal to the area within the application site and gardens of the proposed houses as well as conditions which ensure there is no further tree removal beyond that set out in the AIA and existing trees are protected throughout.

7.21 The application also proposes an area of landscaping to the west of the site around the SUDS ponds where a naturalistic play area is proposed. A condition will be attached ensuring details of this play area will be submitted. Trees will also be planted along the street within the site and landscaping is proposed to the rear of the gardens to the north of the site and an acoustic fence which will help to limit views of the palisade fence along the boundary of the NHS site to the north. The Council's Ecologist also has no objection to the landscaping proposed.

7.22 Overall, it is considered that the quality of the design and landscaping proposed is acceptable in terms of their impact on the character and appearance of the area. The layout is also considered to be acceptable now following detailed consideration of the privacy distances and amendments being made which now ensure that there is no overbearing impact of properties and the residential amenity of future residents is acceptable in terms of loss of light, outlook and privacy. It is also considered the layout will not cause any impact to the existing residential amenity of occupants of existing nearby properties. In this respect the proposal accords with Local Plan Policies HOU9 QOP1, QOP 2,4,6, ENV2 and the NPPF.

Noise impact / conflict with the adjacent factory use

7.23 Northumberland Local Plan Policy POL 2 states 'Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported.... Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity..... Where the operation of an existing business or community facility could have a significant adverse effect on a development proposal, the development proposal will be required to provide suitable mitigation.'

7.24 Paragraph 187 of the NPPF states 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

7.25 In terms of the above, the application site lies adjacent to an allocated key general employment site where main employment uses are supported and in particular immediately adjacent are buildings occupied and used by the NHS. The proposed residential properties therefore have potential to be impacted upon by this adjacent employment use. In addition, it is also necessary to consider how the occupiers of the employment site next door may be restricted as a result of the proposed development. Even if processes in the factory are currently compatible with the residential use being next door, the layout agreed should take account of the possibility that the premises may expand and a different employment use, may seek to occupy the building at a later date. As set out above the NHS have submitted a

letter of objection raising their concerns about this very issue - impact of future uses on residential amenity and the resulting potential for restrictions to be placed upon the Trust's facility and also highway safety. It is considered noise impact is the main consideration in terms of residential impact given other Environmental Laws/ Regulations can control other impacts. Potential increase in vehicular movements has been assessed under Highways.

7.26 In respect of potential impact on and off the site Public Protection have therefore been consulted. The applicant has also responded to the concerns raised by the NHS.

7.27 In terms of the applicants response they assert that policy ECN7 is not directly relevant as the planning application site is not a general employment area and is identified as 'white land' on the policies map. This is accepted. The applicant also sets out that the 'Trust's facility is already situated within a built-up area and is bound by residential development to the east and north east, Astley Community High School to the north and residential properties and allotments gardens to the west. Should the Bellway application be approved to the south, then residential properties will not be significantly closer to the boundary of the NHS site than the existing residential properties.' It is accepted that there are already residential properties around the site which could also be potentially impacted upon by any future changes at the employment site too. Whilst the applicant also provided a Noise Impact Assessment as part of the original planning submission in June 202, they will also provide a 1.8m high acoustic barrier along the full length of the northern boundary to help mitigate against future uses at the site and they are also currently preparing a further noise assessment which assesses the existing and potential acoustic worst case uses of the adjacent site (as far as is possible through extant approvals and permitted development rights). This will be assessed by Public Protection before committee and an update provided.

7.28 In terms of Public Protections response, whilst they did initially raise no objection to the proposal, after coming to light that the employment site is in use they have since raised an objection to the proposal and requested further information to be submitted with the application, in terms of noise levels. An initially revised noise assessment was submitted but considered to be inadequate and Public Protection now require the submission of a new noise impact assessment report which will assess the existing and potential acoustic worst-case uses of the adjacent factory site, and the sufficiency of one or more mitigation approaches in protecting the residential amenity of potential occupants of the proposed housing development. As part of this assessment Public Protection have asked that it considers how potential residents may be detrimentally impacted (in terms of residential amenity) should the commercial site be developed under existing permitted development – for example Class H (extensions etc of industrial and warehouse) as quoted by the NHS objection. Public Protection are aware of para 187 of the NPPF and so as part of their assessment will seek any necessary mitigations which will reduce impact on residents from future development at the NHS site which in turn will lead to more compatibility between the two sites and less potential for restrictions to be placed on the NHS. They specifically say in their comments Paragraph 187 of the NPPF states clearly that 'the burden is upon the applicant to determine if the proposed housing can be effectively integrated into the community and to determine an acceptable scope of acoustic mitigation.'

