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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

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Tel direct: 01670 622614

Date: Monday, 28 November 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STRATEGIC PLANNING COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **TUESDAY, 6 DECEMBER 2022** at **4.00 PM**.

Yours faithfully

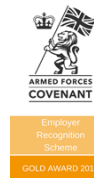
Rick O'Farrell
Interim Chief Executive

To Strategic Planning Committee members as follows:-

C Ball, L Darwin, R Dodd, B Flux, J Foster, G Hill, JI Hutchinson, J Lang, J Reid, G Renner-Thompson, M Robinson (Vice-Chair), G Stewart, M Swinbank, T Thorne (Chair), A Wallace and A Watson



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 COMMITTEES

(Pages 1
- 2)

The Chair to advise those present of the procedure undertaken at a Planning Committee.

2. APOLOGIES FOR ABSENCE

3. MINUTES OF PREVIOUS MEETINGS

(Pages 3
- 30)

The minutes of the Strategic Planning Committee held on Tuesday 1 November 2022, as circulated, to be agreed as a true record and be 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
31 - 34)

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. 21/02505/CCMEIA

(Pages
35 - 112)

Extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands

Land North East of Anick Grange Haugh, Anick Road, Hexham

7. 22/01051/FUL

(Pages
113 -
170)

Development of Independent Support Living Apartments (59no.) (Use Class C2), residential apartments (35no.) (Use Class C3), and housing (10no.) (Use Class C3), including enabling works, associated access, landscaping, infrastructure and all ancillary works.

Land North East Of Riverside Park, Rivergreen, Amble, Northumberland

8. 22/02627/CCD

(Pages
171 -
214)

Construction of new school buildings, sports centre, external sports pitches, landscaping, parking and access at Land North of The Avenue, Seaton Delaval and parking and access at former Whytrig Middle School Site, Western Avenue, Seaton Delaval (amendment to red line boundary 27.20.2022)

Land East Of Allenheads/Former Whytrig Middle School, The Avenue, Seaton Delaval, Northumberland

9. **21/01041/FUL** (Pages 215 - 238)
Mixed use development comprising demolition of existing buildings, extension to existing garden centre and warehouse and the provision of charity head office, training facility and business centre
Azure Garden Centre, Station Road, Cramlington, Northumberland
NE23 8BJ
10. **APPEALS UPDATE** (Pages 239 - 248)
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.
11. **URGENT BUSINESS**
To consider such business, as in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

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)

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Northumberland County Council

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Record attendance of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

Vote(by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Council Chamber - County Hall on Tuesday, 1 November 2022 at 2.00 pm.

PRESENT

T Thorne (Chair) (in the Chair)

MEMBERS

C Ball	L Darwin
R Dodd	B Flux
J Foster	G Hill
Jl Hutchinson	J Lang
J Reid	G Renner-Thompson
M Robinson	G Stewart
M Swinbank	

OTHER COUNCILLORS

D Bawn	N Oliver
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OFFICERS

T Crowe	Solicitor
L Little	Senior Democratic Services Officer
D Love	Senior Planning Officer
R Murfin	Interim Executive Director of Planning & Local Services
M Patrick	Principal Highways Development Management Officer
E Sinnamon	Development Service Manager
K Tipple	Senior Planner
T Wood	Principal Planning Officer

Around 43 members of the press and public were present.

27 **PROCEDURE AT PLANNING COMMITTEES**

The Chair outlined the procedure to be followed at the meeting.

RESOLVED that the information be noted.

28 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Wallace and Watson.

29 **MINUTES OF PREVIOUS MEETINGS**

The Minutes of the Strategic Planning Committee held on 6 September 2022, as circulated, were agreed as a true record and were signed by the Chair.

30 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Robinson advised that he was the Ward Member for applications 22/0182/RENE and 21/04298/REM and he lived in Phase 1 of the development at land south west of Glebe Farm, however after taking advice from the Solicitor stated he was happy to sit as a Committee Member.

Councillor Oliver stated that whilst he was not part of the Committee, in the interests of transparency, and following advice from the Monitoring Officer, as he was speaking as Ward Councillor on behalf of residents and Anick Parish Council who had objected and highlighted the risk of flooding, advised that his own property had flooded in 2015.

31 **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.

The Chair advised that a short break would be held after item 8 on the agenda. He thanked officers for accompanying Members of the Committee on the site visits held in relation to all the applications the previous day advising that they had been well attended and he had found them very useful.

RESOLVED that the information be noted.

32 **21/02505/CCMEIA
Extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands
Land North East of Anick Grange Haugh, Anick Road, Hexham**

K Tipple, Senior Planning Officer provided a very comprehensive and detailed introduction to the report with the aid of a power point presentation.

J Halliday addressed the Committee speaking in objection to the application. His comments included the following:-

- The site was within the Green Belt and any operation within it must preserve its openness and not conflict with the purposes for which it was included. The NPPF included the following purpose for Green Belt “to preserve the

setting and special character of historic towns”. This Councils strategic approach to Green Belt specifically states that they will be protected to preserve the setting and special character of Hexham, Corbridge and Morpeth.

- This scheme fails to comply with both national and local policies.
- There was a growing trend to refuse quarry applications in Green Belts with Councillors often voting against the advice of their officers.
- In 1990 there was a similar application related to Anick Grange which was refused on appeal with the Inspector giving two reasons. With a 10 year land bank at that time he could see no present need, the current north east land bank was 15 years. He also said that the Grade II agricultural land of which there was only 3% in Northumberland was a national resource which should be protected. These reasons for refusal were still sound now.
- Wheat was needed rather than sand or gravel and it could be produced with a fraction of the emissions caused by the haulage of minerals. The local family who have farmed the land for generations should be allowed to continue to make their valuable contribution to the Community.
- The application also failed to meet the cornerstone of the NPPF, sustainability. One economic test asked if it is the right type of land in the right place at the right time, this was not, it was in a Green Belt on a flood plain which was known to flood disastrously and the time was not right as there was no present need.
- Asthma was on the increase among the young and parents were worried about the effects of wind borne silica on their children.

M Jordan also spoke in objection to the application and her comments included the following:-

- She was speaking as Chairman of the Corbridge Flood Action Group representing 85 dwellings in the flood zone of Corbridge 2 miles south of this development.
- The report had not addressed the removal of the soak away upstream from this community and the embankments to stop water going into the Tyne not the other way round which had been suggested in the report.
- Following Storm Desmond the Environment Agency (EA) had told residents of the farmers who were allowing their land to be used as soak away for flood communities yet here in Flood Zone 3, they were putting in a massive gravel pit the size of Hallington Reservoir.
- There had been 2 devastating floods downstream of this development. The report stated that it was safe and it had been modelled, however when Storm Desmond happened the model failed and it was said that the river was higher and went in a different direction and that level of rainfall had not been predicted, so modelling could not be relied upon.
- The pit would not even have properly engineered banks and the effect of having tonnes more extra water in the river was already known. Kielder had lowered the water levels following the impact on residents when they were flooded. The equivalent of 4 Olympic swimming pools could come into the river from that site.
- There had been 2 massive 1 in 100 year storm events in 10 years, with 2 metres of water in homes, threats to life, business losses, job losses and displacement. 85 Households had faced these issues and this was a devastating case study right on the doorstep of this development.

- She asked that members refuse the application and uphold the protection that residents had at the current time and keep them safe by keeping their soak away and not increase the risk.

Councillor Oliver addressed the Committee speaking as the local Ward Member representing residents, Sandhoe Parish Council and Councillor Cessford, he also had a message of support from Councillor Fairless-Aitken. His comments included the following:-

- The concerns of local residents could be summarised as the wrong size in the wrong place and an application on the same site was refused following a public inquiry in 1992.
- Paragraph 213 of the NPPF required us to maintain a steady and adequate supply of at least 7 years ensuring that large landbanks bound up in very few sites did not stifle competition, however this was going much further to beyond 2043, three times longer than required and there were already permitted reserves to 2033. The Council's own Aggregates Assessment published in April showed a shortfall to 2036 of only 746,000 tonnes and this application was for nearly 8 times more at £5.8m tonnes.
- The large number of wagons, not spread evenly through the day at the junction between Ferry Road and the A6079 would cause problems. Large waggons from Egger already used that junction and the cumulative effect crossing the traffic coming into Hexham could be dangerous and cause tailbacks onto the A69. Over £26m had just been spent on upgrading the adjacent roundabout on the A69 and a new roundabout installed to serve Lidl, McDonalds and the Travel Lodge. The area was already creaking and would get worse when work started on the Egger expansion site and the new industrial estate site next to that. The road also formed part of the Hadrian's Cycleway or National Route 72 and was already one of the worse sections on that 170 mile route. The opportunity to find a permanent solution to those problems should be found now and a safe pedestrian access from the industrial estates into Hexham should be provided.
- He was pleased that wagons would not be able to go through Corbridge as they would not get through.
- Tourism made a significant contribution to the economy and this site was situated where the valley was most open, was a gateway to Hadrian's Wall and was close to heritage assets at Corbridge and Beaufront Castle and in Hexham.
- If the application was granted then over 90 acres of prime agricultural land would be lost at a time when UK agricultural self-sufficiency was more important than it had been since the second world war.
- Residents of Sandhoe and Anick to the north, and Anick View to the south, would spend the next 25 years looking down on a quarry.
- Residents in Corbridge had their homes and businesses flooded in 2005 and again in 2015 and were understandably wary of the assurances in the report. Clarification was requested as to what would happen to the existing flood embankment which had not worked in 2015 and he questioned if there was a risk that water from the new lake would join from water in the Tyne to worsen a flood event and if the new lake created should be subject to the stricter regulations of the Reservoir Act.
- Issues of harm to health from the dust including the risk of silicosis had been raised and whilst it would be a wet working quarry questioned if there would

- be a risk to local residents.
- Also questioned was if there be an issue of noise nuisance for local residents during the 10.5 hour working day; what was the risk of contamination from quarry activities into the river course and what controls would be in place to ensure that didn't happen; and when quarry operations were complete, who would be responsible for the remediation works, the ongoing conservation costs and how would this be enforced.
- He urged the Committee to refuse permission unless and until they were satisfied that all the concerns had been properly addressed.

K Wood addressed the Committee speaking in support of the application. Her comments included the following:-

- Anick Grange had been allocated for sand and gravel extraction by the Council and included in the recently adopted Northumberland Local Plan (NLP). The allocation had been fully considered at the examination in public with a specialist minerals inspector appointed by the Government. He heard directly from residents regarding their concerns and having considered all this he concluded that the site should be allocated. The principle of mineral extraction was therefore established through the Council's own Local Plan.
- Through the environmental impact assessment process, Thompsons had worked to identify all impacts and ensure mitigation was provided within the scheme. This included the impacts of noise and air quality, the visual impact associated with the compound area and the treatment of the lake edges. All operations would be undertaken in accordance with established good practice and an operational management plan and environmental management plan had been designed to be reviewed throughout the life of the site to ensure that site operations and site restoration were carried out in accordance with changing good practice standards.
- The operational capacity at the junction of Ferry Road and Rotary Way had been considered in detail through traffic reports supporting the NLP. The conclusion had been that the vehicle movements associated with mineral extraction would not have an adverse impact on this junction. It had been identified that there would be a need to widen a short section of Ferry Road between the site entrance and the entrance to Egger. This had been included within the application and a condition included requiring Thompsons to undertake this work.
- The flooding risks had been modelled and the EA had not objected to the application and the applicant would continue to talk to the EA to protect properties further downstream.
- Thompson was a respected local firm and local employer who took pride in their sites. They had recently successfully worked and restored Aughton Strother a sand and gravel site on the North Tyne which was originally a very similar site to Anick and was now a large wetland area considered to be of importance for migrating and breeding wildfowl. The intention was to bring all of the experience of successfully operating and restoring this site to Anick Grange to create something that would quickly result in significant biodiversity gains by creating a variety of habitats based on a wetland area and be a positive resource in years to come.
- The character of the haugh land would change in the coming years and not just because of this mineral extraction. The land to the north of the site had been removed from the Green Belt and had been allocated for employment

purposes in the NLP. The operational and restored lake had the potential to create an open biodiverse landscape that could form the backdrop to this continued development on the edge of Hexham.

- Minerals could only be worked where they were found with Anick Haugh being one such location. It was a site allocated for mineral extraction for which there were no technical consultee objections and it fully complied with the NLP and the NPPF. In the absence of any other material considerations, permission should not be withheld and the NPPF stated that permission should be granted accordingly and asked that Members supported the officer's recommendation.

R Murfin, Interim Executive Director advised that whilst mineral applications were often controversial, Members must consider the views of the technical consultees and give these appropriate weight. On other mineral applications significant weight had been given when the EA objected and had been refused for this reason. In this instance the EA had stated that there would be a marginal net benefit in addressing flood risk from the development of this site. Sustainability was an important factor in planning and with the amount of growth in housing and the aspirations for job creation within the County there was a need for sand and gravel supplies within the County as for this to be transported long distances was fundamentally not sustainable. Mineral extraction in itself in the Green Belt was not inappropriate development and there had been a significant amount of evidence provided to the Inspector on need during the public examination of the NLP. The Inspector had concluded that mineral extraction on this site was justified and it was therefore included in the NLP for this purpose. This did not obligate the Council to grant planning permission as matters of detail need to be considered via the application process.

In response to questions from Members of the Committee the following information was provided:-

- The impact of this development on the junction of Ferry Road and Rotary Way had been considered as part of the traffic assessment undertaken. Surveys in 2018 and 2021 had shown that there were in the region of 550 vehicles per hour travelling through the junction at peak times. This development would add a further 5 vehicles during peak times and would not have a detrimental impact on the junction. If Egger did expand their plant there would need to be a further traffic assessment undertaken with additional movements taken into account at that time. A traffic assessment had been undertaken to support the preparation of the NLP which advised that mitigation would be looked at when the employment land allocation at Harwood Meadows was developed. The mitigation required would be dependent on the type of use developed on the site which would in turn influence the type and number of vehicle movements associated with it.
- In response to Members highlighting that information collected from cables on the roads did not give a true picture of how the junction worked as traffic frequently stopped on Rotary Way to allow vehicles to exit Ferry Road, and the possibility of the provision of a slip road directly from the A69, the Committee was advised that the NPPF gave clear guidance that applications could only be refused if it had been identified that there would be a severe impact on the highway and in this instance this would only be marginal.

- It was confirmed that both the strategic evidence emerging from the Local Aggregates Assessment and the evaluation underpinning the Local Plan EIP both triangulated with current evidence on the high level of construction activity taking place in the County. This included a 250%+ meeting of Central Government housing targets and a significant amounts of inward investment activity. This had resulted, for example, in the employment land portfolio in county being established at a level representing 600% of that suggested by an analysis of historic trend.
- In relation to there being no requirement for S106 funding to be provided, Members were advised that as the EIA had not identified any harm that was not mitigated via scheme design, then there was nothing to be offset. The benefit of the development had been looked at as part of the NLP with the implied benefit being that of economic benefit through the need for sand and gravel to meet development needs. Any development had the potential to cause impact but this had to be significant and demonstrable in order to be able to refuse an application. As part of the Local Cycling and Walking Infrastructure Project (LCWIP) the Council was looking to improve the connection from Corbridge to Hexham and it was possible Members would like to look to secure this as part of this Development. As the route had not been agreed, it could be requested that an in principle S106 agreement be added to any permission granted to require contributions either through a financial contribution or in kind towards the provision of the LCWIP scheme.
- Mineral extraction within the Green Belt was not seen as an inappropriate form of development. It was considered that wet sand and gravel extraction and ancillary development did not have the same significant effects on Green Belt openness as crushed rock sites and any impacts would be mitigated by a range of robust environmental conditions including the use of a Site Environmental Management Plan. There would be regular routine monitoring as there was on all mineral sites in the County and work could be stopped if any issues needed to be remedied. Highways conditions would control the number of movements and routing of vehicles.
- This was an area which was known to flood and a large amount of work had been undertaken by the EA on this with their view that this scheme could provide slight mitigation and marginal benefit over the current situation. Members were reminded that there was a need to be consistent in how responses from statutory consultees were treated.
- This scheme provided for phased restoration of the site and therefore if work stopped at some point in the future there would already have been progressive restoration undertaken. Conditions would set out how the restoration would be undertaken and this would be monitored and inventions made if these were needed.
- The site would be phased and therefore the land would remain in agricultural use until required.
- There were 2 EV charging bays to be provided within the car parking area for the site.
- There was some legacy of historic contaminants in the ground water around the site and therefore the EA permit required levels to be checked in the lagoons prior to being placed in restoration and if these were found to be in excess of permitted levels then these would need to be disposed of correctly. As part of the flood mitigation measures the compound was on a raised area and bunds provided for increased protection for the silt lagoons.

- In terms of highways, the biggest pinch point had been identified from the main entrance to Egger to the access point for this development and the road would be widened at this point to allow HGVs to pass. The road further west towards Rotary Way was confirmed as being sufficiently wide for 2 HGVs to pass.

Councillor Hutchinson advised that to stimulate debate he proposed acceptance of the officers recommendation to approve the application as outlined in the report with extra EV charging points to be provided and a S106 agreement be provided requiring contributions either through a financial contribution or in kind towards the provision of the LCWIP scheme. which was seconded by Councillor Robinson. It was requested that as part of the Condition 9 the notice board should also include an email address to allow residents to register any complaints and this amendment to the motion was agreed by the proposer and seconder.

The Committee recognised that this was a difficult application with a large number of objections. However in considering the application Members highlighted the time taken in the development of the NLP and huge amount of work that had gone into this and its subsequent testing, and which had identified that this site was suitable for mineral extraction.

A vote was taken on the proposal as follows:- FOR 11; AGAINST 2; ABSTENTION 1.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report subject to an amendment to increase the number of electric vehicle charging points, an email address to be included in Condition 9 and subject to a S106 agreement being agreed to confirm contributions either through a financial contribution or in kind towards the Local Cycle Walking and Infrastructure Project the specifics of which to be delegated to the Director of Planning and the Chair of the Strategic Planning Committee to agree.

33

18/03394/REM

Reserved Matters Application relating to 16/00078/OUT - Development of Phase 1 of proposals which include Trunk Road Service Area, Hotel and Innovation Centre plus associated access, parking, landscaping, and other associated infrastructure

Land West of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth Northumberland

D Love, Senior Planning Officer introduced the report to the Committee with the aid of a power point presentation. An addendum report had also been circulated to Members in advance of the meeting and had been uploaded on the Council's website. He advised that this was the first of two applications in relation to the reserved matters from outline permission reference 16/00078/OUT. Updates were provided as follows:-

- A response had now been received from Public Protection on the submitted Air Quality Assessment (AQA) and requested an additional condition for a construction environment management plan (CEMP). It is proposed to add

the standard CEMP condition with the addition of the AQA mitigation requirements as set out by Public Protection.

- Subject to the above amendment, the recommendation should be changed to approval subject to conditions as outlined in the addendum report and additional conditional regarding the CEMP.
- It was clarified that there was to be a restaurant / bar area open to hotel guests and the public, the location of which was shown on the presentation.
- Since the outline application was permitted, the exact boundaries of the Green Belt around Morpeth had been confirmed through the adoption of the Northumberland Local Plan. Following the adoption of the plan, application 18/03394/REM (for service area/innovation centre) was confirmed not to be located in the Green Belt. Most of the housing on application 19/01362/REM was also confirmed to be out with the Green Belt. However, 25 dwellings were confirmed to be located in the Green Belt, as was much of the country park.
- When the outline application was approved, the housing element located in the Green Belt was considered in the context of Green Belt policy. While, in accordance with national policy, it was considered to be inappropriate development in the Green Belt, however officers and members accepted that harm to the Green Belt and other harm, was clearly outweighed by other considerations, and that therefore the development should be supported as Very Special Circumstances existed.
- The amount and location of the housing in the Green Belt in 19/01362/REM, and the number of jobs supported by 18/03394/REM were broadly aligned with those presented in the outline application. Therefore, given that the applications were largely the realisation of the original outline approval, there was no need to revisit Green Belt considerations including VSC as part of the assessment of these reserved matters applications and therefore members were asked to disregard paragraphs 7.9 to 7.17 of the officer report relating to 19/01362/REM and paragraphs 7.14 to 7.22 of the officer report relating to 18/03394/REM.
- Members were advised that the original approval was gained on the basis that the commercial aspect could only be achieved off the back of the housing development and a number of differences in the original approval and the reserved matters were outlined for Members.
- The phasing of the development would also need to be updated should the Committee be minded to approve the application.

P Burchall addressed the Committee speaking in objection to the application. His comments included the following:-

- He represented a group of Lancaster Park residents who opposed development on the safeguarded land.
- The outline planning consent was for a comprehensive development embracing both commercial and residential elements and great emphasis was made that without a proportion of housing being delivered on part of the site it would not be financially viable to deliver the employment and commercial uses in isolation. Yet today the Committee was being asked to consider applications from two different organisations and he questioned how the commercial element be dependent on the residential element.
- A confidential development viability appraisal was provided for the original outline application however this was now in the public domain and clearly

- did not support the claim that around 286 jobs would be created.
- This Committee gave outline planning approval six years ago on the grounds that the economic benefits set aside the requirements of the Morpeth Neighbourhood Plan (MNP) with the current Chair of the Committee proposing acceptance solely because of the job creation. It was essential that these commitments were met in full and as this application did not meet those commitments he urged the Committee to reject it.
- Details of reserved matters applications must be in line with the outline approval and these proposals were not. The proposed site arrangement was completely different from that agreed and was alluded to in the officer's presentation. A 60 bedroom hotel with separate restaurant and pub was agreed, this has been reduced to a 40 bedroom hotel with an inclusive small area for restaurant and pub in a completely different location. A single fuel station had been agreed this had been replaced by two fuel outlets, one for HGVs and a one for other vehicles which would require two volatile liquid and gas storage facilities in a different location. An amenity building to include retail, hot food and supporting facilities had previously been agreed, this had now been replaced by a huge amenity centre in a different location and housing a number of fast food takeaway business creating additional litter than the facility initially approved. The building would be large and be intrusive in the countryside setting, was contrary to the MNP vision statement of green and open aspects to all approaches to the town.
- Car parking had been increased by 30%.
- An innovation centre, which swayed the decision in November 2016 was agreed which would provide 149 high grade research and development jobs, this had been replaced by 7 individual industrial units in a different location and with the floor area reduced.
- He advised the Committee 6 years ago that the jobs would not materialise and he had been proved correct. Members must reject the proposals and demand that the application creates the promised jobs and economic benefit otherwise the MNP was valueless.

A Byard, representing Morpeth Town Council (MTC) addressed the Committee speaking in objection to the application. Her comments included the following:-

- The original Outline application was consented against the newly made Morpeth Neighbourhood Plan (MNP)
- The Officer's report placed a very significant weight on the economic benefits of the proposal which justified a departure from local planning policies, including policies contained within the MNP. Since the housing element depended on the employment element, including the Innovation Centre, hotel etc, it was believed the two applications should never have been separated.
- It was understood that Outline planning permission had unfortunately been granted but it was requested that Councillors rejected this Reserved Matters application, given that the general employment offer was now greatly reduced and that the 7 office units could not possibly be referred to as an Innovation Centre. An Innovation centre was an incubator for the creation and sharing of new ideas, usually attached to a university or business, which enabled the sharing of knowledge between researchers and business experts, industry, government, and academia. A good local example of

which was the National Innovation Centre for Data, based in the Helix science district in Newcastle, whose mission was to transfer data skills from their scientists to the UK workforce. This was the sort of Innovation Centre that was expected, providing additional and high-quality employment for Morpeth.

- If councillors were minded to approve this application, it was wished to ensure that those elements of alleged benefit to the community were delivered as promised. MTC therefore strongly objected to any phasing plan which did not put the employment element first, including an actual Innovation Centre, followed by the Country Park, before any houses could be built.

Councillor Bawn addressed the Committee speaking as one of the Ward Councillors for this application. His comments included the following:-

- The application was against the MNP with the original permission considered to be perverse by many people, however this application should be looked at in light of that permission.
- The very special circumstances on which the original application was granted were the provision of a country park, 30% affordable housing; significant employment provision and the need in viability terms to bring forward that employment provision.
- The managed country park was not part of this application and was part of a further application which may or may not be approved; likewise the 30% affordable housing was not part of this application, so therefore could not aid this application.
- Significant employment provision was gone, it was no longer a separate pub and restaurant and would be the equivalent of a breakfast bar. The hotel had gone to 40 bedrooms and would be a barely serviced cheap motorway hotel.
- The cutting edge innovation centre was now 7 standard commercial units which would only support a handful of jobs.
- If housing was needed to make the employment provision viable then why was it not still part of this application. They were clearly not co-dependent.
- This had been sold as an extraordinary development providing hundreds of jobs and what was now coming forward was a dreary and depressingly ordinary development and was a significant departure from both the letter and spirit of the original permission.
- He asked that the Committee reject this proposal and ask the applicant to come back with a scheme which reflected the very special circumstances promised.

J Wyatt addressed the Committee speaking as the agent for Eurogarages, in support of the application. His comments included the following:-

- The Officer's report provided a very fair assessment of the application proposals. The applicant together with their project team had worked closely with officers to achieve a form of development that was both acceptable to both parties and accorded with the terms of the outline planning permission.
- The applicant had also worked with Persimmon Homes in order to ensure that all three development phases would collectively form a single high

quality development with appropriate means of access and levels of permeability between each phase.

- The principle of development for a trunk road service area, innovation centre and hotel / bar restaurant had already been established by virtue of the granting of outline consent on the site in November 2016. It was clear from consideration of the reserved matters details for the reasons outlined at paragraphs 7.6 to 7.9 of the report that the application accorded in all respects with the terms of the grant of outline consent.
- The determination of this reserved matters application required consideration of matters relating to appearance, means of access, landscaping layout and scale only. In this regard it was important to emphasise that consideration of each of the issues relating to these reserved matters had raised no objection from any of the Council's statutory consultees including, the Environment Agency, Northumbrian Water and the LLFA in relation to flooding and drainage; Public Protection in relation to residential amenity impact, potential impacts from privacy/overlooking, noise, air and light pollution and ground contamination; the Highways Authority and National Highways in relation to matters of highways; officers in consideration of design form, height, size, scale, materials and site layout; the Council's Ecologist and Natural England regarding any ecological impacts, the Landscape Officer regarding existing landscaping and planting required; and the Police in relation to ensuring the scheme was acceptable in terms of community safety. Subject to conditions, all issues referenced had been addressed to the satisfaction of Officers and had resulted in a scheme that was acceptable in design terms ensuring no unacceptable impact on character, appearance or amenity of the area.
- The layout had been formulated to ensure that the amenity of nearby residents was not unacceptably impacted by the new development and in this regard the nearest dwellings on Pinewood Drive were approximately 88m from the hotel and innovation centre, which would be the closest buildings. A condition requiring a noise assessment prior to first occupation was also included to ensure further that current levels of residential amenity were respected.
- With regard to the innovation centre and job creation, the proposed building would have a floor area of 2050 sqm compared to approximately 2100 sqm stated at outline stage and in accordance with the HCA Employment Densities guide the innovation centre and other development would generate between 123 and 351 full time equivalent jobs on the site.
- This was a well thought out reserved matters application, fully accorded with the provisions of the outline consent, and respected the character and appearance of the area and the amenity of residents in the area. As all matters considered as part of this reserved matters submission were acceptable to officers and statutory consultees, the applicant requested that Members support the officer recommendation and approve the application.

In response to questions from Members of the Committee, the following information was provided:-

- Officers had also been concerned regarding the timing of the reserved matters application from the granting of outline permission and this was one of the reasons why the application had taken so long to come back to Committee, however after taking advice it was clarified that all the reserved

- matters applications had been submitted in time.
- At the point of validation officers had initially considered that the description of the proposed reserved matters scheme did not meet the parameters of the outline scheme. However following work with the applicant officers agreed a revised description which is the subject of this application. Members were reminded that outline applications were always indicative with details of layout appearance scale and landscaping reserved for the reserved matters applications. The addendum report set out the differences in the applications.
 - Within the outline permission the job numbers were not conditioned and did not have to be met, however whilst the numbers were different and were to be delivered in a different way they were within parameters of those stated at the outline stage. As set out in the report there was a formula to calculate the number of full time equivalent (FTE) job numbers on employment land.
 - The outline application had already passed the sequential test and as there was already outline permission on both sites. This site was included in the adopted NLP and identified for employment uses and housing.
 - There was no definition for the use of the 2100 sqm innovation centre on the outline permission. Within the reserved matters application the employment units were for B1 use and were being described as an innovation centre with a floor space of 2050 sqm. In relation to weight Members could give to the differences between the outline permission and the reserved matters application. Officer advice was that the reserved matters description met the parameters of the outline scheme. . Advice was provided that at outline stage very special circumstances had to be demonstrated for the development as it was in the Green Belt. Following the adoption of the NLP this land was now allocated and if a fresh application was to be considered the very special circumstances would not need to be demonstrated. The mixture of development now being proposed on the site was reasonable when compared with the outline, however Members could look at the overall design to ensure that it achieved a quality that they were happy with.
 - The indicative number of jobs on the outline application was 256 FTE and the reserved matters application now ranged from 160 – 320 FTE. There was no maximum or minimum number included on the outline permission, however on the reserved matters application the applicant had demonstrated that they would be able to provide jobs within the range. . Within employment land there could be a range of density uses of the floorspace depending on the type of use and intensity of labour required.
 - This particular land was identified for employment use and any change to this use would require a further full planning application to be submitted.
 - There was no restriction put on the outline permission in relation to the term of innovation centre and was used as inspiration on the type of jobs they wished to attract.
 - The time had expired for the applicant to now come forward with any further reserved matters applications in relation to the outline permission, however they could still appeal any decision made today.
 - If this application and the following application were agreed, the form of access to the houses would eventually be adopted. Outline consent did not restrict the need for the applications to come in together. However there was a condition seeking a phasing plan. This condition was not yet discharged and Members could give some indication as to how that phasing plan could look like.

- The original outline consent required a footpath link through to Lancaster Park (although this is part of the next application) and that would be a 3m multi-use route but was a different route to that taken as part of the site visit. It was proposed to upgrade the route taken for the site visit, however as the field adjacent to the footpath was in third party ownership then the widening of the path could not be requested and whilst it might be the preferred route it was only suitable for walking and not for cycle use.

Councillor Hutchinson in order to stimulate debate proposed acceptance of the revised recommendation to approve the application subject to conditions as outlined in the addendum report and an additional condition regarding the CEMP, which was seconded by Councillor Robinson.

A number of Committee Members expressed their extreme disappointment that the application before the Committee bore no resemblance to what was expected to be provided when the outline permission was originally granted when the Committee and they thought it was going to be something very special. It was a difficult decision and some Members who were not happy with the proposals felt as though they would have no option but to approve the application and questioned if it was refused and appealed if sufficiently robust conditions would be attached. Advice was provided from the Interim Executive Director that Members should not debate the application based on their expectations of what was to be provided at the outline stage as it was considered that the application was within parameters of what was acceptable. Members could however focus on whether the design was of a sufficient place making quality design for the current time that they would be able to support the proposals.

A vote was taken on the proposal to approve the application as follows: FOR 3; AGAINST 11; ABSTAIN 0. The motion therefore fell.

Councillor Reid proposed that the application should be refused as the design was not of a sufficient place making standard for 2022. Its layout, scale and appearance, the design of the development failed to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and failed to create or contribute to a strong sense of place. The development did not demonstrate high quality sustainable design, was not visually attractive, did not incorporate high quality materials and detailing Also it was considered that it was substantially altered from the approved outline planning application with the exact wording of the reason to be delegated to the Director of Planning and Chair, which was seconded by Councillor Flux. A vote was taken as follows:- FOR 13; AGAINST 1; ABSTAIN 0.

RESOLVED that the application be **REFUSED** with the exact wording of the reason for refusal being delegated to the Director of Planning in conjunction with the Chair.

34 **SUSPENSION OF STANDING ORDERS**

During the discussion of the previous item and as the time approached 5.00 pm it was proposed, seconded and unanimously

RESOLVED that Standing Orders be suspended to allow the meeting to continue.

19/01362/REM

Reserved matters application for appearance, landscaping, layout, and scale for proposed 150 residential dwellings (use class C3) including 30% affordable housing, countryside park including car park, pursuant to approved outline planning application 16/00078/OUT (revised description 8th August 2022).

Land West of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth, Northumberland

Whilst this application was linked to the previous application which had been refused and therefore there was no permission for any access road into the site Members were advised that the application would still need to be determined. An addendum report was circulated and time given for Members to read.

D Love provided an introduction to the report with the aid of a power point presentation. Updates were provided as follows:-

- An updated response on Air Quality had been received from Public Protection and as such there are no objections on these grounds with an additional requirement under point 12 to condition 33.
- In light of the refusal of the previous application, the recommendation had now changed to refuse the application as there was no legitimate means of access as the access relied on the previous application and the red line boundary did not extend to the St. Leonards junction.
- Since the outline application was permitted, the exact boundaries of the Green Belt around Morpeth had been confirmed through the adoption of the Northumberland Local Plan. Following the adoption of the plan, application 18/03394/REM (for service area/innovation centre) was confirmed not to be located in the Green Belt. Most of the housing on application 19/01362/REM was also confirmed to be out with the Green Belt. However, 25 dwellings were confirmed to be located in the Green Belt, as was much of the country park. When the outline application was approved, the housing element located in the Green Belt was considered in the context of Green Belt policy. While, in accordance with national policy, it was considered to be inappropriate development in the Green Belt, however officers and members accepted that harm to the Green Belt and other harm, was clearly outweighed by other considerations, and that therefore the development should be supported as Very Special Circumstances existed. The amount and location of the housing in the Green Belt in 19/01362/REM, and the number of jobs supported by 18/03394/REM were broadly aligned with those presented in the outline application. Therefore, given that the applications were largely the realisation of the original outline approval, there was no need to revisit Green Belt considerations including VSC as part of the assessment of these reserved matters applications and therefore members were asked to disregard paragraphs 7.9 to 7.17 of the officer report.

Peter Burchall addressed the Committee speaking in objection to the application. His comments included the following:-

- Residents still objected to the application and it had already been discussed

that the outline approval for the housing development had been given because the applicant claimed that without an element of housing the commercial development was not commercially viable.

- Noise was a major issue for the residential development. Day and night time noise levels on the site exceeded the maximum levels recommended by the World Health Organisation. Despite mitigation the maximum noise levels for outdoors would always be exceeded for most of the site and there would be many houses where the maximum levels would be exceeded indoors even with all windows closed.
- Mechanical ventilation would have to be installed in some houses to mitigate noise levels and the NPPF stated that if this was required then the development was not a sustainable one.
- The installation of noise barriers on the northern and western sides of the site would appear oppressive to residents and be an eyesore when viewed from outside the site. No permission had been given for these barriers as they were added after the outline consent had been granted.
- Affordable housing on the site would be the most affected by the excessive noise levels.
- There was only one entrance/exit to the housing development, through the service area and it was questioned where else would residents need to pass through a busy 24 hour commercial site to access their homes.
- The proposed emergency access route had not been approved in detail.
- The development was not sustainable and it did not meet the principles of the NPPF in that "planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles".
- The site was too small for the number of houses proposed. In order to accommodate the housing within the site the village green which had been highlighted as an important feature in the outline consent had been omitted and there was now no place for children to play outdoors.
- He asked the Committee to refuse the application as it was totally without merit.

A Byard addressed the Committee speaking on behalf of Morpeth Town Council in objection to the application. Her comments included the following:-

- The original outline application was consented against the newly made Morpeth Neighbourhood Plan.
- The Officer's report which supported the outline application placed a very significant weight on the economic benefits of the proposal and stated "Having considered the benefits of the proposals in terms of affordable housing provision, job creation, both in the short and longer term, including provision of an Innovation Centre for the research and development sector, it was considered that the economic benefits of the proposals justify a departure from local planning policies, including policies contained within the Morpeth Neighbourhood Plan."
- Since the housing element depended on the employment element promised, including Innovation Centre, hotel etc, MTC believed the two applications should never have been separated. MTC had further objected that the general employment offer was now greatly reduced and that the 7 office units were nothing like the promised Innovation Centre. The housing element was dependent upon this and was not needed in Morpeth which

- has seen a surge in housebuilding over the last few years.
- 30% 'affordable rented' and Discount Market Value housing was welcomed but at current Morpeth prices probably remained unaffordable for many working families in Morpeth, whilst there was a desperate need for social housing.
- MTC remained concerned about the impact of the development on Scotch Gill Woods, ancient woodland and a local wildlife site with specific protection under MNP Policy Env5.
- Given all of the above, MTC wished to ensure that those elements of alleged benefit to the community were delivered as promised and therefore strongly object to any phasing plan which did not put the employment element first, including the promised Innovation Centre, followed by the Country Park, before the construction of any housing.

Councillor Bawn addressed the Committee speaking as one of the Local Ward Members on the application advising that he now fully supported the officer recommendation for refusal.

E Alder addressed the Committee speaking in support of the application. His comments included the following:-

- He reminded members that the application was purely for the residential element and the principle of development had already been determined under the outline approval which was still a lawful consent.
- Today was about the design, appearance and layout of the housing development.
- The application provided 150 new homes as per the outline approval. These would be good quality family homes with 30% affordable housing and in addition there would be a country park which would be of great benefit to the community.
- The applicant had worked hard with officers with the application being submitted for some time in order to reach the point where it had been recommended for approval. Great attention had gone into the design and it met all technical and planning policy requirements both national and local.
- It was a good design and had been looked at in detail with professional opinions provided and would be of a good quality where people would want and choose to live.
- Materials had been carefully selected based on the character of the area with tree lined street scenes with a sense of openness and the scheme linked to both the ancient woodlands and proposed country park.
- The design followed all place making principles and biodiversity, sustainability, ecology etc had all been considered and there were no objections from consultees.
- The scheme would provide the end users with all the needs they required with high speed fibre connectivity, energy efficiency and renewable energy solutions such as gas heat recirculation for water, water recovery systems, PV panels and electric vehicle charging points. There were good transport links and overall the design was of high quality.
- It had been hoped that the Committee would follow the original recommendation to approve the application, however this had now been changed to refuse for the red line boundary. He thought there was some technical issue with that as for a reserved matters application you did not

necessarily need a red line defined and highlighted that the country park was not on the screen. Members were requested to either approve the application or request a deferral so that they could consider all the points given the previous application decision.

The Interim Executive Director advised that Members had a choice to approve/refuse or defer. He requested that if Members were minded to approve the application then they should defer the application in order that technical issues could be addressed. If the Committee wished to refuse then Members could do so for whatever reasons they wished to and highlighted paragraph 7.28 on pages 136 and 137 in respect of the layout of the development.

Councillor Hill left the meeting at this point.

Clarification was provided that Members could refuse the application as there was no access to the site at the current time and that they could consider if there were any other material reasons for refusal. Members were also advised that if this application was refused today then the applicant would have the right to appeal however they could not come back with another reserved matters application as the outline permission would lapse.

Councillor Reid proposed that the application be refused due to layout, scale and appearance, the design of the development which failed to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and that it failed to create or contribute to a strong sense of place. The development did not demonstrate high quality sustainable design, was not visually attractive, did not incorporate high quality materials and detailing. In addition there being no effective and safe access to the development was also proposed as a refusal reason. It was proposed that the wording of the refusal reasons were delegated to Officers in conjunction with the Chair regarding , The proposal was seconded by Councillor Foster.

Whilst 30% affordable housing was very welcome, Members expressed concern that any application approved with that amount of affordable housing invariably came back for a variation to reduce the amount. Advice was provided that no weight could be given to that as a Developer could come back at any time to vary a S106 and whilst this could not be ruled out, it could not be used as a reason to refuse an application.

A vote was taken to refuse the application as outlined above and it was unanimously

RESOLVED that the application be **REFUSED** due to layout, scale and appearance, the design of the development which failed to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and that it failed to create or contribute to a strong sense of place. The development did not demonstrate high quality sustainable design, was not visually attractive, did not incorporate high quality materials and detailing. In addition there being no effective and safe access to the development was also proposed as a refusal reason. the precise wording delegated to the Director of Planning and Chair of Strategic Planning Committee.

A break was held at this point and the meeting reconvened at 6.30 pm.

36

21/04298/REM

Reserved Matters application for appearance, landscaping, layout and scale for final phases of development comprising of 315 dwellings on approved application 16/04731/OUT

Land South West Of Glebe Farm, Choppington Road, Bedlington, Northumberland

T Wood, Principal Planning Officer provided an introduction to the report with the aid of a power point presentation. Updates were provided as follows:-

- An extra condition was required for Highways as follows:-

“Development shall not commence until details of the pedestrian links identified as part of 16/04731/OUT have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details to ensure that these links are adequate and implemented in accordance with the details to be approved in consultation with Highways Development Management.

Reason: In the interests of residential amenity and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA 1 of the Northumberland Local Plan.”

- Condition 2 to be updated as follows:-

A) Engineering Layout (Phase 2) QD1837-03-01 from Rev F to Rev H

B) The Impermeable Areas Drawing (Phase 2); QD1837-03-02 - needs to have Rev A added at the end of the drawing number.

C) The Flow Control Manhole plan S40 QD1531-08-02 needs Rev D to be changed to Rev E

D) The Engineering Layout (Phase 2) QD1797-03-01 needs to have Rev B changed to Rev C

E) The Impermeable Areas Drawing (Phase 3) QD-1797-03-02 needs Rev A added to it.

- Condition 3 to be updated as follows:-

“Prior to the occupation of any dwelling, details showing the extent of new hawthorn hedging or other planting to be located on the site where tree Groups 6,5,14 and 4 are identified to be removed, shall be submitted to and approved in writing by the Local Planning Authority. The new hedging shall then be planted in accordance with these approved details prior to the occupation of any dwellings with boundaries next to any of these groups, unless any other timing is agreed in writing by the Local Planning Authority, and it shall be maintained until established.

Reason: In the interest of protecting the visual amenity of the site and biodiversity, in accordance with Northumberland Local Plan Policy ENV2.”

- Condition 4 to be updated as follows:-

“Notwithstanding the details contained on the approved planting plans prior to the occupation of any dwelling, details showing further tree planting along the streets, shall be submitted to and approved in writing by the Local Planning Authority. These trees shall then be planted in accordance with these approved details prior to the occupation of any dwellings, unless any other timing is agreed in writing by the Local Planning Authority and the trees shall be maintained until established.

Reason: In the interest of protecting the visual amenity of the site and biodiversity, in accordance with Northumberland Local Plan Policy ENV2.”

- Condition 9 to be updated as follows:-

Need to add 2 more criteria :

- 1) details of working hours
- 2) details of construction delivery/collection hours.

The following to be omitted as it already has a reason for the condition above this.

“Reason: In order to achieve a satisfactory form of development and protect general amenity in accordance with the NPPF and Northumberland Local Plan Policy QOP2.”

The Interim Executive Director advised that changes to the layout and open space had been driven by ground conditions allowing properties to be provided on more stable land and open space provided on land not suitable for housing. The Chair commented that during the site visit it had been seen that the almost complete phase 1 of the development was of a very attractive design.

D Abercrombie & P Arkle addressed the Committee speaking in support of the application. Their comments included the following:-

- It was a very thorough report and a lot of hard work had gone into its preparation by officers. Members were thanked for undertaking the site visit and it had been good to hear the comments regarding the design quality. He also highlighted that there were a lot of fantastic tradespeople within the North East, some of whom were from Bedlington.
- The next phase, the reserved matters application before the Committee tonight, would build out and celebrate the success of phase 1. There would be a total of 463 units, 70 of which would be affordable, and this total was well under the cap of 500 which was approved under the outline permission.
- Officers had highlighted the SUDs, the public open spaces, the pedestrian access and that the vast majority of hedges would be retained. Advantage had been taken of introducing a slightly different mix on phase 2 with the knowledge gained on phase 1 and the range of house types had been extended further to include 2 and 3 bedroom starter homes.
- Both Companies prided themselves on providing very high quality safe sites and would like to continue as a partnership in the second phase to provide

- the type of scheme the Committee expected when first granting permission.
- One regret had been the location of the site compound which had incurred a large number of complaints. Lessons had been learned and the applicant would be more sensitive to residents in this respect in the future with the site compound being moved for phase 2 and apologies were provided to the residents.
- At the site visit Members would have been able to observe the size and scale of the open space which was now to be provided in one location, however it was thought this would add to the quality and the images had shown the size and extent including the SUDs ponds.
- The size, range of mix and density reflected that on the adjoining sites and did not represent overdevelopment as some objectors had stated.
- In response to a request to engage more fully with residents it was proposed that a residents forum with existing and future residents would be set up.
- The Committee were asked to support the application.

In response to questions from Members of the Committee the following information was provided:-

- The informal footpath between the developments was not an existing Right of Way which made it difficult to request that it be kept. Following the officer highlighting the other access to be provided, it was stated that it could be conditioned that this be made suitable for all uses if required.
- Condition 9 requested that a Construction Method Statement be provided to and agreed by the Local Planning Authority (LPA) which would give details of construction times, site compound location etc and this would need to be adhered to throughout the construction period. Condition 15 of the outline permission had requested a Construction Method Statement which set out the working times for the site and whilst an application had been made to vary these on phase 1 this had been refused. Details of the working times and delivery times for phase 2 would be agreed as part of this application.
- In response to concerns regarding the speed of traffic accessing the site through phase 1 and the proximity of the children's play area it was confirmed that an additional criteria be added to Condition 9 for measures to protect pedestrians during the construction phase.
- An informative would be provided stating what would be expected to be provided in respect of communications with residents through the Construction Method Statement.
- In respect of problems with members of public not being able to access the planning portal to lodge their objections, it was stated that when there were known issues then a message was put on the system to ask for comments to be provided by email.
- An issue highlighted regarding buses would be followed up separately.
- Suitable tree planting would be undertaken.

Councillor Robinson proposed acceptance of the recommendation to approve with the conditions as outlined in the report and updated by Officers with amended condition relating to the condition of footpaths, and additional criteria to Condition 9 for measures to protect pedestrians during the construction phase and an informative to be added detailing what was expected in terms of communications with residents. This was seconded by Councillor Reid. A vote was taken on this proposal and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and updated by Officers with amended condition relating to the condition of footpaths, an additional criteria to Condition 9 for measures to protect pedestrians during the construction phase and an informative to be added detailing what was expected in terms of communications with residents.

37

22/01082/RENE

Construction of a solar farm together with all associated works, equipment and necessary infrastructure

Land East of Burnt House Farm, Nethererton Road, Bedlington

K Tipple, Senior Planning Officer introduced the report with the aid of a power point presentation. It was requested that an additional condition be added to any permission granted in relation to glint and glare as follows:-

“Prior to the installation of any solar photovoltaic panels, the site operator must provide contact details to the Local Planning Authority to be utilised in the event that the glare or glint of light from the development is causing detriment or annoyance within a residential dwelling or school in lawful existence at the time of this permission being granted. Over the lifetime of the development, should a Chartered Institute of Environmental Health (CIEH) registered Environmental Health Officer determine that glare or glint from the development site is causing detriment to residential or educational amenity, within one month of being notified the operator shall submit to the Local Planning Authority for approval a scheme of mitigation to remedy the glare or glint which has been identified. Thereafter, the approved mitigation shall be installed and retained for the lifetime of the development.

Reason: To protect residential and educational amenity from harmful light in accordance with Policy POL 2 of the Northumberland Local Plan.”

J Selwyn, Managing Director of Bluefield Development addressed the Committee speaking in support of the application. His comments included the following:-

- The site visit undertaken the previous day had been welcome.
- The Bluefield Group was a UK based business which developed, built and operated solar farms in the UK on behalf of the stock market listed Bluefield Solar Income Fund. The Group employed 130 staff including field operative engineers operating from different sites around the Country. The Fund had invested nearly £1billion in solar since its formation in 2013 and currently owned 107 UK solar projects with an aggregate capacity of 750 mw and in peak times in the summer provided 3% of the UK’s energy.
- As the solar farms were owned and operated by the Group they sought to develop good relationships with local authorities and residents in those areas.
- Solar power was required due to the climate emergency, cost of living and energy crisis and these were all linked by how energy was generated, supplied and used. There was an urgent requirement to generate electricity from new low cost, low carbon sources. Solar was the lowest cost and

quickest to deploy of all energy sources and was currently 1/9th cost of gas and could be deployed in less than 1 or 2 years.

- Solar was already making a difference in this Country and in June this year solar often provided up to 25% of the day time electricity and today an overcast day in November it was providing 8% of the UKs electricity.
- The Government's energy security strategy proposed a 5 fold increase in solar by 2035 and this could only be achieved by deploying solar on both buildings and land. According to the Government's public attitude tracker solar was the most popular form of energy with 85% support across the Country and in a recent poll this had been broken down by wards and in Wansbeck 91% expressed support for solar with 87% stating that the Government should use wind and solar to reduce their energy bill.
- The scheme was welcomed by local people with only 3 comments on the planning portal.
- The location had been chosen due to the requirement for a viable grid connection, a site which was consistent with planning policy and a willing land owner and all 3 had been met at this location. The land was 93% Grade B, which was not the most versatile land being a former open cast mining site and this would be the land back into use for a more sustainable source of energy production. The land was well screened and had an advantageous topography, there were no statutory designations, there was a low impact on heritage, a very good access for construction, a low risk of flooding and it was believed it would have a positive impact on biodiversity and have an impact on local wildlife and would have minimum impact on footpaths.
- It was proposed to continue agricultural use of the land by grazing sheep on the solar farm, which was currently done on 40% of the Groups farms and they were looking to expand on this.
- Once the land was no longer needed for electricity production a bond would be put in place to decommission the solar farm and return the land to agricultural use.
- In relation to food security and the risks from solar farms the Government's food security task force advised that the biggest risk was from climate change with solar farms not identified as a risk. There would be dual benefit on this land by retaining the agricultural use and providing energy production.
- The Group was committed to significant net biodiversity gain and were proposing a net gain of 60% in habitat units and 33% in hedgerow units.
- A unilateral undertaking would be provided committing funds for local projects and had pledged £350,000 for this project and they were working closely with West Bedlington Town Council in this respect.

In response to questions from Members the following information was provided:-

- A S106 agreement was used to help mitigate and offset any dis-amenity or disturbance caused by particular developments. In this instance no problems had been identified to stop officers recommending approval without such an agreement. The £350,000 fund for local projects was the Company going above and beyond what was required and reflected its ethical values in giving back to the community. Officers would work with the Company on defining a rational area in which the funds could be spent.
- The timescale for the carbon reduction figures quoted were annual

- equivalents.
- Details had been submitted in line with the DEFRA biodiversity net gain metric and there were obligations through that and underpinned through the 2021 Environment Act for monitoring of habitats and managed on an ongoing basis. The Biodiversity Management Plan for the site was included in the list of approved documents and was conditioned to ensure that the site was managed for biodiversity over the lifetime of the site, with reports being submitted to the LPA.
 - The majority of the equipment was able to be reused or recycled with 99% of the panels able to be recycled and contained no rare metals.
 - Whilst the noise of rain on the panels would possibly be audible if you were standing next to them there was quite a separation distance to the nearest residential properties and officers were not aware of any issues with noise at other schemes around the Country. If there were concerns in relation to noise from solar farms then there would be Government guidance.
 - In relation to the size of the proposed solar farm this reflected the topography and natural constraints of the site. If the scheme was larger in terms of power output then the scheme would fall to be determined by Government as a Nationally Significant Infrastructure Project (NSIP).
 - Airports were statutory consultees as they used regular, precise routes and carried a large number of passengers, others such as Police and Air Ambulance did not use regular flightpaths and therefore any impact developments might have could not be modelled.

Councillor Robinson proposed acceptance of the recommendation to approve the application in line with the report with the additional condition related to glint and flare as outlined above, which was seconded by Councillor Darwin.

Members considered that this site was of average size for a solar farm and on a well screened site. It was highlighted that panels were designed to absorb and not reflect light and the only noise associated with solar was the noise of the cooling fans for the invertors.

A vote was taken on the proposal to approve the application as outlined with the additional condition in relation to glint and flare and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and the additional condition related to glint and glare.

38

22/01153/RENE

Construction of solar farm together with all associated works, equipment and necessary infrastructure

Land to the North East of Low Horton Farm, Blyth, Northumberland

K Tipple, Senior Planning Officer introduced the report with the aid of a power point presentation. It was requested that an additional condition be added to any permission granted in relation to glint and glare as follows:

“Prior to the installation of any solar photovoltaic panels, the site operator must provide contact details to the Local Planning Authority to be utilised in the event that the glare or glint of light from the development is causing detriment or annoyance within a residential dwelling or school in lawful existence at the time of this permission being granted. Over the lifetime of the development, should a Chartered Institute of Environmental Health (CIEH) registered Environmental Health Officer determine that glare or glint from the development site is causing detriment to residential or educational amenity, within one month of being notified the operator shall submit to the Local Planning Authority for approval a scheme of mitigation to remedy the glare or glint which has been identified. Thereafter, the approved mitigation shall be installed and retained for the lifetime of the development.

Reason: To protect residential and educational amenity from harmful light in accordance with Policy POL 2 of the Northumberland Local Plan.”

J Selwyn, Managing Director of Bluefield Development addressed the Committee speaking in support of the application. His comments included the following:-

- Power generated from this site would power approximately 15,000 homes with the census showing that there were 16,961 households, so the power generation would be quite close to the number of houses in Blyth.
- The application had generally been well received from the public with only 7 comments received including 3 objectors.
- There were now over 500 solar farms in the UK with the majority of them providing 49.9 mw due to the scale needed to have a viable project with the grid costs and were now being built with no Government subsidy.
- 98.6% Of the land on this site was Grade B, was adjacent to the former New Delaval Colliery and had coal seams running under the site.
- There would be minimum impact to footpaths and the bridleway and good engagement had been undertaken with the British Horse Society to retain access around the edges of the solar farms.
- Construction would be via the A192 and a new permissive footpath would be provided which meant that the footpath would not end at the A189.
- The site belonged to an Estate which had recently acquired land of a similar size which the tenant farmer was to farm. The Estate believed that the solar farm would diversify their income, meet their longer term objectives, provide sustainability and would complement the wind turbine already on the site.
- Sheep would be grazed on the solar farm and the land kept in agricultural use. Biodiversity net gain on this site would be 65.6% in habitat units and 76.1% gain in hedgerow units.
- There had been less engagement with Blyth Town Council, however the Group would still be committed to providing a sum of at least £350,000 for community benefit and were open to having discussions with other parties if they were relevant to the site and in conjunction with the Council.
- The provision of the solar farm would help to address the climate emergency and energy security without threatening food security, would not harm the environment but would provide enhanced biodiversity and provide significant funds to the local community.
- There had been a very positive engagement with the Council’s Planning Department on both projects and considered that the planning performance arrangements was an excellent way of dealing with these large quite

complex projects. The projects had been dealt with very efficiently and in a formal, but logical way engaging with all consultees to address any issues they raised in a timely way.

- They looked forward to continuing to work with the Local Authority and communities on the project and hoped that Members would approve the application.

Interim Executive Director advised that the Government were looking at the way we did planning performance agreements on major schemes following input from developers of various schemes stating that this worked very well, however there was still work to be done in relation to the smaller applications side.

In response to questions from Members of the Committee, the following information was provided:-

- This site was closer to residential properties than the previous application however there were still appropriate separation distances and there was a rail line between, along with existing tree planting and vegetation along the edges which would mitigate any effects.
- No weight would be given in planning terms to whether any land was tenanted or who the landowner was.
- The new permissive right of way was included on the plans in the recommended conditions and would be required to be maintained over the lifetime of the site.

Councillor Darwin proposed acceptance of the recommendation to approve the application in line with the report with the additional condition in relation to glint and glare as outlined above, which was seconded by Councillor Stewart.

It was clarified that what was being granted was for a 40 year permission for this use on the land however the landowner could decide to do something else with the land. The possible use of the community funds outside of Blyth was welcomed and the use of solar power to address the climate emergency highlighted.

A vote was taken on the proposal to approve the application in line with the recommendation as outlined in the report with the additional condition related to glint and glare and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and additional condition related to glint and glare.

39 APPEALS UPDATE

RESOLVED that the information be noted.

40 **S106 AGREEMENTS UPDATE REPORT**

RESOLVED that the information be noted.

CHAIR.....

DATE.....

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Northumberland County Council

STRATEGIC PLANNING COMMITTEE

DATE: 6 DECEMBER 2022

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

Cabinet Member: Councillor C Horncastle

Purpose of report

To request the Strategic Planning Committee to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Strategic Planning Committee 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.

Author and Contact Details

Report author: Rob Murfin
Interim Executive Director of Planning and Local Services
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DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Strategic Planning Committee 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 Strategic Planning Committee 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 the tests that are set down in paragraph 56 of the NPPF and meet the tests set out in Community Infrastructure Levy Regulations 2010. Conditions must be:

- 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.

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 constitute material planning considerations, and as to what might be appropriate conditions or reasons for refusal.

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BACKGROUND PAPERS

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

Implications

Policy	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for money	None unless stated
Legal	None unless stated
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Planning applications are considered having regard to the Equality Act 2010
Risk Assessment	None
Crime & Disorder	As set out in the individual reports
Customer Consideration	None
Carbon reduction	Each application will have an impact on the local environment and it has been assessed accordingly
Wards	All

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Northumberland County Council

Strategic Planning Committee
6 December 2022

ADDENDUM REPORT

Application Reference:

21/02505/CCMEIA

Proposal:

Extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands

Site Address:

Land North East of Anick Grange Haugh, Anick Road, Hexham

Applicant:

Thompsons of Prudhoe

Agent:

R & K Wood Planning LLP

RECOMMENDATION:

That this application be GRANTED permission subject to planning conditions and a Section 106 agreement to secure the following obligation:

- Financial contribution towards the establishment of the Hexham to Corbridge multi-user route or land offered in perpetuity/long term lease for a section or directly connected loop to the Hexham to Corbridge multi-user cycle route.

1. Introduction

- 1.1 This planning application was reported to the Strategic Planning Committee on 1 November 2022. It was resolved that the application be granted for the reasons and with the conditions as outlined in the report subject to an amendment to include the requirement for an email address in Condition 9 and subject to a S106 agreement being agreed to confirm a scheme to be submitted with a commitment to help towards either the provision of land or funding towards the Local Cycle Walking and Infrastructure Project the specifics of which to be delegated to the Director of Planning and the Chair of the Strategic Planning Committee to agree.

- 1.2 Following the Strategic Planning Committee meeting on 1 November 2022, third party correspondence has been received by the Council raising concerns that policies with the National Planning Policy Framework (NPPF) and Northumberland Local Plan on Green Belt had been wrongly applied in the report. The correspondence advises that the decision made by the Strategic Planning Committee is likely to be challenged by Judicial Review.
- 1.3 As a consequence, an updated report has been provided to the Strategic Planning Committee for consideration at the meeting on 6 December 2022. An updated report is separately presented, which provides some clarifications on how the different elements of the proposed development have been assessed against Green Belt policy in the NPPF and Northumberland Local Plan.

2. Details

- 2.1 On 6 November 2022, third party correspondence was received by the Council raising concerns that policies with the National Planning Policy Framework (NPPF) and Northumberland Local Plan on Green Belt had been wrongly applied in the officer report for this application considered at the Strategic Planning Committee on 1 November 2022. The correspondence advises that the decision made by the Strategic Planning Committee is likely to be challenged by Judicial Review for the reasons set out below.
- 2.2 The main areas of concern raised in the correspondence received are as follows:
1. *The Planning Officer has provided recommendations within paragraphs 9.17 & 10.7 of the Officer's Committee Report (1 November 2022) that are incorrect and clearly conflict with Green Belt policies included within both the NPPF and the Northumberland Local Plan. Specifically, the officer states that the application would not constitute inappropriate development within the Green Belt and references the mineral extraction exclusion included within Para. 150 of the NPPF and STP 8 of the adopted Local Plan; however, the officer has failed to identify that these policies only apply to the mineral extraction element of the application and do not apply to the on-site processing of material thus demonstrating a clear misinterpretation or misapplication of the aforementioned policies.*

As such, the officer would need to consider the "processing" element of the application to be inappropriate and, therefore, should apply the "very special circumstances" principle stated within Para. 147 & Para. 148 of the NPPF. The "very special circumstances" provisions by design set the bar very high and the officer does not appear to set out a case for both the harm to the Green Belt and "any other harm resulting from the proposal" being "clearly outweighed". In fact, no reference to the "very special circumstances" provision is made in relation to multiple other sources of harm identified within the officer's own wider assessment. This represents an additional misapplication of Para. 148 of the NPPF.

2. *Linked to the concerns described under point 1), the officer has failed to demonstrate consideration of key material considerations in the form of precedent set by previous planning appeals and court decisions including:*
 - a. *Jonathan King (24 September 2014) - Appeal Ref. APP/M1900/A/14/2218970 - the Planning Inspector in considering a gravel extraction and processing application application within the Green Belt determined that “processing plant, although commonly associated with mineral extraction, cannot be regarded as an integral part of it” and concluded that it comprises inappropriate development.*
 - b. *John Woolcock (25 November 2021) - Appeal Ref. APP/M1900/W/21/3278097 - the Planning Inspector determined that “‘mineral extraction’ should include plant and infrastructure necessary to facilitate the winning and working of minerals. However, any development that was not so necessary could not benefit from NPPF paragraph 150’ citing section 55 of the 1990 Act which defines mining operations to include the removal of material of any description from a mineral-working deposit.*
 - c. *Court of Appeal ([2014] EWHC Civ 612) which overturned a previous High Court judgement that limited “any other harm” to harm to the Green Belt when applying the “very special circumstances” provisions included within Para. 147 & Para. 148 of the NPPF.*
- 2.3 The main thrust of the concerns raised in the third-party correspondence is that Paragraph 150 of the NPPF is not capable of being applied to the “on-site processing of material”. The approach that has been taken to assessing this element of the development in relation to Green Belt policy is explained below.
- 2.4 In relation to ‘mineral extraction’ as referred to in Paragraph 150 of the NPPF, the use of this term in this context is not defined in either the NPPF, Planning Practice Guidance or Northumberland Local Plan. It is, however, considered reasonable to assume that mineral extraction in this context includes some level of ancillary development (i.e. the plant and infrastructure) to facilitate the winning and working of the target minerals. The level of ancillary development (and the extent to which it is genuinely ancillary) needs to be considered.
- 2.5 Minerals can only be extracted where they occur, and the impact of extraction is temporary. This form of development is considered compatible with the openness and purposes of the Green Belt, by virtue of its inclusion within Paragraph 150 of the NPPF.
- 2.6 The on-site processing plant that would be located within the compound area would have a direct role in facilitating the winning and working of the mineral deposit at the site through separating the target mineral from other excavated/non-target materials such as silts, which once separated from the sand and gravel would be used on-site to construct the restored landform. These elements of the proposed development are closely associated with the excavation of the mineral and the ancillary development has been minimised by the applicant to that necessary to facilitate the winning and working of sand and gravel from the site. As the compound would be ancillary to the extraction and would be temporary, this form of development is considered to fall within

Paragraph 150 of the NPPF. In principle, it is therefore compatible with the openness and purposes of the Green Belt.

- 2.7 It is considered appropriate to conclude that the proposed development would not constitute inappropriate development in the Green Belt in accordance with Paragraph 150 of the NPPF. Paragraph 150 states certain forms of development, which includes mineral extraction, engineering operations and material changes in the use of land, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. The assessment of the application detailed in the officer report considers that the proposals would preserve openness and would not conflict with the purposes of including land within it.
- 2.8 This correspondence, appeal decisions and case law has been carefully reviewed by Officers. It is considered that the policies were appropriately applied in the context of the application and there is no need to change the recommendation to grant planning permission. Notwithstanding this, the section of the report that considers the application against Green Belt policy has been updated to clarify how the relevant matters have been considered.

3. Conclusion

- 3.1 The correspondence, the appeal decisions and case law has been carefully reviewed by Officers. It is considered that the policies were appropriately applied in the context of the application and there is no need to change the recommendation to grant planning permission. Notwithstanding this, the section of the report that considers the application against Green Belt policy has been updated to clarify how the relevant matters have been considered.
- 3.2 The assessment of the proposals concludes that the proposed development would not be an inappropriate form of development (by virtue of scale, impact and its justification) in the Green Belt and it accords with Policy STP 8 of the Northumberland Local Plan and the NPPF (Paragraph 150). It would preserve openness and would not conflict with the purposes of including the land in the Green Belt. The mineral excavation operations and the closely associated operational development (i.e. the plant and infrastructure) are considered to constitute mineral extraction development under Paragraph 150 of the NPPF with the proposed flood alleviation bund being considered as an engineering operation under Paragraph 150 of the NPPF and the small car park included in the restoration proposals would constitute an engineering operation and a material use of land under Paragraph 150 of the NPPF. This is considered to be appropriate when account is taken of the nature and scale of the ancillary development, its siting, the visual effects and reversibility following restoration, which mean the proposals do not pass a point where the provision within Paragraph 150 would not apply. As the proposal is considered to be not inappropriate development in the Green Belt, it is not necessary to engage Paragraphs 147 and 148 in order to demonstrate 'very special circumstances' exist to justify inappropriate development in Green Belt.

4. Recommendation

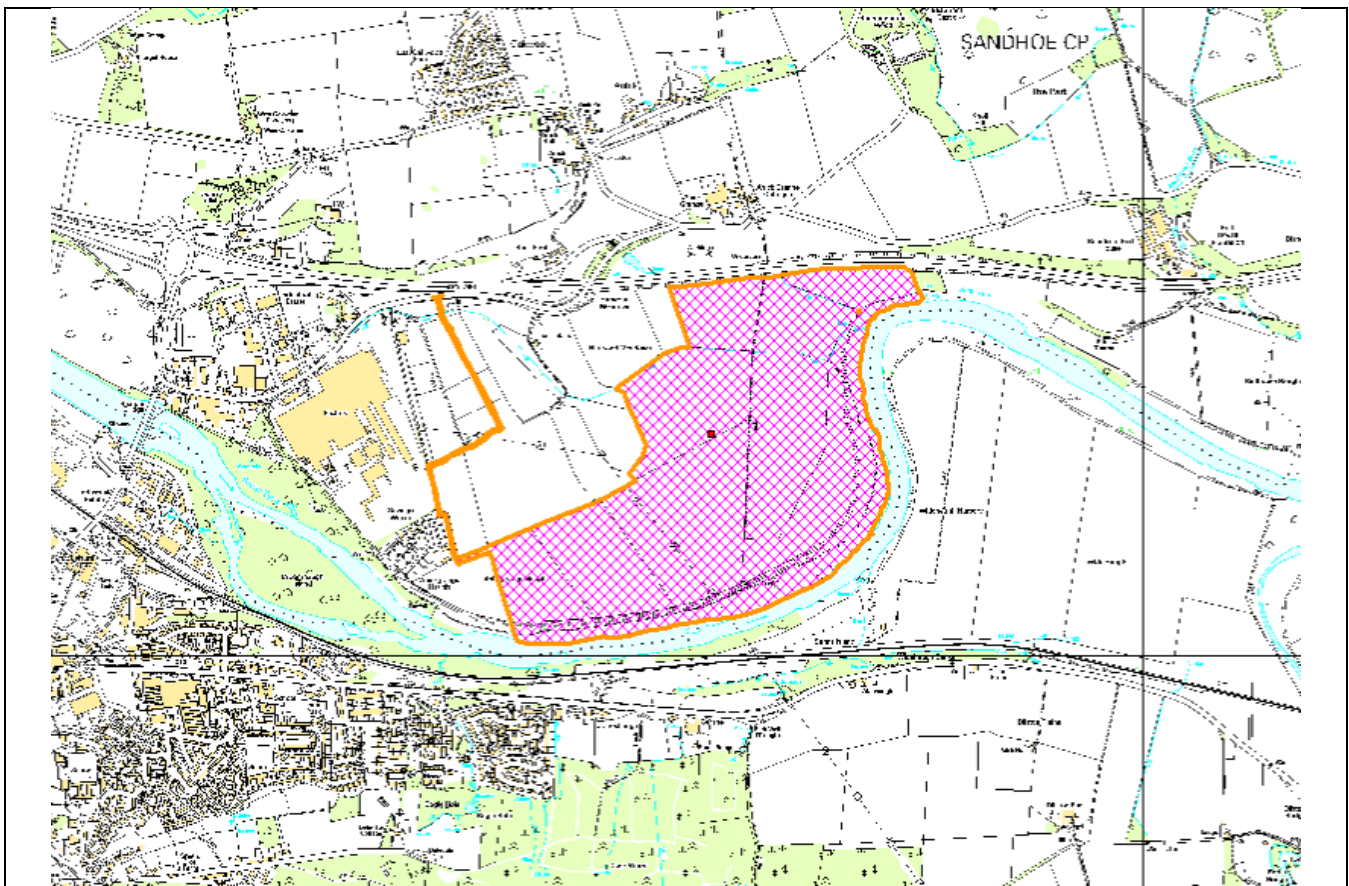
- 4.1 That this application be GRANTED permission subject to the conditions set out in the officer report and a Section 106 agreement as detailed in the officer.



Northumberland County Council

Strategic Planning Committee, 6 December 2022

Application No:	21/02505/CCMEIA		
Proposal:	Extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands		
Site Address:	Land North East of Anick Grange Haugh, Anick Road, Hexham		
Applicant:	Mr Ryan Molloy Thompsons of Prudhoe Princess Way Prudhoe Northumberland NE42 6PL	Agent:	Mrs Katie Wood R & K Wood Planning LLP 1 Meadowfield Court Ponteland Newcastle upon Tyne NE20 9SD
Ward:	Corbridge	Parish:	Sandhoe
Valid Date:	25 June 2021	Expiry Date:	2 November 2022
Case Officer Details:	Name: Mr Kevin Tipple Job Title: Senior Planning Officer Email: kevin.tipple@northumberland.gov.uk		



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Recommendation: That this application be GRANTED permission

1. Introduction

- 1.1 This application is being referred to the Strategic Planning Committee in accordance with the County Council's scheme of delegation as it is a major minerals application. This planning application was reported to the Strategic Planning Committee on 1 November 2022 and an updated report is now provided which includes some clarifications on how the different elements of the proposed development have been assessed against Green Belt policy in the NPPF and Northumberland Local Plan.
- 1.2 By virtue of its scale, it is subject to Environmental Impact Assessment regulations and was accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the Environmental Statement, additional environmental information and that arising from statutory consultations and other responses.

2. Description of the Proposal

- 2.1 Planning permission is sought for the extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands on land at Anick Grange Haugh, Anick Road, Hexham.

The Site

- 2.1 The site is located on the eastern edge of Hexham between the A69 and the River Tyne on haugh land on the inside meander of the river. To the immediate west of the site lies the Egger chipboard factory, a major employer in the town of Hexham. The site is also adjacent to an anaerobic digester (operated by Codlaw Renewables) and the Hexham sewage treatment works (operated by Northumbrian Water). The site is largely made up of arable fields divided by hedgerows. At the southern edge of the site is a flood embankment currently maintained by the Environment Agency. The earth bund which forms the embankment is approximately 2 metres in height and grassed over. There is currently no public right of way along the riverbank or along the flood embankment.
- 2.2 The total site area is 79.2 hectares and the extraction operations would be located within the extraction area that covers 33.8 hectares of the site.
- 2.3 To the north of the site is the C242 Anick Road/Ferry Road which runs from Corbridge to the junction with the A6079 west of the Bridge End Industrial Estate. An on-road section of the Hadrian's Cycleway uses this section of the C242. The nearest public rights of way run northwards from Anick Grange to Anick (Footpath 540/004) and southwards from Anick to the A69 (Footpath 540/006).
- 2.4 The nearest residential properties (excluding the access road) are:
- Anick View Estate – around 205 metres south of the operational site
 - The Timbers – around 515 metres north of the operational site (and around 200 metres east of access road)
 - Oaklands Care Facility, Anick Road – around 770 metres north-west of site (and 240 metres west of the access road)

- 2.5 Beyond the A69, to the north of the site, is Anick Bank Foot Farm, Anick Grange Farm and Cottages and the settlements of Anick and Oakwood. To the south of the River Tyne some of the residential areas within Hexham associated with Hexham extend to the south and east of Anick View.
- 2.6 Also to the north of the application site is an area of land of approximately 10 hectares which is allocated for employment related land uses in the Northumberland Local Plan.

Proposed Development

- 2.7 The proposed development is for a new sand and gravel extraction site involving the extraction of 5.8 million tonnes of sand and gravel over a 25-year period with restoration completed 2 years after extraction has finished. It is estimated that approximately 200,000 to 300,000 tonnes of mineral would be extracted from the site each year. A site compound area would also be created and would include a small office, weighbridge, welfare facilities, vehicle parking and an area to process and store the extracted mineral prior to it being exported from the site.

Proposed scheme of working

- 2.8 The site would be worked in a phased manner, moving from west to east across the site. There would be 5 main phases with each phase containing approximately 5 years' supply of sand and gravel. This would be preceded by initial set-up works to prepare the site for mineral extraction and processing.
- 2.9 The initial site set up works would include the construction of an access road into the proposed site compound area from the existing concrete track serving the anaerobic digestion plant and the sewage treatment works, the creation of the site compound area, and excavating the ground to create the groundwater lagoon.
- 2.10 The topsoil, subsoil and any necessary overburden would be stripped from the area of the proposed compound and would either be used to improve the quality of the field to the north east of the site, put into short-term storage in a bund in this field or removed from the site.
- 2.11 Within the compound area the area where the processing and storage of the mineral there would have a permeable compacted hardcore surface. The access road into the compound and the area around the weighbridge and site offices would be surfaced with an impermeable concrete surface. A grasscrete surface would be used for the car parking area. A wheelwash would be located to the west of the compound along the access road.
- 2.12 A flood alleviation bund, up to 2 metres in height would be constructed to the north and north east of the compound area using cohesive materials. Other works that would take place during the initial site set-up phase would include:
- Gapping up of existing hedgerows within the boundary of the area covered by the planning application;
 - Creation of a Skylark plot in the first available season;
 - Planting along the northern boundary of the site compound; and
 - Planting along the flood alleviation bund.

- 2.13 During the initial site set-up period, some sand and gravel would be excavated from the site of the compound area, and the groundwater lagoon. This sand and gravel would be exported from the site and processed off-site.
- 2.14 The off-site highways works would be completed during this site set-up period.
- 2.15 Following the initial site set-up works, the extraction of sand and gravel would commence in Phase 1. When the soils are in a dry and friable condition, they would be stripped from an area where extraction would take place in the coming year. Further soil stripping to expose the subsoil or underlying mineral would take place on an annual basis when conditions are appropriate for soil stripping to open up a new area where extraction would take place in that coming year. In addition, a further area of top soil will be stripped to expose the sub soils and this will then be seeded with a bird or wild flower mix. This phased approach to soil stripping and extraction is intended to minimise the operational area of quarry and would continue in this way on an annual or bi-annual basis. The overall footprint of Phases 1 and 2 are larger than Phases 3 to 5 as the sand and gravel reserve deepens from west to east across the proposed site.
- 2.16 Following the completion of mineral extraction within an area, restoration would start immediately. This would include the creation of a reduced 1:5 slope along the edge of the excavation that leads into the shallows and wider lake area. It would also include the creation of steep banks to the north of the lake in order to create alternative habitats. Phase 1 would be restored as the mineral extraction moves into Phase 2 in the extraction area. The extraction of the mineral and the restoration works would then continue through the individual phases.
- 2.17 Extraction operations would require 1 long reach excavator, 1 35 tonne dump truck to transport the extracted mineral from the extraction area to the processing area within the site compound and 1 wheel loader to be used within the processing area. Within the site compound area, an aggregate washing system with water treatment system would be located to crush, wash and screen the extracted aggregate. During periods when soil stripping is taking place, 1 standard reach excavator, 2 dump trucks and 1 dozer would be additionally used on site.
- 2.18 Electricity pylons run in a north/south direction through Phase 2 of the site. The infrastructure and lines would have to be relocated under the existing wayleave arrangements with the network operator.

Soil stripping and storage

- 2.19 Top soil would be removed from the site as it is not required for the proposed restoration of the site. It is proposed that a proportion of it would be moved to the field in the north east corner of the site where it would be used to improve the soil resource in that field. There would also be a top soil storage mound in this field. The remaining soil would be removed from the site and sold commercially.

- 2.20 Prior to any extraction works commencing in each phase of the proposed site, the top and sub-soils will be stripped from the working areas and either retained on Site to be used or stored in areas to the north-east of the Site or removed from the Site for sale. It is estimated that there is a depth of 300mm of topsoil and a depth of 700mm of subsoil across the site.

Working Hours

- 2.21 The proposed hours for excavation operations and the use of the processing plant would be as follows:
- Monday to Friday – 0730 to 1800
 - Saturday – 0730 to 1300
 - Sundays and Public or Bank Holidays – No working

- 2.22 The proposed hours when vehicles would leave the site are different to the proposed working hours for the extraction and processing operations. An earlier start time of 7am is proposed to allow vehicles to be loaded with sand and gravel and leave the site in time to arrive at a construction site at the beginning of the working day. The proposed hours for vehicles entering and leaving the site would be as follows:
- Monday to Friday – 0700 to 1800
 - Saturday – 0700 to 1300

Traffic and Access

- 2.23 Vehicles would access the proposed site from the C242 Anick Road / Ferry Road using the existing junction and the single-track concrete road to the west of the site. This access track runs along the eastern side of the Egger plant and gives access to the adjacent farmland, Hexham Sewage Treatment Works (operated by Northumbrian Water) and the anaerobic digestion plant (operated by Codlaw Renewables). This track would give access to the north-west corner of the proposed site adjacent to the existing anaerobic digestion plant where the site compound would be created.
- 2.24 The mineral would be exported from the site by heavy goods vehicles (HGVs) with an average 20 tonne payload. It is proposed that the average and maximum number of vehicle movements a day would be as follows:
- Monday to Friday – An average of 50 loaded HGVs to leave the site each day (100 in and out movements) with a maximum of 70 loaded HGVs leaving the site each day (140 in and out movements)
 - Saturday - An average of 25 loaded HGVs to leave the site each day (50 in and out movements) with a maximum of 35 loaded HGVs leaving the site.
- 2.25 Off-site highways works to the C242 road are additionally proposed. These off-site highways works would involve increasing the width of the C242 between the site access for Egger and the proposed access point to the proposed development to allow HGVs to more easily pass within the carriageway. This stretch of carriageway measures 420 metres in length and would be widened to 6.7 metres with a minimum 0.6 metres verge or hard strip where the existing stone wall to the south will be relocated and rebuilt. A new footpath link from the existing Egger car park to the west, through to the entrance of Oaklands site entrance is also proposed. As part of the works, a

number of trees growing immediately adjacent the carriageway or within close vicinity would be removed.

Restoration

- 2.26 It is proposed that the site would be restored progressively as extraction is completed in each part of the site. The restoration of the extraction area would be to a large waterbody that has been designed to create a wildlife habitat to attract a variety of wetland birds. Shallow and steep margins would be created around the perimeter of this waterbody and these would form the basis of a wetland habitat for birds and other wildlife.
- 2.27 A deep lake would be created in the middle of the site following the extraction of sand and gravel. It is proposed that floating islands would be created within the middle of the deep lake by using floating pontoons, constructed from suitable material and attached to the bottom of the lake via chains and concrete blocks. Subsoils and other type materials will be placed onto the floating pontoons in order to provide habitats on these floating pontoons. These islands would be free of land predators and would create nesting areas for birds such as terns.
- 2.28 On the southern side of the lake a shallow shelf would be created with the aim of providing a mosaic of permanently wet and dry areas and ephemeral habitats that would be attractive to a range of wildlife, including wading birds. Dried silts would be used to construct a 1:5 slope profile along the southern edge of the excavation area. The foot of this slope would lead into a shallows area that will be sculpted using an excavator to create an undulating landform and wet areas. Silt and sub soils from the workings would be placed in this area to create permanently dry areas of land. Areas will be sown with a diverse grassland mix and managed to maintain short, open grassland suitable for wading birds. Some areas would be excavated down to a deeper level to create small permanent waterbodies. In addition, a dry ditch with steep sides will be created in between the excavation area and access track to the south. This would be left to revegetate naturally but it would also be planted with hawthorn and other prickly shrubs.
- 2.29 On the northern side of the lake a steep bank, with some shallow areas to the bottom of them, will be created through the excavations. This steep bank would be south facing and would provide opportunities to create good habitats for birds that roost and nest in sandbanks particularly kingfisher and sand martin. A 'lane' will be created to the northern perimeter of the site based around the vehicular access track around the lake. This will be created gradually as the excavations proceed across the Site. In Phase 1 and 2, this lane will be defined along its northern boundary by the small bund that is required for flood purposes. It will then continue along the northern boundary of the Site and be based around a hedgerow bank. A second hedgerow bank will be created to the south of this to create the lane; this will be constructed in each phase as working finish in that phase.
- 2.30 The groundwater lagoon to the south of the site compound area would have its edges graded and would then be planted to create a reed bed habitat.

- 2.31 Following the completion of all works at the site, there would be public access around the lake which would follow the site access track. A small car park would be created on the site of the proposed site compound.

Aftercare

- 2.32 Following the final extraction of sand and gravel and final shaping of the water body the site would enter a five year aftercare period. During this period the site operator would annually submit an aftercare report summarising progress at the site. The report and the works proposed would be discussed at an annual aftercare meeting attended by the Minerals Planning Authority and other relevant stakeholders. Such requirements would be secured through conditions. Following restoration beyond the aftercare period a legal agreement under Section 39 of the Wildlife and Countryside Act would provide management plans for the various features and character areas of the site, protecting it from inappropriate development.

Employment

- 2.33 The site would employ 10 people at the quarry and would support 2 jobs at the headquarters of Thompsons of Prudhoe in Prudhoe. There would also be indirect support for jobs in the supply chain and the wider company.

3. Constraints

- Green Belt
- Flood Zone 2
- Flood Zone 3
- Main River – 20 metre buffer
- Grade 2 Best and Most Versatile land
- SSSI Impact Risk Zone
- Trunk Road – 20 metre buffer

4. Supporting Information

- 4.1 The Environmental Statement (June 2021) and Environmental Statement Addendum (April 2022) considers the following effects:
- Socio economic
 - Landscape and visual impact
 - Ecology
 - Soils and agricultural land quality
 - Archaeology and cultural heritage
 - Water resources
 - Highways and transport
 - Noise
 - Air quality
 - Climate change
 - Hazards
 - Cumulative impact

- 4.2 The aim of Environmental Impact Assessment is to protect the environment by ensuring that the local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this, along with the proposed mitigation into account in the determination of the application.

5. Relevant Planning History

Reference Number: 19/04998/SCOPE

Description: Scoping Opinion: extraction of 5.8 million tonnes (3.3 million cubic metres) of sand and gravel over a 25 years period.

Status: SCOPE

Reference Number: 90/E/476

Description: Extraction of sand and gravel and restoration to lake, watersports and recreation on 30.2 hectares

Status: Refused on appeal

- 5.1 An application for planning permission to extract of sand and gravel at Anick Grange Haugh was submitted to Northumberland County Council in 1990 and planning permission was refused. The applicant appealed this decision, and a local inquiry was held. The appeal was dismissed by the Secretary of State on 20 August 1992. The reason for refusal was that there was considered to be an adequate supply of sand and gravel in Northumberland and there the need for the mineral did not outweigh or override the loss of Grade 2 agricultural land.
- 5.2 The scheme that was refused permission in 1992 is similar to the scheme that is proposed is this application, but had some differences. The 1992 scheme was smaller in size and included vehicular access along the river bank. It was also for a slightly shorter timescale of 20 years rather than 25 years. The site compound was proposed to the west of the site with an extraction rate that would result in 55 loaded vehicles a day leaving site, which is similar to what is proposed in this planning application.

6. Consultee Responses

- 6.1 A summary of the consultee responses is provided below. The full written text is available on our website at:
<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QV228MQS0GN00>

Sandhoe Parish Council	<p>Fundamentally disagree with the extraction of sand and gravel from the Anick Grange Haugh site and raise the following points:</p> <ul style="list-style-type: none"> • Question the need for the volume of sand and gravel it is proposed to extract. No consideration
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	<p>has been given to newer technologies which may change the demand for building materials.</p> <ul style="list-style-type: none"> • Consider there would be no economic benefit to the local area as the sand and gravel is not required for use in the immediate area. • Effect on the local environment, including the loss of Grade 2 agricultural land and flood risk. Consider extensive groundworks in a floodplain should not be considered with climate change accelerating. • Consider the long-term plan of a wildlife haven and pleasure lake to be a distant fantasy when it will take more than a generation to achieve this. • Site would be an eyesore and a deterrent to tourism. • Increased traffic along Ferry Road and resulting impact on road safety, including the safety of cyclists using Ferry Road. There are already safety issues due to a high volume of large agricultural vehicles and heavy goods vehicles from Egger using this road and an additional 70 HGVs would exacerbate the safety issues.
Hexham Town Council	Strongly object. Concerns raised regarding an increase in heavy traffic at an already overworked junction, noise and pollution, increased risk of polluting the River Tyne, and consider the mineral extraction to be unnecessary when good supplies already exist. There is also concern that sand and gravel for concrete is a carbon pollutant and other building materials such as timber would be an alternative.
Corbridge Parish Council	If planning permission is granted, quarry traffic must not be routed via Corbridge. Trinity Terrace could not cope with any additional vehicles. Other matters concerning the proximate effects of the proposals have been raised by neighbouring residents and Sandhoe Parish Council.
Historic England	No comments.
Tyne Rivers Trust	Considers the data that has been collected is accurate and that the techniques employed are industry standard leading to good robust methods. However, it is important to note that the floodplain is disconnected at this site due to the current artificial separation of the flood embankment. Its future maintenance is unclear and the site has an increased relative elevation due to progressive incision of the riverbed. Tyne Rivers Trust would expect assurances to be provided by the Environment Agency and Lead Local Flood Authority that any change in maintenance over the working period of the site do not compromise safety to sites downstream such as Corbridge or reduced water quality if the river due to contamination from the site at times of flood by overland

	or groundwater connectivity.
Northumbrian Water Limited	<p>No comments. No connections to the public sewerage network are proposed and the application documents indicate that surface water will be managed on site.</p> <p>The application site lies immediately adjacent to Hexham sewage treatment works and this access road is required to be unobstructed and accessible 24 hours a day 7 days a week for operational vehicles to enter the sewage treatment works site.</p>
Public Protection	No objections but recommend the imposition of planning conditions relating to noise, days and time of operation, dust and air quality, artificial lighting, unexpected land contamination, the erection of a site board which details has methods members of public should use to communicate with the operator.
Highways	No objection, subject to the imposition of conditions requiring the submission and approval of a construction method statement and vehicle routing strategy prior to development commencing, implementation of the car and cycle parking facilities prior to the development being brought into use as well as conditions to restrict the number and direction of travel for HGV movements. The proposed access to the development is acceptable and appropriate, and off-site works will be required to be undertaken to widen Anick Road.
Environment Agency	No objection, subject to the imposition of a condition requiring the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures detailed.
Highways England	No objection, subject to a condition being applied to any granted consent to ensure National Highways' interests with regards to the safe operation of the Strategic Road Network are protected.
Natural England	No objection.
County Ecologist	No objections, subject to planning conditions requiring the development to be carried out in accordance with the Landscape and Ecological Management Plan and Biodiversity Net Gain Assessment. The proposed development may impact on protected or notable species in the absence of avoidance and mitigation measures. Compensation for impacts and enhancement for biodiversity can be delivered as part of the initial set-up and through the site restoration. The Defra Biodiversity Net Gain metric has been used to demonstrate a measurable net gain in biodiversity of 10%+ net gain over the lifetime of the development, and on final completion of site restoration to be maintained for a minimum of 30 years.
County Archaeologist	No objection.
Lead Local Flood Authority (LLFA)	No objection, subject to conditions requiring the development to be carried out in accordance with the

	submitted Flood Risk Assessment, site working and restoration plans, and the submission and approval of a site flood plan.
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7. Public Responses

Neighbour Notification

Number of Neighbours Notified	277
Number of Objections	72
Number of Support	2
Number of General Comments	0

Notices

- 5.3 Site Notices (EIA) were posted at and around the site on 8 July 2021 and 30 June 2022. A press notice was placed in the Hexham Courant on 8 July 2021 and 30 June 2022.

Summary of Responses:

- 5.4 71 letters of objection have been received as a result of publicity on this application. The main issues raised by the comments objecting to the proposal can be summarised as follows:
- Need for the mineral and the proposed development:
 - No need for the mineral it is proposed to extract.
 - Current landbank for sand and gravel is over 12 years and therefore in excess of 7 years.
 - Material could be supplied from elsewhere.
 - Surplus of reserves in County Durham and Tyne and Wear.
 - The need calculations do not take into account Covid or Brexit.
 - There are other sites and resources available in the County.
 - Building methods are changing with less concrete being used.
 - Crushed rock, secondary aggregates and recycled aggregates can be used as alternatives to sand and gravel.
 - Criticism of the site selection and appraisal process that informed the allocation in the Local Plan.
 - Similar development rejected on appeal in 1992.
 - Traffic:
 - The road to be used to access the site is a national cycle route and unsuitable for heavy goods vehicles.
 - There will be increased risks to cyclists using Anick Road
 - Conflict with pedestrians using the section of Anick Road that does not have a footway between Oaklands and Beaufront Business Park.
 - Congestion will occur at the A69 and A6079/Ferry Road junctions.
 - The traffic survey that informed the application was carried out during the Covid lockdown is not representative.

- The traffic survey does not take into account summer movements to the Anaerobic Digestion Plant.
 - Access road will be damaged and will need to be resurfaced.
 - The heavy goods vehicles will cause pollution.
 - Transport survey suggests there will be a negative impact on the traffic at the junction and those cars, pedestrians and cyclists that use the route.
- Wildlife:
 - Loss of habitat.
 - No need for wetland habitat.
 - Would show a disregard for our guardianship of the environment.
 - Timescale to see the site turned into a wildlife haven in 25 years time means a lot of current residents would not be around to see it.
- Agricultural land:
 - The site comprises Grade 2 agricultural land which should be protected as it is scarce in Northumberland making up 3% of the County.
 - This application was rejected previously due to the loss of this resource
- Green Belt:
 - The site is in the Green Belt and should not be developed.
 - Loss of openness to the Green Belt caused by fixed and temporary buildings along with a range of associated plant and machinery cannot be justified.
- Landscape:
 - Would result in an irreversible change to the landscape.
 - Will be a blight on a treasured landscape.
 - It will be an eyesore.
 - It will ruin a beautiful section of the Tyne Valley.
 - Will ruin the view from Anick Green.
 - Because it is next to Egger does not automatically mean that an industrious landscape should be allowed to expand.
- Flooding and water environment:
 - Site has a high probability of flooding from the River Tyne, ground and surface waters.
 - LLFA has stated the site should not be used.
 - Castron Quarry has increased flood risk in the River Coquet.
 - Unprecedented flooding events are occurring more often due to climate change.
 - A flood event could cause pollution downstream.
 - Groundwater throughout the site is polluted with heavy metals at concentrations of concern.
 - Not clear that issues raised by EA regarding flood risk have been fully addressed.
 - Development could increase flood risk downstream at Corbridge.

- Would create a reservoir that require compliance with the Reservoirs Act.
- Residential and local amenity:
 - Noise, dust and visual impact will all be issues
 - Noise has been underestimated
 - Will increase noise along river impacting those fishing
 - Do not wish to have views of the quarry
 - Dust will impact on people with respiratory conditions
 - Risk of silicosis
- Climate change:
 - The proposed development does not fit with Northumberland County Council declaring a “climate emergency”.
- Economy and Tourism:
 - Applicant will receive the economic benefits, but the economic negatives will be felt by Hexham and Corbridge.
 - Will reduce the desirability of Hexham and Corbridge as a tourism destination.
 - People will not come to Hexham to look at quarries.
 - Will result in net loss of jobs due to impact on tourism.
- Other:
 - Lack of guarantees the site will be restored in 25 years.
 - Need a fund to guarantee restoration.
 - No benefits to local people.
 - Advantages do not outweigh the disadvantages.
 - Will devalue property East end of Hexham has had more than its fair share of disruption.

5.5 Within the representations objecting to the proposal, reference is made to a petition (hosted on change.org) objecting to this proposed development, but this petition has not formally been submitted to the Council in response to this planning application. The petition was started in 2018 before the submission of the application in 2021. As of 22 November 2022, the petition had collected 4,094 signatures.

5.6 2 letters of support have been received. The main point raised in the first relates to the economic benefit the proposal would bring to Hexham. The second letter of support is from the landowner of a site at Haughton Strother previously operated by the applicant and refers to the success of the restoration at this site and the increase in nature conservation interest it has delivered.

5.7 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=QV228MQS0GN00>

8. Planning Policy

- 8.1 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 is the Northumberland Local Plan (NLP) adopted by Northumberland County Council on 31 March 2022. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Development Plan Policy

- 8.2 The policies in the Northumberland Local Plan (March 2022) that are relevant to the consideration of the application include the following policies.

- Policy STP 1: Spatial strategy
- Policy STP 2: Presumption in favour of sustainable development
- Policy STP 3: Principles of sustainable development
- Policy STP 4: Climate change mitigation and adaptation
- Policy STP 5: Health and wellbeing
- Policy STP 6: Green infrastructure
- Policy STP 7: Strategic approach to the Green Belt
- Policy STP 8 Development in the Green Belt
- Policy ECN 1: Planning strategy for the economy
- Policy QOP 1: Design principles
- Policy QOP 2: Good design and amenity
- Policy QOP 4: Landscaping and trees
- Policy TRA 1: Promoting sustainable connections
- Policy TRA 2: The effects of development on the transport network
- Policy TRA 3: Improving Northumberland's core road network
- Policy TRA 4: Parking provision in new development
- Policy ENV 1: Approaches to assessing the impact of development on the natural, historic and built environment
- Policy ENV 2: Biodiversity and geodiversity
- Policy ENV 3: Landscape
- Policy ENV 7: Historic environment and heritage assets
- Policy ENV 9: Conservation Areas
- Policy WAT 1: Water quality
- Policy WAT 3: Flooding
- Policy POL 1: Unstable and contaminated land
- Policy POL 2: Pollution and air, soil and water quality
- Policy POL 3: Agricultural land quality
- Policy MIN 1: Environmental criteria for assessing minerals proposals
- Policy MIN 2: Criteria for assessing the benefits of minerals proposals
- Policy MIN 3: Mineral and landfill site restoration, aftercare and after-use
- Policy MIN 7: Aggregate minerals
- Policy MIN 8: Aggregate mineral site allocations - Sand and gravel

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF) (2021)
- National Planning Policy Guidance (NPPG) (2014, as updated)

Other documents

- Northumberland Landscape Character Assessment
- Joint Local Aggregates Assessment for County Durham, Northumberland and Tyne and Wear (updated with 2019 and 2020 data), May 2022.
- North East England Aggregates Working Party. Annual Aggregates Monitoring Report 2020, December 2021
- Historic England. The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 (Second Edition), December 2017.

9. Appraisal

9.1 Having regard to the requirements of Section 36(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning consideration, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Green Belt
- Landscape and visual impact
- Impact on residential amenity (noise, dust and air quality)
- Access and traffic
- Ecology and biodiversity
- Flooding, drainage and hydrology
- Cultural Heritage
- Agriculture and soils
- Contamination and land stability
- Socio-economic effects
- Climate change
- Cumulative impact

9.2 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.3 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

- 9.4 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.

Principle of development and need for the mineral

- 9.5 Policy MIN 7 of the Northumberland Local Plan states that provision for a steady and adequate supply of aggregates to meet local and wider needs will be made by making land available to meet the needs for sand and gravel as identified in the Local Aggregate Assessment (LAA) and by maintaining a landbank of permitted reserves of at least 7 years for sand and gravel. It states that proposals for sand and gravel extraction will be supported where they are located within a preferred area identified in Policy MIN 8.
- 9.6 Land at Anick Grange Haugh is allocated for the extraction of sand and gravel for aggregate uses under Policy MIN 8 of the Northumberland Local Plan. Proposals for the extraction of sand and gravel for aggregate uses within the allocated area are supported in principle by Policy MIN 7 and Policy MIN 8.
- 9.7 The Local Plan identifies that there would be a shortfall in permitted reserves of sand and gravel to meet the forecast demand to the end of the plan period and to provide a landbank of at least 7 years at the end of the plan period. In addition, the productive capacity of the current sites with planning permission would fall below the forecast annual demand in the early part of the plan period mainly because the number of sites that are currently active is expected to decrease as the permitted reserves contained within these sites are exhausted. There would, therefore, be a shortfall in supply to meet the annual demand from Northumberland during the plan period without further provision. To meet this identified shortfall in supply to meet forecast demand, the Local Plan includes three site allocations, including one at Anick Grange Haugh, to ensure that an adequate landbank of at least 7 years is maintained and to ensure that productive capacity can meet annual demand.
- 9.8 The most recent iteration of the Local Aggregates Assessment (updated using data from 2019 and 2020) confirms that while the landbank of permitted reserves in Northumberland was in excess of 12 years at 31 December 2020 there would be a shortfall in sand and gravel supply from Northumberland over the plan period for the Northumberland Local Plan. The Local Aggregates Assessment also identifies planned house building, economic development and some large-scale infrastructure projects (such as the road improvement schemes on the A1 in Northumberland and Tyne and Wear) that will require a supply of aggregate minerals. The Local Aggregates Assessment advises that these developments will continue to place a demand on construction aggregates at levels that similar to those levels in recent years and the materials from the proposed development would be able to contribute to this supply. As sand and gravel is a high bulk, low-cost commodity it is important that, as far as feasible, the material can be supplied close to the markets to minimise the overall environmental and financial cost of transport from further afield. The applicant has previously extracted sand

and gravel for aggregates uses from quarries at Houghton Strother Quarry near Humshaugh and Merryshields Quarry near Stocksfield, but these sites have recently ceased production due to the remaining permitted reserves being worked out which means these sites are no longer able to contribute to supply from Northumberland.

- 9.9 It is therefore considered that the proposed extraction of sand and gravel for aggregate uses from the site at Anick Grange Haugh is supported in principle by Policies MIN 7 and MIN 8 of the Northumberland Local Plan and would contribute to a steady and adequate supply of this mineral over the plan period to meet the demand forecast in the Local Aggregates Assessment in line with Paragraph 213 of the NPPF. This support in principle is subject to the effects on local communities and the environment being acceptable when assessed against the relevant policies.

Green Belt

- 9.10 The site is located within the Green Belt (Policy STP 7 of the Northumberland Local Plan). Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 goes on to that that Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.11 The site is located within the Green Belt (Policy STP 7 of the Northumberland Local Plan). Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 goes on to that that Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.12 In relation to proposals affecting Green Belt, Paragraph 147 of the NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 150 states certain forms of development, which includes mineral extraction (Paragraph 150a) and engineering operations (Paragraph 150b), are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land

within it. In relation to 'mineral extraction' as referred to in Paragraph 150 of the NPPF, the use of this term in this context is not defined in either the NPPF, Planning Practice Guidance or Northumberland Local Plan. It is, however, considered to be reasonable to assume that mineral extraction in this context includes some level of ancillary development (i.e. the plant and infrastructure) to facilitate the winning and working of the target minerals. The level of ancillary development (and the extent to which it is genuinely ancillary) needs to be considered.

- 9.13 In terms of openness, the proposed site comprises open agricultural fields and can be viewed from elevated positions on the valley slopes. The site currently has an open character.
- 9.14 The activity associated with the operations to excavate the minerals would not harm the openness of the Green Belt. Minerals can only be extracted where they occur and the impact of extraction is temporary. This form of development is considered compatible with the openness and purposes of the Green Belt, by virtue of its inclusion within paragraph 150 of the NPPF. Further, the excavation would not result in any features that are above the existing ground level. The restoration of the site to a lake would also preserve the openness of the Green Belt.
- 9.15 The site compound and the associated flood bund would be the main elements of the proposed development that affect the openness of the Green Belt. The impact of the compound would be temporary but long-term given the proposed period of working for the site. The site compound would include staff welfare facilities, a small office, weighbridge, vehicle parking, material stockpiling and plant to process the material dug from the ground. The on-site processing plant that would be located within the compound area would have a direct role in facilitating the winning and working of the mineral deposit at the site through separating the target mineral from other excavated/non-target materials such as silts, which once separated from the sand and gravel would be used on-site to construct the restored landform. These elements of the proposed development are closely associated with the excavation of the mineral and the ancillary development has been minimised by the applicant to that necessary to facilitate the winning and working of sand and gravel from the site. As the compound would be ancillary to the extraction and would be temporary, this form of development is considered to fall within Paragraph 150 of the NPPF. In principle, it is therefore compatible with the openness and purposes of the Green Belt. The Environmental Statement details the alternatives that were considered in relation to the location of the site compound area. The applicant selected a location adjacent to the existing built development and access track rather than an alternative location in the middle of the site. It is considered that the proposed location of the site compound adjacent to other buildings, structures and operations associated with the Bridge End Industrial Estate (including Egger, the sewage treatment works and the anaerobic digestion plant) mitigates the visual impact and also limits the spatial impact of the compound on the openness of the Green Belt. The flood bund would be retained as part of the restored site as it forms part of the 'green lane'. For the purposes of Green Belt policy, the flood bund is considered to be an engineering operation under Paragraph 150 of the NPPF. The flood bund is necessary in terms of flood protection for land outside of the site.

- 9.16 The restoration scheme for the site includes a small car park to facilitate the proposed public access to the site following restoration. This would comprise an area of hardstanding but would not include any lighting or other ancillary infrastructure. This element of the proposed restoration scheme is considered to fall under Paragraph 150 of the NPPF as it would constitute an engineering operation and a material use of land. The location of the car park adjacent to the existing built development mitigates the visual impact and would also limit the spatial impact on the openness of the Green Belt. Vehicles would not be parked at the site all the time and the impact of the car park on the openness Green Belt would be transient.
- 9.17 The visual impact assessment has identified significant visual effects on the residents of Anick, parts of Oakwood and parts of the south-east of Hexham. Whilst any harms associated with the visual amenity of the development does not impact on the Green Belt, the visibility of the development may have a bearing on openness. The views from these locations are above the valley floor and the area would continue to appear broadly open because the extraction operations do not result in large above ground structures, except for the site compound area. The site compound area would be viewed in association with the existing built development associated with the anaerobic digestion plant, which is also located within Green Belt, and the adjoining development to the west and north. Further, although parts of the development are visible, it is considered that the impact is limited and due to the use of the development for mineral extraction, which is temporary and compatible with the openness of the Green Belt. The flood bund is a low-level feature that would be viewed as part of the proposed additional planting in that part of the site. The car park included in the restoration plan would also be viewed in associated with the adjoining existing built development. In visual terms, it is considered that the characteristics of the area would remain one of an open landscape. Taking these points into consideration, it is considered that the visibility of the development does not in itself result in harm Green Belt openness or purposes.
- 9.18 In the context of the application site, it is also relevant to consider the role of the Green Belt in preserving the setting and special character of Hexham and Corbridge in line with Policy STP 7 of the Northumberland Local Plan. The submitted landscape and visual impact assessment shows that the proposed development would not be visible from the historic core of Hexham and Corbridge due to the distance and intervening vegetation between the site and Corbridge. The Egger factory is already a dominant feature in the vicinity and setting of the proposed site. It is therefore considered that the proposed development would not significantly affect the settings of Hexham and Corbridge. The type and scale of the proposed development would not conflict with the purpose of safeguarding the countryside from encroachment. It is also considered that the type and scale of development would not result in the unrestricted sprawl of large-built areas and would not increase the risk of merger between Hexham and Corbridge.
- 9.19 It is therefore considered that the proposed development would not be an inappropriate form of development (by virtue of scale, impact and its justification) in the Green Belt and it accords with Policy STP 8 of the Northumberland Local Plan and the NPPF (Paragraph 150). It would preserve

openness and would not conflict with the purposes of including the land in the Green Belt. The mineral excavation operations and the closely associated operational development (i.e. the plant and infrastructure) are considered to constitute mineral extraction development under Paragraph 150 of the NPPF with the proposed flood alleviation bund being considered as an engineering operation under Paragraph 150 of the NPPF and the small car park included in the restoration proposals would as it would constitute an engineering operation and a material change in the use of land under Paragraph 150 of the NPPF. This is considered to be appropriate when account is taken of the nature and scale of the ancillary development, its siting, the visual effects and reversibility following restoration, which mean the proposals do not pass a point where the provision within Paragraph 150 would not apply. As the proposal is considered to be not inappropriate development in the Green Belt, it is not necessary to engage Paragraphs 147 and 148 in order to demonstrate 'very special circumstances' exist to justify inappropriate development in Green Belt.

Landscape and Visual Impact

- 9.20 Policy ENV 3 in the Northumberland Local Plan states that 'proposals affecting the character of the landscape will be expected to conserve and enhance important elements of their character; in such cases design and access statements should refer, as appropriate, to Northumberland Landscape Character assessment and other relevant studies, guidance or management plans'. It also states that 'where applicable, the contribution of the Northumberland landscape to the understanding and enjoyment of heritage assets will be taken into account' in assessing development proposals.
- 9.21 Policy MIN 1 in the Northumberland Local Plan states that in considering proposals for minerals developments, appropriate weight will be given to potential effects on landscape character and sensitivity. Policy MIN 1 requires applicants to demonstrate that the proposal can be effectively and appropriately integrated with its surroundings and the character of the landscape, particularly as a result of changes to landform and topography both during and after extraction.
- 9.22 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by means including protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside.
- 9.23 The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). The LVIA sets out the assessment methodology, as well as some outline information on the production of zone of theoretical visibility (ZTV) mapping, viewpoint selection and photomontages. It provides details of the landscape character and visual baselines and an assessment of the landscape and visual effects of the proposed development during the operational and restoration phases.
- 9.24 The site is located within National Character Area 11: Tyne Gap and Hadrian's Wall. The application site is located within Landscape Character Type (LCT) 30: Glacial Trough Valley Floor and Landscape Character Area

(LCA) 30b: Newbrough to Corbridge. It is surrounded by LCT 31: Glacial Trough Valley Sides, with LCA 31f: Acomb to Ovington to the north and LCA 31d: Langley to Stocksfield to the south. The site does not lie within an area covered by any national or local landscape designations. The North Pennines Area of Outstanding Natural Beauty is not within the Zone of Theoretical Visibility for the proposed development, so there is no conflict with Policy ENV 6 of the Northumberland Local Plan in this regard.

- 9.25 The Northumberland Landscape Character Assessment identifies that within LCA 30b (Newbrough to Corbridge) the valley floor widens and the river assumes larger meanders. The valley floor and sides also support a mix of arable and dairy farming. Areas of built development and industry are prominent at Bridge End and Hexham. The Egger factory is a local landmark, the plume from the chimney being visible for considerable distances up and down the valley. Both Corbridge and Hexham retain their historic cores.
- 9.26 The site itself is relatively featureless, with low gappy hedgerows and a small number of hedgerow trees. Three large pylons and overhead electricity transmission lines cross the southern area of the site. This contrasts with the wider area, where mature trees, woodland and hedgerows are prevalent and key features giving the wider area a high scenic quality and sense of intactness. The Egger factory is a very dominant feature in the area surrounding the site, along with the adjacent sewage treatment works and anaerobic digestion plant.
- 9.27 The Landscape and Visual Impact Assessment identifies that the main impacts that would affect the landscape character of the site and the surrounding area are:
- The construction of the site compound, which includes the site offices, weighbridge, parking areas, processing plant and storage areas in the southwest of the site.
 - The flood bund and advanced tree belt planting to the northern boundary of the site compound and phases 1 and 2.
 - The gap planting and enhancement of existing hedgerows.
 - The stripping and storage of soils on the site.
 - The extraction of sand and gravel, which would be wet worked, therefore creating a lake that would increase in size eastwards as extraction progresses thus changing the landcover of the site.
 - The progressive restoration of the whole quarry.
- 9.28 The landscape value of the application site itself is considered to be medium to low. Factors lowering the value include the low-lying, almost level landform, the open expanse of arable farmland with very few features such as trees and low, gappy hedgerows and the influence of the neighbouring industrial development including the anaerobic digestion plant, sewage works and the Egger factory, all of which lower the scenic quality and condition of the landscape. Factors increasing the value result from the context of the site within the Tyne Valley, which is valued locally and by visitors for its scenic, recreation and cultural values. The susceptibility of the site to the proposed change is also considered to be medium to low for the same reasons, therefore the sensitivity of the site to the proposed development is also considered to be medium to low.