7.29 It must however also be noted that while the NHS could indeed extend their site through permitted uses and changes to other uses that fall within the same use class, as above there are also other Environmental Laws that help protect the amenity and safety of nearby residents which currently restrict the NHS. In addition, there are also restrictions and conditions set out under Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015, which will also limit the scale of development at the NHS site (ie, a building cannot be extended by more than 25% or 1,000 square metres (whichever is the lesser- and height restricted to 5m within 10m of the curtilage). Previous applications at the NHS site also included the need for a noise assessment to be submitted (ie 14/02914/Ful) with restrictions in place. So whilst the NHS are concerned, restrictions at this site will not solely be placed on the NHS from the proposed residential development. The site is also already confined in an area which itself will restrict future growth. It is therefore unreasonable that the proposed residential site should take all the burden of future restrictions at the NHS site.

7.30 Therefore in terms of noise impact from current and future activities at the NHS site, provided the applicants updated noise report, which currently needs to be assessed by Public Protection, meets the agreed scope and justifies any mitigation in line with the requirements of Para 187 of the NPPF which in turn will not place unreasonable restrictions on the NHS sites growth, it is considered that the impact of noise on residents from existing and future developments at the adjoining NHS site would be acceptable. In addition, the scheme would also not place unreasonable restrictions on the NHS. In this respect, subject to any conditions proposed by Public Protection, the proposal would be in accordance with Local Plan Policies HOU9 and QOP2 and the NPPF. Committee members will be updated with Public Protections final conclusions at committee.

Highways

7.31 The application has the potential to impact on highway safety, the highway network and parking, by virtue of its layout and vehicular movements to and from the development when built and through construction traffic. In this case given the sites location both Highways England and the Highway Authority have therefore been consulted on the information submitted.

7.32 The Council's Highway Authority have assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations. A review of the information provided has been undertaken and following the submission of further plans, including revised site layout plans, Section 278 preliminary drawings, updated access arrangements for the NHS car park area, and associated documents and plans showing a pedestrian connection to the North of the bus stops on the A190 providing connectivity to Prospect Avenue, Seaton Delaval County First School & Seaton Delaval (Northumberland Line) train station, Highways now have no objection to the proposal. This information has been presented and detailed on the drawing(s) referenced, and a new pedestrian refuge is proposed on the A190, to the north of this site. The principle of a crossing point is acceptable, and a review of the scheme will be carried out as part of any subsequent S278 Agreement technical approval process. Highways also notes that an alternative access arrangement has been

proposed for both the NHS Facility and Residential scheme, which has been Road Safety Audited and principally accepted by the Local Highway Authority. Based on the submission of the relevant details, Highways do not have an objection to the proposed development subject to appropriate planning conditions. In addition, Highways England have no objection to the proposal.

7.33 Overall, the proposals are therefore now considered acceptable on highways grounds and as such in this respect the proposal is in accordance with the NPPF and Local Plan Policies Policy TRA –1, TRA 2 and TRA 4 – Parking provision in new development.

7.34 Whilst concern was raised about the removal of the ‘new car park for increased staff parking’ on the application site that formed part of the Planning Application for the packing hall extension, under Reference 14/02914/ Ful, this was required by Proctor and Gamble who were the former occupier of the site next door which is now used by the NHS. The requirements at the site have therefore changed under new ownership. Should any future proposals require assessment by the LPA parking would be assessed.

7.35 The NHS have also raised concern over highway safety and that proposed alterations to, and adoption of, the main access into this site will jeopardise their future safe operation of the Manufacturing and Innovation Hub. They have concerns regarding the potential impact of the neighbouring housing development upon the operation of the Manufacturing and Innovation Hub over the coming years in terms of highway safety. In response Bellway state they have discussed these matters with the NHS over a prolonged period of time and have redesigned the position of the residential access off the existing private road and a Stage 1 Road Safety Audit has been undertaken for the proposed site access arrangement and concludes that there are no unacceptable highway safety concerns. The Highways Authority, as the overseeing organisation, have also signed off/approved the Stage 1 Road Safety Audit. In addition, the operational assessments at the site access junctions (to both the NHS site and the proposed residential development) as well as the roundabout junction linking the site to the A190, Avenue Road show no concerns regarding the capacity on the highway network. Highways have also requested further modelling information throughout the course of the application and modelling results, which takes into account future development. Modelling for the base year 2021, base year 2021 with full extant NHS development, 2026 future year with full extant NHS development and 2026 future year with both the NHS and residential developments in place – with an estimated 500 employees have been submitted which show maximum queuing and concludes there would not be a major change if the NHS building was in full use. As such Highways have taken into account future development. Should any further applications be submitted, these would be assessed at the time by the Highways Authority.

Flood Risk/Drainage

7.36 The Lead Local Flood Authority (LLFA) who assess the proposal in terms of impact of surface water run off and potential impact of flooding from the site, have no objection to the proposal subject to conditions. In addition Northumbrian Water has no objection to the proposal subject to one condition. In light of these

comments, the proposal is considered to be in accordance with NLP Policies WAT 3 and 4 which deal with Flooding and Sustainable Drainage Systems.