- 9.29 The sand and gravel extraction would introduce a new, long term but temporary use, which would be out of character. The adverse effects on the landscape character of the site would be minimised by the fact that the site compound and processing plant would be located next to the existing industrial development at the anaerobic digestion plant, through the phased working of the site which seeks to minimise the size of the operational areas, and through the progressive restoration of each phase of the site once extraction is complete in that area. Tree planting to the north of the site compound and existing woodland along the River Tyne to the south and east of the site provide some mitigation in relation to the landscape effects.
- 9.30 As extraction progresses across the site from west to east, the landcover and land use would change from arable farmland to a lake. The area of open water would increase in size as extraction progresses across the site. The void created by the extraction void would fill up with water as sand and gravel is removed, which would reduce the perception of the landform change of the site as the majority of the landform changes would be under water. The working areas would be bare earth with disturbed brown water initially, but as work progresses restoration would quickly follow behind with the land returned to grassland and silt settling in the lake reducing the brown appearance of the water.
- 9.31 The LVIA assesses the magnitude of the operational impacts on the landscape character of the site itself and the immediate vicinity as medium to high due to the partial to major alteration of the landscape baseline and the long-term of these impacts. Therefore, combined with the medium to low sensitivity of the site to the development, the overall effect of the operational development would be moderate adverse (not significant). Once the site is restored, effects would become beneficial. The beneficial effects would continue to increase with time as habitats establish and mature.
- 9.32 In relation to visual effects, residential receptors comprise individual properties and settlements. These are high sensitivity receptors as they are likely to value views over the Tyne valley and are susceptible to the changes proposed by this application.
- 9.33 The small settlement of Anick is located 500 metres north of the site access and 1 kilometre north of the extraction area in an elevated location on the valley side over-looking the site. There would be open views of the site during the operational and restoration phases (see Viewpoint 2 of the LVIA). The advanced tree belt planting to the northern site compound boundary would provide some screening as it establishes, but it would not screen all the operations. The magnitude of the impacts would be medium to high as minimising the size of the working area and progressive restoration would result in a partial to major alteration of the views. The effects would therefore be substantial adverse (significant) during operation, becoming substantial beneficial (significant) once the site is restored and the planting establishes.
- 9.34 The visual effects on the residents of Oakwood would be similar to those for Anick (see Viewpoint 3 of the LVIA), but there are trees between Oakwood and the site, which would filter views particularly when they are in leaf. The magnitude of the impacts would be medium due to the partial alteration of the views and the overall effect moderate to substantial adverse (significant),

becoming moderate to substantial beneficial (significant) once the site is restored and the planting establishes.

- 9.35 In relation to Hexham, the LVIA demonstrates that there would be no views of the proposed development from the historic core of the town (see Viewpoint 13 of the LVIA from The Sele), but there would be some close views from residential areas in the south-east of the town. This includes the Anick View housing estate (see Viewpoint 6 of the LVIA) where there are views of the low-lying fields on the opposite side of the river, which are filtered by the woodland along the river. There would also be some more distant views of the site from the more elevated areas of Hexham to the south and south-west. The magnitude of the impacts on the residents in the vicinity of Viewpoints 6 and 8 would be medium, particularly in winter when the intervening trees are not in leaf, and the overall effects would be moderate to substantial adverse (significant). Effects on more distant views would be slight to moderate adverse (not significant) and for the majority of the town the development would be imperceptible. Adverse effects would become beneficial in the long term once the site is restored and the planting establishes, these effects would be significantly beneficial in closer views.
- 9.36 Visual effects on Beaufront, Sandhoe, Corbridge and Stagshaw would not be significant due to distance and intervening vegetation providing some screening.
- 9.37 The LVIA identifies that none of the residents of the farmsteads, individual and small groups of properties outside the settlements within the study area would experience significant effects due to intervening vegetation providing some screening and the low-lying landform. The most noticeable effects would be for the residents of the following individual properties.
- 9.38 The Timbers, lies to the north of the extraction area and within the haugh land area. The surrounding and intervening trees would filter views of the development and the low-lying landform would reduce visibility. The proposed tree planting would help to screen views. The LVIA found that the magnitude of the impacts would be medium to low due to the partial to minor alteration of the views and the overall effect would be moderate adverse (not significant).
- 9.39 Anick Grange and Anick Grange Cottages are also located to the north of the site, but on the northern side of the A69. They face the site and there would be open direct views of the development, but visibility would be limited by the low-lying landform meaning the extraction area would be visible as a narrow band in the landscape (see Viewpoint 14 of the LVIA). The proposed tree planting to the northern site compound boundary would provide some screening. The LVIA found that the magnitude of the impacts would be medium to low due to the partial to minor alteration of the views and the overall effect would be moderate adverse (not significant).
- 9.40 Properties at Widehaugh are on the A695 to the south of the site. Viewpoint 7 of LVIA illustrates there would be filtered views of the development, particularly in winter and towards the end of the development when the extraction is in the east of the site. The LVIA found that the magnitude of the impacts would be medium to low due to the partial to minor alteration of the views and the overall effect would be moderate adverse (not significant).

- 9.41 Receptors also include the users of the roads, railway, long distance footpaths and cycle routes and public rights of way in the area around the site. Road and railway users are generally considered medium sensitivity receptors, with the exception of tourists and visitors whose attention or interest is focused on the landscape and who are considered high sensitivity receptors. Users of long-distance footpaths and cycle routes and public rights of way are considered high sensitivity receptors
- 9.42 The LVIA considers that none of the road or railway users travelling past the site and the wider area would experience significant effects due to intervening vegetation and built development providing some screening of the site. The A69 runs along the northern site boundary and is a key route through Northumberland, providing a valuable east-west link and a scenic journey along the Tyne Valley. For traffic travelling west on the A69 there would be a brief distant glimpsed view north of Corbridge, and then views would be screened again by road cuttings and intervening vegetation until the road runs directly to the north of the site, from where there are filtered oblique views into the site. For east bound traffic there would only be filtered oblique views into the site as the road runs along the northern site boundary. The magnitude of the impacts would be low due to the limited, glimpsed views, experienced for a small part of a journey, therefore the overall effects would be slight adverse (not significant).
- 9.43 From the C242 and Hadrian's Cycleway, which also run to the north of the site, there would be views of the proposed development for a short section of this route. The visibility of the proposed site would be limited by the low-lying landform meaning the extraction area would be visible as a narrow band in the landscape. Views from elsewhere on this road and Hadrian's Cycleway would be screened by intervening vegetation and built development. The magnitude of the impacts would be low due to the low-lying landform, intervening vegetation and as views would be experienced for a small part of a journey, therefore the overall effects would be slight to moderate adverse (not significant).
- 9.44 Of the public footpaths and bridleways within the study area of the LVIA, it identifies that only the users of Footpath 540/004 between Anick and Anick Grange would experience significant effects as there would be open views of the development. The magnitude of the impacts would be medium to high as minimising the size of the working area and progressive restoration would result in a partial to major alteration of the views. The effects would therefore be substantial adverse (significant) during operation, becoming substantial beneficial (significant) once the site is restored and the planting establishes.
- 9.45 The proposed development would not have a visual impact on visitors to the Frontiers of the Roman Empire: Hadrian's Wall World Heritage Site at Corbridge as views would be screened by intervening vegetation. Similarly, Hexham Parks (Grade II Registered Park and Garden) would not have views of the proposed development. Hadrian's Wall itself and the buffer zone as well as the North Pennines AONB are not within the zone of theoretical visibility.
- 9.46 In relation to visual impact, the LVIA has highlighted that there would be some localised significant visual effects. These would be experienced by receptors

to the north of the site at Anick due to the elevated, open views over the site in which the proposed development would be visible. There would be similar effects experienced by residents at Oakwood, but views from this location would be filtered by intervening vegetation. Residents to the south of the site would also experience some close filtered views of the development and the effects would be significant during the winter months when the intervening trees do not have leaves. Effects would become more beneficial with time as the site is restored and the proposed planting and habitats establish.

- 9.47 In relation to landscape character regard has been had to the Northumberland Landscape Character Assessment and the application has been supported by an LVIA in line with the requirements of Policy ENV 3 of the Northumberland Local Plan. Sand and gravel extraction would introduce a change to the landscape that would not reflect the current characteristics of the site and the surrounding area. The site is currently low-lying and relatively featureless arable farmland. As extraction progresses across the site from west to east, the landcover would change from arable farmland to a lake, increasing in size as the phased extraction and restoration progresses. The adverse effects on the landscape character of the site would be minimised to some degree by locating the site compound and processing equipment adjacent to the existing industrial development, by minimising the size of the operational areas, minimising the plant required to extract the sand and gravel and by progressively restoring each phase once it is complete. The proposed tree planting along the northern boundary of the site compound and Phases 1 and 2 as well as the existing woodland along the River Tyne to the south and east would also help to contain the effects. Once the site is restored, the effects have been assessed as being beneficial due to the landscape features created. However, there would still be some harm to some aspects of the local landscape and local visual amenity during the operational phase of the proposed development.
- 9.48 While the proposed development would result in a significant change to the landscape of the site, it is considered that the restored landscape can be integrated with its surroundings. However, given the harm identified to some receptors during the operational phase of the development it will be necessary to consider whether the benefits of the proposed development outweigh this harm in the planning balance for this application.

Impact on Residential Amenity

- 9.49 Policy MIN 1 of the Northumberland Local Plan requires applicants to demonstrate that there is appropriate separation between the site and dwellings and other sensitive uses, to prevent unacceptable levels of noise, dust, vibration, air pollution and harmful visual impact. Policy POL 2 states that development proposals in locations where they would cause unacceptable risk of harm from various forms of emissions including fumes, particles and noise will not be supported. Paragraph 211 (c) of the NPPF states that when determining applications for mineral extraction mineral planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and recommends that appropriate noise limits for extraction in proximity to noise sensitive properties are established.

9.50 The following paragraphs deal separately with noise, dust and air quality.

Noise

- 9.51 Planning Practice Guidance recommends that mineral planning authorities set noise limits at noise sensitive properties that do not exceed the background noise levels by more than 10dB(A) during normal working hours (07.00 to 19.00). It also advises where it will be difficult not to exceed the background level by more than 10dB(A) LAeq, 1 hour free field without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable.
- 9.52 In respect of noise level limits for noisy short-term activities, Planning Practice Guidance goes on to state increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.
- 9.53 A noise impact assessment has been provided in support of the application. It assesses the background noise and considers the noise effects associated with the proposed development. The noise monitoring locations are close to The Timbers, Bank Foot (Anick), Anick View (Hexham) to the north of the A695, Woodland Rise housing development (adjacent to the A695 and Laurel Road, Hexham) and Widehaugh (east of Hexham).
- 9.54 The measured background noise levels LA90 at the monitoring locations were:
- The Timbers - 54 dB
 - Bank Foot, Anick - 58 dB
 - Anick View, Hexham - 46 dB
 - Woodland Rise, Hexham (adjacent to A695 and Laurel Road) - 49 dB
 - Widehaugh, east of Hexham - 51 dB
- 9.55 The noise impact assessment notes that each of these locations are exposed to road traffic noise levels that are representative of the locality. This includes noise from the A69 and A695.
- 9.56 For normal site operations the scenarios modelled in the noise impact assessment indicate that there would be no exceedance of 55 dB LAeq. In addition, no noise levels are predicted to exceed the temporary limits (70 dB LAeq) during the noisy short-term operations such as soil stripping. The proposed site operations may be audible at the closest receptors, but the noise impact assessment concludes this will not be at a level or character that is likely to cause any change in behaviour for receptors, resulting in an impact residing between the 'No Observed Adverse Effect Level' and 'Lowest Observed Adverse Effect Level'.

- 9.57 The applicant has also provided a noise management plan with the application that sets out the measures that will be adhered to ensure that the noise limits are met during the operation of the proposed development. The measure proposed reflect industry best practice to minimise off-site noise.
- 9.58 Given the predicted noise levels for the proposed development would not exceed the appropriate noise limits set out in Planning Practice Guidance for the normal or short-term operations, it is considered that effects on residential amenity from noise would be acceptable the proposals would be acceptable and accord with Policy MIN 1 of the Northumberland Local Plan.
- 9.59 The Council's Public Protection team has been consulted on this application and no objections have been raised. Public Protection recommend a planning condition be imposed by the mineral planning authority to limit noise at the identified receptors from the proposed site operations. It is therefore proposed that a condition is imposed to set a daytime (0700 to 1900) limit of 10dB LAeq over background (LA90) at the nearest residential receptors. It is also proposed that a condition is imposed to restrict the site operations to 07.30 to 18.00 from Monday to Friday and 07.30 to 13.00 on Saturdays with vehicle movements and loading permitted from the earlier start time of 07.00.

Dust and Air Quality

- 9.60 Planning Practice Guidance (Paragraph 023, Reference ID: 27-023-20140306) advises where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work. It also explains there are 5 key stages to a dust assessment study:
- establish baseline conditions of the existing dust climate around the site of the proposed operations;
 - identify site activities that could lead to dust emission without mitigation;
 - identify site parameters which may increase potential impacts from dust;
 - recommend mitigation measures, including modification of site design
 - make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.
- 9.61 The Environmental Assessment includes a chapter on air quality and is accompanied by an air quality assessment, which identifies the potential dust and air quality effects from the proposed development. The Air Quality Assessment considers the potential for fugitive dust emissions to be associated with the workings, which may generate dust and fine particulate matter (PM10). It also considers road vehicle exhaust emissions associated with development traffic that may increase pollutant concentrations at sensitive receptors close to the proposed site and the vehicle routes related to the proposed site.
- 9.62 The proposed development has the potential for fugitive dust emissions to occur as a result of the operations associated with the extraction, processing,

storage and transfer of materials as well as the vehicle movements. The potential impacts that may occur as a result of the fugitive dust emissions are:

- Disamenity impacts – Caused by larger particles that may be visible to the naked eye but are not thought to cause health effects. They may cause disamenity through soiling and staining when deposition occurs on window ledges, cars and laundry; and
- Health impacts – Caused by PM10 which can remain suspended in air for long periods of time. Particles of this size are fine enough to be inhaled and therefore have the potential to cause health effects.

9.63 The identified sensitive receptors in relation to dust from the site are:

- The Timbers – Residential dwelling around 200 metres east of the site access road
- Oaklands, Anick Road – Care facility around 240 metres west of the site access
- Anick View – Residential dwellings around 205 metres south of the working phases

9.64 In relation to the disamenity effects from fugitive dust, air quality assessment indicates the magnitude of these to be 'slight' at The Timbers and 'negligible' at both the Oaklands Care Facility and Anick View. This is as a result of the distance of these receptors to the activities that could generate dust, the prevailing wind direction in relation to the receptors and the magnitude of the source emission being 'medium' based on the criteria in Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning'. The sand and gravel would be wet when extracted and this reduces some of the risk of dust.

9.65 In terms of health impacts from the generation of particulate matter, the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Mineral Dust Impacts for Planning' states that if the long-term background PM10 concentration is less than $17\mu\text{g}/\text{m}^3$ there is little risk that emissions from a mineral extraction site would lead to exceedances of the relevant air quality objectives at the existing sensitive receptors. The air quality assessment found that the predicted background concentration in the vicinity of the site is $10.45\mu\text{g}/\text{m}^3$. It concludes that because this is well below the relevant value the potential for PM10 emissions from the development to affect human health are considered to be negligible.

9.66 The air quality assessment assessed the road traffic exhaust emission impact associated with predicted traffic from the proposed development and found impacts on NO_2 and PM10 concentrations to be negligible and therefore not significant.

9.67 In the letters of objection to this planning application some concerns have been raised in relation to exposure to fine dust containing 'Respirable Crystalline Silica'. Respirable Crystalline Silica forms a fraction of PM2.5. Silica is a natural substance found in varying amounts in most rocks, sand and clay. Should high levels of Respirable Crystalline Silica be inhaled regularly, over many years, particles can irritate the lining of the lungs, and over time this can cause a lung condition known as silicosis. From a UK perspective, there is a view that exposure to respirable crystalline silica and the associated risks of silicosis from long-term exposure represents an

occupational health issue and is therefore a risk to workers that must be managed in the workplace. The Health and Safety Executive advise that silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease. The site operator would have responsibilities to manage these risks to their employees under the health and safety at work legislation and managing these risks would also reduce risks to those living near the site.

- 9.68 To mitigate dust impacts from the site operations, the air quality assessment and environmental management plan detail the mitigation measures that would be implemented when the site is operational. These follow industry good practice, and the measures include:
- Site staff receiving training on the potential dust sources and how to prevent emissions;
 - Site staff undertaking regular visual inspections of dust conditions;
 - Site management giving attention to advance weather forecasts and organising dust management requirements accordingly;
 - A water bowser being based on site to dampen down road surfaces, stockpiles or work areas in dry weather to reduce the potential for dust emissions at source;
 - Providing wheel cleaning facilities and directing all vehicles leaving site will be directed through the wheel wash to ensure they do not carry any debris onto the public highway.
 - Dampening of internal haul roads in dry weather conditions;
 - Controlling onsite vehicle speeds to 15mph;
 - Minimising material drop heights into lorries
 - A road sweeper being available for cleaning internal roads and the local highway network, if required;
 - During persistent high winds, operations that have the potential to create dust would be suspended until conditions improve.
- 9.69 The Council's Public Protection team has been consulted on this application and no objections have been raised in relation to dust and air quality. Public Protection to submit for approval a dust management plan prior to the extraction and processing of minerals commencing at the site. Public Protection do however recommend the imposition of a planning conditions requiring a dust management plan to be submitted and approved by the mineral planning authority. This is to ensure the operator has an operational document that they have produced and would maintain and work to.
- 9.70 In relation to dust and air quality, it is considered that the proposals would be acceptable in and would accord with Policy MIN 1, Policy POL 2 and Policy QOP 2 of the Northumberland Local Plan and the NPPF.

Access and Traffic

- 9.71 Policies TRA 2 and MIN 1 (Part 2 g) of the Northumberland Local Plan are relevant to the effects of new development on the transport network. In considering the acceptability of proposal for mineral development, Part 2 (g) of Policy MIN 1 states appropriate weight will be given to the capacity and

suitability of the transport network, including numbers of movements, site access arrangements, and impacts on non-motorised users. Policy TRA 2 requires all developments affecting the transport network to:

- a. Provide effective and safe access and egress to the existing transport network;
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and
- f. Minimise any adverse impact on communities and the environment, including noise and air quality.

9.72 Paragraph 111 of the NPPF states 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.

9.73 The planning application is accompanied by a Transport Statement which assesses the impacts of the proposed development on the highway network. The Environmental Statement also includes a chapter on highways and transport.

9.74 The Transport Statement establishes the baseline conditions in the vicinity of the application site and also provides a forecast of the number of vehicle trips which are likely to be associated with the proposed development and the predicted changes in traffic flows that would result.

9.75 The mineral would be exported from the site by heavy goods vehicles with an average 20 tonne payload. The average and maximum number of vehicle movements a day would be as follows:

- Mondays to Fridays – An average of 50 a day (100 movements) with a maximum of 70 a day (140 movements); and
- Saturdays – An average of 25 a day (50 movements) with a maximum of 35 a day (70 movements).

9.76 Vehicles would access the proposed site from the C242 Anick Road / Ferry Road using the existing T-junction and surfaced access road that runs along the eastern side of the Egger plant and gives access to the adjacent farmland, Hexham Sewage Treatment Works (operated by Northumbrian Water) and the anaerobic digestion plant (operated by Codlaw Renewables). This track would give access to the north-west corner of the proposed site adjacent to the existing anaerobic digestion plant where the site compound would be created.

- 9.77 The Institute of Environmental Management and Assessment (IEMA) 'Guidelines for the Environmental Assessment of Road Traffic' recommend that a projected change in traffic flows of less than 10% is generally considered to create no discernible environmental impact. In terms of the total vehicles within the study area (the C242 and the A69), the predicted increase in the number of vehicles as a result of the proposed development is below 10%. However, the proposed development would result in a significant increase in the number of HGVs on the C242 to the east of Egger.
- 9.78 Vehicles travelling to and from the site would use the C242 and the A6079 to and from the A69. The C242 is a single carriageway road. To the west of the site access junction, the C242 (Ferry Road) serves a number of industrial and business premises, including Beaufront Park, Egger and Bridge End Industrial Estate. The C242 forms a priority T-junction with the A6079. The A69/A6079 junction is a grade separated interchange. HGVs would not travel east of the site on the C242 towards Corbridge, unless a delivery was being made to a specific client that needed to be accessed from the C242 to the east of the site.
- 9.79 The private access road from the C242 is 7.3 metres wide for the first 120 metres before a narrowing to a single lane, with passing places. The applicant has rights of access over the private road as its ownership is shared between the landowner, Egger and Northumbrian Water. Swept path analysis of HGV movements at the access have been undertaken and demonstrate the existing format of the junction is suitable for two-way HGV movements. The Council's Highways Development Management Team have been consulted on this application and consider the proposed access to the development to be acceptable and appropriate.
- 9.80 Within the proposed site compound area car parking for 15 cars, which includes two bays equipped with electric charge facilities and one disabled bay, would be provided. Covered cycle parking would also be provided close to the site offices. The proposed site compound has turning space for the HGVs, which would enter and leave the site compound via a weighbridge. All HGVs leaving the site will use the wheel wash to remove any debris from the wheels and chassis.
- 9.81 The Highways Development Management Team have advised that if planning permission were to be granted for this proposed development, the developer would be required to undertake off-site highways works to widen a section of Anick Road to allow HGVs to more easily pass within the carriageway. These off-site highways works would involve increasing the width of the road along the section of the C242 between the access for Egger and the proposed access point from the C242 to the proposed development. This stretch of carriageway measures 420 metres in length and would be widened to 6.7 metres with a minimum 0.6 metres verge or hard strip where the existing stone wall to the south will be relocated and rebuilt. A new footpath link from the existing Egger car park to the west, through to the entrance of Oaklands site entrance is also proposed. As part of the works, a number of trees growing immediately adjacent the carriageway or within close vicinity will be removed.

- 9.82 The Highways Development Management Team have recommended that a pre-commencement condition be imposed if planning permission were to be granted for the proposed development requiring the highways works to be completed prior to the commencement of the transportation of sand and gravel from the proposed site. The developer would also be required to enter into an agreement under Section 278 of the Highways Act 1980 to undertake the works to the highway.
- 9.83 The C242 (Ferry Road/ Anick Road) forms an on-road section of the signed Hadrian's Cycleway. Vehicles movements to and from the proposed development would use the same road as cyclists on this route between the site access and the A6079. It is considered that the proposals to widen the C242 between the site entrance and the entrance to Egger would assist in addressing the potential conflicts identified between cyclists and the additional HGV movements on this section of road. The Highways Development Management Team have not raised any objections in relation to impacts on cyclists using the C242.
- 9.84 The proposed road widening works would include a replacement footpath between the car park for Egger and the entrance to the Oaklands Care Home and would also retain the existing footpath either side of the entrance to Beaufront Business Park. The road widening scheme includes an allowance in the design for future footpath connection to business park and shows a footpath could be created in the highway verge.
- 9.85 One of the occupiers of Beaufront Business Park has objected to the proposed development, citing that employees are required to walk within the highway or verge if accessing the business park by foot and the proposed increase in vehicle numbers puts them at an increased risk. There is not currently a pedestrian footway between Beaufront Business Park and the existing footway to the west of the entrance to Oaklands. It is considered that the road widening scheme would improve the current situation for pedestrians as there would be more space within the highway for vehicles to pass and improvements to sight lines. The additional vehicle movements would however have a negative impact on the amenity of pedestrians.
- 9.86 The vehicles from the site would access the dual carriageway A69 using the A69/A6079 junction, which is a grade separated interchange. The A69 is part of the strategic road network and is managed by National Highways. National Highways were consulted on the application and have raised no objections. National Highways consider that the proposed movements would not have a severe impact on the strategic road network. National Highways have recommended that a condition be imposed if planning permission were to be granted to require the submission and approval of a Construction and Operational Traffic Management Plan. The Highways Development Management Team has also not raised any objections with regard to the effects of the proposed development on the C242/A6079 junction and consider that the level of trip generation, along with the imposition of planning conditions to control the number of vehicle movements to and from the proposed site, will ensure that there is not detrimental impact to the operation of the road network and the A6079 / C242 (Ferry Road) junction.

- 9.87 It is therefore considered that the proposed development accords with Policies TRA1, TRA 2, TRA 3, TRA 4 and MIN 1 of the Northumberland Local Plan. If planning permission is granted it is recommended planning conditions are imposed to control the numbers of HGV movements and require the completion of widening works to the C242 Anick Road prior to sand and gravel commencing within Phase 1 of the site.

Ecology and Biodiversity

- 9.88 Policy ENV 2 of the Northumberland Local Plan states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance will minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for. Proposals should also secure a net gain for biodiversity. Policy MIN 1 (Part 2, c) also includes criteria relating to the conservation and enhancement of biodiversity and nature conservation interests. The NPPF states that in considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment (Paragraph 211b). It also states that planning permission should be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated (Paragraph 180a).
- 9.89 The Environmental Statement includes a chapter on ecology. A preliminary ecological appraisal and protected species surveys have been undertaken in support of this application. This included surveys in relation to great crested newts, bats, and breeding birds. The surveys have identified that there will be a potential impact on farmland breeding birds. The Council's ecologist has confirmed that the survey work has followed best practice, has been undertaken by suitably qualified ecologist and the assessments have identified the relevant matters needed to assess the impact of the proposed development on ecology.
- 9.90 Overall, the existing habitats on site are considered to generally be of low to local value, comprising large areas of arable land, improved and poor semi-improved grassland and species poor hedgerows, with occasional scrub and field trees.
- 9.91 There would be a progressive loss of hedgerow across the phases of extraction. Native species hedgerow is classed as a Habitat of Principal Importance (HPI) under Section 41 of the Natural Environment and Rural Communities Act 2006. However, the hedgerows on site are species-poor and gappy which are of lower value for wildlife. The proposed mitigation to gap-up retained hedgerows at the start of development and plant new hedgerows as part of the restoration is considered acceptable by the Council's ecologist.
- 9.92 The site has been assessed as of county value for the breeding bird assemblage and of district value for wintering birds. The proposed hedgerows and tree planting and the creation of a skylark plot at the start of the development would mitigate for the loss of some habitat. In the long-term,

the creation of a lake with shallow margins and scrapes would provide habitat for wetland birds.

- 9.93 To mitigate the application includes proposals to undertake hedgerow planting to fill existing gaps planting to the north of the compound area and the creation of skylark plots. These works would be undertaken at the start of development.
- 9.94 The River Tyne is identified as a sensitive receptor. It is located to the south of the application site with the Environment Agency flood embankment and area of riparian grassland providing a barrier between the site and the river. This buffer would ensure that the ecology of the river is not adversely affected by the proposed development. The proposed development would also not have adverse effects on the hydrology of the river. The proposed site restoration would enhance the riparian corridor of the River Tyne through the creation of adjacent wetlands and the managed grasslands. The Environment Agency flood embankment along the river is not included within the proposed operational area of the site proposed extraction and with a buffer and appropriate working methods should not be adversely affected by the proposals.
- 9.95 The ecological appraisal work also concluded that there would be no direct impact on any nationally or locally designated wildlife sites.
- 9.96 As well as mitigation for species, the Defra Biodiversity Net Gain metric has been used by the applicant to demonstrate a measurable net gain in biodiversity. This demonstrates that a 10%+ net gain can be achieved over the lifetime of the development. This is considered to be a benefit of the proposed development.
- 9.97 If planning permission is granted for the proposed development, planning conditions would be imposed to require the submission and approval of a report to include an updated baseline Biodiversity Net Gain calculation by the Mineral Planning Authority. This would include details for the monitoring of the Biodiversity Net Gain delivery on site through the life of the site operations, and a schedule of intervals for this review. Biodiversity Net Gain requires a minimum of a 30-year retention, management and monitoring. On completion of restoration of the whole site, monitoring would be undertaken in the first year of aftercare, and then in years 2, 5, 10, 20 and 30, with monitoring reports to include recommendations for remedial actions to ensure that the agreed habitats and habitat condition are achieved. These reports would be submitted to the Mineral Planning Authority for approval.
- 9.98 An ecological impact assessment has also been provided for the proposed off-site highways works. The Council's ecologist has confirmed that his has identified all relevant issues and is sufficient to assess the impact of the proposed works. Impacts to protected species would be avoided by timing of works and appropriate checks for nesting birds and bats. Mitigation and enhancement would be provided through the provision of four long-lasting bat boxes and six long-lasting bird nest boxes on retained trees prior to commencement of works.

- 9.99 In summary, the progressive restoration of the site to a wetland area would create a mosaic of habitats, would result in significant biodiversity gain (10%+) in the both the medium and long term particularly in relation to wetland birds but also to the benefit of a wider range of species such as toads, bats and otters. The biodiversity net gains that will result from the proposed development are considered to be one of the significant benefits of this scheme. The proposed improvements to hedgerows, the tree planting and creation of a Skylark plot would mitigate for the loss of some habitat.
- 9.100 The Council's Ecologist and Natural England have been consulted on this planning application and have raised no objections. The proposals would not give rise to any unacceptable adverse effects and would contribute to a net gain for biodiversity. It is therefore considered that the proposed development would accord with Policies ENV 1, ENV 2 and MIN 1 (Part 2, c) of the Northumberland Local Plan and the NPPF. It is recommended that conditions are imposed to require the site to be operated in accordance with the submitted Landscape and Ecological Management Plan and the Biodiversity Net Gain Report.

Flooding, Drainage and Hydrology

- 9.101 The application site is situated entirely within Flood Zones 2 and 3. The scheme has the potential to be impacted by flooding from the River Tyne as well as flooding from other sources. The Environmental Statement for the proposed development includes a Flood Risk Assessment, which is supported by hydraulic modelling.
- 9.102 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 9.103 Paragraph 161 of the NPPF states all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. Amongst other things they should do this by applying the sequential test and then, if necessary, the exception test (NPPF, Paragraph 161a).
- 9.104 As explained in Paragraph 162 of the NPPF, the aim of the 'sequential test' is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.105 Paragraph 163 of the NPPF goes on to state that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the 'exception test' may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF.

- 9.106 In Annex 3 of the NPPF, sand and gravel workings are listed as ‘water compatible development’. Planning Practice Guidance (Flood risk and coastal change, Paragraph 079, Reference ID 7-079-20220825) identifies the exception test is not required in relation to water compatible land-uses. However, it also states that water-compatible uses in Flood Zone 3b, should be designed and constructed to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; and not impede water flows and not increase flood risk elsewhere.
- 9.107 Paragraph 166 of the NPPF states where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
- 9.108 The Anick Grange Haugh site is allocated for sand and gravel extraction in the Northumberland Local Plan (Policy MIN 8). The Local Plan was supported by a Strategic Flood Risk Assessment and flood risk was considered in assessing the potential suitability of sites for allocation. Sites with lower flood risk are allocated for sand and gravel extraction under Policy MIN 8 of the Northumberland Local Plan but this would not be sufficient to meet the identified need over the plan period on their own. Other alternative sites in areas of lower flood risk were not considered to be suitable for allocation in the Local Plan for reasons other than flood risk and therefore the site at Anick Grange Haugh was selected to ensure that adequate provision for sand and gravel for aggregate uses to meet the needs over the plan period could be addressed. In accordance with Paragraph 166 of the NPPF it is not considered to be appropriate to apply the sequential test again in the determination of this application as this has been considered through the site allocation in the Local Plan. Also in accordance with Paragraph 163 of the NPPF, it is considered that the exception test does not need to be applied subject to the proposal meeting the relevant requirements set out in Planning Practice Guidance.
- 9.109 The flood modelling undertaken in support of the flood risk assessment includes two baseline scenarios. The first of these baseline scenarios involves the retention of the Environment Agency flood embankment along the River Tyne in perpetuity, while the second baseline scenario involves the removal of this flood embankment. Additional flood modelling work was undertaken by the applicant to address comments made following consultation with the Environment Agency. This additional modelling included the scenario involving the retention of the flood embankment in perpetuity. This resulted in some design changes to the proposed scheme, which involves the compound area being moved further south by approximately 35 metres in comparison to that proposed in the original submission.
- 9.110 For the baseline scenario involving the retention of the flood embankments, the results of the modelling work show:
- The flood embankments protect the proposed site and adjacent haugh land up to a 1-in-100 year storm event.

- The modelling demonstrates that at Phase 1 for a 1-in-100 year plus 18% climate change event, compared to the baseline scenario, there is a negligible change in flood depth inside or outside of the site.
- In the restoration phase for a 1-in-100 year plus 34% climate change event, compared to the baseline scenario, shows a small area of increased flood levels in a localised area immediately adjacent to the compound is possible however this would not increase the extent of flood risk in this location. Generally, there is a widespread reduction in modelled flood levels following restoration compared to the baseline.
- The flow further downstream of the site has been assessed to ensure flood risk is not raised at Corbridge. In each modelled scenario the maximum flow rate in the design scenario is lower than the baseline and this indicates that the development will achieve a reduction in downstream flood risk.

9.111 The results are as follows for the parent scenario including the removal of the flood embankments:

- For a 1-in-100 year plus 18% climate change event, the year 2020 for the baseline and Phase 1 scenario was modelled. This shows a reduction in flood levels across the majority of the flood extent of less than 0.25 metre in Phase 1 when compared to the baseline. There is only an increase in flood level on land adjacent to the compound area and within the site. The flood extent for Phase 1 largely reflects baseline scenario but there is an area to the north and west where there is a reduction in flood extent by more than 2 hectares.
- The restoration scheme, in a 1-in-100 year plus 34% climate change in the year 2080, compared to the baseline was also modelled. This shows that there is generally a widespread reduction in modelled flood levels. The reduction in flood levels is between 0.15 and 0.25 metres for areas to the north and west of the compound and around 0.35 metres to the north of the compound. There is a reduction in the extent of the flood waters in localised areas in the north of Bridge End Industrial Estate.
- The flow further downstream of the site has been assessed to ensure flood risk is not raised at Corbridge. In each modelled scenario the maximum flow rate in the design scenario is lower than the baseline and this indicates that the proposed development will achieve a minor reduction in downstream flood risk.

9.112 In relation the surface water, the flow direction and runoff pathways for surface water generated across the application site were modelled. This identified flow pathways around the proposed compound area. As a result, ditches around this compound have been incorporated into the proposals scheme to redirect the flow. The surface water runoff from the compound and the site will be retained in the site. The modelling work also indicates that during a 1 in 100-year rainfall event there would be a rise in water level by 0.213 metres and this can be accommodated in the excavations. The

proposed development would therefore not increase surface water run-off outside of the site.

- 9.113 In the modelling and flood risk assessment work, the impact of climate change on the proposed development has been considered. This includes the potential for a 20% increase in peak rainfall intensity up to 2115 and 34% increase in peak river flows up to 2115. The increase in peak river flow is significant but as the proposed development is water compatible the impacts are considered to be limited. In relation to peak rainfall, an increase of 20% in peak rainfall intensities is not anticipated to significantly alter the capacity for rainwater attenuation of the excavation created by the mineral extraction.
- 9.114 The Environment Agency and Lead Local Flood Authority have been consulted on the planning application and have no objections. The Environment Agency have requested that if planning permission were to be granted, a planning condition be imposed requiring the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures it contains which relate the floor levels of the site compound and the flood bund to the north of the site compound shown on the submitted plans. The Lead Local Flood Authority have also requested a condition requiring the submission and approval of a flood plan for the site.
- 9.115 Concerns regarding the effects of the proposed development on flood risk have been raised in the letters of objection. This includes concerns from residents in Corbridge that the proposed development would increase the risk of flooding downstream. As explained above, the modelling demonstrates that the proposed development would not increase flood risk downstream and there would be a reduction in the maximum flow rates downstream. The site compound would cause some localised displacement of flood water in some instances, but the displacement would be within the site.
- 9.116 In conclusion it is considered that the proposed development addresses the requirements of Policy WAT 3 of the Northumberland and the NPPF in relation to flood risk.

Cultural Heritage

- 9.117 The Environmental Statement includes a chapter on archaeology and cultural heritage. This is supported by a Heritage Assessment.
- 9.118 The site of the proposed development is located 1 kilometre to the west of the southern extent of the scheduled monument of Corbridge Roman fort and town, and 2.5 kilometres to south of the military buffer zone for the Frontiers of the Roman Empire: Hadrian's Wall World Heritage Site. It is also located on the opposite side of the River Tyne from the Hexham Conservation Area, the easternmost parts of which are around 460 metres west of the site. Grade I listed Beaufront Castle and associated listed features and landscaping is located around 1.2 kilometres to the north east. A number of other listed buildings are also located in the area surrounding the site.

Archaeology

- 9.119 The site is located adjacent to the river and parts of the site are likely to have been subject to river action and the deposition of alluvium over a long period of time. It is also located in a wider landscape containing known archaeological sites from the pre-historic period onwards. The nearest known ditched enclosure of probable Iron Age date and an adjacent temporary Roman camp are located on land to the west of Beaufront Red House, 700 metres east of the proposed development area and around 250 metres north of the northern bank of the River Tyne.
- 9.120 The route of the River Tyne may have varied over time, however Bronze Age burials are increasingly been discovered up to 300 metres from the line of the river. The nearest example was found in 1830 around 250 metres south of the river, to the immediate south of the application site.
- 9.121 The Stanegate Roman road runs north-west to south-east around 350 metres north of the site passing through Corbridge (Corstopitum) Roman station. The western extent of which is located around 1 kilometre east of the application site. The application site is located at some distance from known medieval and post-medieval settlements which would be likely to extend into this area.
- 9.122 The site has been subject to a desk-based assessment, geophysical survey and trial trenching. The geophysical survey report identified that geophysical survey is not effective across the central and southern parts of the site due to ground conditions. In the northern part of the site, the survey revealed some anomalies of probable archaeological origin including probable fields, enclosures and paddocks, boundary features and a possible track or driveway which could relate to either Iron Age/Romano-British activity or Roman activity associated with the extensive scheduled site of Corbridge (Corstopitum) Roman station.
- 9.123 The subsequent trial trenching in the lower gravel terrace, where the sand and gravel extraction is proposed, revealed two palaeochannels and multiple alluvial deposits but did not reveal significant archaeological remains. Trial trenching was also carried out on the higher river terrace, in the northern part of the site in the area of potential Iron Age/Romano-British or Roman activity identified in the geophysical survey. The trial trenching in this area revealed a multi-phase farmstead settlement of 2nd to 4th century date comprising evidence for field systems, probable driveways for the management of livestock and relict wall foundations.
- 9.124 A third phase of trial trenching in the area of the proposed soil bunding to the north east of the site did not identify any archaeological remains and demonstrated that the area had been heavily disturbed in the modern period by borrow pits for the A69 road construction.
- 9.125 The County Archaeologist has been consulted on this application and agrees with the conclusions of the archaeology and cultural heritage chapter of the Environmental Statement in relation to the limited or negligible impact on the setting of the scheduled monuments in the area. While archaeological remains of significance were revealed in the northern part of the site, this area will not be subject to groundworks or storage of soils and as a result the archaeological remains in this area will remain *in situ*. Historic England have been consulted on this application and have raised no objections.

9.126 Based on the archaeological work carried out to date and the nature and location of the proposed development, the County Archaeologist also advises additional archaeological work is unlikely to add significantly to knowledge of the area or reveal significant archaeological remains. As a result, it is considered that no further archaeological work is required in connection with this application.

9.127 Therefore, in regard to archaeology it is considered that the proposed development accords with Policy ENV 7 of the Northumberland Local Plan.

Historic built environment:

9.128 The proposed development would not result in any direct, physical impacts to historic buildings or the historic built environment. Indirect impacts to the settings of Listed Buildings and other designated elements of the built environment such as Conservation Areas and Registered Parks and Gardens are relevant. The Environmental Statement includes a chapter on archaeology and cultural heritage and a Heritage Assessment.

9.129 The Listed Building settings identified as being possibly affected by the proposed development and discussed below are:

- Beaufront Castle - Grade I Listed Building
- Curtilage listed Gardeners Cottage
- Apple store and adjacent walls on north of kitchen garden - Grade II listed Potting shed with attached walls and steps in kitchen garden - Grade II listed
- Beaufront Woodhead Farmhouse and Adjacent Cottage - Grade II listed and other Grade II listed farm buildings in the hamlet
- Sandoe Hall - Grade II Listed
- Chapel of St Aidan - Grade II Listed
- Anick Farmhouse - Grade II Listed
- Homeaway - Grade II Listed
- Red Lion Cottage - Grade II Listed
- Delegate Cottage - Grade II Listed
- Bellevue - Grade II Listed

9.130 The impact to the settings of the following designated heritage assets have been assessed and it is considered that there would be negligible to no impact on:

- Hexham Abbey – Grade I listed
- Hexham Conservation Area
- Hexham Parks - Grade II Registered Park and Garden
- Dilston Haugh Farmhouse – Grade II listed
- Dilston Crossing House - Grade II listed
- Walkers Pottery Kilns - Grade II listed and Scheduled Monument
- Corbridge Conservation Area

9.131 Therefore, in respect to the Hexham Conservation Area and the Corbridge Conservation Area the proposed development would not conflict with Policy ENV 9 of the Northumberland Local Plan.

Beaufront Woodhead Farmhouse and Adjacent Cottage - Grade II listed, Group of farm buildings on north side of road, with walls attached – Grade II listed, and Cartshed 30m north east of farmhouse – Grade II listed

- 9.132 This stone-built 18th century dwelling incorporating older fabric is located to the north-east of the application site. A section of 1-metre thick wall on the west side of the building points to its early defensive origins as a bastle house, robustly built to protect its inhabitants and livestock.
- 9.133 The farmhouse is situated within a hamlet comprising a number of Grade II listed farm buildings and cottages. The settlement occupies an elevated position on the valley side. This could have been strategic, affording panoramic views across the valley to spot possible attackers. The mature trees directly in front the farmhouse have reduced this outlook slightly.
- 9.134 The agricultural setting of the listed buildings also enhances their historic interest as traditional Northumbrian farm buildings. In these ways, long range views southwards from around the listed buildings contribute to their historic interest and overall significance.
- 9.135 The proposed development would materially alter the character of the application site visible from the listed buildings. While the existing harmful visual impact of the Egger factory affects these views at present, the land would become further industrialised and erode the wider agricultural setting of the designated heritage assets. The impact would be mitigated slightly by intervening trees in the summer months.
- 9.136 The proposed development would therefore cause less than substantial harm to the setting of the Grade II listed farmhouse and farm buildings within the settlement.

Beaufront Castle - Grade I listed, Apple store and Potting shed - Grade II listed buildings , and Gardener's cottage – curtilage listed

- 9.137 To the north-east of the application site is Beaufront Castle. The building was designed by the notable architect John Dobson in his "domestic castellated" style with free Perpendicular/Tudor Gothic aesthetic qualities.
- 9.138 The estate setting of the country residence contributes greatly to its overall significance. The garden and grounds around the building are landscaped as shown on the first and subsequent editions of Ordnance Survey maps. The house benefits from dense woodland on its north-east and west sides, so views southwards towards the valley floor and across the Tyne are framed by trees. This also means that the house has a commanding presence in long range views within the valley which reinforced its high status. Views to and from the building are therefore designed and of high significance and very sensitive to change.
- 9.139 Views outwards towards the application site were assessed from the principal rooms on the ground and first floor in the main block of the house and from the Grade II listed terraced wall to its south. The application site is visible above the mature trees from all these key vantage points, but most noticeably from the first floor and terrace. The development would be visible in the

periphery of the panoramic view from the Grade I listed building during at least operational Phases 3 to 5 of the development and following its restoration. The application site would encroach on designed views that currently benefit from tree cover that blocks oblique views over towards the Egger factory to the east of Hexham.

- 9.140 The Grade II listed Apple store and Potting shed and the curtilage listed Gardeners Cottage are situated on the western edge of the estate. Views from these functional buildings across the valley do not contribute to their significance, unlike the designed views from the main house. The Gardeners Cottage is orientated to face south down the valley and during the summer months its view towards the application site is interspersed with trees. Any views from the apple store and potting shed as functional buildings are likely to be fortuitous, rather than designed. The Egger factory can be glimpsed in some views from these estate buildings, but most are unaffected by this industrial complex.
- 9.141 The proposed development during all operational phases would bring industrial activity from the glimpsed peripheral into the middle of views from these listed and curtilage listed structures. It would therefore have an industrialising effect upon the largely rural setting of the buildings. It would also have a harmful impact on important designed views from the Grade I listed house, and from Grade I curtilage listed and Grade II listed buildings at the western edge of the estate.
- 9.142 It is considered that the harm would be 'less than substantial' harm to the setting of the Grade I listed buildings (which is of the highest significance) and the settings of Grade II listed buildings within its grounds.

Sandhoe Hall - Grade II Listed

- 9.143 Sandhoe Hall is located to the east of Beaufront Castle. The grand country residence was also designed by John Dobson and was built in 1850 incorporating earlier fabric. The Hall has an L-shaped plan form, with a long north-west domestic wing to the rear.
- 9.144 The principal elevation faces south across its terraced and landscaped grounds and the valley beyond. This designed setting contributes to and enhances the historic and artistic interest of the listed building, articulating the wealth and status of its owners and the horticultural and architectural fashions of the 19th century.
- 9.145 Dense woodland to the west of the grounds conceals the application site in views from in front of the Hall. We were not able to gain access to the Hall to assess impact on designed views from the upper floor but given the height of the building and the trees it is unlikely that these views would be affected.
- 9.146 We conclude that the proposed development would not harm the setting of this Grade II listed building.

Chapel of St Aidan - Grade II Listed

- 9.147 This chapel was designed in a free Perpendicular style by W.S. Hicks for John Straker of the adjacent Stagshaw Hall and was constructed in 1885. It has an aisleless 3-bay nave with porch at its south corner and a south-west bell turret, 2-bay chancel with north vestry and an organ chamber.
- 9.148 Trees hug the north and side elevations of the chapel, but this intimate wooded setting opens up to the south and allows uninterrupted views over the chapel grounds, fields beyond and the opposite side of the valley. The building may have been designed to be seen from miles around as a proclamation of the faith and status of the landed gentry who commissioned it. The openness of the setting of the chapel therefore makes an important contribution to the significance of the building.
- 9.149 The view from the chapel is channelled by the dense U-shaped band of trees around the perimeter of the grounds. The application site is only visible in the distance when stood at the south-western corner of the chapel grounds. From this vantage point, it appears as a narrow strip of agricultural land.
- 9.150 The proposed development would visually alter the appearance of this land, but this change would be small in the wider landscape and would not be visible from within the immediate vicinity of the chapel. It is therefore considered that the proposed development would not harm the setting of this Grade II listed building.

Anick Farmhouse - Grade II listed, and Homeaway – Grade II listed

- 9.151 These listed buildings are situated to the north of the application site in the settlement of Anick which overlooks the application site from the valley side.
- 9.152 Anick Farmhouse is a former bastle house dating from the late 16th or 17th century that has been adapted over the centuries. There are remains of its original byre doorway at ground level and upper doorway in its right bay. The building is now set behind a stone wall and a couple trees which will obscure some of the views from the house. The ranges of farm buildings to its north and west are also Grade II listed.
- 9.153 Along the lane to the west, the Grade II listed Homeaway is a stone built dwelling dated 1694. It is also orientated to face south across the valley and, set back from the lane behind a low dry-stone wall, benefits from unimpeded views towards and over the application site.
- 9.154 The site forms part of the wider rural setting of the listed buildings. The meander of the river around the application site is prominent in panoramic views from these buildings. The visual impact of the proposed development and associated industrial activity for the duration of the phased work, would be harmful to the established agricultural setting of the listed buildings. The harm to the setting of the listed buildings would be less than substantial.

Red Lion Cottage - Grade II Listed

- 9.155 To the south of the application site, and to the east of Hexham is this listed dwelling, formerly a public house called the 'Red Lion'. Its front elevation faces the road and would have invited in travellers along the former principal

route connecting Hexham and Newcastle. The front elevation looks towards the application site. While stood in front of the listed building, the flat fields of the site are largely screened by the intervening trees, fencing and the land banked to the north of the road. However, during the winter months Phases 2 and 3 of the proposed development operations could be more prominent in views north from the building, and additional noise, dust and lighting are likely to have a deleterious impact on the setting of the listed building. This impact would amount to less than substantial harm but following the restoration of the site, there would be negligible to no harm to this setting.

Delegate Cottage - Grade II Listed

- 9.156 This listed house is situated to the south of the application site in a slightly elevated position on the south side of the valley. This dwelling is a multi-period property with modest origins. It was originally a 2 up 2 down cottage built in 1800 with an attached single storey stable block and cow byre built in 1873 creating a smallholding. An additional storey was added in the 1950s when the building was converted into a single residence which gives the impression of a larger country house.
- 9.157 The principal elevation of the dwelling faces south, away from the valley into the front garden. Its immediate setting is more enclosed and intimate than the other hill side listed buildings. There are no designed views of significance. However, the rural backdrop of the fields, trees, hedges and clusters of settlement behind the building contribute to and enhance the historic and aesthetic interest of the building.
- 9.158 The Heritage Statement suggests that the visual impact of the proposed development on the application site could be screened by a band of trees to the north-east of the listed building. Mature hedging to the north of the property block views across the valley floor to the Egger industrial complex. The visual impact of the proposed development would therefore be low and mitigated further by the building 'turning away' from the application site so there is unlikely to be harm to the setting of this listed building.

Bellevue - Grade II Listed

- 9.159 To the south-west of the application site is Belle Vue. The Grade II listed building is situated on Causey Hill Road which climbs southwards away from Hexham town centre. The first floor window on the north front of the house has a carved headstone with the legend 'Belle-Vue 1825'. As suggested by its name, this 19th century dwelling was built so that excellent views down towards and over Hexham could be enjoyed from the large, sashed windows from its principal rooms.
- 9.160 Over the last two centuries, the historic setting of the listed building has drastically changed. Once located in the open countryside adjacent to a farmstead, Belle Vue has been engulfed by residential development. Nevertheless, its views across the valley are an integral part of its history and significance. The Egger factory has had a harmful impact in these designed views. However, the application site itself is hidden from view by the intervening houses. It is therefore considered that the proposed development would not cause further harm to the setting of this listed building.

- 9.161 In summary, the proposed development has been evaluated having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and Policies ENV 1 and ENV 7 of the Northumberland Plan. It is considered that the proposed development would fail to preserve the settings of the following listed buildings:
- Beaufront Castle – Grade I listed
 - Apple store and Potting shed - Grade II listed buildings
 - Gardener's cottage – curtilage listed
 - Beaufront Woodhead Farmhouse, farm buildings and cartshed – Grade II listed buildings Anick Farmhouse – Grade II listed
 - Homeaway – Grade II listed
 - Red Lion Cottage – Grade II listed
- 9.162 The proposed development would cause 'less than substantial' harm to the settings of these designated heritage assets in the terms of Policy ENV 7 of the Northumberland Local Plan. The measures to mitigate visual impact would do little to reduce the harmful impacts in long- and medium-range views from the listed buildings on the valley sides. The site following restoration would have less visual impact, but the permanent change in the character and appearance of the site, from agricultural land to artificial body of water would still have a harmful impact on the largely agricultural landscape setting of the heritage assets. Policy ENV 7 requires this degree of harm to be weighed against the public benefits of the proposal.
- 9.163 Planning Practice Guidance (Historic environment, Paragraph 020, Reference ID 18a-020-20190723) explains that public benefits could be anything that delivers economic, social or environmental objectives as described in the Paragraph 8 of the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
- 9.164 The assessment of whether the proposed development would include public benefits that outweigh the identified harm to the settings of the identified designated heritage assets will be set out in the planning balance in the conclusions of this report

Agriculture and Soils

- 9.165 The Soils and Agricultural Land Report submitted with this application shows that all of the existing agricultural land within the site to be of best and most versatile quality ranging from Grade 2 (very good agricultural quality) to Subgrade 3a (good agricultural quality). Due to the proposed method of working and restoration, the site would not be returned to agricultural use following extraction. The proposal would therefore result in the permanent loss of 36.6 hectares of best and most versatile land and the Environmental Impact Assessment considers this to be significant.
- 9.166 Paragraph 174 of the NPPF identifies that in making decisions on planning applications, should consider the economic and other benefits of best and most versatile agricultural land (Paragraph 174b), and try to use areas of poorer quality land instead of higher quality land where significant

development of agricultural land is demonstrated to be necessary (Footnote 58).

- 9.167 Part 1 of Policy POL 3 of the emerging Northumberland Local Plan deals with the permanent loss of Best and Most Versatile land. It states regard will be had to the wider economic and other benefits of the best and most versatile agricultural land when considering any irreversible loss in accordance with national policy. Where significant development of such land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.
- 9.168 Therefore, in accordance with the NPPF, regard should be had to the wider economic and other benefits of the best and most versatile land in the planning balance. This will need to take account of the significant impact on the best and most versatile agricultural land. The benefits associated of best and most versatile agricultural land include, but are not limited to, the production of food, the economic benefits associated with the agricultural sector, the role of the land within the ecosystem and carbon storage.
- 9.169 Planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more the 20 hectares of best and most versatile agricultural land if the land is not included in the development plan. While this site is allocated in the Northumberland Local Plan (adopted March 2022), the plan had not been adopted at the time this application was submitted. Natural England were consulted on this application and no objections were raised in relation to impact on the agricultural land.
- 9.170 The proposed site is allocated in the recently adopted Local Plan which demonstrates it is necessary to develop site in order to meet the identified demand for sand and gravel over the plan period. Alternative sites to meet this need were considered through the preparation of the Local Plan. The presence of best and most versatile agricultural land was considered in decisions regarding whether it is appropriate to allocate the site. This is an important consideration in assessing this application.
- 9.171 If planning permission were to be granted it is recommended that relevant planning conditions are imposed to ensure the soil is handled in line with good practice as required by Policy POL 2 of the Northumberland Local Plan.

Contamination and land stability

- 9.172 Paragraph 174d of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.
- 9.173 Policy POL 1 of the Northumberland Local Plan supports development proposals 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. Policy WAT 1 of the Northumberland Local Plan seeks to ensure that all water bodies achieve 'good status' in terms of their ecological balance and other relevant factors, preventing any deterioration in that status. Development is not supported where it would have an adverse impact on water quality in surface water bodies or it could disrupt the ground water movement or affect its chemical balance, including any wider impacts.

- 9.174 The Environmental Statement identifies potential contamination sources within the site and surrounding area due to previous and neighbouring agriculture land use and the use of fertilisers, pesticides and herbicides, upstream sewer discharge, discharges from Egger, and metal rich sediments associated with the historic metal mining elsewhere in the River Tyne catchment. These contamination sources have the potential to impact on groundwater quality, the River Tyne and water within the proposed restoration. Testing of soils/sediments and groundwater has been undertaken to inform the environmental impact assessment to establish the concentrations of metals, Ammoniacal Nitrogen, Nitrate and Nitrite, and organic compounds.
- 9.175 The results of the baseline groundwater quality monitoring data identify that the groundwater quality has been affected by existing activities, namely agricultural activities, and discharges from the Egger industrial facility. It is also possible that groundwater quality has been affected by historic activities upstream, including mining, which has resulted in some elevated metals concentrations within the baseline data.
- 9.176 The groundwater modelling work undertaken in support of the application has shown that the overall groundwater flow regime would not be altered as a result of the quarry excavation and the abstraction of water from the groundwater lagoon. The groundwater is currently in hydraulic connectivity with the River Tyne and the proposed extraction would not change this. This would mean that groundwater would continue to move through the surrounding ground strata to the lake and then to the River Tyne. The proposed extraction of water will not have a negative impact on Egger groundwater abstraction or the groundwater flow regime and hydraulic gradients towards the river. The ground and groundwater within the site and the surrounding area has pollutants within it. These are currently transported into the River Tyne due to the connectivity between the groundwater and the river. This connectivity would continue as a result of this scheme. The assessment also indicates that the proposed development would not result in the status of waterbodies deteriorating in accordance with the Water Framework Directive.
- 9.177 The applicant proposes that groundwater monitoring, both levels and quality monitoring, is undertaken throughout the operational phase of development to identify any potential sources of contamination. This is to ensure that during the proposed development the hydraulic gradient and connectivity between the site and River Tyne is retained; this in turn will ensure that that existing pollutants are continually monitored. Silts produced from the mineral processing washing plant would be subject to testing under an Environment Agency permit before they are used in the restoration of the site. Any silts that do not comply with the requirements (i.e. which have raised levels of heavy metal or other contaminants) would be removed from the site for disposal

under a relevant waste permit. This prevents the pollutants becoming concentrated into the lake and then moving into the River Tyne. The bunded silt drying beds would be located within the site compound, which is situated above the floodplain to minimise the risk of sediment being mobilised during a flood event.

- 9.178 The Environment Agency and the Council's Public Protection team have been consulted on this application and have raised no objections in regard to this matter. The Environment Agency have confirmed they are satisfied that the assessments provided in support of the application have given appropriate consideration of the impact on the water environment. If planning permission is granted, it is recommended that planning conditions are imposed to require the implementation of the groundwater and silt monitoring detailed in the proposed Environmental Management Plan for the site. Public Protection also recommends the imposition of a planning condition to address unexpected contamination should it be found onsite during development of the site or during site operations.
- 9.179 In relation to land stability, Chapter 9 of the Environmental Statement assesses the hazards presented by the proposed development. This includes a geotechnical design and stability assessment that examines the stability of the slopes created during the excavations and the integrity of the land between the excavation and the River Tyne. An avulsion assessment also considers the possible increased risk of the River Tyne cutting through the existing riverbank and breaching the excavated lake in a flood event.
- 9.180 The geotechnical design assessment identifies that for a site that is 'wet worked' such as this, the main risk arises from the over steepening of the excavation slope profile, which could lead to undercutting and the failure or movement of the slope. A stability assessment concludes with an excavation slope of 1 in 2 gradient an adequate factor of safety can be maintained.
- 9.181 All excavations would be at least 20 metres distance from the base of the existing Environment Agency flood protection embankment and the geotechnical design assessment concludes that at no time should the integrity of the land between the excavation and the River Tyne be at risk due to the proposed development.
- 9.182 The Avulsion Assessment concludes that there is already a risk of the River Tyne breaching the existing Environment Agency flood protection embankment and eroding this embankment as it floods the haugh land. The proposed development does not include any works to the riparian riverbank or the Environment Agency embankment and therefore it would not increase this existing risk. The creation of the lake, by virtue of the below ground excavations, may increase the potential risk of this breach because flood waters could undercut the 1 in 2 slope profile created around the edge of the extraction area, the shallows and then the Environment Agency flood embankment. To reduce and mitigate this risk, the shallows slope profile will be restored to a 1 in 5 profile as soon as practicable, following extraction in that part of the site, and surfaced with erosion matting and suitable materials, to dissipate flood energy and the risk of avulsion.

9.183 It is therefore considered that the proposed development would accord with Policies WAT 1 and POL 1 of the Northumberland Local Plan and Paragraphs 174 and 183 of the NPPF.

Climate Change

9.184 In relation to climate change, Policy MIN 1 (Part 2, n) of the Northumberland Local Plan requires applicants to demonstrate how their proposal would impact on climate change and targets to reduce greenhouse gas emissions. Where appropriate, proposals should propose mitigation and adaptation measures. Part 1 of Policy STP 4 of the Northumberland Local Plan states development proposals should mitigate climate change and contribute to meeting nationally binding targets to reduce greenhouse gas emissions. Part 2 of Policy STP 4 states development proposals should support adaptation to climate change, be resilient to climate change, and not make neighbouring areas more susceptible to the negative impacts of climate change.

9.185 The Environmental Statement includes a chapter on climate change, which reports the likely significant effects of the proposed development in terms of climate change in the context of the site and surrounding area. The assessment focusses on the potential effects of the proposed development on greenhouse gas emissions, and also the vulnerability of the proposed development to climate change effects.

9.186 The impacts of the proposed development on greenhouse gas emissions have been assessed based on the emissions associated with the extraction of sand and gravel against industry benchmark standards. The greenhouse gas emissions per unit of output have been assessed against the baseline value. In this context the baseline is taken to be an equivalent 'typical' development rather than 'no development'. The justification for this assumption is that demand for the sand and gravel product exists, and supply will meet that demand. This means if the sand and gravel is not extracted at the proposed site, it would be extracted from somewhere else, and the emissions would still be produced.

9.187 The greenhouse gas emissions controlled or influenced by the proposed development along with its associated infrastructure have been considered. This includes direct emissions from company vehicles on site and process equipment, for example. It also includes indirect emissions from the generation of purchased electricity, heat or cooling consumed by the company. The emissions associated with the quarrying operations have been calculated based on a predicted production of 250,000 tonnes of sand and gravel annually. The average annual greenhouse gas emissions associated with the proposed development is estimated to be 390 tonnes of carbon dioxide equivalent (tCO₂e). Operations will extend until 2047, generating a total of 9,750 tCO₂e. This equates to an intensity ratio of 0.0017 tCO₂e/t.

9.188 The predicted greenhouse gas emissions from the proposed development are lower than the predicted baseline scenario which uses the industry benchmark standards and published information on greenhouse gas emissions associated with the production of sand and gravel.

- 9.189 The transportation of the mineral is a key greenhouse gas cost associated with the proposed development. It is assumed that if the sand and gravel is not sourced from Anick Grange Haugh there would still be a demand for the material, and it would be supplied from elsewhere. This would give rise to greenhouse gas emissions. If the material has to be sourced further from the end-user, the carbon equivalent per tonne of material would be greater.
- 9.190 In relation to the vulnerability and resilience of the proposed development to climate change, the Environment Statement sets out an assessment against different emissions scenarios. As climatic conditions change there are likely to be impacts on a number of receptors. Potential receptor groups include infrastructure receptors, human health receptors, and environmental receptors.
- 9.191 The projected increase in maximum temperatures is likely to increase risk to site operatives and increase the risk of fires. Increased winter temperatures will reduce the heating capacity within buildings while the increased summer temperatures will lead to an increased demand for cooling within buildings to avoid potential overheating. Increased temperatures could lead to unsuitable habitats for any fauna and flora which are currently present, which could lead to migration or loss of species. The changing climate may also lead to the colonisation of new pathogens which could impact certain tree species.
- 9.192 Increases in winter precipitation is likely to cause disruption to operations. There could be periods where extraction is reduced depending on the severity of the flooding. An increased amount of rain will put more stress on the drainage systems, this coupled with the void created through the quarrying process could lead to water building up within the quarry. During the summer months droughts may become more common. It is possible that certain tree species may become water stressed and less able to tolerate disease load. Operations that require a water supply may also be impacted. Dry conditions may also lead to increased potential for dust to be generated from the site.
- 9.193 Storms could increase the risk of damage to facilities within the site and infrastructure. Increased wind speeds could also increase the risk of dust transportation.
- 9.194 The proposed development includes mitigation measures to manage the risks associated with climate. This includes measures to manage flood risk and control dust. The Environment Statement concludes that with this mitigation it is considered that the impact of future climate change on the proposed development would not be significant in Environmental Impact Assessment terms.
- 9.195 It is therefore considered that the proposed development addresses the requirements of Policy MIN 1 and Policy STP 4 of the Northumberland Local Plan in respect of climate change.

Socio-economic effects

- 9.196 The Environmental Statement includes a chapter that identifies the socio-economic effects of the proposed development.

- 9.197 The proposed development would provide 10 jobs at the site and would directly support 2 jobs at the company headquarters in Prudhoe. It would also support the retention of other employees at the company, including those employed in haulage jobs. It will therefore not only create additional employment but help to secure and support the existing jobs at the company. The Environmental Statement also identifies the economic role of the extractive industries to the UK economy and its importance to the construction industry in relation to a range of building and infrastructure projects from those of a national importance to smaller scale projects on a local level.
- 9.198 The sand and gravel from this site would play an important part in ensuring that Northumberland can continue to supply sand and gravel into the local and regional market for the construction industry. The site is allocated under Policy MIN 8 of the Northumberland Local Plan to meet the demand identified over the plan period. As sand and gravel is a high bulk, low-cost commodity it is important that, as far as feasible, the material can be supplied close to the markets to minimise the overall environmental and financial cost of transport.
- 9.199 The Local Aggregates Assessment identifies some large-scale infrastructure projects, such as the road improvement schemes on the A1 in Northumberland and Tyne and Wear, that will require aggregate minerals. These materials will also be required to support the house building and economic related development in the Northumberland Local Plan and the Local Plans of other planning authorities in North East England. These developments will continue place a demand on construction aggregates at levels that similar to those in recent years.
- 9.200 Many of the letters of objection have raised concerns about the impacts of the proposed development on tourism and the visitor economy. Policy ECN 1 of the Northumberland Local Plan sets out the strategy for economic development and Part 2 of this policy states that development proposals will support and promote tourism and the visitor economy.
- 9.201 The letters of objection identify the importance of tourism to the area and include concerns about impacts from this proposal on visitors to Hexham, Hadrian's Wall, Corbridge Roman Site, Northumberland National Park and North Pennines Area of Outstanding Natural Beauty. The Landscape and Visual Impact Assessment submitted with the application shows that visitors to the Hexham Parks (Grade II Registered Park and Garden) and the Hexham Conservation Area would not have views of the proposed site. The site of the proposed development is separated from Hexham by the Egger Plant, sewage treatment works, anaerobic digestion plant and other existing industrial development and buildings. The World Heritage Site at Corbridge is located 1 km east of the site but views of the site would be screened by intervening vegetation. In addition, the site would not be visible from the North Pennines Area of Outstanding Natural Beauty.
- 9.202 The A69 which runs to the north of the site is a key route for visitors to Hexham and other destinations in the west of Northumberland. When travelling along the A69 there would be low-lying views of the proposed development filtered by some of the existing vegetation that would be experienced for a small part of the journey. The Egger factory is already a dominate feature in the vicinity of the site, along with the adjacent sewage

works and anaerobic digestion plant. Similarly, railway users travelling past the proposed site would not experience significant effects due to intervening vegetation and built development providing some screening. Cyclists on the Hadrian's Cycleway route would also only glimpse the site through existing vegetation. Users of the Footpath 540/004 on the valley side to Anick would have clear views of the site and visitors to Anick village would have clear views of the site, but it would be viewed in the distance and other impacts, such as noise and traffic disturbance, would not be apparent at this location.

9.203 In the long-term the restored wetland habitat that could become a nature reserve with public access. This would have the potential to contribute to the tourism and visitor offer in Hexham and the wider area.

9.204 It is therefore considered that the proposed development would not result in significant adverse socio-economic effects and would not conflict with Policy ECN 1 of the Northumberland Local Plan. It is recognised that there would also be some positive socio-economic benefits linked to the supply of the mineral to the construction sector and the jobs secured at the site and elsewhere.

Site restoration

9.205 Part 1 of Policy MIN 3 states proposals for minerals extraction will be supported where provision has been made for the appropriate restoration and aftercare of the proposed site at the earliest opportunity. Part 2 of Policy MIN 3 sets out the matters to be considered when assessing restoration proposals.

9.206 In accordance with Part 2 of Policy MIN 3, the proposed development:

- Makes provision for the phased working and restoration of the site.
- Provides net gains for biodiversity in accordance with Part 2 (a) of Policy MIN 3.
- Includes opportunities for public access following the final restoration of the site.
- The application site is not located within an aerodrome safeguarding zone, therefore the creation of the wetland would not conflict with this element of the policy. The flood risk assessment indicates that the scheme would not increase flood risk and would provide some additional flood capacity that would reduce peak flood flows at locations downstream of the site.
- Provides sufficient details to demonstrate that the proposed restoration and after-use of the site can be achieved.

9.207 Part 2 (c) of Policy MIN 3 requires proposals to protect soil resources by ensuring that they are retained, conserved and handled in line with best practice during site extraction operations and during restoration. The proposed wet working of the site means that it is not feasible to restore the site to agricultural land and therefore not all of the soils will be retained on site. The soil resources that would be retained will be used to improve the soil quality on a field to the north east of the site. The principle of the loss of this agricultural land is discussed elsewhere in this report and the loss of this land will need to be balanced against benefits of the proposed restoration development. Conditions would be imposed with the grant of planning

permission to ensure the soils are handled in line with best practice and in line with the requirements of the relevant policy criteria.

9.208 Part 2 (g) of Policy MIN 3 also states that proposals should include sufficient safeguards to ensure the adequate restoration and aftercare of the site from the commencement of development until completion of restoration and aftercare. In exceptional circumstances, such as long-term schemes where no progressive restoration is proposed, proposals where innovative techniques are to be used, or where there is reliable evidence of financial failure, a financial bond or other financial guarantee shall be sought. This is consistent with Paragraph 211 (e) of the NPPF and the advice contained in Planning Practice Guidance (Minerals, Paragraph 048, Reference ID 27-048-20140306).

9.209 The application proposes phased extraction and restoration. The method of working proposed is similar to that used on other sand and gravel sites in Northumberland and elsewhere in the UK. There is also no reliable evidence before the Council of the likelihood of either financial or technical failure and if the site operator were to fail financially, responsibility for site restoration would revert to the separate landowner. For these reasons it is considered that a bond or other financial guarantee is not required for the proposal to comply with Paragraph 211 (e) of the NPPF and Part 2 (h) of Policy MIN 3 of the Northumberland Local Plan. It is therefore considered that there are appropriate safeguards to ensure the adequate restoration and aftercare of the site through the proposed phased working of the site, the use of planning conditions and a legal agreement to secure the management of the habitats that provide a biodiversity net gain for 30 years following the restoration of the site.

Benefits

9.210 Policy MIN 2 of the Northumberland Local Plan states when determining proposals for minerals extraction, great weight will be given to the benefits of minerals extraction. This is consistent with Paragraph 211 of the NPPF. Part 2 of Policy MIN 2 lists the matters that will be considered in assessing the benefits of individual proposals. The criteria in Part 2 of Policy MIN 2 are not a closed list and other benefits that are material planning considerations are capable of being considered where evidence is provided in support of a planning application.

9.211 The matters listed in Part 2 of Policy MIN 2 that are most relevant to this planning application are:

- The economic benefits of the proposal both nationally and locally, including contribution to the wider economy and the maintenance of employment and the creation of new employment opportunities;
- The contribution the extraction of the mineral will make to a steady and adequate supply of that material both locally and nationally; and
- Environmental enhancements, including those delivered through the restoration of the site following extraction and the after-use of the site and outside of the operational area.

9.212 In terms of the economic benefits, the operational phase of the sand and gravel extraction would result in the creation of 10 new jobs on the site. This

includes a site manager, site foreman, employees to operate the weighbridge and employees to operate the variety of plant and machinery on the site. In addition, it will directly support at least 2 jobs within company's headquarters at Prudhoe as well as indirectly supporting the retention of all the other employees at Thompsons of Prudhoe (including those in haulage). The applicant estimates that the scheme will result in over £6,500,000 in wages for the employees at the quarry. The company also support an apprenticeship scheme. The operation of the quarry will also support a variety of contracts with other businesses for maintenance of machinery.

- 9.213 The proposed development would contribute to the steady and adequate supply of sand and gravel for aggregates uses both locally and across a wider area. This would help to meet the demand identified over the plan period for the Northumberland Local Plan and support the construction sector.
- 9.214 In terms of environmental enhancements, the phased restoration of the site to a wetland would provide a biodiversity net gain of 10+% which is significant. This includes the gapping up of existing hedgerows within the boundary of the area covered by the planning application and tree planting along the northern boundary of the site compound and Phases 1 and 2.
- 9.215 These matters will be considered in the planning balance. In accordance with Policy MIN 2 of the Northumberland Local Plan and the NPPF great weight will be given to the benefits of minerals extraction.

Cumulative Impact

- 9.216 In considering the effects of a proposed mineral development, Part 3 of Policy MIN 3 requires consideration of cumulative impacts. This includes the combination of effects from an individual site, the combination of effects from one or more sites in a locality, and the effects over an extended period of time. The Environmental Statement includes a chapter that assesses the cumulative impacts that may result from the combination of the identified effects of the proposed site operations, and the combination of effects from the extraction of sand and gravel at Anick Grange Haugh if it is worked in alongside another site or sites in the locality.
- 9.217 The method of assessing cumulative impacts in the Environmental Statement uses the sensitive receptors identified in the Noise Impact Assessment and Air Quality Impact Assessment in conjunction with the residential receptors identified in the Transport Assessment and the Landscape and Visual Impact Assessment as the basis of the assessing the combined impacts from the proposed site operations.
- 9.218 The assessment concludes that the cumulative impact of all the environmental impacts resulting from the working of the proposed development on the nearby identified sensitive receptors, residential properties and villages is not considered significant. The impact on all the properties in terms of noise and dust is within levels that are considered acceptable. The vehicles from the proposed development would not go directly passed the entrance of any identified property or through any identified residential areas. The visual impact on these receptors is considered to result in the most noticeable change in their environment

particularly to the properties to the north and south of the site located on the valley sides.

- 9.219 The properties that would experience the greatest visual impact from the proposed development are those located on the valley sides and would be further from the actual site operations. The properties located on the valley bottom and closer to the site would have a higher probability of experiencing impacts from noise and dust from the site operations, but they would be less likely to experience visual impacts due to existing vegetation and buildings breaking up direct views of the site.
- 9.220 There are no other minerals sites in the locality of the site. The assessment of cumulative impacts identifies and considers a proposed site downstream of Anick Grange Haugh at Wide Haugh, which site was put forward for consideration through the Local Plan process. The site is not allocated in the Local Plan. There also has not been planning application submitted or a request for a Screening or Scoping Opinion under the Environmental Impact Assessment Regulations. As a result, there is limited environmental information about this potential site. In relation to the assessed cumulative impacts from the application site and a potential site at Wide Haugh, the greatest cumulative impact is likely to relate to the setting of various listed buildings and structures in the locality. The assessment does however indicate that the overall cumulative impact of the working of both sites is unlikely to be significant.
- 9.221 In summary, it is considered that the proposed development is unlikely to result in significant cumulative impacts. It is therefore considered that there is no conflict with Policy MIN 1 of the Northumberland Local Plan in this regard.

Other Matters

Equality Duty

- 9.222 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

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

Human Rights Act Implications

- 9.224 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.

9.225 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.

9.226 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.

10. Conclusion

10.1 The proposed development for a new sand and gravel quarry at Anick Grange Haugh has been assessed against the Development Plan, national planning policy and other material planning considerations. The submissions in the Environmental Statement, including subsequent information submitted, have been assessed and considered in the preparation of this report. On the basis of the evaluation set out in this report, the responses of consultees and the proposed mitigation, the Environmental Statement is considered robust under the requirements Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

10.2 The site is allocated under Policy MIN 8 in the Northumberland Local Plan to provide sand and gravel for aggregate uses. This is in order to meet the identified demand for these materials from Northumberland over the plan period. In line with the Northumberland Local Plan the proposed development would support a steady and adequate supply over the plan period, provide production capacity to meet forecast annual demand and contribute to maintaining a landbank of at least 7 years during and at the end of the plan period.

10.3 The main considerations that weigh in favour of granting planning permission are the allocation of the proposed site for sand and gravel extraction in the recently adopted Northumberland Local Plan, the contribution that the site would make to maintaining a steady and adequate supply of sand and gravel for aggregate uses, the biodiversity net gains (10+%) that would arise as a result of the proposals, the employment that would be provided at the site and the company as well as the other direct and indirect economic benefits. The

NPPF (Paragraph 211) and the Northumberland Local Plan (Policy MIN 2) state that the benefits of mineral extraction, including economic benefits, should be given great weight when determining planning applications. From the assessment of the application, the main considerations that weigh against the proposal is the loss of best and most versatile agricultural land, the harm to the settings of a number of designated heritage assets in the surrounding area and some of the landscape and visual impacts during the operational phase of the development.

- 10.4 In relation to the historic built environment, the assessment of the application has identified that there would be 'less than substantial' harm to the significance of the settings of a number of designated heritage assets in the surrounding area. These are considerations that must also be given great weight in line with the NPPF. Taking into account Paragraph 202 of the NPPF and Policy ENV 7 of the Northumberland Local Plan it is considered that the proposed development would deliver public benefits. In particular the supply of a steady and adequate supply of minerals in line with Section 17 of the NPPF and the biodiversity net gains that would arise from the proposals. Taking this into account, it is considered that the public benefits of the proposal would outweigh the identified less than substantial harm to the designated heritage assets. The proposed development would therefore accord with Policies ENV 1, ENV 7 and MIN 1 of the Northumberland Local Plan and Section 16 of the NPPF. This conclusion has had regard to the duties imposed by section 66 of the Listed Buildings and Conservation Areas Act 1990.
- 10.5 In relation to the loss of best and most versatile agricultural land, consideration has been given to the economic and other benefits of the best and most versatile agricultural land when considering the irreversible loss in accordance with the NPPF and Policy POL 3 of the Northumberland Local Plan. The proposed site is allocated in the recently adopted Northumberland Local Plan which demonstrates it is necessary to develop site in order to meet the identified demand for sand and gravel over the plan period. Alternative sites to meet this need were considered through the preparation of the Local Plan. On balance it is considered that the benefits of the proposed development outweigh the loss of this best and most versatile agricultural land.
- 10.6 In relation to landscape and visual impact, some significant adverse effects would occur during the operational phase of development, particularly to receptors with open views of the site from the valley sides. These effects would become beneficial as the site restoration and the proposed planting matures. While some harm is identified it is considered that the benefits of the proposed development outweigh the identified harm.
- 10.7 The assessment of the application has also identified that the proposed site is in the Green Belt, but it is considered that it would not constitute inappropriate development in accordance with Paragraph 150 of the NPPF and Policy STP 8 of the Northumberland Local Plan. The site is also located within Flood Zone 3. It is considered that the proposed development meets the relevant policy requirements, and it would not increase the flood risk elsewhere and can be made safe. The Environment Agency and LLFA have been consulted and have no objections. In relation to noise, dust and air quality, it is

considered that the proposals would be acceptable in and would accord with Policy MIN 1, Policy POL 2 and Policy QOP 2 of the Northumberland Local Plan and the NPPF. In terms of ecology the proposals would lead to a biodiversity net gain of 10+% and the proposed hedgerow planting, tree planting and creation of a skylark plot would mitigate the loss of some habitat. The potential contamination and stability issues have been addressed in accordance with the relevant policies in the Local Plan and the NPPF. In relation to Highways, it has been identified that there is suitable access to the site and that the level of trip generation along with the proposed conditions to control vehicle movements will ensure that there is no detrimental impact to the operation of the road network. Off-site highway works would be needed to widen a section Anick Road to allow heavy good vehicles from the site to pass more easily and it is recommended that a condition is imposed to require the works to be undertaken before extraction commences.

- 10.8 It is concluded that the planning balance weighs in favour of granting planning permission subject to the imposition of planning conditions.

11. Recommendation

- 11.1 It is recommended that this application be GRANTED permission subject to the following planning conditions and a Section 106 agreement to secure the following obligation:
- Financial contribution towards the establishment of the Hexham to Corbridge multi-user route or land offered in perpetuity/long term lease for a section or directly connected loop to the Hexham to Corbridge multi-user cycle route.

Time limit

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)

Approved plans and documents

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and details hereby permitted:
- Composite Working Plan, Drawing number NT12453 Plan A5-1, Revision A, Date 05/05/2021
 - Engineering Plan, Drawing number NT12453 Plan A5-2, Revision A, Date 06/05/2021
 - Restoration Sections, Drawing number NT12453 Plan A5-3, Date 29/04/2021
 - Phasing Plan – Phase 1 (2 years), Drawing number NT12453 A5-4, Revision A, Date May 2021
 - Phasing Plan – Phase 1 (4 years), Drawing number NT12453 Plan A5-5, Revision A, Date May 2021

- Phasing Plan – Phase 2 (6 years), Drawing number NT12453 Plan A5-6, Revision A, Date May 2021
- Phasing Plan – Phase 2 (8 years), Drawing number NT12453 Plan A5-7, Revision A, Date May 2021
- Phasing Plan – Phase 2 (10 years), Drawing number NT12453 Plan A5-8, Revision A, Date May 2021
- Phasing Plan – Phase 3 (15 years), Drawing number NT12453 Plan A5-9, Revision A, Date May 2021
- Phasing Plan – Phase 4 (20 years), Drawing number NT12453 Plan A5-10, Revision A, Date May 2021
- Phasing Plan – Phase 5 (25 years), Drawing number NT12453 Plan A5-11, Revision A, Date May 2021
- Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021
- Flood Alleviation Bund, Drawing number NT12453 Plan A5-13, Date 17/01/2022
- Proposed Site Office and Welfare Building Floor Plan, Drawing number NT12453 Plan 5-14, Date May 2021
- Site Office – Proposed Elevations, Drawing number NT12453 Plan 5-15, Date 23/02/2021
- Welfare Building – Proposed Elevations, Drawing number NT12453 Plan 5-16, Date 23/02/2021
- Environmental Monitoring Plan, Drawing number NT12453 Plan 5-17, Date May 2021
- Silt Lagoon and Drying Bay, Drawing number NT12453 Plan A5-18, Revision A, Date 17/01/2022
- Terex Aggregate Washing Plant, Drawing number NT12453 Plan A5-19, Date May 2021
- Restoration Concept, Drawing number NT12453 Plan A6-1, Revision A, Date May 2021
- Ecological Impact Assessment: Road Improvements for Anick Grange Quarry, E3 Ecology Limited, Version R02, 13/06/2022
- Landscape and Ecological Management Plan, E3 Ecology Limited, Version R08, April 2022
- Environmental Management Plan, Wardell Armstrong, April 2022
- Anick Grange Flood Risk Assessment, 262896-ARP-ZZ-XX-RP-CD-0001, R4, 25 February 2022
- HGV Routing Plan, Drawing number NT15377-105, Date 17/01/2022
- Biodiversity Net Gain Assessment, E3 Ecology Limited, Version R01, August 2022
- Environmental Statement, Chapter 5 – Working Proposals, February 2022
- Environmental Statement, Chapter 6 – Restoration and Aftercare, February 2022

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently amended), no buildings, fixed plant or machinery shall be erected within the site other than approved under Condition 2 above, shall be erected or placed on the site other than with the prior written approval of the Mineral Planning Authority.

Reason: In the interest of local amenity, in accordance with Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

4. From the commencement of development until the completion of restoration a copy of this permission, the plans and documents hereby approved and any other plans or documents subsequently approved in accordance with this permission shall be made available in the site offices during normal working and subsequently shall be made available to all persons with a responsibility for the restoration and aftercare of the site. The existence of these shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure the development is carried out in accordance with the approved plans and that the approved planning documents are available for reference at the site at all times.

Completion

5. The extraction of mineral hereby permitted shall cease no later than 31 December 2048. Thereafter the site shall be restored in accordance with the plans hereby approved and conditions imposed, on or before 31 December 2049.

Reason: To ensure the development is completed within a reasonable time period.

6. The Mineral Planning Authority shall be notified in writing of the cessation of mineral extraction within 1 month of extraction ceasing.

Reason: To ensure the development is completed within a reasonable time period.

7. In the event of quarry operations ceasing for a continuous period of 24 months for any reason prior to 31 December 2048, the Mineral Planning Authority shall be notified in writing by the site operator within one further month of the date of cessation of the site. A revised scheme for the working and restoration of the site shall be submitted to the Mineral Planning Authority within three months of the written notification by the site operator for written approval. Thereafter the development shall be carried out in complete accordance with the approved scheme.

Reason: To ensure the development is reviewed in the event of the development not continuing in the specified period of time.

Site Operations

8. The Mineral Planning Authority shall be notified in writing of the date of commencement of development and of the commencement of operations within each operational phase (Phase 1, Phase 2, Phase 3, Phase 4 and Phase 5 as shown on the Composite Working Plan, Drawing number NT12453 Plan A5-1) at least seven days prior to their commencement.

Reason: To ensure that the development is completed and the site restored within a reasonable timescale, in accordance with Policy MIN 1 and MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework

9. The site operator shall maintain a notice board at the entrance to the site indicating the name, address, email address and telephone number of a representative who would be available to deal promptly with any complaints. The notice board shall be maintained in a sound and legible condition throughout the period of working and restoration.

Reason: To assist local people in making contact with the operator.

Working hours

10. No excavation, processing or restoration operations shall be carried out except between the following hours:
- Mondays to Fridays – 07:30 to 18:00; and
 - Saturdays: 07:30 – 13:00.

With the exception of site drainage and emergency works, no operations shall be carried out on Sundays or Public Holidays.

Reason: To protect local amenity and provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

11. Heavy good vehicles shall not enter or leave the site or be loaded except between the following hours:
- Mondays to Fridays – 07:00 to 18:00; and
 - Saturdays: 07:00 – 13:00.

Reason: To protect local amenity and provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

Environmental Management Plan

12. Prior to the commencement of development, an updated Environmental Management Plan for the site approved in accordance with Condition 2 shall be submitted to and approved by the Mineral Planning Authority. This shall include, but not be limited to:
- a. Surface water management
 - b. Groundwater abstraction monitoring
 - c. Groundwater quality monitoring
 - d. Groundwater and surface water pollution prevention
 - e. Noise monitoring and management
 - f. Dust management
 - g. Traffic management, incorporating a Construction and Operational Traffic Management Plan
 - h. Lighting management
 - i. Perimeter fencing and security

j. Soil handling and management

Thereafter, the development shall be carried out in accordance with the Environmental Management Plan (including any subsequently amended versions).

Reason: To protect local amenity and in the interests of natural, built and historic environment and highway safety, in accordance with Policies MIN 1, TRA 2, WAT 1, WAT 4, WAT 5 of the Northumberland Local Plan and the National Planning Policy Framework.

13. The Environmental Management Plan for the site shall be reviewed by the developer no later than 31 March each year from the commencement of development until restoration is completed. If a revised Environmental Management Plan is required following the review process, the revised Environmental Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority for approval. The development shall thereafter take place in accordance with the revised Environmental Management Plan.

Reason: To protect local amenity and in the interests of natural, built and historic environment and highway safety, in accordance with Policies MIN 1, TRA 2, WAT 1, WAT 4, WAT 5 of the Northumberland Local Plan and the National Planning Policy Framework.

14. An annual report shall be submitted to the Mineral Planning Authority by no later than 31 March each year detailing the operational activities undertaken on the site each year. This report shall include but not be limited to:
- a. Exports from site of sand, gravel and soil;
 - b. Remaining reserves of sand and gravel and remaining quantities of topsoil and subsoil;
 - c. Details of the locations where topsoil and subsoil stripping has taken place;
 - d. Details of restoration activities undertaken, including the areas restored and the planting/seeded undertaken.

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

Highways

15. The number of laden heavy goods vehicles leaving the site shall not exceed the following:
- a. Mondays to Fridays – An average of 50 HGVs, with a maximum of 70 in any working day.
 - b. Saturdays – An average of 25 HGVs, with a maximum of 35 shall leave the site in any one working day.

The average number of loads per working day shall be calculated over a calendar year (1 January to 31 December). A record shall be kept at the site of the number of lorry loads leaving each day and of the yearly average and such record shall be made available to the Mineral Planning Authority upon request.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policy TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

16. The highway works shall be carried out in accordance with the approved plans referenced below (or as amended in consultation with Northumberland County Council Highways) and the transportation of sand, gravel and soil from the site shall not commence until the highway works have been carried out in accordance with these:
 - a. Proposed Road Widening Scheme Sheet 1 of 2, Drawing number NT15377-100, Revision A, Date 17/01/2022
 - b. Proposed Road Widening Scheme Sheet 2 of 2, Drawing number NT15377-101, Revision A, Date 17/01/2022
 - c. Proposed Road Widening Proposed Cross Sections, Drawing number NT15377-103, Revision A, Date 17/01/2022

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

17. Development shall not commence until a Construction and Operational Traffic Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The approved Construction and Operational Traffic Management Plan shall be adhered to throughout the construction and operational period. The Construction and Operational Traffic Management Plan must cover the construction of the compound area, car parking, wheel wash and groundwater lagoon as shown on the approved plan (Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021) and shall include but not be limited to:
 - a. Details of temporary traffic management measures, temporary access, routes, and vehicles;
 - b. Vehicle cleaning facilities;
 - c. The parking of vehicles of site operatives and visitors;
 - d. The loading and unloading of plant and materials;
 - e. Storage of plant and materials used in constructing the development
 - f. Details of quantities of materials (soils, sand and gravel, concrete and hard core) to be imported and exported from the site to cover the construction of the compound area, car parking area, wheel wash and groundwater lagoon as shown on the approved plan (Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021); and
 - g. A swept path analysis of construction and operational vehicles at the Bridge End Roundabout.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policy TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

18. The extraction of sand and gravel from Phase 1 of the site shall not commence until the car parking area indicated on the approved plans (Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date

08/02/2021), including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained for the duration of the development 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 Policy TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

19. The extraction of sand and gravel from Phase 1 of the site shall not commence until the cycle parking shown on the approved plans (Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021) has been implemented. Thereafter, the cycle parking shall be retained for the duration of the development 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 Policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

20. In accordance with the 'HGV Routing Plan' (Drawing number NT15377-105, dated 27 January 2022), all heavy goods vehicles leaving the site shall turn west onto the C242 Anick Road then turn north on the A6079 and onwards via the A69. All heavy goods vehicles entering the site shall travel via the A69 then south onto the A6079 and east on the C242 Anick Road and turn right into the site. A sign shall be maintained within the site directing all heavy goods vehicles to turn left onto the C242 Anick Road when exiting the site.

Reason: In the interests of maintaining highway efficiency and safety, in accordance with Policy TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

21. All vehicles will comply with the management measures as set out in the approved Environmental Management Plan as detailed in Condition 12 and Condition 13. Such measures include but are not limited to those to ensure that no mud, stone, gravel or other debris is deposited on the public highway by any vehicles associated with site operations and before leaving the site all heavy goods vehicles shall have their loads covered and have their wheels and bodies cleaned.

Reason: In the interests of maintaining highway efficiency and safety, in accordance with Policy TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

Flooding and surface water

22. The development shall be carried out in accordance with the approved flood risk assessment (Anick Grange Flood Risk Assessment, 262896-ARP-ZZ-XX-RP-CD0001, R4, 25 February 2022) and the following mitigation measures it details:
- a. Finished floor levels of the compound shall be set no lower than 33.2metres Above Ordnance Datum (AOD) as shown in 'Site

Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021'; and

- b. Flood Alleviation Bund crest shall be set to 33.2 metres above Ordnance Datum (AOD) as shown in 'Flood Alleviation Bund, Drawing number NT12453 Plan A5-13, Date 17/01/2022'.

The measures detailed above shall be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

23. Prior to the commencement of development, a scheme detailing the measures to be taken in the event of a flood, including the measures for an emergency evacuation, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter the scheme shall be implemented in full.

Reason: To reduce the risk and impact of flooding to the operational staff, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

24. All water from the site aggregate processing and washing plant shall be discharged into the lagoons shown on the approved plans (Site Compound Layout, Drawing number NT12453 Plan A5-12, Revision M, Date 08/02/2021). Silt must be removed from settlement ponds to the drying bays to avoid reducing the capacity of the settlement ponds for retaining water.

Reason: To ensure the effective disposal of surface water from the site, in accordance with Policy WAT 1 of the Northumberland Local Plan and the National Planning Policy Framework.

Ecology

25. All ecological measures and works shall be carried out in accordance with the details contained in 'Landscape and Ecological Management Plan, E3 Ecology Limited, Version R08, April 2022'. This includes, but is not limited to, mitigation measures, habitat creation, habitat enhancement (including for specific species), management work schedule, and long-term monitoring strategy.

Reason: To avoid and mitigate impacts on biodiversity, in accordance with Policy ENV 2 of the Northumberland Local Plan and Paragraph 180 of the NPPF.

26. All ecological measures as part of the off-site highways work shall be carried out in accordance with the details contained in 'Ecological Impact Assessment Road Improvements for Anick Grange, E3 Ecology Limited, Version R02, June 2022' including, but not limited to:

- a. Measures to control the spread of invasive non-native species Himalayan Balsam.
- b. A check for nesting birds by a suitably experienced ornithologist if vegetation clearance is undertaken between March and August inclusive.
- c. The provision of 4 long-lasting bat boxes and 6 long-lasting bird nest boxes to be affixed to retained trees in advance of the commencement of any tree removal.

Reason: To avoid and mitigate impacts on biodiversity, in accordance with Policy ENV 2 of the Northumberland Local Plan and Paragraph 180 of the NPPF.

27. The development hereby permitted shall be carried out in accordance with the 'Biodiversity Net Gain Assessment, E3 Ecology Limited, Version R01, August 2022' to achieve a minimum of 10% biodiversity net gain across the lifetime of the development as defined by the Environment Act 2021 and, upon final completion of site restoration the habitats shall be retained, managed and monitored for a period of no less than 30 years.

Reason: To compensate impacts and provide an enhancement for biodiversity, in accordance with the Environment Act 2021, Policy ENV 2 of the Northumberland Local Plan and Paragraph 180 of the NPPF.

28. Prior to commencement of development a Biodiversity Net Gain report shall be submitted to and approved by the Mineral Planning Authority, which thereafter shall be implemented in full. This report shall include:
 - a. Any necessary updates to the initial biodiversity assessment of the site;
 - b. A schedule of intervals throughout the life of the development upon which the biodiversity will be re-assessed;
 - c. Provision for monitoring the Biodiversity Net Gain delivery at the scheduled intervals during the operation of the site;
 - d. Provision for the submission of a report assessing and detailing the Biodiversity Net Gain achieved on the site, at the agreed intervals; and
 - e. Provision for the submission of reports, through agreed intervals, during the aftercare period to monitor and manage the biodiversity net gains.

Reason: To compensate impacts and provide an enhancement for biodiversity, in accordance with the Environment Act 2021, Policy ENV 2 of the Northumberland Local Plan and Paragraph 180 of the NPPF.

Environmental Protection

29. With the exception of soil stripping, the construction of soil storage mounds, the construction and removal of baffle mounds, and construction of new permanent landforms, noise from the development shall not exceed 55dB(A) LAeq 1hr (free field) during the working hours detailed in Conditions 10 and 11, at the locations set out below:
 - The Timbers, Anick Road
 - Anick Bank Foot, Anick Road
 - Anick View, Hexham
 - Woodland Rise, Hexham (adjacent to A695 and Laurel Road)

- Widehaugh, Hexham

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

30. Temporary operations such as soil stripping and replacement, the construction of soil storage mounds, construction of new permanent landforms and aspects of site road construction and maintenance shall not exceed a noise level of 70 dB(A)_{L_{aeq}} (1 hour) freefield for any longer than 8 weeks in any 12 month period at the locations set out below:
- The Timbers, Anick Road
 - Anick Bank Foot, Anick Road
 - Anick View, Hexham
 - Woodland Rise, Hexham (adjacent to A695 and Laurel Road)
 - Widehaugh, Hexham

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

31. Prior to the commencement of development, a scheme for noise management and monitoring, which may be included within the site Environmental Management Plan, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include (but not be limited to):
- a. The control measures to minimise noise impact;
 - b. The procedure the developer will follow in dealing with justified complaints from noise generated by the site; and
 - c. A noise monitoring programme, including the exact locations of noise monitoring points and proposed monitoring frequency.

Thereafter, the approved noise control and monitoring measures shall be implemented for the lifetime of development.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

32. Noise monitoring shall be carried out in accordance with the approved noise management and monitoring scheme as set out in the approved Environmental Management Plan. Noise monitoring shall be carried out by a competent person and the results of such monitoring shall be made available to the Mineral Planning Authority upon request within 2 working days.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

33. Prior to the commencement of development, a dust management scheme, which may be included within the site Environmental Management Plan, shall be submitted to and approved in writing by the Mineral Planning Authority. The dust management scheme shall include measures for the control and reduction of dust emissions associated with the operation of the quarry which are likely to generate dust and the procedure for dealing with complaints of dust by any nearby receptors. Thereafter the approved dust management scheme shall be implemented for the lifetime of the development.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against dust, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

34. Prior to the commencement of development, a lighting scheme, which may be included within the site Environmental Management Plan, shall be submitted to and approved in writing by the Mineral Planning Authority. This scheme shall detail the lighting to be used on site to demonstrate compliance with the pre and post curfew Lux levels for Environmental Zone E3 (Suburban), as defined in the Institute of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light 2021 (GN01-21). The approved scheme shall be implemented in full.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against artificial light, in accordance with Policy POL 2 and Policy MIN 1 of the Northumberland Local Plan and the National Planning Policy Framework.

35. If during redevelopment contamination not previously considered is identified, then an additional written method statement regarding this material shall be submitted to and approved in writing by the Mineral Planning Authority. No extraction within the area containing the contamination shall be carried out until a method statement has been submitted to and approved in writing by the Mineral Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

Soil Stripping, Handling and Storage

36. Prior to the commencement of development, a soil handling and management scheme, which may be included within the site Environmental Management Plan, shall be submitted to and approved in writing by the Mineral Planning Authority. The soil handling and management scheme shall include details of the proposed soil stripping, handling, storage and replacement methods to be used. Thereafter the method of soil stripping, handling storage, and respreading shall only be undertaken in accordance with the approved scheme.

Reason: To ensure soils are managed appropriately, in accordance with Policies MIN 1 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

37. The Mineral Planning Authority shall be given at least two working days' notice in writing (excluding Sundays and Bank or other public holidays), of any intended individual phase of topsoil or subsoil stripping.

Reason: To ensure soils are managed appropriately, in accordance with Policies MIN 1 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

38. No plant or vehicle shall cross any areas of unstripped topsoil except for the purpose of stripping operations.

Reason: To ensure soils are managed appropriately, in accordance with Policies MIN 1 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

39. The stripping and movement of soils shall only be carried out under sufficiently dry and friable conditions. The respreading of topsoil shall only be carried out when the materials and the ground onto which it is to be placed are in a dry and friable condition.

Reason: To ensure soils are managed appropriately, in accordance with Policies MIN 1 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

40. Once formed, all mounds in which soils are to be stored for more than 6 months, or over the winter period shall be grass seeded in accordance with a specification to be provided in the soil scheme detailed in Condition 36, to minimise erosion and such mounds shall be kept free of weeds. Should any soil mound fail to develop an adequate grass sward, the mound shall be reseeded to a specification and timescale agreed in writing with the Mineral Planning Authority.

Reason: To ensure soils are managed appropriately, in accordance with Policies MIN 1 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

41. Prior to the commencement of the spreading of topsoil on the 'north east field' (as shown on Composite Working Plan, Drawing number NT12453 Plan A5-1, Revision A, Date 05/05/2021), a detailed scheme for the placement of soil on this area shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include, but not be limited to:
- a. The final contours (at 2 metre intervals) for this parcel of land, indicating how such contours tie in with the existing contours on adjacent land;
 - b. the depth of topsoil placement (to be a minimum depth of 300mm); and
 - c. handling and replacement methods.

Thereafter, the spreading of soils on the 'North East Field' shall be carried out in accordance with the approved scheme.

Reason: In the interest of the proper working of the site, in accordance with Policies MIN 1 and MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework.

Restoration

42. Within six months of restoration being completed within either Phase 1, Phase 2, Phase 3, Phase 4 or Phase 5 as shown on the approved plans (see Composite Working Plan, Drawing number NT12453 Plan A5-1, Revision A, Date 05/05/2021), a report detailing the restoration activities and on-going management in the completed Phase, in conjunction with a report on the proposed restoration activities and on-going management in the subsequent Phase, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the restoration activities shall be carried out in accordance with the approved scheme.

Reason: In the interest of the proper phased restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework.

43. Within 3 months of the completion of restoration, the developer shall provide the Mineral Planning Authority with a plan with contours at sufficient intervals to indicate the final restored landform of the site.

Reason: In the interest of the proper restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework.

Aftercare

44. Six months after completion of restoration in each Phase (see Composite Working Plan, Drawing number NT12453 Plan A5-1, Revision A, Date 05/05/2021), a strategy for the aftercare of each Phase shall be submitted to and approved in writing by the Mineral Planning Authority. The strategy shall identify the measures, with timescales, to be taken during the aftercare period.

Reason: In the interest of the proper restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework.

45. The whole site shall be put under effective after-care management following the completion of restoration. The period of after-care shall extend for a minimum of 30 years effective management in accordance with Condition 27, from the date of final restoration, unless it is agreed that a five year minimum effective management is appropriate for identified areas in the site. A plan shall be submitted and agreed in writing with the Mineral Planning Authority identifying the areas on the site subject to the 5 and 30 year aftercare.

Reason: In the interest of the proper restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework and the Environment Act 2021.

46. Before 31 March, or such other date approved in writing by the Mineral Planning Authority, of every year during the after-care period, a report shall be submitted by the developer to the Mineral Planning Authority recording the operations carried out on the land since the date of restoration, or previous after-care meeting, and setting out the intended operations for the next 12 months.

Reason: In the interest of the proper restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework

47. Before 31 May, or such other date approved in writing by the Mineral Planning Authority, of every year during the aftercare period, the developer shall arrange to attend a site meeting with the Mineral Planning Authority on a mutually agreed date to discuss the report prepared in accordance with Condition 46, and to which the following parties shall also be invited:
- a. All owners of land within the site;
 - b. All occupiers of land within the site; and
 - c. Representatives of other statutory bodies as appropriate.

The developer shall arrange additional aftercare meetings as required by the Mineral Planning Authority.

Reason: In the interest of the proper restoration and aftercare of the site, in accordance with Policy MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework

Informatives:

Highways

S38/S278 Agreement - Highway works

You are advised that offsite highway works required in connection with this permission will require an agreement under Section 38 and Section 278 of the Highway Act 1980. These works should be carried out prior to commencement of the development. All such works will be undertaken under the supervision of the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

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

Storage of 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.

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.

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.

Section 59 Agreement - Extraordinary Expenses

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the Section 59 Agreement of the Highway Act 1980 relating to extraordinary expenses

Ecology

Invasive non-native species

The applicant is reminded that Himalayan Balsam, which was noted to be present around the Cygnet hospital entrance and along the banks of the River Tyne, is listed on Schedule 9 of The Wildlife and Countryside Act (1981 as amended) making it an offence to "introduce plant or cause to grow wild" these species.

Steps should be taken to prevent further spread of the plant which would have a negative impact on biodiversity. Contractors should be aware of the potential to spread invasive non-native plant species either from or onto the site and take appropriate biosecurity measures to avoid this, guidance on what to do can be found here <https://www.nonnativespecies.org/what-can-i-do/training/site-workers/>.

Ecological Clerk of Works

It is recommended that ecological expertise is contracted on site during works to assist those implementing the development to comply with statutory requirements and planning conditions. An Ecological Clerk of Works can assist with on-site monitoring, advice and reporting of activities and operations that have potential to impact biodiversity.

Environmental Health

Dust Management

It would be expected that a dust management plan will be required by condition to identify the risks of dust from demolition and construction and how it will be controlled. Dust minimisation and control shall have regards to guidance such as

The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at: <http://iaqm.co.uk/guidance/>

Additionally, the Mayor of London's office has produced robust supplementary guidance document entitled "The Control of Dust and Emissions During Construction

and Demolition” which is available at: <https://www.london.gov.uk/what-we-do/planning/implementing-londonplan/supplementary-planning-guidance/control-dust-and>

Environmental Permitting

Any mobile plant; crushers or screens may require appropriate environmental permits under The Environmental Permitting (England and Wales) Regulations 2016 (as amended). However, sand and gravel are not “designated materials” within the legislation/guidance and plant associated with the processing of these minerals do not require specific environmental permits to process these minerals.

Fuel Storage

If there is to be any onsite storage of fuels or oils, they should be stored following appropriate guidance and bunded to 110 percent of capacity. The legislation covering the onsite storage of fuels or oils is The Control of Pollution (Oil Storage) (England) Regulations 2001 which is regulated by the Environment Agency. Procedures should be in place for dealing with catastrophic spillages of any liquids which may have an impact upon land contamination and / or aquifers.

Artificial Lighting

The applicant should abide by the Institute of Lighting Professional’s Guidance Note 1 for the reduction of obtrusive light 2021 (GN01:2011): <https://www.theilp.org.uk/documents/obtrusive-light/>

The Public Health Protection Unit would determine this receptors impacted by any site operations as falling within Environmental Zone E3 (suburban) and consequently meet the limits in the guidance for sky glow (ULR) and pre & post-curfew light intrusion (lux) at the nearest residential receptors.

Watercourses

The culverting of any watercourse or alternations of any existing culverted watercourse will require the prior written consent of Northumberland County Council, under the Land Drainage Act (1991). Please contact the FCERM team (fcerm@northumberland.gov.uk) for further information.

Date of Report: 19 October 2022

Background Papers: Planning application file(s) 21/02505/CCMEIA

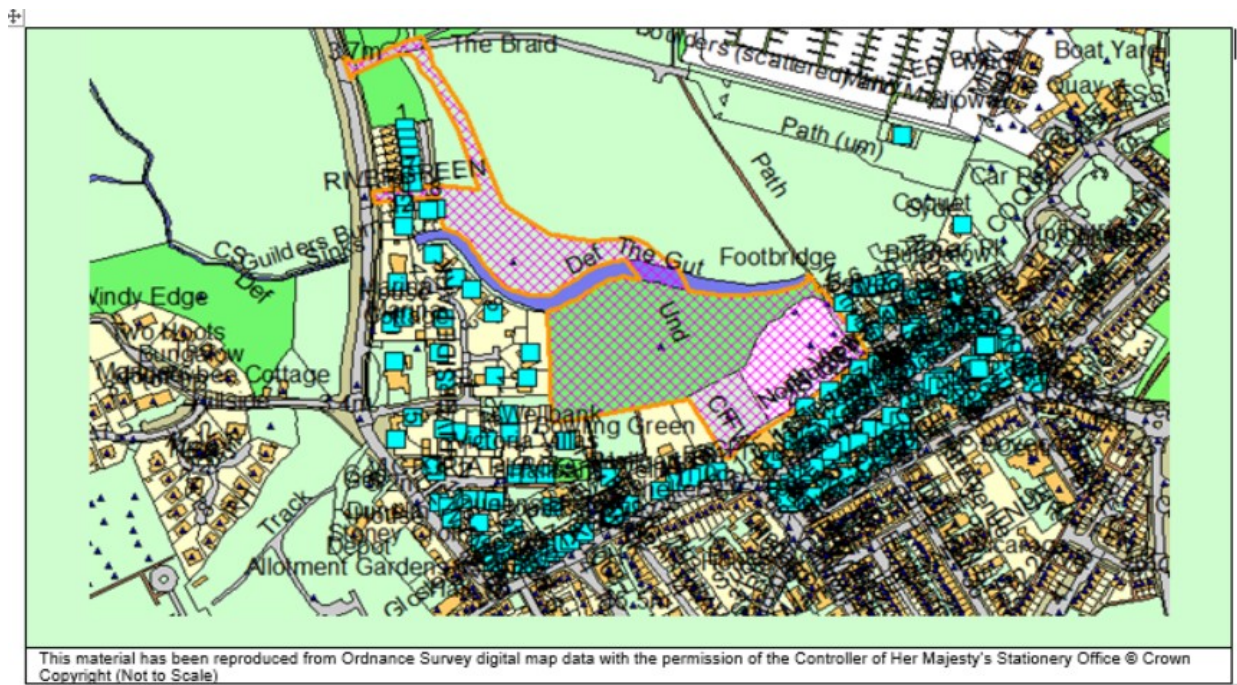
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**Northumberland
County Council**

Application No:	22/01051/FUL		
Proposal:	Development of Independent Support Living Apartments (59no.) (Use Class C2), residential apartments (35no.) (Use Class C3), and housing (10no.) (Use Class C3), including enabling works, associated access, landscaping, infrastructure and all ancillary works.		
Site Address	Land North East Of Riverside Park, Rivergreen, Amble, Northumberland		
Applicant:	Mr Guy Munden Quayside House, 110 Quayside, Newcastle, NE1 3DX	Agent:	None
Ward	Amble West With Warkworth	Parish	Warkworth
Valid Date:	22 March 2022	Expiry Date:	30 December 2022
Case Officer Details:	Name: Mrs Christina Dowling Job Title: Senior Planning Officer Tel No: 07752783678 Email: Christina.Dowling@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 This application is being referred to Strategic Planning Committee for a decision due to the scale of development proposed and because it is the subject of a significant level of public interest.

2. Description of the Application Site & Proposal

2.1 This major full planning application is for a mixed residential development comprising 59no. Independent Support Living Apartments with associated communal and staff facilities (Use Class C2 – Residential Institution), 35no. residential apartments (Use Class C3 - Dwelling Houses), and 10no. houses (Use Class C3 - Dwelling Houses), including enabling works, associated access, landscaping, infrastructure and all ancillary works, on land north of Queen Street and east of Rivergreen and Riverside Park in Amble.