Ecology

7.37 The County Ecologist, who assesses the proposal in terms of impact upon biodiversity, protected species and protected sites has considered the submitted Ecological Appraisal and Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan, has no objection to the proposal subject to conditions which will help to maintain and enhance biodiversity. Subject to these the proposal would accord with the NPPF and Local Plan Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

Archaeology

7.38 The proposed development site has potential to retain significant unrecorded archaeological remains. The County Archaeologist has therefore been consulted who initially requested that the applicant undertake a programme of archaeological evaluation (trial trenching) prior to the determination of this application. The applicant has since commissioned a programme of archaeological field evaluation (trial trenching) and submitted a report. The County Archaeologist states 'evaluation identified that much of the site had been disturbed in the modern period, including via site levelling in advance of playing field construction. Previous phases of archaeological assessment had identified cropmark features of potential archaeological origin. No trace of these cropmark features was identified. No significant archaeological remains were recorded by the evaluation exercise.' Given the negative results of the evaluation, the County Archaeologist therefore has no objections to the proposed development on archaeological grounds and has stated that no further archaeological work is recommended. Overall and in conclusion it is therefore considered that the proposals impact on heritage assets is acceptable and in accordance with Local Plan Policy ENV7.

Contamination

7.39 The site is situated within the Northumberland Coal Field with outcrop features also being present within Seaton Delaval. Public Protection have confirmed that 'in accordance with Northumberland County Councils Planning Contaminated Land Procedure it is proportionate and necessary to require gas protection measures at this site. Conditions to control noise and dust during the construction phase are proportionate to protect residential amenity of Newburgh Avenue. In addition, onsite contamination associated with a track and compound has been identified and it is essential that a sufficient remediation strategy and verification report is submitted to protect future site users.' Public Protection therefore have no objection to the proposal on these grounds subject to conditions which will help to protect future and existing residents from contamination. Subject to these conditions the proposal would be acceptable and in accordance with Local Plan Policy Pol1.

Conclusion

7.40 The objections raised have all been taken into account in the assessment of this application. For the above reasons however it is considered that the proposal is acceptable.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Recommendation

That this application be GRANTED permission subject to further comments from Public Protection and a Section 106 agreement securing Affordable Housing on site and contributions towards education facilities, healthcare, parks and gardens, provision for children and young people and coastal Mitigation.

Conditions/Reason

1. The development hereby permitted 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)

2. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on the following plans and documents:

Flood Risk Assessment reference QD1688-FRA revision E, from Queensberry Design; Alternative Access Arrangement - Technical Note
Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan Ref: ARB/AE/2589 Date: September 2022
Landscape Masterplan C-1947-01 Rev E 20 Sept 2022
Engineering Layout QD1688-03-01 Rev B 20 Sept 2022
External Works Sheet 1 QD1688-04-01 Rev B 20 Sept 2022
External Works Sheet 2 QD1688-04-02 Rev B 20 Sept 2022
Adoption Plan 1161-BEL 19-001-PO3 Rev F 09 Sept 2022
Boundary Treatment Plan 1161-BEL 19-001-PO2 Rev G 09 Sept 2022
Site Layout Plan 1161-BEL 19-001-PO1 Rev P 09 Sept 2022
Section 278 Engineering Layout QD1688-03-11 Rev A 27 June 2022
Tree Protection Plan ARB/AE/2589TpP 20 Sept 2022
Tree Impact Plan ARB/AE/2589TiP 20 Sept 2022
Sustainability statement
Double Garage A/436/00/CB/R1/01
Single Garage A/218/00/CB/R1/0

House Type Turnwright Elevations A/921CW/00/CB/02 09 Sept 2022
House Type Turnwright Floorplans A/921/CW/00/CB/01 09 Sept 2022
House Type Shipwright Elevations SW-3B-3S-P1 23 June 2022
House Type Shipwright Floorplans SW-3B-3S-P1 23 June 2022
House Type Scrivener Elevations SC-4B-2S-CB-E Rev A 23 June 2022
House Type Scrivener Floorplans SC-4B-2S-P1 Rev A 23 June 2022
House Type Sawyer Elevations SY-3B-2S-P1 23 June 2022
House Type Sawyer Floorplans SY-3B-2S-P1 23 June 2022
House Type Potter Elevations PO-2B-2S-P1 23 June 2022
House Type Potter Floorplans PO-2B-2S-P1 23 June 2022
House Type Lorimer Elevations LO-4B-2S-P1 23 June 2022
House Type Lorimer Floorplans LO-4B-2S-P1 Rev A 23 June 2022
House Type Cooper Elevations CO-2B-2S-P1 23 June 2022
House Type Cooper Floorplans CO-2B-2S-P1 23 June 2022
House Type Cutler Elevations CU-4B-2S-CB-E 23 June 2022
House Type Cutler Floorplans CU-4B-2S-P1 23 June 2022

House Type Chandler Elevations CH-3B-2S-P1 23 June 2022
House Type Chandler Floorplans CH-3B-2S-P1 Rev A 23 June 2022
House Type Carver Elevations CA-3B-2S-P1 23 June 2022
House Type Carver Floorplans CA-3B-2S-P1 23 June 2022
House Type Bowyer Elevations BO-4B-2S-P1 23 June 2022
House Type Bowyer Floorplans BO-4B-2S-P1 Rev A 23 June 2022

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

3. Notwithstanding the landscape details approved on the master plan, prior to the occupation of any of the houses which have rear garden boundaries along the north eastern edge of the site, a further landscape plan showing details along this boundary, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with these details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Northumberland Local Plan Policy HOU9.

4. All landscaping outside the boundaries of the houses 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, or within such other time as may be approved with the Local Planning Authority. The landscaping and boundary treatments (ie fences) within and to the boundaries of the houses shall be carried out before that particular dwelling is occupied. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Northumberland Local Plan Policies QOP1, 2 and 4.

5. All trees and hedges within, and to the boundaries of the site identified on either the approved tree survey or the approved application plans as being retained, shall be retained and protected throughout the course of development in accordance with the details in the Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan, September 2022. These measures shall be implemented in complete accordance with the approved scheme and shall remain in place throughout the course of the construction of the development, unless otherwise approved in writing with the Local Planning Authority. 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 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 Northumberland Local Plan Policies ENV2 and QOP 4.

6. Notwithstanding any description of the materials in the application, the dwellings shall not be constructed above damp proof course until precise details, of the materials to be used in the construction of the external walls and / roof(s) of the buildings have been submitted to and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Northumberland Local Plan Policies QOP1 and 2.

7. Notwithstanding the details contained within the Arboricultural Impact Assessment, no trees within Tree Group 4 shall be removed which fall outside the application site,

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with the provisions of Northumberland Local Plan Policies ENV2 and QOP 4.

8. Before the occupation of any dwelling's full details regarding the location and specification of an onsite play area and a timetable for its provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play area shall be implemented in full accordance with the approved timetable, and it shall be maintained so it does not all within a state of disrepair.

Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with the Northumberland Local Plan.

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

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

in that phase shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

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

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

10. Every house or parking area for that house, shall have an electric vehicle charging point.

Reason: To help promote sustainable development and in the interests of reducing carbon emissions, in accordance with the National Planning Policy Framework.

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

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

12. No development will take place unless in accordance with the mitigation and enhancement recommendations of the report Development of land East of Avenue Road, Seaton Delaval Ecological Appraisal, May 2021, BSG Ecology including:

- As a precaution it is recommended that no vegetation clearance should take place during the core bird breeding period (late March to August), unless vegetation has first been checked by a suitably qualified ecologist to confirm that nesting birds are absent. If nesting is confirmed, then this vegetation should be excluded from clearance activity and buffered until such time as the chicks have fledged or that the nest has been abandoned through natural causes (for example predation of a parent bird).
- If development has not commenced by May 2022, that the eDNA survey for great crested newts must be repeated within the next appropriate survey window
- the use of close boarded fencing should either be avoided, or a gap measuring 13 x 13 cm should be created at the bottom of each section of garden fencing
- A new bat access feature (e.g., integral bat boxes) will be installed at a ratio of 1:2 of into those dwellings located closest to retained boundary habitats.
- A bird nesting feature, such as a swift brick or open fronted bird box, will be installed at a ratio of 1:2 of new dwellings.

The details of the enhancement measures and will be provided on an amended site plan prior to commencement for approval in writing. The details will be fully implemented as approved.

Reason: to maintain and enhance the biodiversity value of the site in accordance with the NPPF and in accordance with the provisions of Northumberland Local Plan Policy ENV2.

13. Prior to first occupation of the development, a sensitive lighting scheme for all areas of the site (e.g. car parking, footpath, buildings) shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall:

1. Be designed in consultation with the project ecologist and follow guidance set out in Institution of Lighting Professionals (2018) Advice note 08/18

(<https://theilp.org.uk/publication/guidancenote-8-bats-and-artificial-lighting/>).

2. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory (e.g. for foraging and commuting) or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications agreed. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: to maintain and enhance the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

14. All works on site will be undertaken in accordance with British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012), and the detailed Tree Protection measures in the report Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan (Elliot Consultancy, November 2021).

Reason: to maintain and enhance the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

15. Additional infiltration testing shall be carried out during the months of December and January to ensure groundwater levels in the location of the basin are consistent with 2 previous findings. Should groundwater be found higher than expected, the basin shall need to be lined with clay and modelling undertaken removing any infiltration.

Reason: To ensure the effective operation of the attenuation basin. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

16. 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 composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

17. Prior to first occupation of the development details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional 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; and
- * 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 Northumberland Local Plan Policies Wat 3 and 4.

19. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy revision E" dated "May 2021". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4602 and ensure that surface water discharges to the surface water sewer at manhole 5507. The surface water discharge rate shall not exceed the available capacity of 12l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

20. Prior to the first occupation of the development, a scheme for a continuous acoustic barrier constructed along the northern boundary of the site with Plant Based Valley, of a minimum height of 1.8 metres measured from the ground level and minimum surface density of 10 kg/m² shall be submitted to, and approved in writing by, the local planning authority. All works which form part of the approved scheme shall be completed before the first residential occupation. The barrier shall be retained throughout the life of the development.