2.2 The applicant's Design and Access Statement states that the development "consists of several building types to create a Lifetime Neighbourhood."

2.3 The application has been amended since it was first submitted, to remove part of the third storey of the Independent Support Living Apartments Block and removing balconies from the western elevation facing Riverside Park. The amended scheme also increases the number of apartments within the block from 48no. to 59no. and reduces the number of bedrooms within many of the apartments from two bedrooms to one bedroom.

2.4 The proposed "Lifetime Neighbourhood" development comprises four main elements, namely:

- A block of 59no. Independent Support Living Apartments with associated communal and staff facilities (Use Class C2 – Residential Institutions);
- 35no. residential apartments (within four separate blocks) and 10no. houses (Use Class C3 – Dwelling Houses);
- Vehicular access through the residential street of Rivergreen onto the open space known as The Braid; and
- A continuation of the vehicular access across the Braid to serve the proposed development.

Independent Support Living Apartments (Use Class C2)

2.5 The single block of 59no. Independent Support Living Apartments with associated communal and staff facilities (Use Class C2) would be located on the south-western part of the application site. It would comprise a relatively large U-shaped building, with the western wing being shorter in length than the eastern wing. The building would be partly three storey and partly two storey in height. It would provide a total of 49no. 1-bedroom apartments and 10no. 2-bedroom apartments. A lounge, reception, office, two meeting/office rooms and a staff rest room would also be provided on the ground floor. The applicant's Design and Access Statement states that the Independent Support Living Block would include staff facilities to provide care as required.

2.6 The proposed three storey element on the eastern side of the building would have a height of approximately 13.9 metres and the two storey element on the western side of the building would have a height of approximately 10.2 metres. The block would have a length of approximately 71.5 metres (with the rear elevation facing towards the bowling green and the residential property of Wellbank). The western wing (facing the residential properties of Riverside Park) would have a length of approximately 42 metres. The eastern wing, facing towards one of the

proposed apartment blocks, would have a length of approximately width of 50.0 metres.

2.7 There would be a 42 space car park (including 2no. Disabled bays) to the north of the Independent Supported Living Block.

Residential Dwellings (Use Class C3)

2.8 The proposed 35no. residential apartments and 10no. houses (Use Class C3) would be located on the south-eastern part of the application site. They would comprise 1no. three storey and 3no. two storey residential apartment blocks providing 35no. 2-bed apartments (5 of which are proposed to be for affordable home ownership as DMV or shared ownership), together with 10no. two storey 2-bedroom houses (4 semi-detached and 6 terraced).

Vehicular access through the residential street of Rivergreen

2.9 Vehicular access to the proposed development would be taken from the main road (A1068) through the existing residential cul-de-sac of Rivergreen, to the northwest of the proposed residential development and then onto the area of open space known as The Braid further to the east.

A continuation of the vehicular access across the Braid to serve the proposed development

2.10 The proposed vehicular access through Rivergreen would continue southeast across the open space known as The Braid, before turning south across a small stream known as The Gut (which would be culverted) and into the residential development site. The vehicular access would be a private road and would have a length of approximately 260 metres.

2.11 In addition, construction traffic would utilise the existing road leading from the A1060 towards Amble Marina, and a new temporary haul road for construction traffic would be provided from a point opposite the existing public car park access. This temporary access road would continue east across The Braid, joining up with the proposed permanent vehicular access road further east.

2.12 Emergency pedestrian and vehicular access would be provided from Queen Street via North Street, to the east of the application site.

2.13 The application site is located on largely vacant land to the north of Queen Street and High Street, and east of Rivergreen and Riverside Park.

2.14 The application site comprises 3.4681ha of largely previously-undeveloped greenfield land on the northern edge of the town centre and south-west of Amble Marina but with some previously-developed brownfield land to the south-east corner to the north of Queen Street.

2.15 Notwithstanding the proposed vehicular access, the residential development itself would be wholly to the southern side of The Gut, between it and the town centre, which covers approximately 2.25ha and appears to be covered by a mix of scrubland vegetation.

2.16 The new access road is proposed to cross The Gut from the grassland on the northern side, which is criss-crossed by various footpaths/tracks and with some mature trees alongside the Amble Marina access road at the northern end of the site.

2.17 The site is located primarily within Flood Zone 3, with a smaller area within Flood Zone 2.

2.18 Two SuDS ponds are indicated to the southern side of The Gut either side of the access road.

2.19 Residential properties bound the western side of the site with open vistas across the site towards the marina, with a bowling green and mix of residential and properties of Amble town centre to the south, and residential properties on North Street/Turner Street to the south-east corner. The land to the east and north of the site is similarly open grassland, with the marina and yacht club beyond.

3. Planning History

Reference Number: 13/00923/VARYCO

Description: Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation - application A/2010/0523

Status: Permitted

Reference Number: A/79/A/111

Description: Caravan site

Status: Permitted

Reference Number: A/2010/0523

Description: Minor material amendment to A/2008/0002: amendment to site layout plan AL (9) 04 Ref A

Status: Permitted

Reference Number: A/2010/0522

Description: Reserved matter: Construction of food retail supermarket-consideration of appearance and scale (outline reference A/2010/0523)

Status: Permitted

Reference Number: A/2008/0002

Description: OUTLINE PLANNING PERMISSION WITH RESERVED MATTERS (ACCESS, LANDSCAPING AND LAYOUT) - change of use of land and development of a 2,787sqm food retail supermarket (A1) with associated service yard area, 204 car parking spaces, 46 residential units (C3) with associated car parking, with full details of new access road across the Braid.

Status: Permitted

4. Consultee Responses

Amble Town Council	The application should be refused due to lack of information on matters such a drainage and flood risk, ecology, impact on AONB and Heritage Coast.
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	<p>It should also be refused on grounds of mass, density, and adverse impacts on surroundings.</p> <p>Full details are provided below</p>
Amble Town Council Amended Proposals	<p>Objection remains.</p> <p>Full details are provided below</p>
Warkworth Parish Council	<p>The Parish Council objects to the application due to safety concerns about the creation of another junction on a dangerous and busy stretch of road.</p>
Environment Agency	<p>Object</p> <ol style="list-style-type: none"> 1. Insufficient information has been submitted to assess the risks posed by this activity on fisheries, ecology and physical habitats; and 2. Absence of a Water Framework Directive <p><i>Ecology</i> Insufficient information has been provided to assess the risks posed by this activity on fisheries, ecology and physical habitats. To overcome our objection, the applicant will need to carry out and submit a comprehensive ecological impact assessment.</p> <p><i>Water Framework Directive</i> The applicant has failed to submit a Water Framework Directive (WFD) assessment. The proposed development is situated in the Coquet Estuary transitional waterbody, which is failing under the Water Framework Directive and has classification of 'Moderate'. A WFD assessment is required in order to ensure that the proposed development is compliant with the WFD and Northumbria River Basin Management Plan.</p> <p>Advice given on sequential test and exception test.</p>
Environment Agency Amended Proposals	<p>We OBJECT to the proposed development for the following reasons:</p> <ol style="list-style-type: none"> 1. Absence of a Water Framework Directive Assessment. 2. Inadequate Flood Risk Assessment. <p>They recommend that planning permission is refused.</p>
Lead Local Flood Authority	<p>We object to the application on flood risk and drainage grounds. The flood risk assessment and drainage strategy need to look at the following areas in more detail: Groundwater flood risk, Ground Raising, Surface Water Disposal Scheme, Outfall Details and Levels, Microdrainage Calculations, Permeable Paving, Crossing over the Gut</p>
Lead Local Flood Authority Amended Proposals	<p>We maintain our objection to the application on flood risk and drainage grounds. The flood risk assessment and drainage strategy need to look at the following areas in more detail: Surface water disposal, Use of SuDS, Western swale, Eastern basin, Interaction with existing combined sewer through site, Pipe details through permeable paving, Outfall Details and Levels, Climate change allowances, Impermeable area drawing, Microdrainage calculations – tide locking, Attenuation</p>

	storage, Culvert in The Gut, Lifetime of development, Water Quality
NCC Ecology	Holding objection. There is insufficient information to provide a full response at this time. The LPA will need to carry out a Habitat Regulations Assessment. This cannot be undertaken until all of the ecological information is available.
NCC Ecology Amended Proposals	<p>No objection subject to conditions and contribution to the Coastal Mitigation Service (£63,9600)</p> <p>The LPA has undertaken a Habitat Regulations Appropriate Assessment and subject to the requirement for a Construction Environmental Management Plan, has been able to rule out adverse effects on Habitat Sites.</p> <p>The development should provide a net gain for biodiversity which can be achieved through the provision of on and off-site habitat creation and enhancement as well as habitat features in and around the new buildings.</p>
Natural England	<p>Further information is required to determine impacts on designated sites.</p> <p>As submitted, the application could have potential significant effects on Northumbria Coast Special Protection Area (SPA), Northumbria Coast Ramsar, Northumberland Shore Site of Special Scientific Interest (SSSI) and Warkworth Dunes and Saltmarsh SSSI.</p> <p>Further information required in order to determine the significance of these impacts and the scope for mitigation. An Ecological Assessment with fully reported additional bird surveys and a completed final assessment and a Habitats Regulations Assessment are required. Without this information, Natural England may need to object to the proposal.</p>
Natural England Amended Proposals	<p>Designated Sites (European) - No Objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European Sites).</p> <p>Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.</p>
Northumberland Wildlife Trust	Holding objection - pending results of surveys for breeding and wintering birds and bats. When these surveys become

	available and we are able to make an accurate assessment of the impacts this development may have on biodiversity.
Northumberland Wildlife Trust Amended Proposals	We would like to retain our holding objection, based on the disruption of The Braid, impact on statutory designated sites and Local Sites, effects on barn owls and effects on bats.
Building Conservation	<p>The site includes part of the Amble Conservation Area north of the rear lane to Queen Street. The remainder of the site has the potential to impact on the character or appearance of the Amble Conservation Area and the designated heritage assets therein through significant development affecting setting.</p> <p>To conclude, we consider there would be some loss of definition of the significant roofscape of the Amble Conservation Area. The development would give rise to “less than substantial harm” within the terms of the Framework (lower end).</p>
Building Conservation (Amended Proposals)	The scheme has been revised regarding the Independent Supported Living Block (ISBL). Overall, the changes to the ISBL remain within the dimensions of the earlier design such that the impacts on heritage we identified in our earlier comments remain unchanged. We maintain our position as stated above, as Less than substantial harm (toward the lower end).
County Archaeologist	The risk of significant unrecorded archaeological remains being damaged or disturbed by the proposed development is low. There are no objections to the proposed development on archaeological grounds. No archaeological work is recommended.
Northumberland Coast AONB Partnership	The AONB Partnership is supportive of the development of land to the south of The Gut. However, concerns are raised over the access proposed that will divide The Braid, plus comment is made on the impact of the development on the Amble Conservation Area.
Northumberland Coast AONB Partnership Amended Proposals	No further comment to make to those submitted
Fire & Rescue Service	No objection in principle to the above proposals. More detailed comment can be given once plans of the development have been finalised.
Public Rights of Way Officer	Parish of Amble Public Footpath No 12 & No 13 passes adjacent to the east of the applications red line site boundary. No objection on the condition that the Public Footpaths are protected throughout. No action should be taken to disturb the path surface, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
Highways Development Management	Additional details/plans are required prior to HDM providing a positive recommendation for the scheme, including a fully scoped Transport Assessment, extent drawings showing principal locations for offsite highway works, EV charging

	provision, cycle parking details, vehicle swept path analysis of the site (11.6m vehicle) and visibility splays showing no obstructions to sight line exceeding 1m in height.
Highways Development Management Amended Proposals	<p>It is considered that this development will not have a severe impact on highway safety, and there are no objections in principle of residential development on this site.</p> <p>It is considered that the proposal is in accordance with the NPPF in highways terms, and the principle of development acceptable, subject to conditions and informatives.</p>
NHS North East and Cumbria ICB	A single payment of £48,300 is required from the developer as a Section 106 contribution to allow a smooth implementation of the required surgery capacity expansion, and this should be on completion of the first dwelling to ensure the new health capacity is in place as the apartments are occupied.
The Coal Authority	<p>The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.</p> <p>No objection subject to conditions.</p>
Public Protection	<p>Object - do not agree with Phase 1 Desk Study. Need revised/additional information, including an assessment / interpretation of all areas of the site as existing in 2022, a review of the pre conceptual site model to reflect the clear need for further Phase II works given the known sources of contamination and known uncertainties, a clear proposal for Phase II works which recognises the sensitive end - use of the site as proposed and includes the full site extent.</p> <p>The Noise Impact Assessment has been reviewed and noise is not a reason to object to this application</p>
Public Protection Amended Proposals	No objection subject to conditions.
Education - Schools	Under the Council's calculation method for assessing the impact on SEND educational infrastructure, the number of dwellings proposed in this development would have an impact on SEND educational infrastructure as a result of 1 student yielded from the development a contribution of £99,000 would be requested should this development be approved.
Northumbrian Water Ltd	The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development to be able to assess our capacity to treat the flows from the development. The rising main from the foul package pumping station discharging into NWL's existing rising/pressure main running through the site is not acceptable. Condition requested regarding submission of a detailed

	scheme for the disposal of foul and surface water from the development.
Architectural Liaison Officer - Police	Advice relating to boundary treatments and lighting are provided. We would recommend and encourage the applicant progresses a Secured by Design Accreditation for this development.
Architectural Liaison Officer – Police Amended Proposals	Nothing further to add to previous comments
Adult Services NCC	<p>Adult Social Services are in support of the application to provide specifically designed, age appropriate accommodation to meet the care and support needs of older people. The increasing ageing population and lack of appropriate housing for people in later life means there is demand for appropriately designed homes for older people in Northumberland.</p> <p>Northumberland has an increasingly ageing population and while there has been significant development over the past 5 – 10 years in Amble, none of the homes have been specifically designed to meet the needs of older people. There are outstanding planning permissions but these would not meet the needs of an ageing population, nor facilitate accommodation that will meet changing needs over time.</p> <p>Adult Social Services have worked with the applicant to ensure the properties are designed to meet the needs of older people with care and support needs and will be attractive to people living in more rural areas where it is difficult to provide care and support.</p>
Adult Services NCC Amended proposals	No further comments received
Strategic Estates	No response received.
Waste Management - North	No response received.
Open Spaces - North Area	No response received
Climate Change Team	No response received

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	263
Number of Objections	190
Number of Support	12
Number of General Comments	4

Notices

Major, affecting LB & PROW 20th September 2022

Northumberland Gazette 8th September 2022

Summary of Responses:

Amble Town Council (Original Proposals)

5.2 The application should be refused due to lack of information on matters such as drainage and flood risk, ecology, impact on AONB and Heritage Coast.

5.3 It should also be refused on grounds of mass, density, and adverse impacts on surroundings.

5.4 Whilst Amble Town Council are not opposed to some development in this location, Amble already has planning permission granted for many more residential properties than were originally designated in NCC policies.

5.5 Northumberland Estates clearly show throughout their documentation that they have designed the independent supported living accommodation as a complex primarily for older people who can remain within this site as they age and perhaps become infirm. [Yet nowhere do they state they will restrict purchase to this type of client]

5.6 There is an awareness that Amble lacks smaller size accommodation for an ageing population and this concept of smaller properties and supported living accommodation could be most welcome especially if a percentage was designated for those already in the community, is this amount of apartments in this location and on a flood plain the right accommodation for this category of people? Certainly three stories high for supported living is far from an ideal prospect.

5.7 Any development should not have an adverse effect upon the character and appearance of its surroundings. The design of this estate does not reflect the character of the conservation area which it adjoins. The design does not reflect the open fronted aspect of the conservation area properties and whilst the streetscape elevation gives an impression of the conservation area roof-line considered in relation to the three storey block, there is little leeway should ground levels be raised.

5.8 Documentation also states that the visual effect on residents to the South and West will be substantial and significant. Yet this appears to have been ignored when considering the final site layout; further consideration should be given to a reduction in the height of the supported living block or a re-orientation of it to minimise this acknowledged effect.

5.9 The extremely small number of affordable properties here does very little to help Amble Town, these should be increased to a minimum percentage of all the residences including the supported living as these are still independent apartments

5.10 The design and location of the properties would appear to lend themselves to those in higher income brackets or those looking for second homes or holiday lets.

To allay these fears, Northumberland Estates should be encouraged to accept a main residence condition for all the properties.

5.11 If the development's purpose is to focus on the ageing population then it is perverse to suggest less car parking is required. Whilst it is hoped that healthy lifestyles will begin to influence people to walk or cycle more, it is highly likely that each of these properties will have access to a vehicle and therefore more car parking is needed. The open aspect of the parking will also lend itself to abuse by the general public whether intentional or not and whilst it is important that adequate numbers of spaces are incorporated, some means of restricted access should be imposed.

5.12 It is acknowledged that North Street will have significant pedestrian improvements made to it which will be beneficial to walkers and cyclists alike. However, whilst the open plan aspect of the scheme and car parking may seem desirable, it can also lend itself to unwanted anti-social behaviour. The footpaths may be extensively used by those accessing part of the Braid and also forming a shortcut to the A1068 river walk, and so there will be little privacy and security for residents. The mostly open grass land with shrub screening does 'tidy up' the brownfield site, but the proposed stepping stones, willow arbours etc. also lends itself to anti-social behaviour unless these are well lit and maintained. All the landscaping including the pond, seating etc. requires a resident's maintenance scheme to ensure it is kept to a high standard as its open aspect makes it very visible to general public view.

5.13 A new noise level assessment is needed as the recordings carried out in mid November when the surrounding 'businesses' are in a state of lull is not giving a true reflection.

5.14 Before any work is undertaken there must be detailed contamination studies carried out and all mitigation elements strictly implemented and adhered to.

5.15 Part of the development area is on a flood plain and building on such an area is often discouraged. The density should be adjusted downwards to alleviate some of the possible concerns associated with older occupiers residing on a potential flood plan.

5.16 The proposed remedial measures will only serve to raise the heights and create an even greater impact on the surrounding areas and those properties in closer proximity who will be even more overshadowed and overlooked with the subsequent lack of privacy and enjoyment of their own environment.

5.17 These remedial methods will result in lots of ground earth movement and it will mean the leading in of vast volumes of materials with the ensuing noise and dust involved in these movements.

5.18 The Development Site Enabling Works state HGV movement of 3 return journeys per hour of each 8 hour working day; that is 24 trips per day for 2 months or more or 1 every ten minutes! This is between 15-20 metres from homes. There will be a severe detrimental effect on adjacent residents' mental and physical well-being and enjoyment of their environment for some considerable time. The actual construction phase is expected to then take a further two years where again there

will be many journeys for the required materials. All this will also have a massive impact on those using the Braid area for quiet recreation.

5.19 Will there be mitigation for the effect upon the line of the Guilder's Burn and its flow to the outlet? In the past there have been considerable problems of flooding associated with this outlet which is currently already being expected to take extra capacity from new build properties to the west of the town. How will the effect of even more input be handled to ease the risk of flooding not only for these properties but also those at Riverside Park and possibly Rivergreen?

5.20 If permitted, substantial S106 contributions are needed particularly in relation to Health, and Recreation and Leisure Facilities in Amble parish. If as is indicated by this supported living unit application, the population will be expanded by an influx of more older people, this will put an even greater strain on our existing health centre capacity. Extra recreation and leisure facilities will also be needed to maintain the good health and welfare of the other residents.

5.21 Access to this site is extremely difficult and there have been other suggestions brought forward. North Street is too narrow and totally unsuitable for construction traffic especially on a National Cycle route and Right of Way. Behind Belvedere Court but where would a suitable entry/exit be with the narrowness of the streets. Access off High Street behind the Co-op Car Park has been deemed unsuitable particularly due to the terrain at that part of the site.

5.22 Riverside Park - similar to the space at Rivergreen with the associated disruption would create a vastly increased volume of traffic onto the A1068 at the bottom of the Wynd which several new properties already feed onto. Although necessitating a complete redesign of the site, this would contain the access road within the development area, alleviate some of the overlooking element to adjacent properties and possibly place those less mobile residents nearer to the shopping area. The private road, being narrower than NCC Highways, would also have a natural speed/traffic calming effect. Placing a roundabout at the connection to the A1068 would ease congestion problems and also limit the rate at which vehicles enter and leave the town due to the reduced speed required to negotiate it. Residents of the whole facility would have immediate access to the already designated bus stops on the A1068.

5.23 Yet Northumberland Estates feel they have the solution via Rivergreen. At this point there is no room to make greater cycle connectivity which current schemes must incorporate.

Using this area may create problems too for any vehicles requiring that space to turn.

5.24 Access would be onto the A1068, which is busy.

5.25 The application states that the number of vehicle movements would have 'no discernible impact on the operation of the existing highway'. However, this is disputed. If this was deemed an acceptable entrance some major highway restructuring would be required, but this may affect trees.

5.26 If permitted this access would run alongside the open Braid area and would require at the bare minimum screening and some form of barrier to protect children who regularly run and play here.

5.27 Their suggested temporary access road would result in a high volume of construction traffic on this busy access to the Braid and a parking area. There is currently no safe pedestrian way at this entrance and this increased volume of traffic will be a major safety hazard to any walker using it. At times there would be a significant impact on the Highway with vehicles queuing to enter and leave.

5.28 Tree 52 - at the proposed new junction for the temporary access, is to be removed; this must be retained as it is a commemorative oak planted to mark the construction of Amble Marina.

Amble Town Council (Amended Proposals)

5.29 Objection remains. Despite the amendments made in this revised application, all previous comments remain valid and should be taken into consideration.

5.30 The applicant has made some attempt to reduce the height and overlooking aspect of the supported living block but this is insufficient to negate previous comments. Indeed the plans as amended with the reduction in landscaping and removal of a path now move the residential blocks closer to neighbouring properties so enhancing the lack of privacy and increasing the chance of being overlooked.

5.31 The slight reduction in the footprint does not alleviate the concerns of the overall oppressive density of the accommodation on the site. The additional units are again accompanied by less than 1 per unit parking space therefore only serving to increase the previous concerns over less than adequate number of parking spaces.

5.32 Suggest a condition that prospective buyers should already have a minimum length of residency within the county, or a familial connection to it, thereby helping to assuage some of the concerns over these becoming second homes/holiday lets.

Warkworth Parish Council

5.33 The Parish Council OBJECTS to the application due to safety concerns about the creation of another junction on a dangerous and busy stretch of road.

5.34 A summary of the comments received from both objectors and supporters is as follows:

Comments - Objections

5.35 In total there were 217 objections comments regarding this proposal. Objections include the following issues:

Principle of development – not required

5.36 Residents do not consider there to be a need for more residential development in Amble. There is plentiful supply of housing land, and therefore the Local Plan makes no further allocation in Amble. There is no need for this site be developed for housing.

5.37 The applicant has stated that the original 'Tesco' consent of July 2009, renewed in May 2015 but lapsed in May 2018, establishes the principle of development on the

site, including the access road across The Braid. However, the local authority's original grounds for approval were that the Alnwick Local Development Framework identified Amble as being suitable for a 3,000 sq m retail development. This has now been met on the south side of town and the site is no longer required for this purpose. The principle of development on the site is not accepted.

5.38 Since the original 'Tesco' consent planning permissions have now been granted for over 1,000 dwellings in Amble: additional housing land is not required.

5.39 There is a requirement that development should be located in areas which are least vulnerable to climatic impacts such as flooding and rising sea levels. Planning consents have been granted for over 1,000 dwellings on the south side of Amble and new housing does not therefore need to be located on Braid Hill which is a designated flood risk area.

5.40 Government advice say inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Building land is abundant in Amble so it cannot be argued that the proposal is necessary

Loss of Open Space/Impact on The Braid

5.41 A major concern is the impact of the proposed vehicular access road and construction road on the area of open space known as The Braid.

5.42 Visually the new road will introduce development into an area of undeveloped land which serves as a much-used greenspace and which is highly valued in the town. Visual impacts will reduce the quality of the space and have an urbanising effect on the open space to the detriment of the character and appearance of the area. The introduction of the road will sever parts of the open space from each other and will mean that users of the open space will face increased danger from traffic accessing the site and it will present an increasing level of vehicular traffic into an area which is absent of this at present.

5.43 The Local Plan requires that trees, green and blue infrastructure, and soft landscape of amenity value, be retained where appropriate. The Braid is a long-standing public open space created over 40 years ago. It is not appropriate that it should be used as a vehicular highway, nor that The Gut be partly infilled.

5.44 The Local Plan states that the loss of open spaces, as defined in the policies map (ie the designated Protected Open Space of the Village Green), or other existing open space (ie the rest of The Braid), will not be supported unless it is surplus to requirements or can be replaced elsewhere. The whole of The Braid is an area of reclaimed land which the Council restored for public open space and recreational use in the 1970s. The Braid has an established use as public open space, having been used and maintained as such for some 40 years. The current Village Green status, established in 2009 was limited to the eastern 2/3 of The Braid land due to the ongoing planning context which blocked wider consideration at the time. However, this created an artificial boundary unrelated to the reality on the ground. The proposed use of part of The Braid (about 1 ha) for disruptive road works

will therefore remove part of this established facility and will result in the significant erosion of a unique asset which cannot be replaced elsewhere.

5.45 The proposed access and construction roads will fragment the Braid, making a large portion effectively inaccessible so significantly impacting safe use, reducing amenity value damaging the habitat for both flora and fauna. The Braid was, is and should remain protected public open space, regardless of ownership

5.46 The Braid is well used by dog walkers and other individuals, including those using disability scooters, making use of the open and peaceful space in a way which is so important for connecting to nature and maintaining mental health. Many homes in Amble do not have gardens and not everyone has access to cars so The Braid offers an area to roam safely and without restraint.

5.47 The Braid, through decades of re-wilding, is a unique, irreplaceable, space in the environs of Amble and Warkworth but, if construction and access roads are put across it, its relaxing qualities will dissipate as people have to contend with the traffic and the noise and pollution which it generates.

5.48 The Braid has traditionally been used for community events.

5.49 Although Northumberland Estates has ownership of this strip of land it is an extension of the village green area. With common vegetation, there are no distinctive features which identify where Northumberland Estate's land ends and the village green begins, and the various paths which crisscross The Braid merge seamlessly between the two areas. These same paths are maintained by Northumberland County Council as a whole to enable public use. There was established public access across the whole of The Braid before Northumberland Estates bought its strip of land and it has continued ever since. Indeed, the plans submitted by Northumberland Estates acknowledge the 'national trails' in its Design and Access Statement.

5.50 The Braid is currently a main feature, green amenity space, asset of Amble and should be treasured. It provides a safe, traffic free, environment for all. It is a valued and constantly utilised recreation area.

5.51 The Braid is the largest green space in Amble, and the largest area for many species of wildlife. It is a tranquil area.

Character and Appearance

5.52 A major concern raised is that the development would harm the character and appearance of the area, including the Amble Conservation Area and The Braid area of open space.

5.53 The layout presents a fragment edge to the town and the adjoining Gut, Braid and Area of Outstanding Natural Beauty.

5.54 The proposed Braid access road and Gut infilling will also have a severe impact on these natural amenities which are of great value and use to Amble residents and visitors. The proposed access road and Gut infill will permanently disfigure this area.

5.55 The Local Plan supports high quality design which respects and enhances local characteristics of the historic, natural and built environment and helps promote a sense of place. The bland design fails to create a distinctive edge to the town below the characterful skyline of the conservation area; this is a key panorama of the town.

Flood Risk and Climate Change

5.56 Concern is raised regarding the flood risk.

5.57 Given the site's location within an area at higher risk of flooding (Flood Risk Zones 2 and 3) the Flood Risk Assessment should include the sequential test and exception test. This development should not be permitted if the application is not supported by a site specific flood risk assessment and both the sequential and exception tests are applied. The absence of these tests is required given that the site is unallocated land without any extant planning permission. National Practice Guidance requires applicants for planning permission in flood zone 2 or 3 to carry out a sequential test as part of a flood risk assessment. Given the close proximity to other housing, much of which is located at levels below the proposed development site and has previously flooded, in tandem with a proposal to accommodate vulnerable and potentially less mobile members of the population in a development that sits within an area at higher risk of flooding, reinforces the need to thoroughly assess any flood risks both of the proposed and existing housing and most importantly to understand why there are no sequentially preferable sites which could accommodate this type of development. Failure to supply a sequential and exception test are reason alone for this application to be refused.

5.58 I would also question the wisdom of providing accommodation for what may be termed `vulnerable people` near the Gut and in a known flood risk area.

Vehicular Access Road and Temporary Construction Road - Safety

5.59 There are major concerns over the proposed vehicular access through Rivergreen, across The Braid and also the proposed temporary construction road. These issues were based on highway safety issues, the speed of vehicle movement off the A1068 and the dangers this would have on pedestrians.

5.60 Residents are concerned about the safety aspect for those using the Braid when the road is built.

5.61 The junction of Rivergreen with the A1068 is unsatisfactory, on road safety grounds, for the level of traffic proposed.

5.62 Although the access had previously been given permission for the higher intensity use of a supermarket, alternative access options are potentially available for the lower intensity development of the site for residential purposes, at Riverside Park and North Bank/Street, and the proposed intrusive access road, the destructive of The Braid and The Gut, is not therefore justified.

5.63 Residents consider the access roads to be based on land ownership rather than ensuring the least harmful solution is adopted.

Loss of residential amenity

5.64 Residents are concerned about the development causing unacceptable impacts on residential amenity, including overlooking, loss of light and overshadowing, loss of privacy, traffic noise and disturbance, loss of security and overbearing impacts.

5.65 The proposed ISL block is located too close to existing residential properties. The building, by its height and boundary location, will seriously impact on the amenities of Riverside Park residents and the occupants of Wellbank.

5.66 Long-term construction work and traffic will be intolerable

5.67 The conversion of the quiet cul-de-sac at Rivergreen into a busy thoroughfare, serving The Braid as well as the development, will have a devastating effect on residential amenity, security and safety.

5.68 The 'haul road' in front of Rivergreen will facilitate considerable heavy vehicle movements over a long period.

Contaminated Land

5.69 Some residents raised concerns about land contamination.

Not a lifetime neighbourhood living scheme

5.70 The development is not a 'Lifetime Neighbourhood Living Scheme' because there are no larger properties for family occupation.

Comments - Support

5.71 In total there were 12 supporting comments regarding this proposal

Housing

5.72 All comments believe that this proposal should be accepted as Amble requires more housing. They believe that development is appropriate for this site as it is a brownfield site and this will not impact the wider environment of the area

5.48 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=R93R9IQSFL700>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016=36 (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 4 - Climate change mitigation and adaptation (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

STP 6 - Green infrastructure (Strategic Policy)

TCS 1 - Hierarchy of centres (Strategic Policy)

TCS 2 - Defining centres in Main Towns (Strategic Policy)
TCS 3 - Maintaining and enhancing the role of centres (Strategic Policy)
HOU 2 - Provision of new residential development (Strategic Policy)
HOU 5 - Housing types and mix
HOU 6 - Affordable housing provision (Strategic Policy)
HOU 9 - Residential development management
HOU 11 - Homes for older and vulnerable people (Strategic Policy)
QOP 1 - Design principles (Strategic Policy)
QOP 2 - Good design and amenity
QOP 3 - Public realm design principles
QOP 4 - Landscaping and trees
QOP 5 - Sustainable design and construction
QOP 6 - Delivering well-designed places
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 - Biodiversity and geodiversity
ENV 3 - Landscape
ENV 7 - Historic environment and heritage assets
ENV 9 - Conservation Areas
WAT 2 - Water supply and sewerage
WAT 3 - Flooding
WAT 4 - Sustainable Drainage Systems
POL 1 - Unstable and contaminated land
POL 2 - Pollution and air, soil and water quality
MIN 4 - Safeguarding mineral resources (Strategic Policy)
MIN 5 - Prior extraction of minerals
INF 1 - Delivering development related infrastructure (Strategic Policy)
INF 5 - Open space and facilities for sport and recreation
INF 6 - Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide
National Model Design Code

6.3 Other Documents/Strategies

The Northumberland Coast AONB Management Plan 2020-24)
Northumberland Landscape Character Assessment

7. Appraisal

7.1 It is considered that the main planning issues raised relate to:

- Principle of development
- Flood Risk and drainage
- Impact on the character and appearance of the area, including The Braid, the Northumberland Coast AONB and Amble Conservation Area
- Loss of Open Space at The Braid
- Residential amenity impacts
- Highway safety/transportation matters

- Ecology
- Archaeology
- Contaminated Land
- Coal Mining Legacy
- Climate Change and sustainable development
- Planning Obligations

17.2 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 the Northumberland Local Plan, with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) all being material considerations in determining this application.

Principle of development

7.3 In relation to the principle of this development in policy terms, it is considered that the following main matters are relevant and need to be considered:

Spatial strategy

7.4 The application site is not allocated for development within the Northumberland Local Plan. It is therefore white land.

7.5 The Policies Map shows that the site is within the settlement boundary of Amble under Policy STP1. Policy STP1 identifies Amble as a Main Town that should be a main focus for employment, housing, retail and services. Policy TCS1 also identifies Amble as a Main Town (smaller centre), with any main town centre uses being focused within the town centre boundary.

7.6 The previously-developed south-eastern corner of the site lies within the town centre boundary under Policy TCS2. Policy TCS3 also supports development adjacent to town centres that are physically and functionally integrated with them and add choice to their existing retail, leisure and service offer, including specifically the land north west of Queen Street immediately abutting Amble town centre (criterion 2a(viii)) for a mix of appropriate town centre uses including allowing an element of residential development as part of any mixed-use scheme.

7.7 Policy TCS3 envisages this area accommodating a mix of appropriate town centre uses including an element of residential development. However, given the uncertainties surrounding the deliverability of future retail floorspace in particular, the Policy stopped short of actually allocating the land for this purpose. As the current application is for solely residential development it would not be entirely consistent with the policy expectation that residential development would only form an element of any development in this location.

Housing

7.8 Policy HOU2 sets the minimum housing requirement for the county over the plan period 2016-2036, with an indicative requirement for Amble of 540 net additional dwellings. Amble saw 295 completions over the first 6 years of the plan period 2016-2022, while the latest SHLAA provides evidence that the current number of

outstanding permitted dwellings is over 1,000. As such, there is already a plentiful supply of housing land identified to meet the area's future housing requirements.

7.9 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The five-year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold. This situation is the principal means by which existing policies relevant to housing can be deemed out-of-date. The Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites. The forecast 'deliverable' five-year supply for 2021-2026 equated to a 12.5 years housing land supply against the April 2021 minimum Local Housing Need figure, and 11.6 years against the Local Plan's residual annual average requirement. The latest Housing Delivery Test result records that Northumberland achieved 280% delivery against its minimum housing need for the three-year monitoring period 2018-21. Therefore, in the context of the NPPF and NLP Policy STP2, the presumption in favour of sustainable development and 'tilted balance' does not apply, such that existing policies that influence the location, supply and delivery of housing development are not regarded as being out-of-date. Northumberland has also therefore more than satisfied the NPPF objective of significantly boosting the supply of housing.

7.10 The application site has been assessed in the SHLAA (site ref. 0145, 5.67ha), which has discounted it as being not developable for residential development. However, it is actually assessed as being suitable in part and available (based on the previous now-lapsed outline planning permission for a supermarket and residential development), but it was only discounted due to doubt over it being achievable for housing development since it was understood that the site had been sold to a national retailer thus raising doubt that any residential aspect would be progressed.

7.11 The NPPF encourages the provision of a mix of housing to meet the needs of different groups in the community, including homes for older people and those with disabilities, as well as affordable housing. The PPGs on Housing needs of different groups and Housing for older and disabled people further support the provision of a mix of specialist housing for older people to meet local needs, including age-restricted general market housing, retirement living and sheltered housing, retirement communities and villages based around extra care housing or housing-with-care, and residential care and nursing homes.

7.12 The Council's Housing Strategy for Northumberland also specifically supports the provision for housing for older people and affordable housing to meet current and future needs. The Housing Strategy and Local Plan were also prepared in the context of the vision and objectives set out in the Council's Extra Care and Supported Housing Strategy and the Market Position Statement for Care and Support in Northumberland.

7.13 Policies STP3 (criteria b-c and i), HOU5 and HOU11 therefore seek to ensure a mix of housing to meet identified local needs, including suitable accommodation for older and vulnerable people that is accessible and adaptable to changing needs. The Plan recognises that the latest ONS population projections indicate a significant growth in the numbers and proportion of older people living in the county over the

plan period, while it also summarises the predominant housing needs in the county as informed by the SHMA in terms of smaller 1, 2 and 3-bedroom homes, bungalows and level-access flats. Policy HOU11 specifically supports the provision of homes for older and vulnerable people, including the provision of sheltered residential retirement and extra care/care home accommodation, bungalows and level-access flats in accessible and sustainable locations such as Main Towns. It also specifically supports facilitating the creation of well-designed 'lifetime neighbourhoods' and 'retirement villages' that are located centrally within larger settlements close to local services and community facilities. Such developments are required to support the principles of 'active ageing'.

7.14 The Council's Adult Social Services Section have been consulted on the proposed development and they have confirmed their support to provide specifically designed, age appropriate accommodation to meet the care and support needs of older people. The increasing ageing population and lack of appropriate housing for people in later life means there is demand for appropriately designed homes for older people in Northumberland. The Council's Extra Care and Supported Housing Strategy commits to increasing the level of age-appropriate accommodation to meet an increasing demand. They have advised that the proposed development in Amble is specifically designed to both meet the needs of older people now and accommodate changing needs in the future. They consider that the proposal for the Independent Living "Extra Care" apartments enables older people to have the security of care ready accommodation while maintaining their own front door. Adult Social Services have worked with the applicant to ensure the properties are designed to meet the needs of older people with care and support needs and will be attractive to people living in more rural areas where it is difficult to provide care and support. Nevertheless, Policy HOU 11(c) would normally require that the applicant submits justification for a C2 use through a specialist housing needs assessment, and it would appear that such an assessment has not been submitted.

7.15 Policy HOU6 requires major residential development of the proposed scale to provide a proportion of affordable housing on-site. The southern part of the site south of The Gut falls within a low viability value area where 10% would be required to be affordable, whereas the northern part of the site falls within a high value area where 25% would need to be affordable. The supporting text at para.7.37 sets out that where a site falls across more than one viability value area then a proportionate level of affordable housing will be required, so as this site as a whole falls across the two different value areas the affordable housing requirement should arguably be calculated based on the overall application site and the hectareage proportions that fall within each value area. The application indicates that the land south of The Gut totals approx. 2.25ha, compared to the overall application site area of 3.4681ha. However, on the basis that all of the proposed built residential development is within the low value area south of The Gut, in this case it is considered reasonable to apply the 10% affordable requirement. The applicant has stated that the 59 supported living apartments are C2 use (residential institutions) rather than C3 use (Dwelling Houses) and they should reasonably be exempted from requiring affordable housing provision. As such, a total of 5 of the 45 C3 dwellings would need to be affordable), as is currently proposed by the applicant. In terms of affordable tenures, the applicant's Planning Statement suggests that the proposed 5 affordable homes would be for Discounted Market Value (DMV) or shared ownership.

7.16 Policy HOU11 also requires that at least 20% of market homes and 50% of affordable homes should meet or exceed the M4(2) accessibility and adaptability

standards of the Building Regulations. It is noted that all of the proposed 59 Use Class C2 ISLB apartments are intended to satisfy this standard, with 2 of the units also designed to meet the higher M4(3) wheelchair-user accessibility standard. However, it is unclear whether the 45 Use Class C3 dwellings are now proposed to be built to the M4(2) standard, as was proposed in the original scheme, although it is assumed that that element of the original scheme is unchanged. In order to fully satisfy the policy requirements, at least 8 of the 40 Use Class C3 market dwellings plus 3 of the proposed 5 affordable homes would need to meet or exceed the M4(2) standard.

Sequential Test and Exception Test – Residential Development within Flood Zone 3

7.17 The proposed development is located predominantly within Flood Zone 3, which means that the area has a high probability of flooding. As such, it is necessary to consider whether it is appropriate to develop the site for residential purposes, or whether the development could be located on an alternative site that is less at risk of flooding. The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. National Planning Practice Guidance (Flood Risk and Coastal Change) provides further guidance on the application of the sequential test and the exception test.

7.18 The sequential test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

7.19 Because the site is not allocated for development within the Northumberland Local Plan, a Sequential Test was not carried out with regard to this site as part of the Local Plan process, and the Sequential Test and the subsequent Exceptions Test is therefore required with regard to the assessment of the suitability of this site for residential purposes.

7.20 Although Section 2.1 of the applicant's Flood Risk Assessment document states that "The site is located within flood zones 2 and 3, therefore the Sequential Test will be Required", the applicant does not appear to have carried out a Sequential Test to demonstrate a sequential, risk-based approach has been followed to steer new development to areas with the lowest risk of flooding in accordance with the NPPF.

7.21 The applicant's Flood Risk Assessment does include an Exception Test (which should be carried out after a sequential test has demonstrated that no appropriate alternative sites are available and that it must be located within this flood risk area). This states that the development meets both the sequential and exception tests. However, the applicant's conclusion is questioned, because firstly, there does not appear to have been a sequential test carried out with alternative sites in areas less at risk of flooding and the development does not appear to provide wider sustainability benefits to the wider community. Secondly, insufficient information has been provided to meet the requirements of the Exceptions Test.

7.22 These matters are considered in more detail within the Flood Risk and Drainage Section below.

Planning History

7.23 The applicant considers that the principle of the development of the application site, including the proposed vehicular access across The Braid, has already been established as a consequence of the previous outline planning permission for the “change of use of land and development of a 2,787sqm food retail supermarket (A1) with associated service yard area, 204 car parking spaces, 46 residential units (C3) with associated car parking, with full details of new access road across the Braid” (Application Ref: A/2008/0002), which was approved in July 2009, together with subsequent applications, including an application (Application Ref: 13/00923/VARYCO) to extend the time limit for the implementation of that permission was approved in May 2015. (See full details of planning history above). However, the planning applications for a supermarket and residential development on the site have since lapsed. Furthermore, those applications were considered in the light of previous local plan policies, which supported a supermarket within Amble. Since those decisions were made, a supermarket (Morrisons) has been provided within Amble on a different site, and as such, the considerable weight that was afforded in the planning decision to the development of the site with regard to the need for a supermarket, with its associated economic benefits, no longer exists. Also, the previous planning decision related to a very different form of development in terms of scale and design to the current proposals. In addition, since those decisions were made, the NPPF and associated guidance has been introduced and updated, and the Northumberland Local Plan was adopted in March 2022, replacing previous Local Plans. Whilst the previous planning decisions for the development of this site are material considerations, all planning applications must be considered entirely on their own merits, in the context of up to date national and local planning policies.

7.24 The principle of the residential development of the site may potentially be supported by the policies in the development plan and material considerations. However, due to the site being located predominantly within Flood Zone 3, the proposed development of this site would need to satisfy the Sequential Test and Exception Test with regard to a “more vulnerable” use being located within an area with a high probability of flooding, in order for the site to be considered to be suitable for such development. Furthermore, any decision would need to take into consideration the fact that there is already a plentiful supply of housing land identified to meet the area’s future housing requirements and Northumberland has therefore more than satisfied the NPPF objective of significantly boosting the supply of housing. Therefore, the presumption in favour of sustainable development and ‘tilted balance’ does not apply in this case. The proposed development would also need to be acceptable with regard to other relevant issues, such as flood risk and drainage, impacts on visual and residential amenity, impacts on The Braid, highway safety, biodiversity, contaminated land etc as discussed below.

Floodrisk and drainage

7.25 Policy STP3 n) (Principles of Sustainable Development) of the Northumberland Local Plan requires developments to be located in areas which are least vulnerable to climatic impacts such as from all sources of flooding and rising sea levels.

7.26 Policy WAT 3 (Flooding) states, amongst other things, that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources by avoiding inappropriate development in areas at risk of flooding and directing the development away from

areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The Sequential Test and, if necessary, the Exceptions Test, will be applied in accordance with national policy and the Northumberland Strategic Flood Risk Assessment. Site Specific Flood Risk Assessments will be required for all development in Flood Zones 2 and 3. Furthermore, it will be ensured that developments take account of climate change and the vulnerability of its users, that sustainable drainage systems are incorporated, and safe access and escape routes are incorporated where appropriate as part of an agreed emergency plan.

7.27 Policy WAT 4 (Sustainable Drainage Systems) requires SuDS to be incorporated where necessary to control surface water run off.

7.28 The site lies adjacent to The Gut, a tidal watercourse, and falls predominantly within Flood Zone 3, and as such it is located in an area that has a high probability of flooding. The proposed residential uses are classed as “more vulnerable” for the purpose of flood risk assessment.

7.29 As outlined above within the principle of development section, the application has provided insufficient information to demonstrate that it has passed the required Sequential Test, and the Exception Test. Further details with regard to these matters are provided below.

Sequential Test and Exception Test – Residential Development within Flood Zone 3

7.30 The proposed development is located predominantly within Flood Zone 3, which means that the area has a high probability of flooding. As such, it is necessary to consider whether it is appropriate to develop the site for residential purposes, or whether the development could be located on an alternative site that is less at risk of flooding.

7.31 Section 14 of the NPPF deals with “Meeting the challenge of climate change, flooding and coastal change”. With regard to planning and flood risk, Paragraph 159 states:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

7.32 Paragraph 167 adds:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.33 National Planning Practice Guidance (Flood Risk and Coastal Change) provides further guidance on the application of the sequential test and the exception test.

7.34 The Environment Agency has provided advice to the Local Planning Authority, stating that with regard to the Sequential Test, in accordance with the NPPF development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. They also provided advice on the exception test. Their comments on the proposals relate to the part of the exception test that demonstrates whether the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Sequential Test

7.35 The guidance explains that the sequential test is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

7.36 The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

7.37 Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development. The Sequential Test should then

consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

7.38 It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas. In doing so, information such as flood depth, velocity, hazard and speed-of-onset in the event of flood risk management infrastructure exceedance and/or failure, should be considered as appropriate. Information on the probability of flood defence failure is unsuitable for planning purposes given the substantial uncertainties involved in such long-term predictions.

The Exceptions Test

7.39 The Exception Test requires two additional elements to be satisfied before allowing development to be permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

7.40 It should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

7.41 The Guidance states that with regard to what types of wider sustainability benefits to the community that may outweigh flood risk, examples may include

- The re-use of suitable brownfield land as part of a local regeneration scheme;
- An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure;
- The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems;

7.42 The guidance clarifies that “Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the planning permission should be refused.”

7.43 The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.

7.44 Although Section 2.1 of the applicant’s Flood Risk Assessment document states that “The site is located within flood zones 2 and 3, therefore the Sequential Test will be Required”, The applicant does not appear to have carried out a Sequential Test to demonstrate a sequential, risk-based approach has been followed to steer new development to areas with the lowest risk of flooding in accordance with the NPPF.

7.45 The applicant's Flood Risk Assessment does include the second element of an Exception Test (which is normally carried out after a sequential test has demonstrated that no appropriate alternative sites are available and that it must be located within this flood risk area).

7.46 This applicant's Exceptions Test states that, with regard to the requirement for the development to provide wider sustainability benefits to the community that outweigh flood risk, the development will provide the following benefits:

- The Independent Supported Living facility apartments allow for increased social inclusion of all individuals.
- The development will offer an adequate supply of affordable housing and provide a range of house types and sizes to meet the needs of the community.
- The development will bring working professionals to the area who will contribute to the economy and support growth in The Amble area. All residents will contribute council tax to the Northumberland County Council that can be invested to support investment, innovation and entrepreneurship in the local area.
- With the proposed SuDS features on the site, water flow and quality will be improved prior to being discharged into the neighbouring surface water body. In doing so, this will achieve sustainable and efficient management of water resources.
- Suitable mitigation measures are to be used as part of the development to protect residents from flooding where risk is present now and in the future due to the effects of climate change. The development will also ensure that flood risk does not increase to existing properties nearby.

7.47 The applicant's Exception Test concludes that there are no sequentially preferable sites available in lower flood risk areas without constraints that meet the aims of the development. They consider that proposed development provides wider sustainability benefits for the community that outweigh flood risk. They also state that a site specific Flood Risk Assessment has been undertaken to meet the second condition of the exception test, recommending that mitigation measures should be provided to ensure that the development is safe and will not increase flood risk elsewhere. As such, the applicant considers the proposal passes the requirement of the sequential test and fulfils the two conditions of the exception test and therefore is in accordance with the criteria for determining planning applications as detailed in paragraph 102 of the National Planning Policy Framework.

7.48 However, this conclusion is questioned, because firstly, there does not appear to have been a sequential test carried out with alternative sites in areas less at risk of flooding and the development does not appear to provide wider sustainability benefits to the community. Secondly, the wider sustainability benefits of the development as listed by the applicant do not appear to outweigh the risks associated with providing such a residential development within Flood Zone 3

7.49 Furthermore, the development has only been designed in terms of flood risk for a lifetime period of 65 years, rather than for 100 years as required by the NPPF, and the details of the applicant's Flood Risk Assessment are not accepted by the Lead Local Flood Authority or the Environment Agency. As such, it is questionable as to whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

Flood risk assessment and drainage strategy

7.50 The Lead Local Flood Authority has objected to the proposed development on flood risk and drainage grounds. In particular, the LLFA has raised concerns relating to the applicant's flood risk assessment and drainage strategy. Such concerns include:

- Surface water disposal - there is limited SuDS in the form of some permeable paving, a swale and a basin have been proposed within the development. and further measures are required. Furthermore, additional information is required with regard to SuDS proposed. The application site is considerable in size and even with the proposed layout, there are opportunities to include further SuDS. Can a swale be installed on the southern and western perimeter? Currently a pipe is proposed, before connecting to the proposed swale. In addition, there are other areas within the site that can be utilised.
- Interaction with existing combined sewer through site - more details required
- Pipe details through permeable paving - more details required
- Outfall Details and Levels - more details required
- Climate change allowances - Defra / Environment Agency updated the climate change allowances for flood risk assessments on 10th May 2022. The 2022 changes centre around peak rainfall intensity allowances (surface water). The guidance is now based on river catchments rather than a blanket countrywide allowance. For the northeast developments with a 100 year lifetime, an allowance of +45% will be required. Within the Microdrainage calculations an allowance of +50% has been used. The development scheme has significantly changed and due to the high risk from a number of sources in the area, it is prudent to ask for the up-to-date guidance of 45% being applied.
- Impermeable area drawing - an impermeable area plan is required with the calculations.
- Microdrainage calculations – tide locking - a submerged outfall requires modelling within the calculations.
- Attenuation storage - the flood risk assessment states that between 497 and 753m³ of attenuation is required on site. The Microdraiange calculations show the eastern basin has a total volume of 91.5m³. No figures were supplied for the western swale. With the information that has been provided, we cannot see any other areas of significant volume within the proposed drainage scheme. The assessment and the model are required to be updated to reflect the required storage on site.

- Culvert in The Gut - Planning Practice Guide – Flood Risk and Coastal Change states “Proposals to introduce new culverting or to build on top of existing culverting are likely to have adverse impacts on flood risk, ecology, human health and safety and amenity whilst increasing maintenance costs and hindering future options to restore the watercourse. Such proposals are likely to run contrary to natural flood management objectives and the objectives of River Basin Management Plans”. Could a bridge be installed instead of a culvert. This would be beneficial from a number of aspects including flood risk and ecology.
- Lifetime of development - Paragraph 006 of the PPG - Flood Risk and Coastal Change looks at 'What is considered to be the lifetime of development when applying policies on flood risk and coastal change?' "Residential development can be assumed to have a lifetime of at least 100 years, unless there is specific justification for considering a different period. For example, the time in which flood risk or coastal change is anticipated to affect it, where a development is controlled by a time-limited planning condition. The lifetime of a non-residential development depends on the characteristics of that development but a period of at least 75 years is likely to form a starting point for assessment". Please can it be clarified that a 65 year lifetime of development has been agreed with the LPA. If not, a revised flood risk assessment will be required using the agreed lifetime of development with the LPA. This will impact the stated tidal flood levels and finished floor levels.
- Water Quality - At present two of the outfalls, one into the swale and one into the basin are adjacent to the outfalls. As such any water which discharges at these locations will not be able to experience the water qualities that these features bring. Can the design be altered so the inlets are changed. Whilst we normally accept a simple index approach, the Gut at this location has a protected status; therefore, further analysis on water quality and discharging into the Gut needs to be given.

7.51 The Environment Agency has objected to the proposed development due to the absence of a Water Framework Directive Assessment and the provision of an inadequate Flood Risk Assessment.

Water Framework Directive

7.52 The applicant has failed to submit a Water Framework Directive (WFD) assessment. The Environment Agency has advised that the proposed development is situated in the Coquet Estuary transitional waterbody, which is failing under the Water Framework Directive and has classification of ‘Moderate’. A WFD assessment is required in order to ensure that the proposed development is compliant with the WFD and Northumbria River Basin Management Plan.

7.53 The developer will need to carry out and submit a WFD Assessment. This should:

- Identify the impacts to the ecological/ hydromorphological/ physical/ chemical /mitigation measures/ WFD quality elements and determine if they may be at risk of deterioration/ will be prevented from achieving good status or potential;
- Demonstrate how the development/activity will avoid adverse impacts; and
- Propose mitigation for any adverse ecological impacts or compensation for loss.

7.54 A Water Framework Directive Assessment is therefore required in order to ensure that the proposed development is compliant with the WFD and Northumbria River Basin Management Plan.

Inadequate Flood Risk Assessment

7.55 In the absence of an acceptable Flood Risk Assessment (FRA) the Environment Agency object to this application and recommend that planning permission is refused.

7.56 The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs in the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Provide adequate justification as to the proposed lifetime of the development. The FRA states that the expected lifetime of the development is 65 years. However residential developments should be assessed based on a lifetime of at least 100 years.
- Take the impacts of climate change into account for the full lifetime of the development
 - Both the higher central and upper end allowances need to be taken into consideration for the Northumbria sea level rise over the lifetime of the development.
- The flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the higher central and upper end sea level allowance. Consequently, the development proposes inadequate:
 - Raised finished floor levels
 - Risks associated with the proposed culvert/ access road becoming inundated.
- Provide sufficient information on the proposed ground levels and associated flood water inundation levels for emergency access routes and car parking areas.