Reason: To protect the amenities of residents with respect to noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and Pol2.

21. 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.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

22. Deliveries to and collections from the construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00 With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

23. No development shall commence, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against windblown dust and debris. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

24. No building shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (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 aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, 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 the provisions of Northumberland Local Plan Policy POL1.

25. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report (including details of phasing) to the approved methodology in Condition 24 which has been approved in writing by the LPA.

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 the provisions of Northumberland Local Plan Policy POL1.

26. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. 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.

[Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

“Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) 2021

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 the provisions of Northumberland Local Plan Policy POL1.

27. A written Remediation Strategy report detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. The Remediation Strategy Report must provide sufficient detail as to how the contamination identified within the approved report “Phase II Geo-Environmental Site Assessment Ergo Environmental 20-641-01/Rev B September 2020” will be remediated to protect future site occupants. The report must demonstrate that the soil in landscaped areas from the surface down to a minimum depth of 600 millimetres will provide a suitable growing medium as defined within BS 3882:2015. 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.

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 the provisions of Northumberland Local Plan Policy POL1.

28. The development hereby permitted shall not be brought into use or continue in use until 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 Remediation Strategy Report. 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 the provisions of Northumberland Local Plan Policy POL1.

29. Development shall not commence until a Construction Method Statement, together with a supporting plan 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 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. Condition survey of the A190 Roundabout, junction onto the A190 & internal access road leading up to the site access
- vii. Details of the size and number of HGV's associated with the construction phase of the development.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

30. No development above damp-proof course level shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been 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.

Reasons: 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 and Policies TRA1 and TRA2 of the Northumberland Local Plan.

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

Reason: In the interests of highway safety and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

32. No dwelling shall be occupied until the associated car parking area indicated on the approved plans, including any visitor car parking spaces contained therein, 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 the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan

33. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans and NCC standards and specification.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan

34. Development shall not be occupied until details of the proposed highway works including: -

- Full details on the pedestrian crossing upgrade on the A190 roundabout.
- Full details on the proposed pedestrian footway on the Eastern side of the above crossing point
- Full details of a new pedestrian crossing facility on the A190 to Prospect Avenue.
- Bus stop upgrade works (level access kerbing) on both stops on the A190 to the north-east of the main site access

have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

35. No dwelling shall be occupied until the associated cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

36. 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 staff travel to work survey;
- ii clearly specified ongoing targets for staff travel mode shares;
- iii a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
- iv a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

Informatives

1) This permission does not grant approval for the removal of any trees outside the application site boundary.

2) Highways

INFO35 Section 38 Agreement and adoption of highways

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

INFO28 Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

INFO29 Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk

INFO33 Reminder to not store building material or equipment on the highway
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences

INFO35 Contact Lighting Section

You are advised to contact the Council's Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway

INFO37 Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition HWD11 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

INFO38 Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition HWD12 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.

INFO40 Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

INFO41 Road Safety Audits You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979 Street Naming You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority. Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

3) There is a section 106 agreement attached to this permission.

Date of Report:

Background Papers: Planning application file(s) 21/02285/FUL

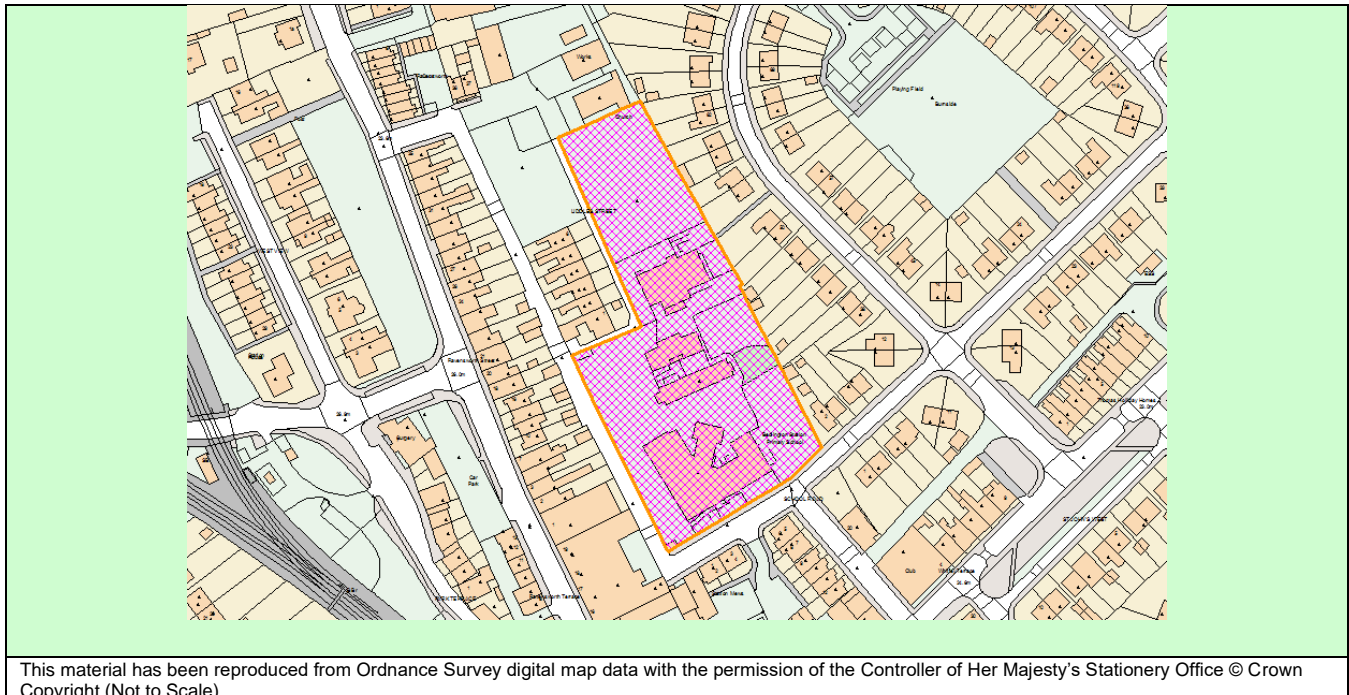


Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council, 19 October 2022

Application No:	22/02237/CCD		
Proposal:	Construction of new single storey modular building to house reception and Nursery provision including necessary improvements to boundary fencing for safeguarding and landscaping (soft and hard) to improve circulation and outdoor play space in line with DfE requirements		
Site Address	Bedlington Station Primary School, School Road, Bedlington, Northumberland, NE22 7JQ		
Applicant:	Mr Mark Elliott County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	Agent:	Mr Graeme Race Albany Court, Monarch Road, Newcastle Business Park, Newcastle NE4 7YB
Ward	Sleekburn	Parish	East Bedlington
Valid Date:	30 June 2022	Expiry Date:	20 October 2022
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 This application was referred to the Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined due to Northumberland County Council being the applicant. It was confirmed that the application should be referred to members for a Local Area Council committee decision

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a single storey modular building at Bedlington Station Primary School.
- 2.2 The proposed building would replace 2no existing modular structures that are to be demolished on site. The local planning authority (LPA) granted prior approval for the demolition of the buildings under application ref no. 22/02848/DEMGDO. The new building will provide upgraded reception and nursery provision.
- 2.3 The modular building would consist of an L shaped form, measuring a maximum 23.2 metres in width by 24.4 metres in length. A flat roof would be incorporated upon the structure that measures 3.54 metres to the highest point. Materials upon the modular building would consist of a through coloured render with aluminium framed fenestration and doors.
- 2.4 The application also proposes minor alterations to existing hardstanding within the curtilage of the school to improve circulation and outdoor play space. Fencing repairs are also proposed. These works are recognised as permitted development, not requiring planning permission, and have therefore not been assessed as part of the proposals.
- 2.5 The proposed development would be located within the existing curtilage of Bedlington Station Primary School.

3. Planning History

Reference Number: C/09/00177/CCD

Description: Single storey extension and alterations to form increased kitchen space

Status: Permitted

Reference Number: 12/02526/CCD

Description: Relocation of a mobile modular building onto school playing field and an extension to the existing school hall

Status: Permitted

Reference Number: 22/02848/DEMGDO

Description: Prior approval for demolition for 2No. single storey classroom buildings to be demolished to make way for the construction of new early years facility which is under separate application.

Status: Prior approval not required

4. Consultee Responses

East Bedlington Parish Council	No response received.
Highways	No objection subject to recommended condition.
The Coal Authority	No objection subject to recommended conditions.
Public Protection	No objection subject to recommended conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	64
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

Policy STP 2 - Presumption in favour of sustainable development (strategic policy)

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaption (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy TRA 2 - The effects of development on the transport network

Policy ENV 2 - Biodiversity and geodiversity

Policy POL 1 – Unstable and contaminated land

Policy POL 2 – Pollution and air, soil and water quality

Policy WAT 4 - Sustainable drainage systems

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2022) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;
- Land contamination, stability and ground gas.

Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. Bedlington/Bedlington Station is recognised as a main town where there will be a focus for employment, housing, retail and services. The application site is located within the existing settlement of Bedlington Station.

7.3 The proposed works constitute the siting of a replacement building which would be located within the existing curtilage of Bedlington Primary School. The proposal would provide upgraded classroom facilities for pupils with the previous modular buildings being located on site beyond their initial expectancy. The principle of development is acceptable in accordance with policy STP 1 of the NLP and the NPPF.

Design and visual character

7.4 Policy QOP 1 of the NLP states that development proposals should '*make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography*'. The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development.