7.57 The Environment Agency has advised that, to overcome their objection, the applicant should submit a revised FRA which addresses the points highlighted above.

7.58 With regard to the lifetime of the development, the Environment Agency have stated that they have reviewed the updated FRA which states that the lifetime of the development is 65 years. This is not appropriate for residential developments. Consequently, the finish floor levels which they previously indicated as being acceptable in their original consultee response are inappropriate. The Environment Agency would not consider sleeping accommodation below the 1% AEP plus climate change acceptable in accordance with the NPPF. The site is covered by flood alert (121WAC921). Therefore, if planning permission is granted the flood warning area

(121FWC532) which exists to the East and West of the site will need to be extended to include the new properties.

7.59 It is considered that the applicant's flood risk and drainage strategy does not provide sufficient details and does not adequately assess or address the flood risks posed by the development. As such, the Local Planning Authority is unable to fully assess the impact of the proposed development on drainage and flood risk issues or conclude that it would not have an unacceptable impact on drainage and flood risk within the local area.

Lifetime of Development

7.60 A major area of concern with regard to the proposed development is that it has only been designed with a lifetime of 65 years.

7.61 Paragraph 006 of the Planning Practice Guidance deals with the lifetime of developments when applying policies on flood risk. It states:

“Residential development can be assumed to have a lifetime of at least 100 years, unless there is specific justification for considering a different period. For example, the time in which flood risk is anticipated to affect it, where a development is controlled by a time-limited planning condition.”

7.62 The proposed development has only been designed with a lifetime of 65 years in terms of its flood risk, rather than 100 years, which is contrary to the advice contained within the NPPF.

7.63 The Environment Agency has objected to the proposed development, and they have stated that, designing a development with a lifetime of 65 years is not appropriate for residential developments. Consequently, they do not agree with the applicant's Flood Risk Assessment with regard to the finish floor levels. They would not consider sleeping accommodation below the 1% AEP plus climate change acceptable in accordance with the NPPF.

7.64 This is of concern given that the proposed development includes a significant number of residential units with sleeping accommodation of the ground floor. The Independent Support Living Apartments have been classed by the applicant as being a C2 Use (Residential Institution) and this residential block includes 21 no. apartments with bedrooms on the ground floor. Apartment Block A1 includes 4 no. units with bedrooms on the ground floor, Apartment Block A2 includes 3 no. units with bedrooms on the ground floor, Apartment Block A3 includes 3 no. units with bedrooms on the ground floor and Apartment Block A4 includes 5 no. units with bedrooms on the ground floor.

7.65 The Lead Local Flood Authority has also objected to the development only being designed with a lifetime of 65 years.

7.66 The proposed development is required to be redesigned to deal with flood risk for a lifetime development of at least 100 years. A revised flood risk assessment will be required, and this will impact the stated tidal flood levels and finished floor levels of the proposed residential development. As such, the required amendments to design may have a significant impact on the heights of the proposed development, including the proposed residential blocks, and consequently on the overall impact of the development in terms of residential amenity and visual amenity. The design of

the development may also impact on the use of the residential units (for example if sleeping accommodation needs to be relocated to a higher level).

Northumbrian Water Ltd

7.67 Northumbrian Water Ltd has advised that there is not sufficient detail provided with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. The Concept Drainage Plan within the drainage strategy document provided appears to show the rising main from the foul package pumping station discharging into NWL's existing rising/pressure main running through the site. This arrangement would not be acceptable to NWL. The pumped flows from the development should either be directed to an existing, suitable gravity sewer in the vicinity of the site or alternatively it may be possible to drain the site by gravity into the existing NWL pumping station at the western end of the site.

7.68 Furthermore, it is unlikely that NWL would adopt a standard 'off the shelf' package pumping station.

7.69 They have therefore advised that should the planning application be approved, a condition is included with regard to the submission and approval of a detailed scheme for the disposal of foul and surface water from the development in order to prevent the increased risk of flooding from any sources.

7.70 It is considered that the applicant has provided an inadequate flood risk assessment and drainage strategy that does not adequately assess or address the flood risks posed by the development. Furthermore, the development has been designed with a lifetime of 65 years which is contrary to the requirements of the NPPF. As such, the proposed development is contrary to Policies STP3, WAT 3 and WAT 4 of the Northumberland Local Plan.

Impact on the character and appearance of the area, including The Braid, the Northumberland Coast AONB and Amble Conservation Area

7.71 Policy QOP1 (Design principles - Strategic Policy) of the Northumberland Local Plan states, amongst other things, 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; create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area, having particular regard to building heights, the form, scale and massing, prevailing around the site, distinctive local architectural styles, detailing and materials; be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting.

7.72 Policy ENV 9 (Conservation Areas) requires that within a conservation area, or where its setting may be affected, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance; if the harm is less than substantial, this will be weighed against any public benefit that the same development may make; development must respect existing architectural and historic character by having regard to historic plot boundaries, layouts, densities and patterns of development;

and the design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures. The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, watercourses and surfacing. Development on public and private open spaces that are integral to the special character of a conservation area or form part of its setting, will be assessed. Such spaces include those which contribute to the area's special historic interest, are important spatially and visually to the landscape or townscape qualities of the conservation area, and provide views or vistas into, out of or within the conservation area.

7.73 Policy ENV 3 (Landscape) requires proposals to conserve and enhance important elements of the character of the landscape, and great weight to be given to the conservation and enhancement of the special qualities of the Northumberland Coast AONB.

7.74 Policy ENV5 (Northumberland Coast Area of Outstanding Natural Beauty) requires the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty to be conserved and enhanced.

7.75 NPPF paragraph 134 advises that development which is not well designed should be refused.

7.76 The application site is located in close proximity to the Amble Conservation Area (with a small part within the Conservation Area itself), and close to the Northumberland Coast Area of Outstanding Natural Beauty. The proposed vehicular access would be constructed across The Braid, an existing area of informal open space with numerous pedestrian links across it.

7.77 Notwithstanding the matters raised above relating to the applicant's flood risk assessment and drainage strategy, and in particular the fact that the scheme has been designed with a lifetime of only 65 years, consideration must be given to the impact of the proposed development on the character and appearance of the area. It is understood that the design of the scheme as currently presented may require significant amendments in order to address the flood risk issues associated with a residential development located within Flood Zone 3 in order to provide for a lifetime of the development of 100 years, which may, for example require finished floor levels to be raised.

Impact on The Braid and the Northumberland Coast AONB

7.78 The proposed vehicular access and the temporary construction road would be located across an area of land that is used as open space, known as The Braid.

7.79 A significant number of objections have been received with regard to the impact of introducing a proposed access road across this open space. Objectors consider that the area has been used as open space for over 40 years, and it is currently free of traffic and provides a safe, peaceful and beautiful area to enjoy informal recreation and nature. Objectors are concerned that the physical presence of the road itself, together with traffic, would have an urbanising effect on the open space, and it would sever parts of the open space from each other, making a large portion unusable.

7.80 The AONB Partnership has been consulted on the proposed development. They have advised they are supportive of the development of land to the south of

The Gut. However, concerns are raised over the proposed vehicular access road that will divide The Braid and the impact this will have on The Braid.

7.81 Objectives Two, Three and Four of the AONB's Management Plan, in particular Policies 2.1, 3.1, 3.2, 3.5, 4.2 and 4.4 are relevant in the consideration of this proposal and its impact on the special qualities of the designated landscape.

7.82 The AONB Partnership has advised that the development site is between 200m and 300m from the boundary of the designated landscape, that is defined by the southern edge of the Coquet Estuary at this point. A Landscape and Visual Impact Assessment (LVIA) that includes analysis of impact on the Northumberland Coast AONB has been carried out. The AONB Partnership agrees that the impact on the designated area of the AONB will be slight during the construction phase, and negligible in the long term. This is due to the existing tree cover on The Braid along with the boat clubs and marina that act as screening.

7.83 Nonetheless, the AONB Partnership raises concerns over the vehicular access road proposed – both the permanent access from Rivergreen and the temporary haul road from The Braid access road. They consider that proposed access roads divide The Braid into lesser and greater halves, and whilst no raising of the road level is proposed and native species planting could help to screen the permanent access, the insertion of this urban infrastructure and the introduction of vehicle movement into this green space will change and detract from its character and appearance.

7.84 This is an issue given that The Braid is an important green space adjacent to the AONB. The Northumberland Coast AONB Management Plan includes Policy 3.1 where "The setting of the AONB and important views into it and from it are recognised and protected." The Braid acts as a gateway for pedestrians and cyclists heading north into the designated landscape. Coming out of the built-up area of Amble, the Braid is the first green space to be reached, acting as a much-loved green-lung and park for the town (hence its village green status).

7.85 The AONB Partnership consider that the space builds a sense of anticipation of the open and rural landscape beyond, with points of interest and delight clearly visible: Warkworth Castle, the trees at the northern-end, the masts of boats, and of course the estuary itself and the expanse of saltmarsh and dunes on the other side of the river. Whilst directly on the urban fringe, The Braid is a relatively tranquil place and a dark place with no street lighting; clearly separating it from the town. The difference is more stark given the density of Amble's historic core – where many streets comprise of back-to-back terraces. The Braid is currently managed as a meadow – and appears species-rich for wildlife and plants. Apart from the houses at Rivergreen, The Braid has the feel of an open and rural hinterland to the estuary.

7.86 The LVIA assessment of development is inevitably based on the National Landscape Character and local Landscape Character Area types, and the assessment concludes slight to moderate impact for construction, and negligible to low impact for the long term. However, the AONB Partnership suggest that given the scale of these receptors, the LVIA is a blunt tool to assess the small green space that is The Braid, and the localised impact the access roads in particular will have.

Impact on the Amble Conservation Area

7.87 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, as decision makers, in considering whether to grant Planning Permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.88 The National Planning Policy Framework (NPPF) "The Framework" is a material planning consideration in the assessment of an application. Section 16 pertains to conserving and enhancing the historic environment. Paragraph 197 states that local planning authorities should consider several criteria, in particular, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

7.89 The site includes part of the Amble Conservation Area north of the rear lane to Queen Street. The remainder of the site has the potential to impact on the character or appearance of the Amble Conservation Area and the designated heritage assets therein through significant development affecting setting.

7.90 The AONB Partnership has commented that in the panoramic views southwards from The Braid, Amble Conservation Area forms the backdrop with the historic core of the settlement comprising High Street and Queen Street running along the higher ground. This linear and strong building line dominates the scene particularly because of the uniformity of the massing of the buildings, and rooflines. The Heritage Impact Assessment states the development will preserve the roofscape of Queen Street and High Street; however, from the visualisation in the Design and Access Statement the AONB Partnership consider that this does not appear to be the case.

7.91 The Council's Building Conservation Team have been consulted on this planning application and they have advised that the principal issue is how the development proposed may affect the character or appearance of the Amble Conservation Area, the designated heritage assets therein and their settings.

7.92 The Building Conservation Team refer to the applicant's Planning Statement, where it states that the principle of development on this site has been firmly established (with the approval of a planning application for a supermarket and residential development in 2009). However, they consider that this was for a significantly different form of development to that proposed now, any such consent has now lapsed, and new policies apply. While accepting the principle of development under application reference A/2008/0002 English Heritage (now Historic England) raised some concerns about the roof form of the proposed supermarket. However, they point out that while the supermarket roof was agreed at 6.6 metres, the present proposal for the ISL block and Apartment Block A4 at three storeys plus a roof will be considerably taller.

7.93 The Amble Conservation Area (ACA) is characterised by runs of long low buildings along the crest of the north facing river cliff which affords views to the north to Warkworth Castle and beyond. The most prominent building in the ACA, the grade II listed St Cuthbert's Church, barely breaks the roof line with its modest bellcote.

The low-lying Amble townscape and St Cuthbert's within it are best appreciated from the north and particularly from the open land at the Gut/the Braid.

7.94 Given the significant distance to Warkworth Castle and intervening trees it is considered impact on this highly graded designated asset will be negligible.

7.95 Paragraph 16.5 of the Design and Access Statement states:

"Additionally, the overall heights and forms of the development have been considered, and designed, so as to sit beneath the defined roofline of historic, central Amble, strongly appreciable in this view, and a defining element of setting which aids appreciation of the historic development of the town."

7.96 However, the photomontage at 16.6 shows mostly only ridges and chimneys of the two storey dwellings in the Amble Conservation Area above the proposed development rather than the clear view of the roofscape which is claimed. Given the importance of the Amble Conservation Area roofscape is recognised by the developer, the Building Conservation Team consider the proposal would at least diminish the positive impact of the existing Amble Conservation Area roofscape.

7.97 The Building Conservation Team have commented that there are several references to the careful choice of materials proposed for the buildings to integrate the development with the character of the ACA. They agree with the choice of natural stone as the main walling material. They accept the presence of some brick in the ACA although red brick tends to stand out being uncommon. Consideration should therefore be given to a brick in a different colour. Heads and cills must be natural stone too, and not artificial stone. The use of render is restrained here but any more would dilute the quality of the scheme and its ability to fit in with the character of the ACA. Natural grey slate is the correct choice for roofing, but care must be taken to ensure this is specified correctly. Grey slate tiles mentioned in the application documents are not acceptable. Upvc doors and window frames significantly detract from the character of the ACA, and they do not support their use in this context.

7.98 The Built Heritage and Design Officer has concluded that there would be some loss of definition of the significant roofscape of the Amble Conservation Area. They are also unable to support the use of upvc for window frames or doors, and they would welcome a tighter specification for the main construction materials.

7.99 Taken together they consider these factors would give rise to "less than substantial harm" within the terms of the Framework. Less than substantial harm is a broad category, and they assess the level here as being toward the lower end. The NPPF states that if the harm is less than substantial, this will need to be weighed against any public benefit that the same development may make.

7.100 Should the application nevertheless be permitted, the Building Conservation Team consider permitted development rights should be removed and conditions included requiring amended materials.

7.101 With regard to the impact of the proposed residential development on the Amble Conservation Area, the scheme as currently proposed has been assessed as resulting in some loss of definition of the significant roofscape of the Amble Conservation Area, especially when viewed from the north of the site, from The

Braid. As such, the current proposals would result in harm to the character and appearance of the Amble Conservation Area, which has been assessed as “less than substantial harm” within the terms of the Framework. However, as discussed above, the scheme may need to be redesigned to provide a lifetime of development of 100 years rather than 65 years, and this may require finished floor levels to be provided at a higher level. Should this be the case, then any increase in height of the buildings would inevitably have a more adverse impact on the character and appearance of the Amble Conservation Area.

7.102 Similarly, any impact on the views from The Braid and the Northumberland Coast AONB may well be more harmful than currently indicated.

7.103 It is considered that the proposed vehicular access across the Braid, together with the introduction of vehicular movements, would result in a visually intrusive form of development that would be out of character with the open landscape character of this area and change the overall nature and use of the Braid. As such, it would result in unacceptable harmful impacts on the visual amenities of The Braid itself and the wider setting of the Northumberland Coast AONB. The introduction of the proposed road would not only impact on the users of the Braid; it will also impact on the visual amenities currently enjoyed by nearby residential properties as a consequence of the views to the east being interrupted by the new road and associated traffic.

7.104 Given the above impacts on the character and appearance of the area, including the open space of The Braid, the Northumberland Coast AONB and the Amble Conservation Area, it is considered that the proposed development would not make a positive contribution to local character and distinctiveness, contribute to a positive relationship between built and natural features or contribute to a strong sense of place. It would not integrate the built form of the development with the site overall, and the wider local area. It would not be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment, including heritage assets, and any significant views or landscape setting. Nor does the proposed access road across The Braid conserve or enhance the setting of the Northumberland Coast Area of Outstanding Natural Beauty. As such the proposed development would be contrary to Policy QOP 1 and ENV 5.

7.105 In addition, it is considered that the development would not enhance or reinforce the local distinctiveness of the conservation area, and it does not better reveal its significance. As the harm is less than substantial, this needs to be weighed against any public benefit that the same development may make. However, notwithstanding the benefits that may be afforded by the Independent Support Living Apartments, given that no further residential development is required in Amble, and the fact that the proposed development would be located in an area of significant flood risk, it is not clear that the public benefit of the scheme would outweigh this identified harm. As such, it is considered that the proposed development would be contrary to Policy ENV 9 (Conservation Areas).

7.106 It is acknowledged that the proposal makes provision for some new landscaping that would seek to reduce and mitigate the effects of the new road. However, it is considered that such landscaping would not be sufficient to outweigh the harm caused.

Loss of Open Space at The Braid

7.107 Policy INF 5 (Open space and facilities for sport and recreation) states that the loss of open spaces defined on the Policies Map, or other existing open space... will not be supported unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

7.108 The proposed vehicular access and the temporary construction road would be located across an area of land that is used as open space, known as The Braid. Whilst that part of the open space on which the proposed vehicular access would be located is not designated within the Northumberland Local Plan as protected open space, that part of the open space immediately to the north is designated as Protected Open Space under Policy INF5. The proposed access road alignment would follow the western and southern boundary line of this designation.

7.109 Policy INF 5 (Open space and facilities for sport and recreation) states that the loss of open spaces defined on the Policies Map, or other existing open space, will not be supported unless:

- a. an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

7.110 As such, even though the open space on which the proposed road is to be constructed is not in itself designated as Protected Open Space, Policy INF 5 nevertheless requires evidence that it is either surplus to requirements or that the loss of open space is to be replaced. The applicant has not provided an Open Space Assessment and as such, no evidence has been provided to indicate that the open space is no longer required.

Residential amenity impacts

7.111 Policy QOP 2 (Good design and amenity) 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. Development proposals will need to ensure that the specific criteria are met, including requiring the physical presence and design of the development to preserve the character of the area and not have a visually obtrusive or overbearing impact on neighbouring uses, while outlook from habitable areas of the development is not oppressive and the best outcomes for outlook are achieved wherever possible. Also, appropriate levels of privacy, according to the use of buildings and spaces, are required to be incorporated into the design of the new development and are not unacceptably harmed in existing neighbouring development. Furthermore, it is required that there are no unacceptable adverse impacts from noise, disturbances and any other harmful effects, resulting from either the development or from neighbouring uses on the development.

7.112 It is considered that the proposed development is generally acceptable with regard to the residential amenities of the future occupants of the proposed development.

7.113 The proposed vehicular access would be taken through an existing, relatively quiet cul-de-sac known as Rivergreen. This will inevitably result in additional traffic and some noise disturbance for the occupants of those adjoining residential properties. However, the Council's Public Protection Team has raised no issues relating to noise associated with the proposed development, and on balance it is considered that any residential amenity impacts associated with the introduction of the proposed vehicular access to the development site through Rivergreen will not be sufficient to warrant the refusal of the planning application on residential amenity grounds.

7.114 However, there are concerns relating residential amenity impacts associated with the location, scale, massing and height of the proposed Independent Support Living Block, which would be located in close proximity to a number of existing dwellings located to the west (namely Riverside Park) and south of the residential block (namely Wellbank).

7.115 The applicant has submitted amended proposals in order to reduce the impact of this residential block by removing part of the third storey on the western side of the block, so that the block is now a mixture of three and two storeys. The amended proposals also remove balconies from the western elevation facing towards Riverside Park. Such amendments have provided a significant improvement to the impact of the proposed development on the residential amenities of those nearby residential properties.

7.116 The proposed three storey element on the eastern side of the building would have a height of approximately 13.9 metres and the two storey element on the western side of the building would have a height of approximately 10.2 metres. The block would have a length of approximately 71.5 metres (with the rear elevation facing towards the bowling green and the residential property of Wellbank). The western wing (facing the residential properties of Riverside Park) would have a length of approximately 42 metres.

7.117 The proposed rear elevation of the ISL Block would be located approximately 25 metres from the rear elevation of Wellbank, although Wellbank is located at the end of the block. The rear elevation of Wellbank contains habitable room windows. The rear elevation of the ISL Block would have a height of approximately 10.2 metres and an overall length of 71.5 metres, with the eastern part increasing in height to 13.9 metres to accommodate a third storey. The rear elevation of the ISL Block contains balconies, with the most westerly first floor balcony facing towards Wellbank. There are therefore concerns relating to the impact of the proposed development on the residential amenities of the occupants of Wellbank, including overlooking and loss of privacy associated with the first floor windows and balconies within the proposed ISL Block, and also the overbearing impact of being located so close to the mass and bulk of such a large building. Such separation distances may have been acceptable if the proposed development related to dwelling houses of a more domestic scale. However, the impact of being located in such close proximity to the large ISL Block are more harmful.

7.118 The proposed western elevation of the ISL Block would be located approximately 30 metres from the rear elevation of No. 11 Riverside Park, and 21.0 metres from the corner of No. 10 Riverside Park, which is at an oblique angle to the proposed development. This western elevation has been amended to two storeys in height and has an overall height of approximately 10.2 metres. The western wing

(facing the residential properties of Riverside Park) would have a length of approximately 42 metres. The amendments proposed with regard to this western elevation have resulted in significant improvements to the impact of the development on the visual amenities of the residents of Riverside Park. However, there are still concerns relating to the overall bulk and mass of such a development given its height of 10.2 metres and its length of 42 metres.

7.119 As such, it is considered that the proposed development will cause harm to the occupants of nearby residential properties with regard to the physical presence and design of the ISL Block, which will have a visually obtrusive or overbearing impact on neighbouring uses, and also privacy issues.

7.120 Although the applicant has provided some site sections, this information is not detailed, and it does not provide existing and proposed levels sections across the site to indicate the impacts of the proposed ISL Block on the nearby residential properties of Wellbank or Riverside Park. It is considered that insufficient information has been provided with regard to site levels and site sections to ascertain the overall impact of the development on the residential amenities of the occupants of Wellbank and Riverside Park. In addition, as explained above, the whole scheme may well need to be redesigned to provide a lifetime of development of 100 years rather than 65 years as currently designed in order to accommodate flood risk within Flood Zone 3, and this may require finished floor levels to be provided at a higher level. Should this be the case, then any increase in the height of the buildings would inevitably have a more adverse impact on the residential amenities of the area, including impacts on the occupants of Riverside Park and Wellbank.

7.121 Nevertheless, based on the information provided, it is considered that the proposed ISL Block, due to its height, form, scale and massing, design and proximity to existing nearby residential properties, would result in a development with a physical presence and design that would have a visually obtrusive and overbearing impact on the neighbouring residential uses and loss of privacy and would therefore have an unacceptable impact on the residential amenities of the occupiers of nearby residential properties.

7.122 As such, the proposed development would be contrary to the NPPF and Policy QOP2 (Good Design and Amenity) of the Northumberland Local Plan, which requires developments 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 the local area.

Highway safety/transportation matters

7.123 Notwithstanding the concerns raised above with regard to impact of the proposed vehicular access road on the visual amenities of the area, and in particular, The Braid, it is necessary to assess the development in terms of matters such as highway safety and parking provision.

7.124 The NPPF at paragraph 111 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.

7.125 The above requirements are reflected also in NLP Policy TRA2 (The effects of the development on the transport network) and TRA 4 (Parking provision in new development).

7.126 The Council's Highways Development Management Team have been consulted on the proposed development and they have no objections. They have advised that this development will not have a severe impact on highway safety, and there are no objections in principle to residential development on the site. It is considered that the proposal is in accordance with the NPPF in highways terms, and the principle of development is acceptable. Revised plans have been received and the Transport Statement upgraded to a Transport Assessment. There are however minor changes to the scheme that will be required but can now be secured by condition.

Transport Assessment (TA) and Highway Safety

7.127 The TA has been assessed and the general concept of the development would not have an adverse impact on the highway network in terms of safety or capacity. It can be seen from the Junction Capacity Assessment in the TA that RFC falls well below the threshold of an RFC of 0.85, with the junction operating within capacity. It is noted that the trip rates for the worst case scenario are not significantly higher to cause detrimental capacity issues to the network and therefore this is acceptable.

7.128 With regards to the collision data, sufficient details have been provided, which indicates there is no pattern of incidents that highlight a significant safety concern that warrants further mitigation.

7.129 The applicant has provided full tracking designs for both Rivergreen and the internal layout of the scheme and both show little conflict that will cause harm to the adopted highway, and it is understood the internal site is to remain private.

7.130 The applicant has also shown tracking for the indicative haul road off the A1068 Marina access; however, the applicant will need to produce a fully scoped Framework Construction Management Plan and Method Statement together with a supporting plan, as this route is a known cycle route (NCR1) and walking route for residents and visitors and there needs to be an appropriate scheme that protects the safety of all users; this will be conditioned.

7.131 The applicant has presented ATC data and visibility splay drawings as part of the TA, it is also noted that visibility from Rivergreen has previously been accepted and the adopted highway at Rivergreen is already in use, with no collisions recorded in the vicinity of Rivergreen in the latest 5-year period on the A1068 to indicate a pattern of road safety concern, as such that this is acceptable.

7.132 The Highways Development Management Team notes that there has been no mention of any of the requested off-site highway works on the Proposed Site Plan, which were outlined within both the original response, however Appendix F of the TA identifies a pedestrian link which doubles as a cycle link and improvements to North Street, together with other off-site highway works. These will be requested by planning condition and will be assessed as part of a Section 278 agreement.

7.133 The development site is well connected, being next to a National Cycle Route, Public Rights of Way and will have a direct access onto North Street which is located within the Town Centre of Amble. A scheme of works will be required to be secured by condition for access to bus stops, including the upgrading to level access kerbing on High Street and pedestrian dropped kerbs also required along the footway routes to the bus stops, where not presently available. A full scheme of off-site highway works is detailed within the conditions, in order to ensure a satisfactory and safe means of access to the site is secure, and in the interests of pedestrian safety, amenity and encouraging sustainable modes of travel.

Travel Plan

7.134 The Travel Plan is acceptable. However, cycle parking and EV charging points are required to be secured by condition.

Internal Site Layout

7.135 The original site layout has been amended, with the road layout being generally very similar with the widths and provision of footways remaining the same. Car parking will be a main focal point of this assessment as the full numbers have been provided within the TA which will be:

- C3 Dwelling Use - 45 spaces for residents and 11 visitor parking spaces
- ISL Care Facilities – 17 spaces for residents, 20 spaces for visitors, 3 staff spaces and 2 disabled spaces.

7.136 The C3 use numbers have seen a number of objections raised from members of the public and residents who reside within the Town. The concerns outlined include whether providing less than half of the requirement of parking identified under the Local Plan Appendix E standard will impact on facilities and the highway network around Amble.

7.137 The applicant has sought to demonstrate parking requirements against each of the points in Policy TRA 4 of the Local Plan. Amble is considered to be a Main Town within the Local Plan which identifies as having good connectivity in terms of cycling, walking and public transport as well as retaining a good number of facilities without the need of travelling outside of the Town. This includes shopping facilities, schools and doctor surgeries.

7.138 The Highways Development Management Team are considering developments, where suitable, to reduce the number of car parking spaces on site to potentially negate the requirement of owning a vehicle, as well as providing EV charging facilities per unit and cycle parking. In addition, consideration has been given to the element of independent supported living as part of these proposals.

7.139 In terms of this development, TRA 4 Paragraph 2 enables the decision makers to consider and give weight to exceptional circumstances with regards to car parking and based on the proposals put forward, where it is located, the level of connectivity, the Northumberland Climate Change Action Plan and on the understanding that it is not proposed to offer the internal road layout for adoption, the level of car parking can be considered acceptable on this basis. It is also noted the applicant has sought to provide suitable parking bays to address emergency access on site such as through the provision of an ISL drop off/service bay, fire engine access and

ambulance bay. A Car Parking Management Strategy is conditioned in the interest of preventing any indiscriminate parking and in the interest of highway safety.

7.140 The Highways Development Management Team would note that the design for the Visitor Parking (VP) bays outside plots 1-8 seems to be shorter at one end than being continuous as per other bays on site and therefore minor amendments are required to the plan, to achieve a better entry/egress taper and for all visitor parking to accord to the dimensional requirements found in Appendix E of the Local Plan. Likewise, the VP bays close to Plots 21 and 22 require minor amendments and should measure a minimum of 2.5 x 5m, which will be secured via condition.

7.141 Subject to these minor revisions, it is advised that no unit shall be occupied until the car parking area associated with that unit, as indicated on the approved drawings, has been constructed, and thereafter shall be retained and used for the parking of vehicles associated with each unit.

7.142 Cycle parking for all units have not been clearly identified on the proposed site plan and will be conditioned in the interest of promoting sustainable modes of travel.

7.143 EV charging has been detailed on the Proposed Site Plan, although noting some points are close to the access to the units; no EV charging infrastructure shall overhang any pedestrian access or footpaths within the site in the interest of pedestrian safety, therefore, amendments will be secured via condition.

7.144 It is therefore considered that the revised proposed development of 104 units on this site is in accordance with the NPPF and will not have a severe impact upon highway safety, subject to the imposition of conditions with regards to boundary treatment, external lighting, external materials for private roads and driveways, implementation of car parking, a car parking management strategy, temporary vehicular access, completion of highway works before occupation, estate street phasing and implementation plan, management and maintenance of estate streets, details of cycle parking, details of surface water drainage to manage run off from private land, EV charging, access, external refuse, and the impacts during the construction phase will address any concerns with the proposed development. Informatives suggested include Section 278 Agreement and highway works and a highways condition survey, contact with The Local Highway Authority, Traffic Management and the Lighting Section, a reminder not to store materials and equipment on the highway, or to deposit mud/debris on the highway, and the need to undertake road safety audits.

Fire Service

7.145 The Fire and Rescue Service has confirmed that they have no objection in principle to the proposed development and that more detailed comment can be given once plans of the development have been finalised.

7.146 Subject to the above conditions suggested by the Highways Development Management Team, the proposed development is considered to be acceptable with regard to highways safety and parking and is in accordance with Policies TRA 2, TRA4 and the NPPF.

Ecology

1.147 Policy ENV 2 (Biodiversity and Geodiversity) requires development to be acceptable with regard to their impacts on biodiversity and geodiversity.

7.148 The Council's Ecology Team and Natural England have been consulted on the proposed development.

Appraisal

7.149 This application is supported by an updated ecology report. Specific surveys undertaken include a Phase 1 Habitat Survey, otter/water vole survey, wintering bird survey, breeding bird survey and bat activity surveys.

7.150 Within the proposal the developed area is predominantly south of the watercourse known as The Gut, this area is currently a mosaic of habitats including scrub, tall ruderal vegetation and trees, part of which is previously developed land. North of The Gut neutral semi-improved grassland (The Braid) will be impacted by the creation of the access road and a temporary construction road.

7.151 All semi-natural terrestrial habitats on the main development Site will be lost apart from the vegetation on the banks of The Gut. It is proposed that the loss of habitats on site will be offset through a mix of measures within the development including native species landscaping and habitat features such as bat roosting and bird nesting boxes. The grassland on the Braid will be restored following removal of the temporary access road

7.152 In addition, having regard to providing a measurable net gain for biodiversity, it is proposed to create wetland habitats off-site on land between The Gut and the access road and to enhance/create an area of 1.37ha habitat off-site around Guilders Burn west of the A1068. The total net gain has been quantified using the Defra Biodiversity Net Gain Metric v.3.0 and demonstrates that a net gain of 11.21% can be achieved. This meets the NPPF and Local Plan objectives and is in line with the Government's proposal for developments to provide 10% net gain.

The proposed habitat features include:

- 28 integrated bat roosting opportunities (e.g., bat boxes)
- 23 integrated bird boxes
- 17 deadwood piles
- 7 amphibian hibernacula
- 12 hedgehog houses, and garden fences with cut-outs for hedgehog access.

7.153 Surface water is to be managed through on-site SuDS before discharging into The Gut. Open swales, an attenuation basin and permeable paving will provide surface water treatment through infiltration, and in addition it is proposed to use a petrol interceptor to treat contaminants associated with car parking areas. Subject to satisfying the LLFA's requirements this should be secured through planning condition.

7.154 The Water Framework Directive actively promotes de-culverting of watercourses. It is considered that the use of a bridge over The Gut rather than culverting would be beneficial for biodiversity. However, the Ecology Team would not object to the culvert; however, they defer to the EA's expertise in this regard.

Designated sites

- European Sites

7.155 European sites (SPA/SAC) are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). Due to the proximity and potential impact to internationally important sites, Northumberland County Council has carried out a habitats regulations assessment (HRA), to test if the proposal could significantly harm the designated features of a European site.

7.156 Mitigation for increased recreational impacts can be delivered through the strategic Coastal Mitigation Service. Due to the distance and land use (marina and built development) between the site and the Coquet Estuary the impact of noise, vibration and visual disturbance during construction would not be significant and potential pollution (dust, water) can be controlled through the use of Construction Environmental Management Plan. Water quality impacts during operation will be avoided and mitigated through the use of SuDS combined with distance to designated sites and dilution effects of the marine environment.

7.157 Following the appropriate assessment and the consideration of all mitigation measures it has been ascertained that the proposal would not adversely affect the integrity of any European site.

- National Sites

7.158 Consideration has been given to whether the proposed development would be likely to have an adverse effect on Sites of Special Scientific Interest (SSSI).

7.159 The site is located within 5km of the Warkworth Dunes and Saltmarsh SSSI, Alnmouth Saltmarsh and Dunes SSSI, Hadston Links SSSI, Coquet Island SSSI and Low Hauxley Shore SSSI and Northumberland Shore SSSI. The assessment of impacts on the qualifying habitats and species of the coastal SSSIs follows the same process as for the SPAs and SACs. Adverse impacts on the SSSIs will be avoided through mitigation provided by the Coastal Mitigation Service and a planning condition requiring a Construction Environmental Management Plan.

- Local Sites

7.160 The Amble to Alnmouth Coast non-statutory Local Wildlife Site is c.200m north of the residential development site, and adjacent to the temporary construction road. This LWS designation is focused around the estuarine and coastal habitats in this location, and the species which they support. Adverse impact on the LWS will be avoided through mitigation provided by the Coastal Mitigation Service and a planning condition requiring a construction environmental management plan.

Coastal Mitigation Service

7.161 As this is a proposed residential development within 10km of the coast, consideration will need to be 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.

7.162 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA must ensure that the development will not have adverse impacts on designated sites.

7.163 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast, and so the contribution in this case, calculated on 104 units, will be £63,960. This is to be secured by a S.106 agreement payable on first occupation.

7.164 The Council's Ecology Team have no objection to the proposed development subject the required contribution to the Coastal Mitigation Service and to conditions, including securing the SuDS and petrol interceptor for water quality, securing delivery of the on-site landscape proposals as submitted or requiring detailed planting specification based on the landscape proposals as submitted, a Construction Environmental Management Plan (Biodiversity), details of a sensitive lighting scheme, inclusion of Biodiversity Enhancement Features (in-built bat boxes, integrated bird boxes, deadwood piles, amphibian hibernacula and hedgehog houses), an ecological design strategy (EDS) addressing the on and off-site habitat creation and enhancement and which provides a minimum of 10% measurable biodiversity net gain.

7.165 Natural England have no objection relating to Designated Sites (European) subject to securing appropriate mitigation for recreational pressure impacts.

7.166 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that the Ecology Team's appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

7.167 The Northumberland Wildlife Trust have submitted a holding objection, based on the disruption of The Braid, impact on statutory designated sites and Local Sites, the need for a HRA and effects on barn owls and effects on bats. These matters have all been considered by the Council's Ecology Team.

7.168 As such, notwithstanding the Environment Agency's request for a Water Framework Directive Assessment, the proposed development is considered to be acceptable with regard to its impacts on biodiversity and in this respect is in accordance with the NPPF and the Policy ENV 2 of the Northumberland Local Plan.

Archaeology

7.169 Policy ENV 7 (Historic Environment and heritage assets) requires developments to conserve and enhance the significance of heritage assets, and

proposals, which will affect a site of archaeological interest, or a site which has the potential to be of archaeological interest, to provide an appropriate desk-based assessment and, where necessary, a field evaluation.

7.170 The Council's Archaeology Team has been consulted on the proposed development and they have advised that the risk of significant unrecorded archaeological remains being damaged or disturbed by the proposed development is low. There are no objections to the proposed development on archaeological grounds and no archaeological work is recommended. As such, in this respect the proposals are considered to be in accordance with the NPPF and Policy ENV 7 of the Northumberland Local Plan.

Land Contamination

7.171 Policy POL 1 (Unstable and contaminated land) states development will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented.

7.172 The Council's Public Protection Team has been consulted on the proposed development and they have advised that a revised Phase I report recommends that further intrusive works (Phase II works) are required onsite, this is of particular importance due to the quoted anecdotal evidence that asbestos contamination may be present on site and that the previous 2011 Phase II works did not include the South Eastern area of the current site area which is likely to consist of a substantial depth of Made Ground due to the former site use.

7.173 The Coal Authority's Consultant's Mining report has stated that there is no probable unrecorded workings underneath the site, nor is there any recorded past underground mining despite the presence of an outcrop – a condition requiring the installation of gas protection measures in all buildings is proportionate to control the potential risk to human health from gas ingress.

7.174 The Public Protection Team have no objection to the proposed development subject to the inclusion of conditions, including restriction on noisy working hours during the construction period, restriction on construction deliveries and collections, the submission of a dust management plan, the submission of a ground gas protection report, the submission of validation and verification of ground gas protection reports, the submission of measures to deal with contamination not previously discovered, the submission of a scheme to deal with any contaminated land or pollution of controlled waters (including a Site Investigation and a Remediation Strategy) and the submission of a contaminated land verification report.

7.175 Subject to the above conditions, if the proposals are considered to be acceptable with regard to land contamination and are in accordance with the NPPF and Policy POL 1 of the Northumberland Local Plan.

Coal Mining Legacy

7.176 The Coal Authority has been consulted on the proposed development. The application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.177 The Coal Authority has advised that more specifically, the Coal Authority's information indicates that the site lies in an area where coal seams outcrop at or close to the surface. These seams may have been subject to historic unrecorded mining activity. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

7.178 The planning application is accompanied by a Geo-Environmental Desk Study. Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that possible unrecorded mine workings associated with several outcropping coals seams of workable thickness pose a mineral stability risk to the proposed development. Accordingly, the report recommends that intrusive site investigations should be carried out in order to gain an understanding of the risk of mineral instability posed by any unrecorded mine workings present beneath the site.

7.179 The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. They concur with the conclusions and recommendations of the that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

7.180 As such, should planning permission be granted for the proposed development, they have recommended a condition requiring that no development shall commence until a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. They also recommend a condition requiring prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development.

7.181 The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above conditions.

Climate Change and Sustainable Development

7.182 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.183 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.184 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.185 Policy STP 3 (Principles of Sustainable development) requires developments to minimise waste, demonstrate high quality sustainable design, be located in areas which are least vulnerable to climatic impacts such as risk from all sources of flooding and rising sea levels; and that anticipated impacts, including those from climate change, on the historic and natural environment, including landscape, biodiversity, ecosystems and water resources should be avoided by locating development elsewhere, adequately mitigated, or as a last resort, adequately compensated for.

7.186 The applicant's Design and Access Statement includes a section on sustainable design. It states that "the scheme design is aiming towards the RIBA 2025 climate target to reduce the impact of the development on the environment. Measures provided include ensuring dwellings are well insulated, energy is supplied from renewable sources and materials are locally sourced."

7.187 It further adds that "The new development on this site will be based on a strategy that will secure a low carbon development that is consistent with wider policy ambitions to reduce the use of energy from non renewable resources and reduce carbon emissions as part of a broader strategy to counter global warming."

7.188 In addition, it states "The adoption of sustainable construction is a key component of sustainable development, and key to minimising the environmental impact of new development.

7.189 The Design and Access Statement states that a 'Fabric First' approach will help to 'future proof' the buildings, by focusing attention on those elements of the building, such as wall insulation, that are difficult to upgrade retrospectively. Specific measures will include:

- Use of high efficiency, low emission heating systems;
- Adoption of a 'Fabric First' approach that embodies high levels of thermal insulation as a means to achieve long term energy efficiency;
- Use of 'accredited details' to achieve high levels of airtightness ;
- A co-ordinated approach to the design of heating systems and building insulation, targeting reductions in energy usage ;
- Measures to reduce water consumption, including dual/low flush WC's and reduced flow taps;
- Use of sustainable drainage to control run off from the site;
- Management of waste during the construction process, including the adoption of a Waste Management Plan;
- Considered orientation of plots and design of windows, balancing aesthetic considerations with the need to use natural daylight and solar gain to reduce use of artificial lighting and heating;
- Provision of mechanical ventilation in accordance with Building Regulation requirements to minimise the risk of condensation
- Appropriate controls to heating systems, helping to minimise energy use;
- Installation of low voltage lighting fittings;
- Potential for the installation of smart metering, enabling residents to monitor and control energy usage;

•Responsible sourcing of materials and use of non-toxic materials; •Avoidance of materials that embody high energy use or carbon emissions

7.190 The Design and Access Statement concludes that “Overall, the aim will be to develop the site in an environmentally and socially responsible manner that embodies the principles of sustainable development.”

7.191 However, as mentioned above within the Principle of Development and Flood Risk Sections, a major concern with regard to this proposed development is that it has been designed with a lifetime of only 65 years, rather than 100 years as required by the NPPF. Although the above sustainable construction measures are appropriate, it is considered that constructing a major residential development with a lifetime design of only 65 years would not result in a sustainable form of development.

7.192 As such, it is considered that the proposed development would not be constructed in accordance with the requirements of the NPPF or Policies QOP1, QOP5 and STP3 of the Northumberland Local Plan.

Other Matters

Crime and the Fear of Crime

7.193 The Police Architectural Liaison Officer has been consulted on the proposed development. They have some concerns relating to the rear boundary treatments, especially those for the Independent Supported Living Block (ISLB) and Apartment A4/A3, and they have also sought clarification on lighting. Such issues raised relating may be dealt with by including planning conditions requiring such details to be submitted and approved.

Planning Obligations

7.194 Should the application be approved, planning obligations will be required in accordance with Policy INF6 of the Northumberland Local Plan.

Health

7.195 The NHS North East and Cumbria ICB have advised that a single payment of £48,300 is required from the developer as a Section 106 contribution to allow a smooth implementation of the required surgery capacity expansion, and this should be on completion of the first dwelling to ensure the new health capacity is in place as the apartments are occupied.

Education

7.196 The Council’s Education Schools Service have advised that under the Council's calculation method for assessing the impact on SEND educational infrastructure, the number of dwellings proposed in this development would have an impact on SEND educational infrastructure as a result of 1 student yielded from the development a contribution of £99,000 would be requested should this development be approved.

Coastal Mitigation Service

7.197 The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast, and therefore the contribution in this case, calculated on 104 units, will be £63,960. This is to be secured by a S.106 agreement payable on first occupation.

Affordable Homes

7.198 5no. Affordable homes will be required.

Open Space

7.199 Policy INF 5 requires the development to be adequately served by open space and provision for children and young people in accordance with the standards set out in Appendix H1 of the Local Plan. The need for maintenance and the repair and replacement, as necessary, of facilities and associated infrastructure over a reasonable period of time must also be recognised and secured.

7.200 Some of this provision should be on site, such as amenity green space and natural and semi-natural green space (or at least partly on-site with a financial contribution for any shortfall). However, the parks and gardens elements and provision for children and young people are likely to be provided off-site and will be required to be provided via planning obligation.

Equality Duty

7.201 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

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

Human Rights Act Implications

7.203 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.

7.204 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.

7.205 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 proposed development is located within the settlement boundary of Amble. As such, the principle of the residential development of the site may potentially be supported by the policies in the development plan and material considerations.

8.2 However, any decision would need to take in consideration the fact that there is already a plentiful supply of housing land identified to meet the area's future housing requirements and Northumberland has therefore more than satisfied the NPPF objective of significantly boosting the supply of housing. Therefore, the presumption in favour of sustainable development and 'tilted balance' does not apply in this case.

8.3 Due to the site being located predominantly within Flood Zone 3, it is necessary to consider whether it is appropriate to develop the site for residential purposes, or whether the development could be located on an alternative site that is less at risk of flooding. The proposed development of this site would therefore need to satisfy the Sequential Test and Exception Test with regard to a "more vulnerable" use being located within an area with a high probability of flooding. However, the applicant has not provided a Sequential Test.

8.4 The applicant has not carried out a Sequential Test to demonstrate a sequential, risk-based approach has been followed to steer new development to areas with the lowest risk of flooding, and therefore they have not demonstrated that the proposed development could not be located on an alternative site that is less at risk of flooding.

8.5 The applicant has provided an Exception Test (that should have been provided following the completion of a Sequential Test), which concludes that there are no sequentially preferable sites available in lower flood risk areas without constraints that meet the aims of the development. They consider that the proposed development provides wider sustainability benefits for the community that outweigh flood risk. They also state that a site specific Flood Risk Assessment has been undertaken to meet the second condition of the exception test, recommending that mitigation measures should be provided to ensure that the development is safe and will not increase flood risk elsewhere. As such, the applicant considers the proposal passes the requirement of the sequential test and fulfils the two conditions of the exception test.

8.6 However, this conclusion is questioned, because firstly, there does not appear to have been a sequential test carried out with regard to the consideration of alternative

sites in areas less at risk of flooding. Secondly, the wider sustainability benefits of the development as listed by the applicant do not appear to outweigh the risks associated with providing such a residential development within Flood Zone 3

8.7 Furthermore, the development has only been designed in terms of flood risk for a lifetime period of 65 years, rather than for 100 years as required by the NPPF, and the details of the applicant's Flood Risk Assessment are not accepted by the Lead Local Flood Authority or the Environment Agency. As such, it is questionable as to whether the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

8.8 It is considered that the applicant has provided an inadequate flood risk assessment and drainage strategy that does not adequately assess or address the flood risks posed by the development. Furthermore, the development has been designed with a lifetime of 65 years which is contrary to the requirements of the NPPF. As such, the proposed development is contrary to Policies STP3, WAT 3 and WAT 4 of the Northumberland Local Plan.

8.9 It is considered that the proposed vehicular access across the Braid, together with the introduction of vehicular movements, would result in a visually intrusive form of development that would be out of character with the open landscape character of this area and change the overall nature and use of the Braid. As such, it would result in unacceptable harmful impacts on the visual amenities of The Braid itself and the wider setting of the Northumberland Coast AONB. The introduction of the proposed road would not only impact on the users of the Braid; it will also impact on the visual amenities currently enjoyed by nearby residential properties as a consequence of the views to the east being interrupted by the new road and associated traffic.

8.10 Given the above impacts on the character and appearance of the area, including the open space of The Braid, the Northumberland Coast AONB and the Amble Conservation Area, it is considered that the proposed development would not make a positive contribution to local character and distinctiveness, contribute to a positive relationship between built and natural features or contribute to a strong sense of place. It would not integrate the built form of the development with the site overall, and the wider local area. It would not be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment, including heritage assets, and any significant views or landscape setting. Nor does the proposed access road across The Braid conserve or enhance the setting of the Northumberland Coast Area of Outstanding Natural Beauty. As such the proposed development would be contrary to Policy QOP 1 and ENV 5.

8.11 In addition, it is considered that the development would not enhance or reinforce the local distinctiveness of the conservation area, and it does not better reveal its significance. As the harm is less than substantial, this needs to be weighed against any public benefit that the same development may make. However, notwithstanding the benefits that may be afforded by the Independent Support Living Apartments, given that no further residential development is required in Amble, and the fact that the proposed development would be located in an area of significant flood risk, it is not clear that the public benefit of the scheme would outweigh this identified harm. As such, it is considered that the proposed development would be contrary to Policy ENV 9 (Conservation Areas).

8.12 The proposed construction of the access road will result in the loss of an area of open space within the Braid. As such, even though the open space on which the proposed road is to be constructed is not in itself designated as Protected Open Space, Policy INF 5 nevertheless requires evidence that it is either surplus to requirements or that the loss of open space is to be replaced. The applicant has not provided an Open Space Assessment and as such, no evidence has been provided to indicate that the open space is no longer required.

8.13 Based on the information provided, it is considered that the proposed ISL Block, due to its height, form, scale and massing, design and proximity to existing nearby residential properties, would result in a development with a physical presence and design that would have a visually obtrusive and overbearing impact on the neighbouring residential uses and loss of privacy and would therefore have an unacceptable impact on the residential amenities of the occupiers of nearby residential properties. As such, the proposed development would be contrary to the NPPF and Policy QOP2 (Good Design and Amenity) of the Northumberland Local Plan, which requires developments 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 the local area.

8.14 The applicant has not provided a Water Framework Directive Assessment as required by the Environment Agency. As such, the Local Planning Authority is unable to conclude that the proposed development would be compliant with the WFD and Northumbria River Basin Management Plan.

8.15 The proposed development requires a Section 106 legal agreement covering Coastal Mitigation, Health, Education, Open Space and Affordable Housing to make it acceptable in policy terms. In the absence of a suitable agreement, granting planning permission would be contrary to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy INF 6 of the Northumberland Local Plan and the NPPF.

8.16 The planning application is therefore recommended for refusal.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reasons

Sequential and Exception Test

01. The application site is located within Flood Zones 2 and 3 and in accordance with the NPPF, the applicant is required to carry out a Sequential Test in order to demonstrate that a sequential, risk-based approach has been followed to steer new development to areas with the lowest risk of flooding, and that a “more vulnerable” residential development could not be located within an area less at risk of flooding. However, the applicant has not provided a Sequential Test, and as such, they have been unable to demonstrate that the proposed development has to be located on this site. In addition, the applicant’s Exception Test does not adequately demonstrate that the proposed development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk. Furthermore, the Exception Test has not adequately demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood

risk elsewhere, and, where possible, will reduce flood risk overall. As such, the proposed development is contrary to Policies STP 3 and WAT 3 of the Northumberland Local Plan and the NPPF.

Flood Risk and Drainage

02. The applicant has provided insufficient information with regard to drainage and flood risk, and the Local Planning Authority is therefore unable to fully assess the impact of the proposed development on drainage and flood risk issues or conclude that it would not have an unacceptable impact on drainage and flood risk within the local area. In addition, the applicant has not provided sufficient evidence to demonstrate the design of the development with a 65 year life span is acceptable, given that the requirement is for a lifespan of 100 years.

The Local Planning Authority is therefore unable to conclude that the proposed development would not have an unacceptable impact on drainage and flood risk. As such, the proposed development is contrary to Policy WAT 3 (Flooding) and WAT 4 (Sustainable Drainage Systems) of the Northumberland Local Plan and the NPPF.

Impact of Proposed Vehicular Access on Character and Appearance of the Area, including the Braid and the Northumberland Coast AONB

03. The construction of the proposed vehicular access road across The Braid area of open space in order to serve the proposed residential development, together with the introduction of relatively high levels of additional traffic, would by reason of its location across The Braid, result in an incongruous form of development that would have a harmful impact upon the nature, use, character and visual appearance of The Braid as an area of quiet, peaceful informal open space that is currently devoid of traffic, and it would cause unacceptable harm to the visual and recreational amenities of this area. The proposed vehicular access road would also have a harmful impact on the setting, and views from, the nearby North Northumberland Coast AONB.

As such, the proposed development would be contrary to the NPPF and Strategic Policy QOP1 (Design Principles) of the Northumberland Local Plan, which requires developments to make a positive contribution to local character and distinctiveness, contribute to a strong sense of place and integrate the built form of the development with the site overall and the wider local area, be visually attractive and not to cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings. The proposed development would also be contrary to Policy ENV5 (Northumberland Coast Area of Outstanding Natural Beauty), which requires developments to conserve and enhance the special qualities of the AONB.

Impact of Proposed Development on Amble Conservation Area

04. The proposed development, by reason of its design, height and use of materials, would not enhance or reinforce the local distinctiveness of the Amble Conservation Area, and it does not better reveal its significance. As the harm is less than substantial, this needs to be weighed against any public benefit that the same development may make. However, notwithstanding the benefits that may be afforded by the Independent Support Living Apartments, given that no further residential development is required in Amble, and the fact that the proposed development would be located in an area of significant flood risk, it is not clear that the public benefit of

the scheme would outweigh this identified harm. As such, it is considered that the proposed development would be contrary to Policy ENV 9 (Conservation Areas).

Residential Amenity

05. The proposed development, by reason of its height, form, scale and massing, design and proximity to existing nearby residential properties, would result in a development with a physical presence and design that would have a visually obtrusive and overbearing impact on the neighbouring residential uses, a poor outlook and loss of privacy and would have an unacceptable impact on the residential amenities of the occupiers of nearby residential properties.

As such, the proposed development would be contrary to the NPPF and Policy QOP2 (Good Design and Amenity) of the Northumberland Local Plan, which requires developments 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 the local area.

Loss of Open Space

06. The proposed vehicular access road across The Braid area of open space would result in the loss of part of the open space. Policy INF 5 (Open space and facilities for sport and recreation) states that the loss of open spaces defined on the Policies Map, or other existing open space, will not be supported unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As the applicant has not submitted an Open Space Assessment, the Local Planning Authority is unable to ascertain whether that part of the open space is no longer required. As such, the proposed development is contrary to Policy INF 5.

Water Framework Directive Assessment

07. The applicant has failed to provide a Water Framework Directive Assessment as required by the Environment Agency. As such, the Local Planning Authority is unable to conclude that the proposed development would be compliant with the WFD and Northumbria River Basin Management Plan.

Planning Obligations

08. The proposed development requires a Section 106 legal agreement covering the following matters to make it acceptable in policy terms.

Coastal Mitigation
Health
Education
Open Space
Affordable Housing

In the absence of a suitable agreement, granting planning permission would be contrary to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), Policy INF 6 of the Northumberland Local Plan and the NPPF.