7.5 The proposals represent an acceptable form of development that would not be harmful to the visual character of the application site or wider area. Whilst the modular building may not constitute exceptional design, its appearance mirrors the existing modular buildings on site, albeit at a larger scale, which do not detract from the appearance of the site and its surroundings. The proposal accords with relevant local and national planning policies in relation to design.

Residential amenity

7.6 Policy QOP 2 of the NLP states that '*development will be required to provide a high standard of amenity for existing and future users of the development*

itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area'. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users'.

- 7.7 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the wider area. The primary school is bounded by residential development however, the scale, massing and use of the proposed structure ensures that there would be no adverse impacts caused to the amenity of neighbouring properties. Appropriately worded conditions have been recommended by the local authority's environmental protection team to ensure the amenity of residents is not adversely impacted upon during construction works at the site.

Highway safety

- 7.8 Paragraph 111 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'*.
- 7.9 Consultation was undertaken with highways development management (HDM), who raised no objection to the application proposals subject to a recommended condition that would secure the submission of a construction method statement prior to works commencing on site. This document, once approved, would ensure highway safety during the construction phase on site. There are no alterations proposed to existing access or parking arrangements at the site.

Land contamination, stability and ground gas

- 7.10 Policy POL 1 of the NLP outlines that *'development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts'*.
- 7.11 Policy POL 2 of the NLP is also relevant within this assessment and states that *'Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported'*. Both of these provisions are mirrored within the NPPF.
- 7.12 The application site is located within an area subject to former coal mining activity, thus ensuring consultation was required with The Coal Authority (TCA) as part of the application assessment. Within the consultation response provide by TCA, they raise no objection to the proposals, subject to recommended conditions which ensure appropriate remediation work on site. Prior to first use of the development, a signed statement or declaration must be submitted to the local authority by a suitably competent person, confirming that the site has been made safe and stable for the development.

- 7.13 Conditions were also recommended by the local authority's environmental protection team to ensure appropriate ground gas protection is incorporated within the development. Ground gas has the potential to impact upon the amenity of future users of the development, therefore it is vital appropriate protection is installed within the proposed building. Subject to recommended conditions, the LPA consider the proposal accords with both local and national planning policy in relation to land stability and ground contamination.

Equality Duty

- 7.14 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

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

Human Rights Act Implications

- 7.16 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.
- 7.17 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.
- 7.18 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 proposals represent an acceptable form of development in accordance with both local and national planning policy. The application is therefore recommended for approval, subject to appropriate conditions.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted 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 be carried out in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. 5133347.083-NCC-BED-001 (received 22nd June 2022)
- 2) Proposed floor plan drawing no. 5133347.083-NCC-BED-003 (received 22nd June 2022)
- 3) External area plan drawing no. 5133347.083-NCC-BED-002 (received 22nd June 2022)
- 4) Proposed elevations drawing no. 22009-MOD-B1-EL-DR-A_350001 (received 22nd June 2022)
- 5) Phase 2 site investigation S220108 (received 18th July 2022)
- 6) Phase 1 desk study part 1 S220108 (received 29th June 2022)
- 7) Phase 1 desk study part 2 S220108 (received 29th June 2022)
- 8) Ground gas risk assessment S220108/GAS (received 18th July 2022)
- 9) Gas membrane letter (received 18th July 2022)
- 10) Proposed site layout drawing no. NCC/BED/002 (received 11th August 2022)
- 11) Construction phase plan rev. A (received 5th September 2022)

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

03. During the demolition 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.

04. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:
Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

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

05. Prior to the construction of the modular building above damp proof course level a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) must be submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, 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.

06. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 5 which has been approved in writing by the LPA.

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.

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

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

08. No development shall commence (excluding the demolition of existing structures and site clearance) until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

09. Prior to the first use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Informatives

- 1) You should note that a highway condition survey should be carried out before the commencement of demolition vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk
- 2) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 3) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date of Report: 28th September 2022

Background Papers: Planning application file(s) 22/02237/CCD

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Northumberland County Council

Appeal Update Report

Date: October 2022

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
21/02591/FUL	<p>Installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no justifiable public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02592/LBC	<p>Listed building consent for installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00078/FUL	<p>Construction of a single storey detached garage – Shield Law, Bellingham</p> <p>Main issues: appeal against imposition of condition 6 on the grant of permission that removes permitted development rights for further outbuildings.</p> <p>Delegated Decision - Officer Recommendation: Approve</p>	No

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
21/03400/OUT	<p>Outline with all matters reserved for the construction of eight dwellings consisting of 8 x Dormer Bungalows – land east of Ashcroft Guest House,</p>	No