Background Papers: Planning application file(s) 22/01051/FUL

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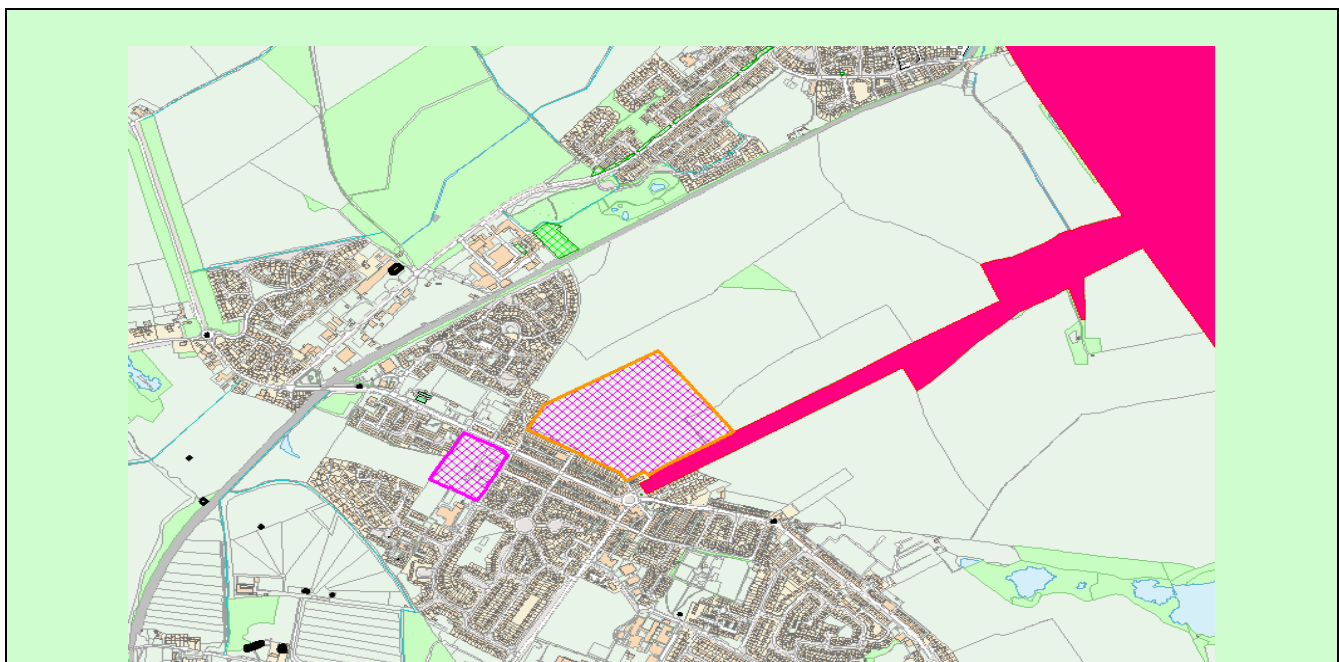


Northumberland
County Council

Strategic Planning Committee 6th December 2022

Application No:	22/02627/CCD		
Proposal:	Construction of new school buildings, sports centre, external sports pitches, landscaping, parking and access at Land North of The Avenue, Seaton Delaval and parking and access at former Whytrig Middle School Site, Western Avenue, Seaton Delaval (amendment to red line boundary 27.20.2022)		
Site Address	Land East Of Allenheads/Former Whytrig Middle School, The Avenue, Seaton Delaval, Northumberland		
Applicant:	Northumberland County Council C/o Agent (DPP Planning), Studio 012 Haylofts, St Thomas Street, Newcastle Upon Tyne NE1 4LE	Agent:	Mrs Nicola Crowley Studio 012 Haylofts, St Thomas Street, Newcastle Upon Tyne, NE1 4LE
Ward	Seghill With Seaton Delaval	Parish	Seaton Valley
Valid Date:	26 July 2022	Expiry Date:	13 December 2022
Case Officer Details:	Name: Mr Richard Laughton Job Title: Senior Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be minded to grant permission subject to the findings of the Ecology Report and Biodiversity enhancements and conditions



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1. Introduction

1.1 This application is to be determined at Strategic Planning Committee for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.2 Full planning permission is sought for the construction of new school buildings, sports centre, external sports pitches, landscaping, parking and access at Land North of The Avenue, Seaton Delaval and parking and access at former Whytrig Middle School Site, Western Avenue, Seaton Delaval.

2.3 The application is for the construction of a new co-located middle and high school and is split between a larger main site, containing the school buildings and sport facilities, and a smaller separate site which provides the majority of the parking for the school. The all-weather sports pitches, will support the school curriculum but also for community use.

2.4 The submitted planning statement states:

“The rationale for the Proposed Development has been founded on Seaton Valley Federation’s desire to provide a financially and educationally secure future for its schools and the need for significant capital investment in the school estate. The scheme will improve the teaching and learning environment for current and future pupils in the school, including on-site sporting and community facilities that would also benefit the Seaton Valley community as a whole.

A new build school for Astley High School and Whytrig Middle School has been earmarked since 2016 due to the condition need of the building with £15.7m backlog maintenance repairs. The building is in the greatest need for replacement when compared to the rest of the local authority-maintained school estate; it also has a high level of asbestos making repairs and maintenance extremely difficult and even impossible in some areas without closing large areas of the school”.

2.7 The application proposes a symmetrical ‘E-shaped’ school building that has been sited to the eastern boundary near the Avenue (A190). It also includes a sports hall, and swimming pool to the north of the building with external sports pitches to the west of the site. The siting of the building has been chosen to provide a suitable distance from the nearest residents on Manners Gardens at 100m to reduce any overbearing impact and provide soft landscaping to mitigate the impact on outlook. The proposed external cladding materials are to be a combination of brickwork, curtain wall and metal with PV panels are proposed on the roof.

2.4 The main site comprises undeveloped agricultural land and is located north of the A190/A192 roundabout (the central ‘Avenue Head’ junction) and adjacent to the built form of the settlement. It is north-west of The Avenue, which provides the tree-lined route between the village and Seaton Delaval Hall. The main access is from Prospect Avenue, which will be utilised by coaches, school staff and for disabled access with 68 parking spaces. The coaches will have a dedicated drop-off/pick-up area and the coaches will remain on site all day after the morning drop-off. A proposed secondary

access point for refuse and delivery vehicles is from The Avenue utilising a farm access in between the line of trees.

2.5 The smaller site is located within the settlement limits of Seaton Delaval, to the south west of the main site, on a mix of previously developed land formerly occupied by Whytrig Middle School and part of a playing field. The vehicular access will be from Western Avenue and will provide 245 spaces for staff, sixth form parking and parent pick-up/drop-off. Staff and pupils will walk to the main site with upgraded pedestrian crossings. This will include a new signal-controlled crossing on the A192 Astley Road within proximity of junction with Prospect Avenue.

3. Planning History

Reference Number: C/76/C/123

Description: Erection of a county first school on site of middle school and the provision of additional playing field facilities for the middle school on 2.26 ha

Status: Approved

Reference Number: C/75/C/327

Description: Erection of a county first school and playing field facilities for existing school on 3.94 ha

Status: Replied

Reference Number: C/80/C/327

Description: Erection of garage for mini-bus

Status: Approved

Reference Number: C/80/C/327A

Description: Revised siting of mini bus garage

Status: Approved

Reference Number: C/80/C/327B

Description: Amendments to design and materials

Status: Approved

Reference Number: C/E/C/100

Description: New school to replace Seaton Delevant First School on Whytrig site

Status: Replied

Reference Number: C/05/00136/CCD

Description: Replacement for Seaton Delaval First School

Status: Approved

Reference Number: B/05/00409/CPO

Description: Replacement for Seaton Delaval First School

Status: NBBVBC

Reference Number: 12/00094/CCD

Description: The installation of solar photo voltaic panels on the school roof

Status: Approved

Reference Number: B/80/C/327

Description: Detailed application for the erection of garage for mini-bus, as amended by plan and memorandum dated 31 July 1980

Status: NONCCZ

Reference Number: 16/01969/DEMGDO

Description: Prior Notification: Demolition of existing single / part two-storey school building.

Status: Approved

Reference Number: 17/04203/FUL

Description: Siting of replacement steel container

Status: Approved

Reference Number: B/80/C/327B

Description: Amended details of mini bus garage

Status: NONCCZ

4. Consultee Responses

Seaton Valley Parish Council	Support with concerns that need to be addressed.
Highways	No objection subject to conditions
The Gardens Trust	No objection – subject to enhanced tree planting
Building Conservation	Objection – ‘Less than substantial harm’ requiring the harm to be weighed against public benefits which may arise from the proposals.
Historic England	No objections
County Ecologist	Objection – insufficient information
Environment Agency	No response received.
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Public Protection	No objection subject to condition
Climate Change Team	No objections
Northumbrian Water Ltd	No objection subject to condition
County Archaeologist	No objection subject to conditions
Sport England	No objections subject to conditions
Fire & Rescue Service	No objection
Architectural Liaison Officer - Police	No objections but recommendations made to address design & crime
Northumbria Ambulance Service	No response received.
Natural England	No objections
Education - Schools	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	1186
Number of Objections	56

Number of Support	1
Number of General Comments	1

Notices

Departure & conservation 16th November 2022, 1st September 2022 & 3rd December 2022

News Post Leader 11th November 2022

Summary of Responses:

Seaton Valley Council

“Seaton Valley Council supports the construction of new school buildings and sports facilities at land north of The Avenue and parking and access at the former Whytrig Middle School site on Western Avenue in Seaton Delaval.

However, we have several concerns that we would like to see addressed before planning permission is granted:

Transport, traffic and travel

There appears to be no assessment of the traffic and pedestrian impacts on the A192/A190 at the Avenue Head roundabout because of the new planned pedestrian crossing on Astley Road and the increased use of the existing crossings. The increased use has the potential for traffic to back up and block the highway and junctions. There is also a concern for the possible obstruction and delay of emergency vehicles travelling on Astley Road to incidents in these areas. The Avenues shared cycle and footpath from Seaton Sluice to Seaton Delaval is not classed as a safe route to school for pupils due to the lack of street lighting. The council feels that students should be encouraged to walk/cycle/scooter to school, so would like to see street lighting installed on The Avenue between Seaton Sluice and the Avenue Head roundabout in Seaton Delaval to facilitate this.

We are disappointed that the plans do not include the installation of a pedestrian crossing at the top of The Avenue (A190) as we have serious concerns for the safety of children who cross the road at this point despite the advice to use the existing crossing further around the corner at the Avenue Head. The council strongly believes that a new puffin crossing should be installed to improve highway safety at this location.

There doesn't appear to have been an assessment of the increased drop-offs by car in bad weather for the 46% of students who would normally walk/cycle/scooter to school. We believe the increase in drop offs will be significant on Astley Road, Prospect Avenue, The Avenue Head and Western Avenue which could have major safety implications in these areas.

Again there doesn't appear to have been an assessment of increased traffic in the Western Avenue Estate that will be generated from the development and in particular from the large car park on Western Avenue. We believe that traffic volumes will increase substantially in this area adding to existing traffic flows generated by Seaton Delaval First School. We strongly suggest that such an assessment is carried out.

We feel that the proposed on-street parking restrictions in the vicinity of the site are inadequate as these only cover small areas of Prospect Avenue and Western Avenue. At the very least there needs to be additional parking restrictions on Astley Road and Manners Gardens (full length) during school drop off and pick up times. We would suggest that a comprehensive parking management plan is carried out.

The council would also suggest that consideration be given to a resident only parking on Manners Gardens and possibly a one-way traffic system.

The council has real safety concerns about inadequate visibility at both the Prospect Avenue and Western Avenue junctions onto Astley Road. There is also the potential of conflict between pedestrians and vehicles of local businesses. We believe that additional pavement buildouts and traffic calming measures are required.

The speed limit of the surrounding streets on Manners Gardens and Allenheads is currently 30 MPH. These limits need to be reduced to 20 MPH and a variable speed limit needs to be introduced on Astley Road, between Avenue Head Roundabout and Western Avenue, during school drop-off and pick-up times. This would mirror the speed restrictions on the A190 in Seghill that have been put in place to improve highway safety in the vicinity of the First School.

The council is particularly concerned about the effect the development may have on the glazing business on Prospect Avenue and the funeral directors on Astley Road/Western Avenue. We believe that alternative parking arrangements may need to be considered for both businesses.

The councils would suggest employing school crossing patrol operatives to patrol the crossing points on Astley Road during school opening and closing times. We think this would increase the awareness of drivers at busy periods and improve safety for students.

Noise impacts

With regard to the use of sports pitches we note that the noise impact study suggests that a 10 - 15db increase in noise in the Manners Gardens/Allenheads area can be expected. The assessments recognises that this could have significant adverse effects but only recommends that a Noise Management Plan is submitted prior to the commencement of the development. Whilst we support the submission of a Noise Management Plan, we also believe that acoustic fencing should be considered.

Visual impacts

The council would like to see a detailed landscape and visual assessment undertaken to properly assess the impact of the development on the adjacent countryside as it would appear that there will be an adverse impact on The Avenue, which lies within the Seaton Delaval Conservation Area.

This will arise from the loss of a number of mature trees to create the new service access point. We would hope that the number of trees that need to be moved is kept to a minimum and feel that there may be a need for additional planting in the area to screen the development from The Avenue, as far as possible. We also believe that the materials used to construct the new buildings and fencing should be in keeping with the conservation area”.

There are 56 objections to the application with concerns relating to:

- Loss of open countryside
- Inappropriate development in the Green Belt
- Visual impact from large scale development
- Landscape impacts
- Loss of view
- Impact to Conservation Area
- Highway safety – already traffic congestion in the area and the scheme will significantly worsen the situation; poor visibility at junctions; park and stride scheme is not safe for pupils crossing roads; parking restrictions will increase congestion and current arrangement for existing residents; circulation strategy will not be adhered to and most users will head towards main school access point or surrounding streets rather than designated car park or Western Av.; lack of space for large vehicles to manoeuvre;
- Noise and Air pollution
- Should develop existing school site or alternative site
- Detrimental impact to biodiversity, wildlife, trees and protected species
- Impact to amenity of existing residents due to additional footfall and intensification of the site; anti-social behaviour.
- Light pollution from flood lights – impact nearby residents
- Impact to local businesses
- Access will development upon a resident's garden due to land grab (this issue has not been resolved through amended plans)
- The scale of the sports facilities is unnecessary
- Disruption during construction

1 letter of support highlights the need for a school that is fit for purpose. Existing school site also has similar pedestrian safety issues. The new site location encourages students to cycle; the building will also be energy efficient; sports facilities will be welcome in the area.

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=RFKQ6EQSICI00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022):

Policy STP 1 – Spatial Strategy

Policy STP 2 – Presumption in favour of sustainable development

Policy STP 3 – Principles of sustainable development

Policy STP 4 – Climate change mitigation and adaptation

Policy STP 5 – Health and wellbeing

Policy STP 6 – Green infrastructure

Policy STP 7 – Strategic approach to the Green Belt

Policy STP 8 – Development in the Green Belt
Policy HOU 3 – Housing requirements for neighbourhood areas
Policy HOU 4 – Housing development site allocations
Policy QOP 1 – Design principles
Policy QOP 2 – Good design and amenity
Policy QOP 3 – Public realm design principles
Policy QOP 4 – Landscaping and trees
Policy QOP 5 - Sustainable design and construction
Policy QOP 6 – Delivering well-designed places
Policy TRA 1 – Promoting sustainable connections
Policy TRA 2 – The effects of development on the transport network
Policy TRA 4 – Parking provision in new development
Policy ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment
Policy ENV 2 – Biodiversity and geodiversity
Policy ENV 3 – Landscape
Policy ENV 7 – Historic environment and heritage assets
Policy ENV 9 – Conservation Areas
Policy WAT 3 – Flooding
Policy WAT 4 – Sustainable Drainage Systems
Policy POL 2 – Pollution and air, soil and water quality
Policy POL 3 – Best and most versatile agricultural land
Policy INF 2 – Community services and facilities
Policy INF 5 – Open space and facilities for sport and recreation

Seaton Valley Neighbourhood Plan 2021

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2020) (NPPG)

6.3 Other Strategies/ guidance

Planning (Listed Buildings and Conservation Areas) Act (PLBCAA)

7. Appraisal

7.1 In relation to the principle of this development in policy terms, it is considered that the following main matters are relevant and need to be considered:

- Spatial strategy
- Green Belt
- Education and community facilities
- Housing allocation and housing supply
- Protected open space

- Design and quality of place
- Environment
- Connectivity
- Climate Change

Spatial Strategy

7.2 Seaton Delaval is defined as a 'Service Centre' under Policy STP 1 of the Local Plan. Service Centres tend to serve a hinterland and in this case the Seaton Valley villages. These areas are expected to maintain and strengthen their roles, not only by accommodating a certain amount of employment and housing, but an appropriate level of services.

7.3 Service Centres have a number of key services for their communities and surrounding areas, their range and number tend to be more limited than Main Towns, such as Blyth and Cramlington. As such, 'top tier' services are not always, necessarily, directed towards them – indeed, not all of the County's service centres have either a High School or a Secondary School. Nevertheless, Seaton Delaval has a long history of providing secondary education to serve Seaton Valley.

7.4 The Spatial Strategy of the Local Plan under Policy STP 1 is predicated on the premise of proportional development within the constraints of the Green Belt. The smaller site proposed for car parking is located within the built form of Seaton Delaval however, the main site is located in the Green Belt and encroaches the open countryside as defined in the Local Plan.

7.5 Policy STP 1(g) sets out forms of development that will be supported in the open countryside and criterion (v) supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2 (Community services and facilities). Subject to the tests of Policy INF 2, the provision of improved school buildings and sports facilities which are accessible to the general public, and which support the retention of educational facilities in Seaton Delaval and the wider Seaton Valley is to be supported by Policy STP 1. However, this is on the basis that the application can adequately demonstrate that the development cannot be accommodated within the Green Belt inset boundary.

Green Belt

7.6 The main site is located within the Green Belt as defined on the Local Plan Policies Map. Policy STP 7 and Policy STP 8 of the Local Plan sets out that development will only be supported in the Green Belt if it is not inappropriate, as defined in national policy, or where very special circumstances exist to justify the development.

7.7 Paragraphs 149 and 150 of the NPPF form a closed list of development that is considered not inappropriate in the Green Belt. Paragraph 149, which relates to new buildings in the Green Belt states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or
– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”

7.8 This does not include any exceptions which reflect the proposed school buildings and sports centre. Part b, relating to facilities for outdoor sport, does not apply as, although an element of the sports centre will provide facilities for the outdoor sports pitches, including changing rooms and storage, the main use of the building is for indoor sport. The proposed buildings are therefore, in line with the NPPF, inappropriate development in the Green Belt.

7.9 Paragraph 150 of the NPPF lists other forms of development that are not inappropriate in the Green Belt, including engineering operations (b) and material changes in the use of land (e). The outdoor sports provision would fall within these forms of development, subject to the proviso that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

7.10 Although the outdoor sports pitches are capable of being appropriate development in the Green Belt, they form an ancillary use as part of a development which, as a whole, is inappropriate in the Green Belt. In accordance with Policy STP 8 (1a) inappropriate development in the Green Belt will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal.

7.11 In accordance with the NPPF, inappropriate development is, by definition, harmful to the Green Belt (paragraph 147) and harm to the Green Belt carries substantial weight against the proposed development (paragraph 148). In addition to the harm to the Green Belt by reason of inappropriateness, other specific harm to the Green Belt may also be taken into account. In terms of considering the level of specific harm to the Green Belt, it will be necessary to assess the impact of the development against the openness and purposes of the Green Belt. Further planning harms resulting from the proposal, should also be identified and taken into account in the very special circumstances balance. This includes harm associated with other policy conflicts identified in this document and any other harm that is material to determining this application.

Very Special Circumstances

7.12 Demonstrating very special circumstances is a high test (NPPF paragraph 144) and should be decided as a matter of planning judgement. In general, whilst a number of combined positive factors may equate to very special circumstances, the appraisal should be based on qualitative rather than a quantitative assessment

7.13 In terms of impact on openness and purposes of the Green Belt, it is clear that the introduction of new educational buildings onto an entirely open and undeveloped site, out with the built form of the settlement, will harm the openness of the Green Belt and result in encroachment into open countryside. There is some containment provided by the settlement and other features such as the railway line to the north, buildings to the south and the tree-line along the Avenue to the west to offer screening and reduce visibility, which limits the harm to some extent. The location of the site and the placement of the buildings next to the existing built form of the settlement also limits harm in that the location is not remote and there are already some urbanising influences on the site. It has to be concluded therefore that there is harm to the openness of the Green Belt resulting from the school buildings and sports centre.

7.14 National Planning Policy Guidance (NPPG) states a judgement based on the circumstances of the case is required when assessing the impact of a proposal on the openness of the Green Belt. Through the courts, a number of matters in considering impacts on openness have been raised including openness being capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume. Therefore, whilst there is the obvious spatial harm to openness, the visual impacts from the town and long range views are reduced due to careful consideration of the positioning and scale of the buildings.

7.15 in terms of paragraph 138 of the NPPF and the five purposes of the Green Belt, the application will encroach into the open countryside, impact the setting of historic town in terms of the setting of the Conservation and would not encourage the recycling of derelict or urban land. The scheme however, would avoid merging with neighbouring towns and there is already an element of sprawl from the surrounding development with the school being well related to the settlement.

7.16 In terms of 'other harm' this will be referenced in more detail later in report but in summary, this relates landscape impacts, a 'less than substantial harm to the Seaton Delaval Conservation Area and the loss of an allocated site for housing.

7.17 Regarding factors weighing in favour of the scheme, the application sets out a case based upon the need for a new school and the lack of a suitable alternative site, in addition to benefits for the community associated with the new sports facilities. The provision of a new school and sports facilities significantly weighs in favour of the scheme, with support for such provision set out in paragraphs 92, 95 and 98 of the NPPF. This promotes social interaction, community cohesion, healthy lifestyles with social, recreational and cultural facilities that services the community needs. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

7.18 The following section is a review of the submitted Green Belt Statement which has addressed the 'Very Special Circumstances' within the following headings:

- Need for the Proposed Development
- Absence of alternative sites
- Benefit to the local community in terms of educational provision
- Benefit to the local community in terms of community sports provision
- Unrivalled Benefits

Need for the Proposed Development

7.19 The need to provide enhanced educational facilities can be achieved by the replacement or new educational facilities to meet the needs of the local community which is promoted in paragraph 95 of the NPPF.

7.20 A new build school for Astley High School and Whytrig Middle School is required due to the condition of the building with a £15.7m backlog of maintenance repairs. It also has a high level of asbestos making repairs and maintenance extremely difficult and even impossible in some areas without closing large areas of the school.

Alternative Options

7.21 A series of suitable options were considered against the following criteria:

- Ownership
- Site Capacity
- Planning implications
- Access and Transport
- Timescale
- Acquisition Cost
- Title Investigation
- Location
- Support from School

“Do Nothing” Option

7.22 The current site is undersized at 56,406sqm and allows no room for expansion. The ‘Building Bulletin 103’ for education facilities recommends a site size of between 69,000sqm and 86,260sqm and pitch provision needs to meet with Sport England standards. Without any redevelopment the condition of the school would further deteriorate, and costs associated with future repairs would increase and negatively impact the teaching standards. The Seaton Valley Federation have expressed concerns at the current standard and quality of the facilities. As such, this option was not considered appropriate and discounted.

Maintaining the existing facilities

7.23 This option would not solve the issue of the current size constraints of the site. The nature of the maintenance works would require decanting students to temporary accommodation and disrupt teaching and learning. The application highlights that the Seaton Valley Federation support the option to undertake improvement works however expressed disappointment at the missed opportunity to use the funds to achieve benefits over and above basic repairs. As a result, this option was not considered appropriate and was discounted.

Redevelopment of the existing Elsdon Avenue Site

7.24 The option to development the existing site appears as an obvious choice as the site has been established as a school and avoids the planning constraints of a new location outside the settlement limits. Again, the site does not offer the modern requirements for the current size standards for the school and pitch provision. The sports provision would need to be located off-site which is a less practical solution. This also provides safety concerns with pupils travelling on foot during curriculum time.

7.25 In addition, to redeveloping the site, the new buildings would need to be sited on the existing playing field so the school could continue to operate during construction. This would cause a temporary loss of sports pitches but also restrict the options for layout and design of the new scheme. As such, this option was therefore discounted.

Absence of alternative sites

7.26 Based on the outcome of the options, the applicant considered it necessary to review the option of alternative sites which presents challenges for finding a brownfield site within a small settlement under the identified size requirements.

7.27 The minimum site requirements including the sports provision of 120,000sqm sought to identify a site under following the parameters:

- Within the Seaton Valley Federation catchment area
- Good adjacency to current Whytrig and Astley Schools
- Accessible from major transport routes
- Good accessibility for travel on foot/bike
- Close to settlement boundary
- Not affected by physical features i.e. pylons, ponds, watercourses
- Minimum 120,000m² site area

7.28 There were 8 sites identified for consideration in the assessment which are all located within the defined catchment area and have been discounted for the following reasons:

1. Land at Former Whytrig Middle School & Wheatridge open space

- Undersized (it is circa 56,278sqm) and would require additional land to provide the required sports pitch provision and also prevent future expansion.

2. Land north of Double Row

- Affected by historic colliery use; expensive to remediate & develop; located within the Green Belt and adjacent to the South East Northumberland Wildlife Network

3. Land adjacent to former P&G factory, Avenue Road

- Under-sized for required development and the long shape would make it difficult to accommodate the development. No longer available for purchase Located in the Green Belt Partly within the South East Northumberland Wildlife Network area

4. Land at former Seghill Brickworks

- Under-sized for required development; affected by historic land use issues, expensive to remediate; away from current school sites; allocated for employment use; partly within the South East Northumberland Wildlife

5. Land north of Mare Close

- Avoiding pylons would result in difficult shaped site to meet required area; not as easily accessed on foot and located in the Green Belt

6. Land south of Mare Close

- Avoiding pylons would result in difficult shaped site to meet required area; not as easily accessed on foot; located in the Green Belt; separated from existing settlement by trees

7. Land east of A192 Proximity to Holywell Ponds

- identified as a Non-Statutory Nature Reserve Partly within the South East Northumberland Wildlife Network area; location not as central as Avenue site; located in the Green Belt

The proposed application site at The Avenue

7.29 All the sites identified have constraints that restrict the development or impact the surrounding land. Notably, the majority of sites are located in the Green Belt. Whilst it is acknowledged that the chosen site is also located in the Green Belt, it was identified to be to be more sequentially preferable.

7.30 This is due to the site being centrally located for the community and would relate well to the settlement with adequate screening from existing buildings and trees.

7.31 The benefits of the site include:

- Providing modern educational facilities for Seaton Valley;
- Improve teaching quality
- High standard of new sports facilities in a sustainable and accessible location
- Support healthy lifestyles and social cohesion;
- The size can accommodate both the school buildings and sports facilities;
- Scope to allow for future expansion if required.;
- Can meet an expanding population;
- Within walking distance to existing schools;
- Accessible with good links to transport and facilities;
- Carbon neutral design;
- Combines the middle and high school that avoids transporting pupils between sites for safeguarding

Benefit to the local community in terms of educational provision

7.32 As previously identified, the development is supported by Policy STP 1, subject to the tests set out in Policy INF 2. Part 2 of Policy INF 2 supports improvements in “... the quantity, quality, accessibility and range of community services and facilities, and the provision of new services and facilities where these will meet an identified need”.

7.33 The Policy does go on to make clear that such improvements must be:

“... subject to conformity with policies elsewhere in the Local Plan, and any made neighbourhood plans, which seek to ensure any significant adverse effects on the environment, habitats, heritage assets and local amenity can be avoided through good design and siting of development or that those effects can be suitably compensated for or mitigated.”

7.34 The Local Plan does strongly support the provision of up-to-date services for communities, including the provision of schools. Similarly, the NPPF also supports the provision of schools and sports facilities. As previously highlighted, Paragraph 95 affords *“great weight to the need to create, expand or alter schools”*, while paragraph 92 supports *“the provision of safe and accessible green infrastructure, sports facilities”*.

7.35 Paragraph 98 recognises that *“access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities”*.

7.36 The proposed development will significantly enhance the education offer for students in the Seaton Valley catchment. It will deliver improved teaching facilities in a new teaching environment which incorporates teaching walls and up to date technology. The new school will be significantly more accessible and DDA compliant with the swimming pool serving those pupils and the wider community who require accessible facilities.

7.37 There is an identified need for new school buildings and facilities to meet modern standards that will enable the retention of a high school in the settlement, this is given considerable weight in the planning balance to represent a significant benefit.

Benefit to the local community in terms of community sports provision

7.38 Although there are some sports facilities within the current school site, the application recognises that these are limited and the new provision of enhanced indoor and outdoor sports pitches and a swimming pool would be available for community use. This weighs in favour of the scheme which is supported by Sport England.

7.39 Sport England has been consulted and considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy. The application relates to the loss of existing playing fields and the provision of replacement playing fields. Sport England assesses the proposal based on the area of playing field to be lost as a result of the proposed development and if that will be replaced by a new area of playing field of equivalent or better quality; in a suitable location, and subject to equivalent or better accessibility and management arrangements.

7.40 Astley Community High School has 3.45 Ha playing field which is set out for rugby league and football pitches for school and community use. There is a playing field of 0.86Ha in area at the former Whytrig School site which is set out for junior football. The school site’s indoor sports facilities are similarly available.

7.41 The proposed site layout has increased playing field provision of 6.96Ha which includes two MUGA areas and full sized Artificial Grass Pitch (AGPs). The grass playing field areas are indicatively shown as accommodating a range of football and rugby pitches across winter months, and athletics and cricket across summer. The

proposed playing field meets the quantitative test within playing field exception 4 of Sport England's policies.

7.42 The proposed layout and design is considered to be conducive to enabling the effective management of community use. The application has confirmed that the proposed indoor and outdoor sports facilities at the proposed school will be made available to the community and secured via a community use agreement.

7.43 In addition, Sport England sought the views of key sports governing bodies including The FA (through its delivery arm – the Football Foundation) and responded to advise:

“Both playing fields are identified as being used for community football. The field associated to the now demolished former Whytrig Middle School site is used by Seaton Delaval Dynamos Junior FC and has been for over ten years. The shared Astley High School site is used by Cramlington Juniors for matches. We would expect that both of these clubs would be key community users of any new facilities”

7.44 The Football Foundation further supports *“the development of a new full size 3G pitch. As a multi-sport and multi pitch sports hub with sports centre, this would be of strategic significance for football. The Northumberland PPS (2020) identifies a significant deficit of at least five full size 3G FTPs to meet current training and match play demands for football, including within this locality”*.

7.45 The existing school contains a number of indoor sports facilities including a four court sports hall, four lane swimming pool and health and fitness suite. The Northumberland Built Sports Facility Strategy (2017) identified that each facility and their community availability was an important component of the network of community sports provision in this part of Northumberland. Sport England welcomes their re-provision within the development.

7.46 In summary, Sport England has confirmed that that the proposal meets their playing field policy and the application is supported subject to conditions securing details of the community use agreement and the design and specification of the sports pitches. Their comments support the benefits for the community sports provision and identifying a positive factor within the planning balance.

Balance: Summary of very special circumstances case

7.47 It is acknowledged that the site is within the Green Belt and there is harm by reason of inappropriateness and openness, however very special circumstances do exist to outweigh this harm.

7.48 There is a clear need to deliver the new schools within the existing catchment and there are no alternative sites available to meet the requirements to accommodate a new school with a high standard of educational facilities.

7.49 Furthermore, it provides significant public benefits by providing a sports pitches and fields with a modern swimming pool available for the community.

7.50 There is an urgent and identified need for the existing school building to be replaced that has to be located within the catchment area and a sustainable location.

Overall, it is considered that very special circumstances do exist which overrides harm to the Green Belt and 'other harm' identified within the report.

Loss of Protected Open Space

7.51 An area of the smaller site which is proposed for car parking is identified as Protected Open Space on the Local Plan Policies Map by virtue of it being a playing field associated with the adjacent school. Policy INF 5 of the NLP indicates that the loss of protected open space will not be supported, unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

7.52 Given that the development proposal includes the provision of a range of playing pitches, in relatively close proximity to the area of protected open space that would be lost, it is considered that it would meet criterion b above. The supporting comments from Sport England verify that the enhanced playing facilities are of suitable replacement to the existing open space.

Agricultural Land

7.53 The agricultural land classification includes the main site within an 'urban' category despite it currently being a farmed field. Nevertheless, it is noted that adjacent fields to the east are Grade 3 but that the area where Wheatridge Park estate now stands (slightly to the north, was found, in a later, detailed survey, to be Grade 4. The land is not considered to be within the 'best and most versatile' category and as such, an assessment demonstrating the benefits of retaining it in productive agricultural use is not required under Policy POL 3 of the NLP.

Housing allocation

7.54 The land proposed for off-site car parking at the junction of Astley Road and Western Avenue includes part of the site of the former Whytrig Community Middle School which is allocated for housing development in Policy HOU4 of the NLP, for circa 35-45 dwellings.

7.55 Policy HOU3 of the NLP sets a requirement for the designated Seaton Valley Neighbourhood Area to deliver a minimum 540 net additional dwellings over the plan period 2016-2036. Monitoring records that there were 199 net completions within the first 6 years of the plan period 2016-2022, while there are outstanding permissions for a further 257 dwellings in the parish. Therefore, additional land will be needed to meet the requirement. The housing allocation on the former Whytrig Community Middle School site, together with that on the former Seghill brickworks site, are required to help make up the residual shortfall, (regardless of the county's overall plentiful housing land supply and delivery position).

7.56 While not part of this application, if the current Astley High School site on Elsdon Avenue was to become available for alternative use, following the development of the new school, there is potential for the previously-developed 'brownfield' part to

accommodate the same level of (if not more) housing proposed on the allocated site. However, while the Whytrig Middle School is vacant, and available for development now, it will inevitably be a number of years before the current school site, if it is indeed made available for residential use, could be redeveloped for housing. At present, the future of the existing school site is unknown.

7.57 The loss of part of the Whytrig Middle School site to car parking will have a detrimental impact upon housing supply in the Seaton Valley area, which is constrained by the Green Belt. This is considered as harm in the context of the 'very special circumstances' previously discussed.

Design and quality of place

7.58 Policy QOP1 states that in determining planning applications, design will be assessed against design principles. In summary this includes:

- Be visually attractive and incorporate high quality materials and detailing;
- Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;
- Ensure that buildings and spaces are functional and adaptable for future uses;
- Facilitate an inclusive, comfortable, user-friendly and legible environment;
- Support health and wellbeing and enhance quality of life; Support positive social interaction and a safe and secure environment, including measures where relevant to reduce the risk of crime and the fear of crime;
- Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;
- Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains.

7.59 Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.60 The building has been restricted to a height of two storeys to minimise visual impact and be consistent to the existing built development in Seaton Delaval. In addition, the buildings finished floor level sits lower than the nearby road to reduce its presence further.

7.61 There is no significant loss of trees with particular preservation of the Avenue. Soft landscaping and natural features are also proposed within the site. In terms of design and use of materials, the building will be clad in a mix of brickwork, curtain walling and metal cladding for a modern appearance but sensitive to its surroundings. The general layout of the site has been designed to provide an appropriate combination of reducing the impact on the surrounding landscape, townscape, the presence to existing residents, suitable access and to fulfil the functional requirements of the school and sports pitches.

7.62 It is appreciated that whilst the location of the proposal may have a negative impact in relation to a number of principles set out in Policy QOP 1, it also allows for positive design outcomes, including enhanced open space provision and may enable potential future school expansion. Considerations such as functionality (e), security

(h), amenity (i), efficiency (k), and longevity (k) were also given priority in the design development phase. Overall, the application would achieve a balanced response in the design of the scheme.

7.63 A particularly positive aspect of the scheme is the approach to achieving an environmentally sustainable school building. The sustainability statement presents a methodology and data which indicates that the school building is net zero carbon in operation. This is also promoted in Policy STP 4 and Policy QOP 5 that supports the sustainable design and construction and adaptation to climate change. The building will make the use of air source heat pumps and photovoltaics which offset total energy and carbon emissions. Development which promotes high levels of sustainability is and this weighs in favour of the scheme in the very special circumstances balance.

7.64 Overall, there are no conflicts with the Quality of Place policies within QOP 1, QOP 4 STP 4 and QOP 5.

Residential Amenity

7.65 Policy QOP 2 promotes good design and to ensure amenity 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.

7.66 The placement and layout of the school buildings respond to neighbouring uses in terms of outlook, privacy and impacts from noise and disturbances. However, it is accepted that the school will significantly intensify the use of the site with greater footfall passing the existing residential properties and surrounding streets. This is unavoidable in most case for schools that need to be close to residential areas and to meet sustainability objectives.

7.67 The location of the proposed building has been carefully considered being positioned 100m from the nearest housing and providing soft landscaping and views onto the open sports pitches. The landscaped mounds provide a natural buffer between the site and the properties and will reduce any overbearing impact of the school buildings and car headlights during the winter months. The nearest residents currently enjoy a view of open fields which will be replaced by school buildings and landscaping although it must be noted that no one has a right to a view in planning and therefore does not form a material consideration.

7.68 A Noise Impact Assessment has been submitted in support of this planning application to assess the potential disturbances from the building services plant, car parking and the sport pitches. No objections have been received from Public Protection and further expanded later in the report.

7.69 Northumbria Police did raise concerns with the new pedestrian footpaths running parallel to Manner Gardens but suggested their width should be at least 3m wide which has been complied with to avoid people passing without conflict.

7.70 There was also a general concern with the increased footfall and level of disturbance this will provide due to the location of the main site entrance. This is considered however, to be the most suitable access point to avoid harm to the Conservation Area to the Avenue and removal of trees. As highlighted in the Highways section, there will be some parking restrictions to mitigate congestion in the nearby

streets. In terms of the off-site Park and Stride, measures are proposed for new pedestrian crossings and the car park will be provided with lighting and CCTV for increased security.

7.71 It is therefore considered that the application accords with section 12 of the NPPF and NLP Policies QOP1, QOP2 and QOP5.

Heritage

7.72 The application is supported by a Site Masterplan, visualisations a Design and Access Statement (DAS) and Heritage Statement (HS). The site abuts the Seaton Delaval Conservation Area and the Seaton Delaval Registered Park and Garden along its south eastern boundary. It impinges upon these designations where access to the service area is proposed to be achieved from The Avenue.

7.73 Local Plan Policy ENV 7 seeks to ensure that any development proposal affecting heritage assets secures the conservation and enhancement of their significance, quality and integrity – including of their settings. The Policy goes on to require a proportionate heritage statement; describing the significance of the asset and any contribution made to this significance by its setting.

7.74 Regarding Conservation Areas, Policy ENV 9 seeks, *“within a conservation area, or where its setting may be affected”* to ensure that any development *“enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance”*.

7.75 The Avenue is included in the Seaton Delaval Conservation Area as it forms a main landscaped approach to the Grade I Listed Seaton Delaval Hall and associated built assets.

Gardens Trust

7.76 The Gardens Trust (GT) has been consulted as the application affects Seaton Delaval, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens (RPG) of Special Historic Interest at Grade II*.

7.77 GT agree with the conclusion of the Heritage Statement that the proposed development site is of low/moderate significance to the setting of Seaton Delaval RPG and thus the level of harm caused will be less than substantial and the provision of a new school has considerable public benefit which can be taken into consideration in the level of harm caused. However, there are some concerns about the proposal and consider that other mitigation measures could reduce this impact further. This includes additional tree planting along the north-east boundary and towards Avenue Head. There is no objection subject to the impact on the RPG and long-distance views being mitigated by additional tree planting along the north-east boundary of the school site and that consideration should be given to the partial restoration of the historic Avenue plantings at Avenue Head to protect and enhance The Avenue which is the historic 2km approach to Seaton Delaval Hall.

Historic England

7.78 Historic England's remit for this application is the impact the proposal would have on the setting of Seaton Delaval Hall, a grade I listed building and its grade II* registered park and garden.

7.79 The proposal would have an impact on the setting of the Hall and registered parkland because of its location next to the Avenue. This tree lined avenue has been widened and replanted since it was first set out in 1710's but it has retained its form and purpose the north aspect of the Hall is dramatically revealed at its entrance gates, a distance of around 1.9km.

7.80 The choice to route access into the school away from The Avenue, helps to maintain its integrity as an important historic feature and is by far preferable to other options where the main entrance is taken through it.

7.81 Glimpsed views of the school from the Avenue or wider views where Avenue and the school are seen together would give a slight sense of the village extending and encroaching into the historic rural estate. Noting that this has already happened with the housing on the opposite side of the Avenue and considering the distance from the Hall, Historic England concluded that the impact on the significance of both Hall and registered park and garden would be negligible and have no objection to the application.

7.82 In conclusion Historic England has no objection to the proposal, noting that by retaining the Avenue largely intact the setting of the Hall and significance of the registered parkland is maintained. This is in line with paragraph 199 of the National Planning Policy Framework which asks that great weight be given to the conservation of designated heritage assets.

Building Conservation

7.83 The proposed development site is an area of open agricultural land which lies to the west of the designated heritage asset – the Seaton Delaval Conservation Area. The Avenue leads to Seaton Delaval Hall which is Grade I listed under the Planning (Listed Building and Conservation Areas) Act 1990. It is situated within the Grade II* listed Registered Park and Garden under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic Parks and Gardens by Historic England for its special historic interest.

7.84 The history and character of the Seaton Delaval Village is intrinsically linked to Seaton Delaval Hall, however, the spatial grain, density and uniformity in layout remains discernible, and serves to illustrate the village's 19th century development and coal mining history. This layout creates an enclosed experience of the village with views and prospects of the rural landscape – particularly to the north – channelled between building groups.

7.85 In contrast to this is the approach to Seaton Delaval Hall. The treelined approach to the Hall flanked by open agricultural land and the screen walls also mark entry into the Seaton Delaval Conservation Area. The agricultural land to the north and east of the village creates a soft rural frame to the settlement to positively enhance the heritage significance of The Avenue and its contribution to the Conservation Area and its setting.

7.86 On approach from the west (Seaton Delaval) to the Hall along The Avenue, the hierarchical relationship is noticeable and principally informed by the tree lined drive and its surviving entrance screens. The agricultural land which flanks The Avenue, forms part of the original wider Parkland of the Hall. While outside the Conservation Area, this rural enclave provides a soft frame to the designated heritage asset. Furthermore, the significance of this open landscape derives from its design intent as a buffer between the Hall and the local population. The landscape park was contrived to provide impression of wide land ownership.

7.87 This openness results in an aesthetically pleasing setting to the Conservation Area and positively contributes to its significance as the surroundings in which a heritage asset is experienced.

7.88 The Historic England's Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 'The Setting of Heritage Assets' (2017, Page 4) states:

"Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance".

7.89 The development proposals are substantial in form and layout resulting in a significant change to the landscape which bounds the settlement. This includes the construction of two large school buildings, sports fields and car parking illustrated on the submitted plans to extend along The Avenue and the boundary of the Conservation Area. It is considered, given the scale and density of the proposed scheme that it would not be redolent of the area or the established layout and pattern of development on settlement's fringe. Further it would be interpreted as an encroachment on the setting and significance of the Conservation Area. The 'soft frame' to the Conservation Area would be altered to such a degree that it would harm its setting.

7.90 Building Conservation therefore conclude having regard to the agreed definition of 'setting' in the NPPF (Annex 2: Glossary) as the surroundings in which an asset is experienced that the development proposals harm the setting and significance of the Seaton Delaval Conservation Area. As such, Building Conservation have evaluated the application having regard to Sections 12 and 16 of the NPPF and the Northumberland Plan Policies ENV 1, ENV 7 and ENV 9. It is concluded that the proposals fail to preserve the setting and significance of the Seaton Delaval Conservation Area. The application fails to preserve the setting and significance of the Conservation Area and the degree of harm identified is 'less than substantial'.

7.91 In this instance Paragraph 202 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

7.92 This is also highlighted within, part 5 of Policy ENV 5 of the Local Plan. As previously demonstrated within the Green Belt section of the report, there are clear public benefits associated with the new school that outweigh the identified harm to the Conservation Area and the scheme can therefore be justified as being in accordance with the NPPF and the Local Plan.

Landscape

7.93 A large-scale development taking up open countryside alongside the historic landscape of The Avenue, will have an impact on the character of the landscape. Local Plan Policy ENV 3, in part 1(a) states that:

“... proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character; in such cases, design and access statements should refer, as appropriate, to Northumberland Landscape Character Assessment and other relevant studies, guidance or management plans...”

7.94 In the Northumberland Landscape Character Assessment, Seaton Delaval sits within Landscape Character Area 39b. The description includes mention of The Avenue, as follows:

“... the estate woodlands of Seaton Delaval Hall provide landscape features, including a long avenue on the A190.”

7.95 The Key Qualities of the associated landscape character type, as described in part B of the Northumberland LCA, include:

“Surviving remnants of ... designed landscapes.”

7.96 While the recommended guidelines for the wider area emphasise landscape restoration and enhancement of the landscape framework, the main ‘guiding principle’ includes:

“Where key qualities remain intact, their long-term viability should be secured.”

7.97 Policy ENV 3, part 1(e) seeks to ensure that sufficient regard has been had to these guiding principles. It goes on to require a Landscape and Visual Impact Assessment (LVIA) where the proposed development is considered likely to have a significant impact on the surrounding landscape, townscape or seascape character of the site. A LVIA would have been beneficial in assisting our assessment of the impact of the school on the wider landscape but has not been submitted upon request.

7.98 The application has been supported by visualisations that highlight the scale of the main building from views on the Avenue, the roundabout on the Avenue and Astley Road, from rear gardens to the west and a sectional drawing demonstrating the lower height of the building in comparison to the existing tree line. The building is two storey and not designed any higher to reduce its mass and presence and will sit 3.6m below a main vantage point on the Avenue due to lower ground levels.

7.99 The main buildings have been positioned and designed to a scale that fits the intended purpose but also to mitigate the impact to the surroundings landscape and townscape due to the visual connection with the settlement and screening from buildings and the dense Avenue tree line. The new site would not significantly protrude beyond the existing pattern of development and avoid an overly exposed building within the field. Whilst there may be harm from long range views from the field and properties from the north and west, the site will be seen in context with the built-up area of Seaton Delaval. Historic England and The Gardens Trust also highlighted that only glimpsed views of the school from the Avenue or wider views where the Avenue and the school are seen together would give a slight sense of the village extending and encroaching into the historic rural estate. As previously highlighted, the

encroachment beyond the entrance to the Avenue has already occurred with housing to the east and west.

7.100 The proposed building is two storey and sits below the ground level of the Avenue and allows a generous buffer from the dense tree line, consequently it will be only fleetingly visible through the trees in the winter months and well screened for the remainder of the year. The tree survey, noted that the trees are an average of 10m high, although with a mix up to 15-16m high. The height of the buildings are 9.25m but the Main Hall rising to 11m but still remain lower than the trees when viewing from the Avenue.

7.101 Similarly from within the built up area and the from the roundabout from the Avenue leading down Astley Road, the building will be noticeable between the gaps of existing buildings but only fleetingly visible by passing cars. The buildings are set back from the road and will also be read as part of the existing built development of Seaton Delaval.

7.102 A LVIA has not been submitted in accordance with Policy ENV 3 but an assessment has been made through visualisations, consultee responses and a planning judgement. It is considered that there will be harm to the landscape upon an undeveloped site that has been characterised as part of the historic estate and Woodands which provides the distinction between the settlement and open countryside. The building however, has been located to be sensitive to the landscape and townscape but due to the nature of the development on an open field, the impacts are unavoidable. The landscape will be impact more prevalent from the west and north and a sense of the countryside may be lost when viewing in between buildings from within the town and the Avenue beyond the tree line.

7.103 Based on the submitted sequential test, it should be noted that other available sites would also incur landscape impacts beyond the settlement limits at more exposed locations.

7.104 In conclusion, the location has provided mitigation to its presence through design and is well screened from most public vantage points, but the landscape impacts would be considered a harm within the planning balance.

Flood Risk

7.105 Policy WAT 3 relates to flooding and states that surface water should be managed at source wherever possible, so that there is no net increase in surface water run-off for the lifetime of the development. Where greenfield sites are to be developed, the surface water run-off rates should not exceed, and where possible should reduce, the existing run-off rates. Policy WAT 4 further promotes Sustainable Drainage Systems that should be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance

7.106 The site is not within medium or high risk flood zones '2' or '3'. There are nevertheless some minor surface water issues within the fields covered by the main site. Policy WAT 3, part 2(d) requires that surface water should be managed with some form of sustainable drainage system (SuDS), such as a soakaway system. The proposed plans demonstrate that SuDS does feature on the main site and the LLFA are satisfied subject to conditions. Similarly, Northumbrian Water has no objections

subject to a condition securing further details on foul and surface water runoff rates connecting to their system.

7.107 As such, the application is in accordance with policies WAT 3 and WAT 4 and the NPPF.

Highway Safety

7.108 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Where relevant this includes the use of Transport Assessments, Transport Statements and Travel Plans where applicable and appropriate.

7.109 Policy TRA 2 of the NLP relates to the effects of development on the transport network. All developments affecting the transport network will be required to:

- a. Provide effective and safe access and egress to the existing transport network;
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and
- f. Minimise any adverse impact on communities and the environment, including noise and air quality”

7.110 Policy TRA 4 relates to parking provision in new development where an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking should normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan

7.112 Highways Development Management has assessed the application and it has been identified that as part of a successful development amendments to the existing Traffic Regulation Orders (TROs) which refers to parking restriction schemes within the vicinity of the proposed new school site will be required, together with the implementation of new TROs on Prospect Avenue and Western Avenue and proposed speed limit reviews with advisory “20mph when lights flash” signage. These traffic control measures have been identified as being required in order to effectively manage the estimated vehicular traffic generated from the new school facility, and the crossing point on Astley Road is required to enable safe and suitable access to the site especially for pedestrians walking to/from the proposed larger car park on Western Avenue and the main school buildings.

7.113 It is considered that as these traffic control measures are integral to the delivery of a successful scheme full details must be provided as part of this planning application, in consultation with Northumberland County Council’s Highways Programme team. It must be demonstrated that safe and suitable access can be achieved to the site, especially for the most vulnerable of users.

Transport Assessment (TA)

7.114 A Transport Assessment has been submitted to accompany the planning application. The TA provided covers aspects of the development such as car parking, access, sustainability/viability of utilising sustainable modes of transport and trip generation details. Car parking numbers along with the Electric Vehicle provision have been reviewed and are sufficient and acceptable in highway terms.

7.115 The TA recognises that the development site is located in a good area for public transport utilisation, together with connectivity to the site by walking and cycling which is supported by adequate connectivity subject to the provision of the crossing point and access works proposed. The development site is within a sustainable location for the proposed use class and acknowledges the measures that the applicant is proposing together with encouraging the use of sustainable modes by students, staff and visitors through the School Travel Plan.

School Travel Plan

7.116 A Travel Plan has been submitted with the application. The document has been considered by the Council's School Travel Plan team and comments are summarised below -

"Comprehensive Travel Plan as a joint document for both schools, going forward each school shall have an individual travel plan through Modeshift Stars to reflect their own circumstances, which is already in progress.

A condition for a Full Travel Plan for each school is requested by means of condition, with the information to be submitted within 6 months of occupation.

Both schools shall commit to providing comprehensive travel to school information ahead of the school relocation, with the emphasis on parking and walking to the site for parents/cares, staff and pupils. This should be delivered through multiple information sources such as website, social media, assemblies etc.

The initiatives and actions identified in the action plan are allocated to a single contact or have no one yet allocated to them, with very little detail on timescales. It is advised that further details and shared responsibilities will be required to ensure that the burden isn't all on one person and a sense of buy in is created from the wider school community.

Astley Road has been identified as a potential scheme for future Local Cycling and Walking Infrastructure Plans (LCWIPs), and cycling shall be promoted by the school to staff and pupils".

7.117 Concerns were raised by the School Travel Plan team with regards to potential on street parking and congestion as a result of indiscriminate car parking within the vicinity of the site. As detailed in this assessment the effective use of school-time parking restrictions will prohibit this and detailed advice has been provided from NCC Highways Programme team with regards to the most suitable and appropriate parking restrictions to ensure that the measures are adequate.

7.118 It is advised that an updated Framework School Travel Plan (for each school) is provided prior to the first occupation of the new buildings, and thereafter within 6 months of occupation Full School Travel Plans are submitted. This information is recommended to be secured by condition.

Highway Safety

7.119 In terms of vehicular movements and access, the development will provide new vehicular access to the main school site from the existing 'stub-end' of road on Prospect Avenue, with a short section being proposed to become adopted highway before the internal roads of the school remaining private. A secondary vehicular access to the site is proposed from the A190, The Avenue, which must only be for deliveries, servicing and emergency vehicle access only; this will be recommended to be secured by condition to ensure that appropriate signage and boundary treatment is provided to ensure that no staff, student or visitor access can be achieved either by vehicle or on foot/cycle.

7.118 It is proposed that a scheme of speed limit reviews will be undertaken along Western Avenue, Manners Gardens and Prospect Avenue, lowering the speed limit to 20mph, although noting that the layout and geometries of these sections of highway do not necessarily encourage or allow higher speeds. Additionally, it is proposed that the section of Astley Road shall have school time speed restriction of 20mph, which is demonstrated by the advisory "20mph when lights flash" signage.

7.119 The vehicle swept paths that have been submitted for each entry/egress point, and within the site, have been considered and it is noted that there is no significant vehicular conflict. The introduction of parking restrictions within these areas will ensure that safe and suitable access can be achieved, and that the necessary areas will be kept clear at key times.

7.120 Given the sensitive location of the site, it is recommended that a construction method statement with supporting plan is submitted. The Construction Method Statement must demonstrate and temporary traffic management measures, temporary access, routes and vehicles to require access to the site, together with cleaning facilities, parking for site operatives and visitors, storage and welfare areas, and proposed delivery/working times. It is recommended that these details can be secured by condition.

Parking

7.121 The school site car park consists of 46 car park spaces, an additional 14 electric vehicle (EV) charging parking spaces and 8 accessible parking spaces; a total of 68 spaces within the school grounds for the parking of staff. There are additional bus and coach pick up and drop off areas located within the school grounds, and the layout provides sufficient turning, manoeuvring and circulation space to accommodate access.

7.122 The off-site car park, accessed from Western Avenue, provides a further 245 car parking spaces, with 120 of these allocated to "teacher only bays", together with sufficient space within the car park to accommodate pupil pick up and drop offs. Whilst the layout provides sufficient turning and manoeuvring space, and circulatory route can be observed, there are no details of EV charging within this car park, and these details shall be requested by condition.

7.123 Cycle storage is proposed for each school within the main school site, with areas of secure covered cycle storage within two parts of the site. No details of scooter parking have been provided, and it is requested that a commitment is made through the School Travel Plan process to increase cycle and scooter use, and therefore parking/storage required, for both schools.