	<p>Lantys Lonnen, Haltwhistle</p> <p>Main issues: development on protected open space, harm to designated and non-designated heritage assets and currently objections and insufficient information to assess noise, highway safety, flood risk and drainage and ecological impacts.</p> <p>Appeal against non-determination</p>	
21/01668/LBC	<p>Listed Building Consent for replacement of sash windows throughout and replacement of front door – Brockburn, Monkshouse, Seahouses</p> <p>Main issues: harm to the listed building with no public benefits to outweigh the harm</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/01503/FUL	<p>Upwards extension of existing first floor bedroom, with removal of low level tiled pitched roof and replaced with proposed high level tiled pitched roof, including proposed Juliet balcony to west elevation – 25 Fontside, Mitford</p> <p>Main issues: the extension would not be subordinate to the original dwelling and does not represent good design.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/01188/FUL	<p>Two-storey extension at the front of the house – 13 Church Avenue, West Sleekburn</p> <p>Main issues: unduly prominent and incongruous addition to the property.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03297/FUL	<p>Change of use: Retail to holiday accommodation on first floor with associated internal and external alterations to the building – Amberley House, Stocksfield Post Office, Main Road, Stocksfield</p> <p>Main issues: lack of information to assess noise from air conditioning units and impacts on residential amenity; lack of information to assess impacts on bats or nesting birds; and lack of information to demonstrate adequate car parking provision can be achieved.</p> <p>Delegated Decision - Officer Recommendation:</p>	No

	Refuse	
21/04527/FUL	Construction of 3 bungalows – land south of Leylen House, Main Street, Red Row Main issues: unacceptable in principle due to development in the open countryside beyond the settlement boundary and affecting protected open space. Appeal against non-determination	No
22/01946/AGRGDO	Prior notification for the siting of a 10ft shipping container to store equipment and tools for forestry purposes – land to the rear of 19 Sycamore Grove, Prudhoe Main issues: the proposed development would not be permitted development. Delegated Decision - Officer Recommendation: Refuse	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
20/03389/FUL	Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.	4 January 2022 Committee Decision - Officer Recommendation: Approve
20/01457/CLEXIS	As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received	9 February 2022 Delegated

	<p>16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	<p>Decision - Officer Recommendation: Refuse</p>
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/04587/FUL	<p>Proposed construction of a first floor dormer extension to the rear elevation and installation of rooflights to the front and rear elevations – 29 Leazes Street, Amble</p> <p>Main issues: incongruous and inappropriate form of development that would be out of scale and character with the existing property and would have a harmful impact upon the character and appearance of the site and surrounding Conservation Area.</p>	<p>24 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04673/FUL	<p>Resubmission: Single-storey, flat-roofed, garage to rear of back garden (revised to now be 3 metres high) - 7 First Avenue, Blyth</p> <p>Main issues: incongruous addition to the rear garden of the property, represent an addition</p>	<p>7 July 2022</p> <p>Delegated Decision - Officer Recommendation:</p>

	that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.	Refuse
21/03532/FUL	<p>Restore and re-build existing derelict dwellings to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building – land south west of Woodbine Cottage, Carrshield</p> <p>Main issues: significant works required to existing structure therefore conversion is unacceptable as a matter of principle; design would not respect historic character of the building and would affect the character of the North Pennines AONB; new outbuilding would be inappropriate in size and scale in the open countryside with impacts on the landscape and the AONB; insufficient information to assess ecological impacts of the proposals; and insufficient information to assess archaeological impacts.</p>	<p>16 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02904/FUL	<p>Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description – land north west of Burgham Park Golf Club, Felton</p> <p>Main issues: inappropriate development in the Green Belt; unnecessary and unjustified development in the open countryside and unsustainable location; and lack of completed S106 Agreement in respect of affordable housing, education, health and a Habitat Maintenance and Management Plan</p>	<p>17 August 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/02377/FUL	<p>Retrospective: Construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID – Feathers Inn, Hedley, Stocksfield</p> <p>Main issues: inappropriate development in the Green Belt; and the design and materials adversely impact on the character of the site and its surroundings.</p>	<p>23 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01800/FUL	<p>Home officer first floor extension over existing detached garage – 3 Keston Drive, Cramlington</p> <p>Main issues: disproportionate addition to the original garage resulting in harm to the character and appearance of the property</p>	<p>31 August 2022</p> <p>Delegated Decision - Officer Recommendation:</p>

	and the street scene.	Refuse
21/04652/FUL	<p>Single storey extension to kitchen; two storey extension to rear;, provision of dormers to new extension - Size of existing garage footprint and roof increased and provision of dormers to garage to form storage area – Wooderfield, Grange Road, Widdrington</p> <p>Main issues: development would appear incongruous and out of character with the existing dwelling resulting in significant harm to visual amenity.</p>	<p>31 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02026/COU	<p>Change of use of 8no. Holiday cottages to residential dwellings – 1 - 4 Bamburgh Cottages and 5 - 8 Craster Cottages, Northumbrian Hills, Burgham Park, Felton</p> <p>Main issues: unnecessary and unjustified residential development in the open countryside</p>	<p>1 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	No

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	29 April 2022
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	29 June 2022

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
21/04982/OUT	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p>	<p>Hearing: 5 and 6 October 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

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