Refuse Storage

7.124 The site, accessed from Prospect Avenue, has been designed to accommodate general access and can accommodate delivery of goods on a smaller scale. It is proposed that a separate service access is provided from the A190, The Avenue, for larger scale deliveries, servicing and refuse collection. Swept path analysis has been provided demonstrating the access can be achieved by the largest vehicle requiring access to the site, and these vehicles can safely and satisfactorily undertake the required manoeuvres to egress the site in a forward gear.

7.125 Highways Development Management has advised that, given the school site is proposed to provide local facilities out of school hours and term times, a Car Parking Management Strategy will be requested by planning condition to ensure that there is no congestion caused, or nuisance to local residents or businesses, as a direct result of indiscriminate parking associated with the school site. This management strategy will review and monitor the car parking provision for the site, review and implement mitigation measures where required to ensure no indiscriminate overspill car parking occurs and provide a biennial monitoring report to the Highway Authority, through the Local Planning Authority.

7.126 Highways Development Management has no objections to the application on Highway Safety grounds subject to conditions for:

- Construction Method Statement
- Implementation of car parking, circulation and manoeuvring area
- Car Parking Management Strategy
- Details of scooter parking
- Details of means of vehicular access to be constructed
- Means of vehicular access to be constructed – school site
- Means of vehicular access to be constructed – car park
- Restriction of use - This use only
- Deliveries and Servicing Management
- Traffic Management
- Implementation of cycle parking
- Details of Electric Vehicle Charging to be submitted – car park
- Implementation of Electric Vehicle Charging - school site
- Framework School Travel Plan
- Full School Travel Plan

7.127 As such the scheme accords with Policies TRA 1, TRA2 and TRA 4 of the Local Plan and the NPPF.

Public Protection

7.128 Policy POL 1 relates to unstable and contaminated land. 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.

7.129 Policy POL 2 relate to pollution and air, soil and water quality and 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.

7.130 Ground Gas Protection measures are required for installation within the school buildings due to the sensitivity of the sites intended use and due to the gas hazard associated with the underlying Northumberland Coal Field. There is no mitigating evidence; submitted by the applicant, to verify that ground gas protection measures are not required as part of this development. Further details can be secured by conditions.

7.131 With regards to contamination, the main site is greenfield which would normally be associated with low levels of contamination. Distinctly high levels of several contaminants were noted (such as Lead) however these did not represent exceedances against standards which could be hazardous to health at this site. Given the full range of testing carried out, Environmental Protection is satisfied that the main site as a whole is suitable for its proposed use.

7.132 The western site also identified no exceedances of individual contaminants. The testing was only carried out in areas without existing hard surfacing – however as the proposed use of this area is for car parking with a same extent hard surfaced barrier between site users and the land this is considered to be a proportionate testing regime for this site.

7.133 Environmental Protection is satisfied that noise from external plant can be situated within the school buildings complex in a manner that does not cause detriment to residential amenity. Furthermore, the noise impact assessment has identified that noise from onsite vehicular movements and the playing of sports during traditional school hours will not cause significant harm to residential amenity – therefore the proposals are in line with the requirements of the NPPF.

7.134 It is understood that the applicant requires the external pitches will be used after school hours by the community. A condition is recommended specifying that prior to the operation of the later community use – a noise management plan should receive the prior written approval of the council to protect surrounding residential amenity. This must include defined hours of use, a complaints procedure and the verification of efforts to resolve noise complaints.

7.135 The residual noise risk to surrounding residential amenity (including from the playing of sport) may be controlled by the provisions of the Environmental Protection Act, 1990.

7.136 A lighting plan has been submitted which identifies one Artificial Grass Pitch and 4 individual MUGA pitches in the centre of the site as those which are to be Lit. A predictive lighting assessment has been carried out which is to a satisfactory standard – the lighting assessment does however indicate that the proposed lighting in the “post-curfew” hours (typically understood to be after 23:00) may cause detriment to residential amenity – this may be controlled by condition.

7.137 Overall, there are no objections to from Public Protection subject to conditions and the application is in accordance with Policies POL 1, POL 2 and QOP 2 of the Local Plan.

Ecology

7.138 Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations

7.139 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

7.140 The County Ecologist however objects to the scheme at present until further information is submitted to provide:

- An Ecological Impact Assessment which assesses the correct site and with detailed assessment and a mitigation strategy for great crested newt and other protected species that have been found to be on or near the site.
- An assessment (not necessarily including use of a metric) which shows how this development is to achieve a biodiversity net gain.
- Full details of mitigation and enhancements required in the plans with full annotations

7.141 The Ecological Assessment does not correlate with the location plan and has missed an area to the east of the site. The assessment needs to include the impact to the beech hedge to the southeast of the site which is described as being on the south-eastern boundary of the site that actually now runs through the development.

7.142 The importance of Great Crested Newts is high in the area as a protected species. Further information is sought to detail how the species will be protected and opportunities for enhancements. The Ecological Assessment acknowledges that a great crested newt licence will be required, but to be able to consent this the LPA needs to fulfil the three tests inherent in the Conservation of Habitats and species regulation 2017. This requires maintenance of functional wildlife corridors between known Great Crested Newt sites and retention of sufficient habitat in or around the site, as well as articulated methods of construction which will protect populations.

7.143 A net loss for biodiversity will result from this planning application which is contrary to Policy ENV 2 and the NPPF. Further information is sought through the landscape plan to demonstrate that there will be a net gain. Areas identified for further landscaping include the areas around the sports pitches. In addition, further information is sought for breeding bird migration and confirmation that trees will not be impacted by the development.

7.144 Once the findings of the requested information have been submitted to the LPA, the County Ecologist will provide an update as to those findings and conclusions. It is expected that the Ecology Report and amended landscape plan will have been received and those findings assessed by the committee date of 6th December, at which Members will be updated.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The application raises a number of issues and it is important to consider the benefits of the scheme against the identified harm.

8.2 The development of the school buildings represents inappropriate development in the Green Belt. Therefore, in accordance with Policy STP 8, it is considered that the development has demonstrated very special circumstances.

8.3 Overall, the development proposal clearly has benefits. It provides for a new up to date school, which will ensure that school buildings and facilities meet modern standards, and enable the retention of a high school in the settlement. The proposal also provides extensive sports pitches and facilities which will be available for use by the community, and provides buildings which when operational should be net carbon zero. There is sequentially no other available site to secure the improved school and enhanced sports facilities for the local community.

8.4 The development proposal also has some harms, including policy harms such as the loss an allocated housing site under Policy HOU 4. It also has a 'less than substantial harm' for the impact to the Seaton Delaval Conservation Area and landscape impacts being developed on an open field in the open countryside.

There are also objections raised which form a material considerations. Issues in particular include highway safety and ecology concerns which have been acknowledged and conditions recommend from professional consultees.

In conclusion, the benefits and justification for the new school and sports facilities overrides the level of harm identified and the application has adequately demonstrated very special circumstances in this case. As such the application is recommended for approval subject to conditions.

9. Recommendation

That this application be minded to grant permission subject to the findings of the Ecology Report and Biodiversity enhancements and subject to the following conditions:

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 not be carried out otherwise than in complete accordance with the approved documents and plans. The approved plans for this development are:-

Location Plan N862-ONE-ZZ-XX-DR-L-00002 P02
RAW-RYD-00-00-DR-A-3000-S2-P10-GA Level 00
RAW-RYD-00-01-DR-A-3001-S2-P10-GA Level 01
RAW-RYD-00-RF-DR-A-3002-S2-P3-GA Roof Plan
RAW-RYD-00-XX-VS-A-9201-S2-P1-Main School Entrance
RAW-RYD-00-XX-VS-A-9202-S2-P1-Courtyard View
RAW-RYD-00-XX-VS-A-9203-S2-P1-Student Entrance
RAW-RYD-00-ZZ-DR-A-3010-S2-P2-Gross Internal Area
RAW-RYD-00-ZZ-DR-A-3602-S2-P1-GA Elevations Rendered
RAW-RYD-00-ZZ-VS-A-9200-S2-P1-Aerial Masterplan
RAW-RYD-MB-XX-VS-A-9204-S2-P1-Whytrig Middle School
RAW-RYD-MB-XX-VS-A-9205-S2-P1-View from The Avenue
RAW-RYD-MB-ZZ-DR-A-3600-S2-P2-GA Elevations School Building
RAW-RYD-MB-ZZ-DR-A-3800-S0-P2-GA Sections
RAW-RYD-SB-00-DR-A-3002-S2-P10-GA Plan Level 00 Sports Building
RAW-RYD-SB-RF-DR-A-3003-S2-P1-GA Roof Level Sports Building
RAW-RYD-SB-ZZ-DR-A-3600-S2-P1-GA Elevations Sports Building
RAW-RYD-SB-ZZ-DR-A-3801-S2-P2-GA Sections Sports Block
N862-ONE-ZZ-XX-DR-L-1001 P02 Proposed Landscape Site Plan
N862-ONE-ZZ-XX-DR-L-00804 P03 Proposed Landscape Sections 1 of 2
N862-ONE-ZZ-XX-DR-L-00805 Proposed Landscape Sections 2 of 2
N862-ONE-ZZ-XX-SK-L-0800 P09 Circulation Strategy
N862-ONE-ZZ-XX-SK-L-0801 P09 Secure Zoning Strategy
RAW-BGP-ZZ-ZZ-DR-C-90.4-01906 Rev P02 Vehicle Tracking at Reduced Width
Entrance
RAW-BGP-ZZ-ZZ-DR-C-90.4-01905 RevP03 Fire Tender Vehicle Tracking
Travel Plan JN1894-rep-0002.8
Transport Assessment JN1894-Rep-0001.2
Proposed Speed Limit Review JN1894-Dwg-0023
Offsite Mitigation To Address Land Grab/Extended Garden Issue JN1894-Dwg-
0021B Rev B
Western Avenue Outside Car Park Offsite Mitigation JN1894-Dwg-0014A Rev A
Western Avenue Offsite Mitigation JN1894-Dwg-0013A Rev A
Siteco Floodlighting Specification 5XA779127H01AA
Siteco Floodlighting Specification 5XA779117H01AA
Holophane Data Sheet MNOPOQRSTPMUPNVRPNWPXYR
Electrical services external lighting layout RAW-DES-ZZ-XX-DR-E-9601 02
archaeological mitigation by Archaeological Services Durham University written
scheme of investigation 22384
geophysical survey report 5808 September 2022 by Archaeological Services
Durham University
Proposed Floodlighting HLS 4541

Drainage Philosophy from BGP, dated 18 July 2022, referenced 19T2133 Rev
P001;

Drawing number SVF-BGP-01-ZZ-DR-C-52-01130 Rev P01 "Overall Proposed
Drainage GA";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01131 Rev P01 "Proposed
Drainage GA (Sheet 1 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01132 Rev P01 "Proposed
Drainage GA (Sheet 2 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01133 Rev P01 "Proposed Drainage GA (Sheet 3 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01134 Rev P01 "Proposed Drainage GA (Sheet 4 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01135 Rev P01 "Proposed Drainage GA (Sheet 5 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01136 Rev P01 "Proposed Drainage GA (Sheet 6 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01137 Rev P01 "Proposed Drainage GA (Sheet 7 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01138 Rev P01 "Proposed Drainage GA (Sheet 8 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01139 Rev P01 "Proposed Drainage GA (Sheet 9 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01140 Rev P01 "Proposed Drainage GA (Sheet 10 of 10)";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01141 Rev P01 "School Manhole Schedules";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01143 Rev P01 "Adoptable Drainage Details";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01144 Rev P01 "Private Drainage Details";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01145 Rev P01 "Northern Attenuation Basin Details";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01146 Rev P01 "Southern Attenuation Basin Details";

Drawing number SVF-BGP-01-ZZ-DR-C-52-01147 Rev P01 "Proposed Swale and Headwall details"

Drawing number SVF-BGP-01-ZZ-DR-C-52-01901 Rev P01 "Flood Exceedance Plan";

Design and Access Statement by Ryder

Planning Statement (this statement) by DPP

Arboricultural Impact Assessment, Method Statement, & Protection Plans by ECL

Archaeological Desk-Based Assessment by Durham University Archeological Services

Flood Risk Assessment and Drainage Philosophy by BGP

Lighting Assessment by Desco

Noise Impact Assessment by Apex

Sustainability Statement by Desco

Solmek Phase 1: Desk Study The Avenue, Seaton Delaval Faithful+Gould S200135

Phase 2: Site Investigation by Solmek S220614 November 2022

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

03. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

04. Prior to first occupation details of the flood bund north of the northern attenuation basin shall be submitted to and agreed by the Local Planning Authority. These details shall include the effective crest height and have cross-sections through the basin showing its materials. The bund shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure flood exceedance routes are kept within the development, not increasing the risk of flooding off-site.

05. Prior to first occupation educational information boards adjacent to the swales and attenuation basin shall be installed. These will inform students, teachers and visitors of the features and its use, as well as other information such as biodiversity.

Reason: To ensure users of the development are aware of the surface water drainage scheme and its features.

06. 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 and includes details of the pump and 'what to do in the event of a pump failure' 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.

07. No development shall commence until the details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

08. 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.

09. Development should be undertaken in accordance with the programme of archaeological work set out in the approved Written Scheme of Investigation for Archaeological Work:

- Land at Seaton Delaval, Northumberland. Archaeological Mitigation. Written Scheme of Investigation 22384 (October 2022)

The condition will not be considered to be fully discharged until the programme of archaeological fieldwork, analysis, reporting and publication (if required) has been completed.

Reason: The site is of archaeological interest. In accordance with paragraphs 56 and 205 of the NPPF and Policy ENV 7 (7) of the Northumberland Local Plan.

10. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme

11. No development of the Artificial Grass Pitch (AGP) until details of its construction, marking, enclosure, and floodlighting have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The AGP shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable

12. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the indoor and outdoor sports facilities and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

13. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England and The FA for a scaled existing and new site plan, clearly showing the layout and dimensions of all football pitches including safety margins at a minimum 1:1000 scale including details of the 3G pitch product and design specification. All pitch sizes should comply with FA recommended sizes:

Mini-Soccer U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area)
Mini-Soccer U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area)
Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area)
Youth U13 and U14 (11v11) 82 x 50m (88 x 56m including safety run-off area)
Youth U15 and U16 (11v11) 91 x 55m (97x 61m including safety run-off area)
Youth U17 and U18 (11v11) 100 x 64m (106 x 70m including safety run-off area)
Over 18 and Adult (11v11) 100 x 64, (106 x 70m including safety run-off area)

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

14. 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

15. 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.

16. No building shall be constructed above damp proof course level 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.

17. 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 16 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.

18. 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.

19. No development shall commence, including any works of site stripping of topsoil, 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 demolition, 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

20. The approved lighting must not emit any light on any given day when on that given day the applicant does not have bookings to use the approved football pitch. This condition may be amended in writing at any time by the Local Planning Authority.

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

21. The approved lighting must not emit any light outside of the following days and times:

Monday - Friday – 07:00 – 23:00

Saturday, Sunday and Bank Holidays – 07:00 – 23:00

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

22. Within one month of the approved lighting being installed and utilized as part of the development, the applicant must submit for approval to the Local Planning Authority, a verification assessment to verify that the measured lighting levels are as predicted within the following approved plans: "Proposed Floodlighting - Halliday Lighting Drawing No. HLS4541 06/07/2022" The verification report must determine the measured impact of lighting levels upon surrounding internal and external residential amenity areas. Should the results of a verification assessment show that the measured light levels exceed those as set out within the Institution of Lighting Professionals (ILP) Guidance notes of the reduction of obtrusive light 01/20 – Zone E3, a mitigation proposal must be provided for approval to the Local Planning Authority. Once approved the mitigation measures must be installed and retained in perpetuity.

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

23. Prior to the use of the hereby approved Multi Use Games Areas (MUGAs) and Sports pitches for the playing of sport a Noise Management Plan must be submitted for approval to the Local Planning Authority. The Plan must detail how noise from the use of the facility (both players / participants and spectators) including the non-school community use will be managed to prevent noises nuisances to surrounding residential amenity. The Plan must state start and end times for the use of all facilities and outline the process as to how a noise complaint would be investigated and any remedial actions verified to ensure that they were effective at resolving the noise hazard. Once approved the requirements of the plan must be adhered to for the lifetime of the development unless varied in writing by the Local Planning Authority.

Reason: In order to protect residential amenity from noise in accordance with paragraph 185 of the NPPF.

24. 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. Construction traffic management strategy which covers timing and numbers of movements.

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.

25. The development shall not be occupied until the car parking areas indicated on the approved plans (car park on Western Avenue and internal car parking

arrangement within the school site) have 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.

26. The development shall not be brought into first use until a Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Car Parking Management Strategy shall be adhered to in perpetuity. This Car Parking Management Strategy must include:

- i details of the provision, and management of, Electric Vehicle Parking and Infrastructure for staff;
- ii details of management and mitigation measures to ensure no overspill car parking associated with the development occurs on the surrounding highway network;
- iii a plan for monitoring and reviewing the effectiveness of the Car Parking Management Strategy; and
- iv a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

27. The development shall not be occupied until details of scooter parking have been submitted to and approved by the Local Planning Authority. The facilities shall be implemented in accordance with the approved details and thereafter retained in accordance with the approved plans and kept available for the storage of scooters at all times.

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

28. Notwithstanding the details submitted, the development shall not be occupied until details of the vehicular access from the A190, The Avenue, including appropriate signage and boundary treatment to restrict the use of the access to delivery, servicing and emergency access only, have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

29. The development shall not be occupied until a means of vehicular access from Prospect Avenue has 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.

30. The development shall not be occupied until a means of vehicular access from Western Avenue has been constructed, together with the reinstatement of kerbs and footway at redundant access points, 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.

31. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other re-enacting or revoking Order with or without modification), the vehicular access on the A190, The Avenue, shall only be used as delivery, servicing and emergency access to the site and for no other purpose.

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

32. The development shall not be brought into first use until a Deliveries and Servicing Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Deliveries and Servicing Management Strategy shall be adhered to in perpetuity. This Deliveries and Servicing Management Strategy must include:

- i details of the access, routes and vehicles associated with the site;
- ii details of the timings for deliveries and servicing of the site;
- iii details of the annual numbers of HGV's associated with the deliveries/servicing of the site;
- iv a plan for monitoring and reviewing the effectiveness of the Deliveries and Servicing Management Strategy; and
- v a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority.

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

33. The development shall not be occupied until the scheme for traffic management including waiting restrictions, speed restrictions, delivery vehicle restrictions where appropriate and School Keep Clear carriageway markings have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

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

34. The development shall not be occupied until 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.

35. Prior to occupation details of Electric Vehicle Charging for the car park on Western Avenue shall be submitted to and approved in writing by the Local Planning Authority.

The approved electric vehicle charging points shall be implemented before the development is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

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

36. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

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

37. Notwithstanding the details submitted, the development shall not be occupied until details of a Framework School Travel Plan on the application site have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan shall be implemented in accordance with the approved details. This Framework Travel Plan must include:

- i. the contact details of a suitably qualified Travel Plan Co-ordinator; - ie Headteacher or member of senior management team
- ii. an implementation programme;
- iii. an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems;
- iv. clearly defined aims and objectives in relation to travel modes; and
- v. clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.

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

38. Within six months of first occupation of the development details of a Full School Travel Plan including action plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full School Travel Plan shall be implemented in accordance with the approved details. This Full School Travel Plan must include:

- i. details of and results from an initial travel to school survey;
- ii. clearly specified ongoing targets for pupils and 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 Policy TRA2 of the Northumberland Local Plan.

39. Notwithstanding any description of the materials in the application, no development shall be commenced above foundation level until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of NPPF.

Informative:

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>

Guidance on Changing Room Pavilions- <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>

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.

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.

Highway works under Agreement

The following highway works will be agreed under the terms of an Agreement: amended and new site access/egress arrangements, new delivery/servicing-only access/egress, signalised pedestrian crossing point, amendments to, and provision of new, Traffic Regulation Orders and speed limit reviews, and any associated streetlight and street signage schemes.

Contact Traffic Management

You are advised to contact the Council's Traffic Management Section at streetworks@northumberland.gov.uk before and during the construction period in respect of any required temporary traffic management measures to allow access to the site.

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.

Framework and Full school travel plans - Completion of the plans shall be through the Modeshift STARS scheme. Schools should have achieved bronze level by the end of year 1 of occupation. You can contact the School Travel Plan Advisor on 07989 167522

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.

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

Date of Report: 22.11.2022

Date:

Background Papers: Planning application file(s) 22/02627/CCD

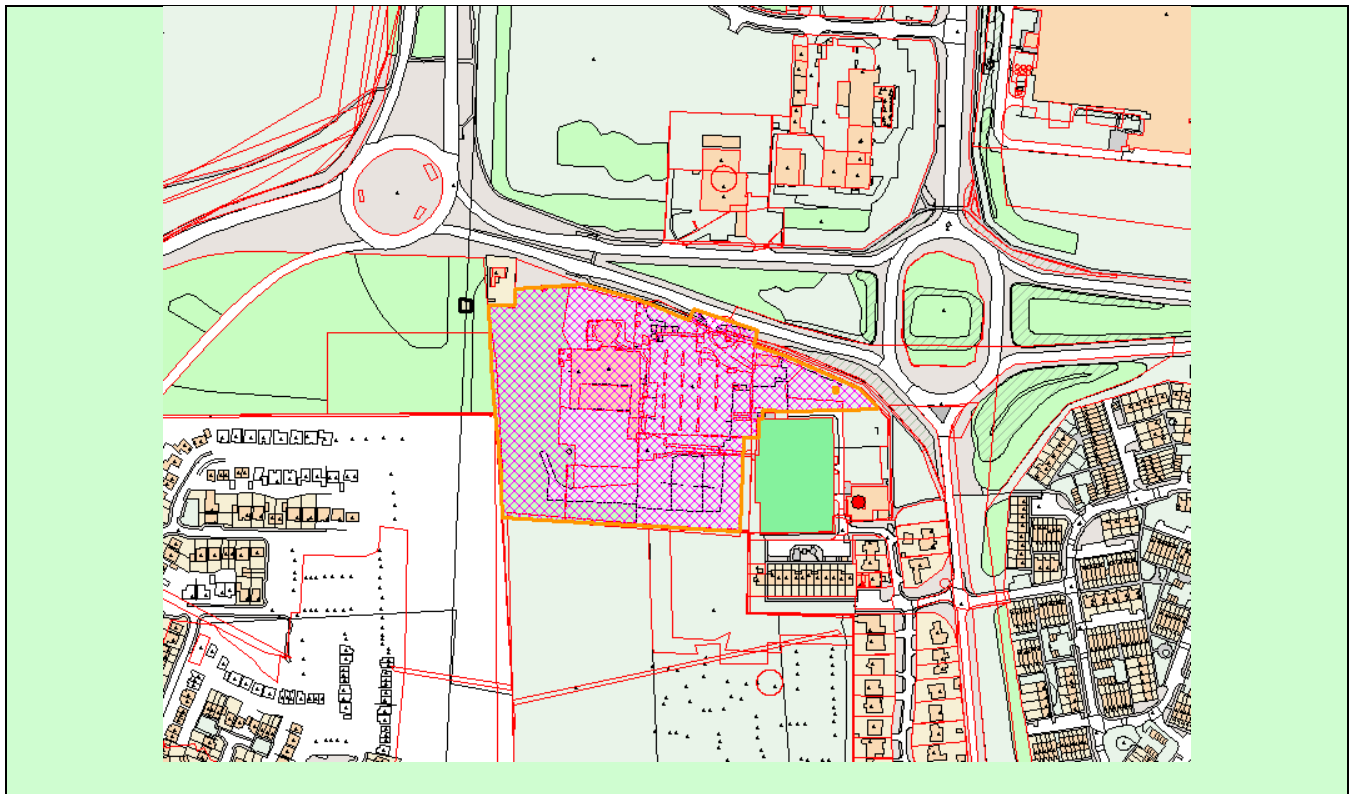


Northumberland
County Council

Strategic Planning Committee 6th December 2022

Application No:	21/01041/FUL		
Proposal:	Mixed use development comprising demolition of existing buildings, extension to existing garden centre and warehouse and the provision of charity head office, training facility and business centre		
Site Address	Azure Garden Centre, Station Road, Cramlington, Northumberland NE23 8BJ		
Applicant:	Mr Andrew Robson McCallum House, Kielder Avenue, Cramlington, NE23 8JT	Agent:	Lee Butler Director The Shadbolt Group 18 Bewick Road Gateshead NE8 4DP
Ward	Cramlington West	Parish	Cramlington
Valid Date:	27 April 2021	Expiry Date:	13.12.2022
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being determined at Strategic Committee as it raises significant planning issues.

2. Description of the Proposal

2.1 The site is currently occupied by a garden centre along with associated car park and ancillary buildings, run by Azure Charitable Enterprises.

2.2 Azure Charitable Enterprises provide support to people with disabilities or additional support needs, designed to help prepare young people for employment or the next step on their journey to employment.

2.3 The proposal involves a large extension to the existing garden centre and warehouse to increase the charity's income stream and improve the charity's financial resilience. Furthermore, an additional floor will be added which will accommodate new classrooms and other teaching and recreational spaces, as well as the charity's head office. The proposal also includes the demolition and removal of several ancillary buildings on the site.

2.4 The building will be split into 4 main uses for Retail Space including Café; Warehouse; Charity Head Office/Teaching Facilities and Business Centre. Included on the site are 378 parking space in total, this includes 6 electric charging spaces, 26 family/Accessible and 19 staff/overflow. The submitted Design and Access Statement highlights that:

“Since 1985, Azure Charitable Enterprises has provided:

Education, Training and Employability Services: We are contracted by the Education and Skills Funding Agency and Northumberland County Council to provide our education (“Skills Builder”) programme aimed at learners aged 16- 24 years living in Northumberland with disabilities or additional support needs. The programme is designed to help prepare young people for employment or the next step on their journey to employment. Typically, learners spend an average of 40 weeks on programmes that may include, Horticulture, Hospitality & Catering, Health & Social Care, Employability Skills, Personal Development, Work-placements/trials, English, Maths, ICT and Information, Advice and Guidance. The programmes (and associated support services) are tailored to meet individual and complex needs and are reviewed on a monthly basis with a high staff to client ratio as befitting the nature of client need.

- We are contracted by the DWP to provide support programmes for the unemployed and, in particular, those with special educational needs or disabilities. For example, our ‘Work Choice’ programme assisted over 1000 clients and enabled 450 people to gain employment; 350 of whom Azure continued to support in their new employment.*
- We are also contracted by the NHS to support the rehabilitation of patients with acquired brain injuries. Supported Employment Services: Azure provides a*

range of supported employment opportunities across our businesses (Garden Centre, Café, Landscapes & Grounds Maintenance Business and Business Centre) which collectively provide 54 supported employment places. Azure operates the only 'Supported business' in the North of England wherein, our Garden Centre and Landscapes businesses, more than 50% of staff employed have a disability".

3. Planning History

Reference Number: 78/C/456

Description: Outline application for the establishment of a garden centre on 4 ha (approx 10 acres)

Status: PER

Reference Number: C/78/C/456A

Description: Amendments to condition no. 6 of planning permission 78/C/456 in respect of list of goods to be sold at garden centre

Status: PER

Reference Number: C/90/C/195

Description: Display, sale, storage and servicing of caravans

Status: PER

Reference Number: C/91/C/025

Description: Improvements and alterations to car parking facilities

Status: NOOBJ

Reference Number: C/91/C/024

Description: Advertisement signs

Status: NOOBJ

Reference Number: C/92/C/215

Description: Canopy

Status: REPLY

Reference Number: B/07/00306/FUL

Description: Proposal to build new restaurant to replace inadequate existing facility

Status: PER

Reference Number: B/80/C/12

Description: Details submitted on 18th January 1980, as amended by plans and letter received on 28th February 1980 and submitted in pursuance of Condition numbers 1, 2, 3 and 4 of the outline permission reference 78/C/456 granted on 11th October 1978 in respect of garden centre on 3440 hectares of land

Status: NONCCZ

Reference Number: B/80/C/505

Description: Erection of septic tank to receive foul water discharge from building

Status: PER

Reference Number: B/81/C/21

Description: Proposed entrance to garden centre including sign

Status: PER

Reference Number: B/81/C/99

Description: Erection of flag poles at site entrance

Status: PER

Reference Number: B/83/C/274

Description: Housing, workshops and Horticultural areas and associated roads, Footpaths and services connections

Status: PER

Reference Number: 13/00579/FUL

Description: Construction of a 5 metre extension to side and new canopies to east elevation

Status: PER

Reference Number: B/91/C/0024/P

Description: Company name signs

Status: PER

Reference Number: B/91/C/0025/P

Description: Improvements and alterations to car parking facilities

Status: PER

Reference Number: 17/00103/LIC

Description: Licence application for live music; dance; events for children's; supply of alcohol; open hours

Status: NOOBJ

Reference Number: 17/03799/FUL

Description: Safety improvements to pedestrian and vehicular public entrance as supplemented by additional information and drawings received 21/11/17 and amended by details received 03 January 2018, by drawings received 13/02/18, and further amended by drawings received 06/03/18 and supplemented by Swept Path Analysis drawing received 20/03/18.

Status: PER

Reference Number: B/87/C/21

Description: The construction of foul and surface water sewers and associated manholes to connect the private drainage system to adopted sewers

Status: PER

Reference Number: B/91/C/24

Description: Company Signage

Status: NOOBJ

Reference Number: B/91/C/25

Description: Improvements and alterations to car park facilities

Status: NOOBJ

Reference Number: B/92/C/0215/P

Description: Canopy

Status: PER

4. Consultee Responses

Cramlington Town Council	No response received.
Highways	No objections subject to conditions
Public Protection	No objections subject to conditions
Northumbrian Water Ltd	No objections subject to conditions
Lead Local Flood Authority (LLFA)	No objections subject to conditions
Environment Agency	No response received.
The Coal Authority	No objections subject to conditions
County Ecologist	Concerns with loss of tree and scrub land

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	86
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

General site notice, 11th May 2021

News Post Leader 7th May 2021

Summary of Responses:

2 letters of objection were received. The issues raised can be summarised as:

- Improvements to the cycling parking provision could be made to match standards in Local Transport Note 1/20
- Size, appearance, layout and density of proposal
- Overlooking and loss of privacy
- Highway safety
- Impact on landscape and ecological habitats
- Noise and disturbance
- Flood risk

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=QQ0Q0CQSMOP00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2022

STP 1 – Spatial strategy

STP 2 – Presumption in favour of sustainable development

STP 3 – Principles of sustainable development

STP 4 – Climate change adaptation and mitigation

STP 5 – Health and Wellbeing

ECN 1 – Planning strategy for the economy

TCS 4 – Proposals outside centres

QOP 1 – Design principles

QOP 2 – Good design and amenity

QOP 5 – Sustainable design and construction

TRA 1 – Promoting sustainable connections

TRA 2 – The effects of development on the transport network

TRA 4 – Parking provision in new development

WAT 1 Water quality

WAT 2 Water supply and sewerage

WAT 3 Flooding

INF 2 – Community services and facilities

Cramlington Neighbourhood Plan 2020

CNP1 – The sustainable development of Cramlington

CNP3 – Promoting good quality of design in new development

CNP10 – Growth in employment and the economy

CNP12 – Ensuring a vital and vibrant town centre

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2020) (NPPG)

7. Appraisal

7.1 The relevant planning consideration in the determination of this application are as follows:

- Principle of Development
- Visual and Residential Amenity
- Highways
- Public Protection
- Historic coal mining activity
- Flood Risk

Principle of Development

Spatial strategy

7.2 The proposal falls within the settlement boundary defined in the Cramlington Neighbourhood Plan (CNP). Policy CNP1 offers a presumption in favour of sustainable development for development that enhances Cramlington's range of services and facilities which will also potentially minimise the need to travel for locals. The location within the built-up area of the town is considered to be a sustainable one.

7.3 This approach is mirrored in Policy STP 1 of the Northumberland Local Plan (NLP), which seeks to deliver sustainable development and enhance the vitality of communities by focussing development on main towns such as Cramlington.

7.4 Overall, the proposal is supported by spatial strategy policies, being in a sustainable, accessible location within the built-up form of Cramlington.

Economic activity and town centre strategy

7.5 The submitted Design and Access Statement confirms:

“The expansion of the Garden Centre’s ground floor retail/warehouse area will broaden the charity’s income stream and improve the charity’s financial resilience insofar as the extended shop and business accommodation will ‘weatherproof’ the Garden Centre’s income stream, safeguard employment and, in particular, the creation of employment in this part of our business where more than 50% of employees have a disability. We expect the extension to create at least 30 new roles plus an additional 10 seasonal roles.

The expansion and the creation of show gardens will also create additional employment opportunities linked to our curriculum and which will also provide a ‘training’ vehicle for our Employment service. The show gardens will also serve a therapeutic purpose and which will support the delivery of our teaching curriculum and the rehabilitation of patients with acquired brain injury.

The first floor of the expanded Garden Centre will accommodate new classrooms and other teaching and recreational spaces for our students and which will further extend our capability and capacity to support students with special educational needs or disability and designed to better support communication and interaction, cognition and learning, social, emotional and mental health. The facilities will also support those with sensory and/or other physical needs. The first floor of the expanded Centre will also accommodate the charity’s corporate function, as our existing facility is no longer adequate for either our teaching or employment services”.

7.6 The ground floor retail space will be increased from 1,929m² to 3,840m² and the new first floor provide 3,262m² of education and business facilities.

7.7 In the CNP, Policy CNP10 supports development which will provide job opportunities and economic growth whilst not adversely affecting the amenity and functioning of adjacent communities and land uses. The proposal would align well with the first part of the policy; issues around amenity will be discussed in a later section of this report.

7.8 However Policy CNP12 requires that proposals for more than 1000m² of gross retail floorspace outside the town centre boundary be subject to sequential and proportionate impact testing to assess the impact on the town centre.

7.9 Paragraph 87 of the NPPF states the need to apply a sequential test for planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The sequential test gives priority to locating main town centre uses in town centres, followed by edge of centre locations. It states that

out of centre locations should only be considered if suitable sites are not available, or expected to become available within a reasonable period.

7.10 Policy INF 2 (Community services and facilities) aims to prevent the loss of community services and facilities, that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure or cultural needs of the community will not be supported unless appropriate alternative provision is made. It also seeks for the improvement in the quantity, quality, accessibility and range of community services and facilities and where opportunities arise through new built development and changes of use, the shared use of facilities, including community use of educational facilities where appropriate, will be supported and secured through planning conditions or planning obligations as appropriate.

7.11 Paragraph 96 of the NPPF supports to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Furthermore paragraph 106 states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

7.12 Policy STP 5 (Health and wellbeing) aims for development which promotes, supports and enhances the health and wellbeing of communities, residents, workers and visitors will be supported.

7.13 In the emerging NLP, Policy TCS 4 also requires that appropriate sequential testing is carried out for proposals that are more than 1000m² gross retail space and beyond the Primary Shopping Area of a Larger Town Centre. If the sequential testing shows that a suitable more central site cannot be identified then impact testing should follow.

7.14 Part two of Policy TCS 4 states that where sequential testing demonstrates that the proposal could only be accommodated in an edge or out of centre location, priority should be given to accessible sites well connected to the town centre or (failing that) connected to other existing services and wherever possible be well related to residential areas.

7.15 The scale of the site at 3.7ha is necessary to accommodate the required garden centre and ancillary car parking and service area and the existing site is an appropriate size and extending from the existing building. The site is therefore sequentially preferable. There are no sites of this size within Cramlington Town Centre as is therefore sequentially preferable.

7.16 It is feasible that the garden centre could be located to another out-of-centre site of a similar size. However, the application confirms that none are in a sequentially preferable location to the current application site. The existing education building is just outside the red line boundary, so it is also beneficial to retain this use on site as well as securing the Headquarters of the business at the current Garden Centre. The development of an alternate out-of-centre site would also be less sustainable than developing the existing site and therefore an more efficient use of the land.

7.17 The application states that

“The Azure Garden Centre is an independent operator and does not form part of a chain of garden centres. They do not operate stores selling parts of their product ranges. Regardless of the fact that disaggregation of a product range is not a requirement of planning policy and guidance, a development of the scale and nature being proposed is essential to delivery of the applicant’s business model which, as explained above, is not simply a traditional garden centre operation but rather part of a much larger charitable operation. It is not a commercially feasible option to disaggregate elements of the proposal to deliver a smaller product range”.

7.18 The application states that the need for the proposed additional retail sales floorspace in this case is to enhance the existing garden centre and improve the range of facilities/goods sold. This is fundamentally in order to develop the activities of the Azure Charitable Trust in supporting disabled and disadvantaged adults, both in terms of the training and experiences offered to them at the site and the number of adults that can be supported by the charity at any one time.

7.19 The submitted Retail Impact assessment identifies that there is capacity available to accommodate an enlarged retail element to the garden centre based on the Cramlington expenditure surplus figures cited by the applicant from the NCC Northumberland Town Centre & Retail Study Update published in March 2016. This would appear to be well founded to be the case notwithstanding changes in spending habits brought about by the Covid pandemic and the rise of online retail in the years since the update was published. The apparent healthy trading and low vacancy rates in the town centre is acknowledged.

7.20 The update study predicted a comparison goods expenditure surplus in Cramlington of £5.2m by 2021, with this figure rising to £15.3m in 2026. In the 2016 Study, our consultants noted that Home Bargains would soak up some of this. However, this leaves considerable additional scope, especially when looking ahead from 2021. It is a reasonable assumption to make that this additional £10.1m of predicted expenditure surplus could be in part satisfied by the increase in retail floorspace proposed in the garden centre without necessarily jeopardising further investment in Cramlington town centre. It is therefore considered that there would be no impact to vitality and viability of Cramlington Town Centre.

7.21 While it is known that the intention exists for further additions to the town centre, these have yet to come forward and it is unlikely that the scale of development proposed at the garden centre would detract from this or have the effect of deferring it significantly. It recommended to impose a restrictive condition however, to the type of goods sold at the premises to ensure that the primary retail use is still a garden centre for the sale of goods related to outdoor and domestic gardens.

7.22 While it would clearly be preferable for this development to be situated within the town centre, the scope of the sequential assessment is acceptable with the need for the various elements of Azure to be on a single site and an extension to an existing facility of similar use.

7.23 There are a number of mitigating factors providing support for the proposal site location. These mitigating factors include that: -

- No objections from Cramlington Town Council nor other town centre stakeholders

- The Azure Garden Centre is a long-established, independent local business which incorporates a local charity which both require expansion on a single site.
- There is a requirement by the business to remain in situ due to its reliance on the adjacent nursery greenhouses.
- There is a stated 4.5 hectare full-site requirement by the applicant, for which it would be difficult to find a suitable location within the town centre boundary – as found in the submitted sequential assessment.
- It is part of a mixed use scheme for a charitable organisation for education and business which provides social and economically benefits for the town and local people.

7.24 The application will retain and enhance an existing charitable organisation on site and in within Cramlington that is securing community facilities and education facilities to support people with disabilities or additional support needs. This promotes health and well being and provides additional jobs and economic benefits for an established business. The site is sequentially preferable and the overall scale of the increased retail offer would not impact the vitality and viability of Cramlington Town Centre. As such it is considered that subject to a condition to ensure the retail use remains primarily as a garden centre and therefore is in accordance with Local Plan Policies STP1, INF 2, STP 5, TCS 4 and Cramlington neighbourhood Plan CNP10, CNP 12 and the NPPF.

Visual and Residential Amenity

7.25 Policy QOP1 states that in determining planning applications, design will be assessed against design principles. In summary this includes:

- Be visually attractive and incorporate high quality materials and detailing;
- Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;
- Ensure that buildings and spaces are functional and adaptable for future uses;
- Facilitate an inclusive, comfortable, user-friendly and legible environment;
- Support health and wellbeing and enhance quality of life; Support positive social interaction and a safe and secure environment, including measures where relevant to reduce the risk of crime and the fear of crime;
- Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;
- Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains.

7.26 Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.27 Policy QOP 2 promotes good design and to ensure amenity 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.

7.28 The design would propose a large extension to the existing building however, it is appropriate for its intended mixed-use purpose. It provides a modern design with timber effect panelling, a living wall, metal cladding and large glazed entrances for the garden centre, the business and school. The site is near a residential area but retains adequate separation distances and is also within the general area of an Industrial Estate to the north which consists of buildings of a similar scale and business use.

7.29 The extension does create additional mass and height up to 8.2m to the main flat roof ridge (9.5m to the central glass roof lanterns) although retains 40-50m to the site boundary to the west and south and 70m from the extension to the neighbour to the north west. It must be noted that there is no right to a view in planning.

7.30 The proposal contains a commercial use of the site which is similar to that of the proposed. The South West of the red line boundary is approximately 120 metres from the North East of the approved Arcot Manor housing development and Public Protection has no objection to any potential noise and disturbance. Data relating to the proposed schedule of deliveries to the site has been submitted and a condition the hours when deliveries can be carried out to the site is secured to reduce potential noise from roll cages, reversing alarms etc that has the potential to cause detriment to residential amenity especially during the acoustic night time.

7.31 Whilst there is a loss of scrub land and trees, there has been an effort to retain a buffer to the woodland to the west through amended plans. The Suds pond will also provide a feature of open green space within the existing site.

7.32 As such the application is in accordance with Policy QOP 1, QOP2 and QOP 4.

Ecology

7.33 Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations.

7.34 Cramlington Neighbourhood Plan: Made Plan also seeks to protect trees and woodland and Policy Green infrastructure networks CNP20 & CNP17.

7.35 The County Ecologist has been consulted and the proposed development will result in the net loss of semi-natural habitats on site including individual and groups of trees and a large area of scrub habitat. The design of the scheme retains a buffer to the adjacent (off-site) Habitat of Principal Importance woodland. The provision of long-lasting bird boxes on site would help to mitigate for the loss of nesting habitat. Planning conditions to help avoid and mitigate impacts are recommended.

7.36 An ecological appraisal has been submitted to support this application, report reference Ecological Appraisal Azure Garden Centre June 2022 (V3) OS Ecology Ltd. This identifies the habitats on site and presents the results of bat surveys undertaken on two buildings.

7.37 A daytime preliminary roost assessment categorised the front (northern) part of the main garden centre building as having low potential to support roosting bats. In line with best practice guidance an evening emergence survey was undertaken in May 2022. No bats were recorded emerging from the building and no further action is necessary in this regard.

7.38 The proposed development will result in the loss of semi-natural habitats on site; a large area of dense mixed native scrub to the west (c.0.5ha), unmanaged grassland and a thin strip of broadleaf woodland to the southern boundary, and individual trees across the site.

7.39 Although no specific bird survey was undertaken several birds of conservation concern were recorded within the habitats on site in May 2022 including Red Listed greenfinch and Amber Listed willow warbler and dunnock (Birds of Conservation Concern 5, 2021). The area of dense scrub in the west of the site is of greatest value for birds. The ecological value of the scrub on site is increased due to its connectivity to and buffering of the adjacent (off-site) woodland which is recorded as a Habitat of Principal Importance (HPI) under the Natural Environmental and Rural Communities (NERC) Act 2006.

7.40 The design of the scheme has been amended to provide a buffer to the adjacent woodland by retaining at least a 10m depth of scrub habitat on the western boundary. The use of a sensitive external lighting scheme would avoid excessive light spill onto these habitats. This buffer is shown on the amended plan and also gives an indication of the individual trees to be lost and which are hoped to be retained on site, although without an arboricultural impact assessment and tree protection plan this cannot be relied upon.

7.41 A detention basin is proposed as part of the surface water drainage scheme which will normally be dry. Subject to maintenance requirements there is the opportunity to seed this with a native flower-rich grass mix and plant a limited number of new trees and scrub around the basin. There may also be the opportunity to plant areas of native scrub or hedgerow along the southern boundary and small trees across the car parking area however this would be constrained by the need to maintain serviceable parking spaces.

7.42 The application includes the loss of tree and scrub land that acts as a buffer to the woodland of Principal Importance as due to site constraints this has been unavoidable. There has been mitigation has been put in place to retain a buffer to woodland with amendments to the landscape plans and protecting those trees on the southern boundary.

7.43 There is harm afforded to the loss of the scrub land and the application would partially conflict with policy ENV2 of the local plan. The County Ecologist has recommended conditions to secure biodiversity enhancements and tree protection measures.

Highways

7.44 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Where relevant this includes

the use of Transport Assessments, Transport Statements and Travel Plans where applicable and appropriate.

7.45 Policy TRA 2 of the NLP relates to the effects of development on the transport network. All developments affecting the transport network will be required to:

- a. Provide effective and safe access and egress to the existing transport network;
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and
- f. Minimise any adverse impact on communities and the environment, including noise and air quality”

7.46 Policy TRA 4 relates to parking provision in new development where an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking should normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan

7.47 The site was subject to access and junction improvements that were approved under application 17/03799/FUL. These details have also been included within the application with all details showing the approved junction improvements along with the bus stops upgrade works on the A1172. Principal drawings for the bus stop works are considered sufficient at this stage. Details of footway/cycleway improvements are also proposed. These details are considered acceptable in principle and will be subject to a separate Section 278 agreement with relevant technical appraisal and Road Safety Audit Processes.

7.48 The application has provided sufficient parking provision in accordance with the Local Plan Parking Standards to accommodate the mixed use scheme. Highways Development Management are satisfied that this can be secured by planning condition, along with the internal details for the junction improvement, car parking, cycle parking and construction methodology.

7.49 As such, the application is in accordance with Local Plan policies TRA 1, TRA 2 and TRA 4.

Flood Risk

7.50 Policy WAT 3 relates to flooding and states that surface water should be managed at source wherever possible, so that there is no net increase in surface water run-off for the lifetime of the development. Where greenfield sites are to be developed, the surface water run-off rates should not exceed, and where possible should reduce, the existing run-off rates. Policy WAT 4 further promotes Sustainable Drainage Systems that should be incorporated into developments whenever necessary, in order

to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance.

7.51 The scheme provides sustainable drainage with a pond within the north east corner of the site. As per standards S3 of the DEFRA Non-Statutory Technical Standards for Sustainable Drainage Systems *“For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event”*.

7.52 The LLFA raise no objection to this application on flood risk and drainage grounds as the revised flood risk assessment adequately provides calculations for achievable discharge rates. This is subject to conditions securing the maintenance of the SuDS scheme and drainage mitigation during construction.

7.53 In addition, Northumbria Water acknowledge and accept that the hierarchy of surface water discharge has been followed. Undertaking this process concludes that a connection to Northumbrian Water’s sewerage network is the best available option. Whilst this aspect is acceptable, an application securing full details of the drainage scheme at this stage of the planning process.

7.54 As such the application is in accordance with Policies WAT 3 and WAT 4 of the Local Plan.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Conclusion

8.1 The application site is within the settlement limits and sustainable location of Cramlington. Whilst there is an element of harm with the removal of an area of scrub land which acts as a buffer to a woodland of principle importance, however a buffer is still retained and there are some biodiversity enhancements proposed. The economic and social benefits include retaining and enhancing and existing business and charitable organisation on site which will provide jobs, training and education for people with disabilities or additional support needs. The greater retail offer will also not have a detrimental impact to the vitality of Cramlington Town Centre. Overall, the identified benefits override the level of harm and on balance, the application accord with the Northumberland Local Plan, Cramlington Neighbourhood Plan and the NPPF.

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 not be carried out otherwise than in complete accordance with the approved documents and plans. The approved plans for this development are:-

Proposed Landscaping Plan 2756 - SHA - ZZ - 00 - DR - A - 0103 – IN R3

Proposed Site Plan 2756 - SHA - ZZ - 00 - DR - A - 0102 – PR R8

Landscape Strategy 1400_100 Rev A

Entrance Wall Detail AL(0)507 Rev 5

Proposed Entrance Arrangement – Engineering Plan C-GA-102 Rev P5

Proposed Entrance Arrangement – Road Markings Plan C-GA-101 Rev P3

Setting Out Plan AL(0)503 Rev 6

Construction Plan AL(0)505 Rev 4
Swept Path Analysis J N1492-Dwg-0002A
Proposed Elevations 2756 - SGA - GC - ZZ - DR - A - 0102 – PR R3
Proposed First Floor Plan 2756 - SGA - GC - 01 - DR - A - 0101 – PR R3
Proposed Ground Floor Plan 2756 - SGA - GC - 00 - DR - A - 0103 – PR R2
Proposed Roof Plan 2756 - SGA - GC - 02 - DR - A - 0101 – PR R2
Existing Covered Canopy Details 2756 - SGA - CA - ZZ - DR - A - 0100 - PL

Flood Risk Assessment and Drainage Strategy by Stadbolt; reference: 2756 – Issue 2, dated August 2021

Planning & Retail Statement Azure Garden Centre, Station Road, Cramlington, Northumberland BH Planning & Design

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

03. The scheme to dispose of surface water from the development shall be carried out in accordance with the agreed details as outlined in the Flood Risk Assessment and Drainage Strategy by Stadbolt; reference: 2756 – Issue 2, dated August 2021.

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

04. Prior to first occupation of the charity head office, training facility and business centre 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.

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

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

06. Prior to the first occupation of the charity head office, training facility and business centre, 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.

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

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

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

08. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. 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.

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

- junction improvements including layout and constructional details;
- Widening of existing footway from the Western bus stop on the A1172 running down to the pedestrian crossing on Beacon Lane roundabout in accordance with LTN 1/20 Cycleway Infrastructure Design.

- Existing bus stops on the A1172 to be upgraded so that level access kerbing is achieved.

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.

10. The development shall not be occupied until 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.

11. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

12. The site layout shall retain a minimum depth of 10m of existing scrub and trees along the western boundary of the new growing and external display areas. Prior to first use of these areas a Biodiversity Enhancement and Management Plan for the habitat buffer and other areas of retained and created semi-natural habitats on site, shall be submitted to and agreed in writing by the local planning authority. The content of this shall include:

- a. Extent and area of the habitat buffer zone on appropriate scale maps and plans
- b. Aims and objectives of management
- c. Prescriptions for enhancement management actions
- d. Type and source of materials to be used where appropriate e.g., native species of local provenance
- e. Details of long-term maintenance.

The Biodiversity Enhancement and Management Plan shall be implemented as approved, and the habitat buffer retained in that manner thereafter.

Reason: To conserve and protect the adjacent deciduous woodland Habitat of Principal Importance (NERC Act, 2006) in line with the NPPF and Local Plan Policy ENV2 and QOP4.

13. Prior to commencement of development including removal of vegetation, a Tree Protection and Replacement Plan and supported

by an Arboricultural Method Statement prepared in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012 shall be submitted to the LPA for approval.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2 and QOP4.

14. Prior to commencement of development including removal of vegetation, a scheme for the provision of at least 10 long-lasting bird boxes shall be submitted to and agreed in writing by the local planning authority. The scheme shall detail the location, height, orientation, numbers and specification of the provision. The scheme will be fully implemented as approved.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2.

15. Prior to first use of the new external display area, a sensitive external 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:

a. Be designed in consultation with the project ecologist and follow guidance set out the Institution of Lighting Professionals Guidance Note 8: Bats and artificial lighting (08/18) (<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>).

b) Details should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that light spill onto the edge of the adjacent woodland shall not exceed 1 lux.

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 conserve and enhance biodiversity in line with the NPPF and Local Plan Policies ENV2 and POL2.

16. 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

17. 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.

18. Prior to the installation or change of floodlighting a written scheme shall be submitted to and approved in writing by the local planning authority to demonstrate that the lighting complies with the requirements for Zone E3 of the Institution of Lighting Professionals (ILP) Guidance Note for the reduction of obtrusive light 2021 (01/21). Floodlighting should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby

19. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen) between the hours 23:00 – 07:00

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

20. No development shall commence, including any works of demolition, 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 demolition, 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

21. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment and Drainage Strategy” dated “December 2020”. The drainage scheme shall ensure that foul flows discharge to the foul sewer entering the system at an acceptable point between manholes 6902 and 7901 and ensure that surface water discharges to the surface water sewer at manhole 7904. The surface water discharge rate shall not exceed the available capacity of 110l/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.

22. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of NPPF.

23. The opening hours of the retail premises to members of the public shall be restricted to 08:00 – 20:00 hours Monday to Saturday and 10:00 – 16:00 hours on Sundays and Bank Holidays.

Reason: In the interests of the amenities of nearby residents.

24. The development hereby permitted shall be restricted to a maximum of 8,435 sqm internal floorspace comprising:

- a. Cafe/Facilities - 609m² within Use Class E(b)
- b. Warehouse - 667m² within Use Class B8
- c. Education Facilities & ancillary offices - 1154m² within use class F1(a)

- d. Offices to carry out any operational or administrative functions & reception
2033m² within use class E(g)(i)
- e. Garden Centre & Ancillary Retail Use - 3840m² within Use Class E(a)
- f. Circulation (Stairwells) - 121m²

as shown on 2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed Ground Floor Plan' and
2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed First Floor Plan'

Reason: To protect the vitality and viability of nearby town centres.

25. The indoor retail floorspace hereby permitted as shown in drawing '2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed Ground Floor Plan' shall not exceed a maximum floor area of 3,840sq.m. The indoor retail floorspace permitted for each of the following categories of goods shall not exceed the maximum floor area indicated below:

- a. Composts, peats, chemicals and other goods associated with plant/garden care, tools, watering equipment and garden machinery, garden clothing and footwear. Houseplants, dried, artificial and cut flowers and goods associated with their care and maintenance. Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and accessories. Wild bird care products, pond plants and accessories, pond liners and pre-formed ponds, pet food and accessories and indoor aquatic products including fish, fish tanks, fish food and indoor aquatic accessories. Craft items, candles, toys, furniture, and outdoor and woolen clothing - maximum floor area 2,240sq. m
- b. Other goods falling within Use Class E(a) - maximum floor area 1,600sq. m

Reason: To restrict the range and area of goods that may be sold in the interests of protecting the vitality and viability of nearby town centres

26. The outdoor open sales retail floorspace and covered canopy areas hereby permitted as shown in drawing 'Proposed Site Plan 2756 - SHA - ZZ - 00 - DR - A - 0102 – PR R8' is permitted for the sale of the following categories of goods:

- a) Trees and plants of all kinds, rockery stone aggregates, ponds, pools, fountains and accessories including cold water fish, compost, peat and other garden care products, garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and accessories, bird tables and bird baths
- b) Garden buildings, garden leisure, greenhouses, conservatories, gazebos, summerhouses, landscape and garden buildings materials.

Reason: To restrict the range and area of goods that may be sold in the interests of protecting the vitality and viability of nearby town centres.

Informatives

Highway Works

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.

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.

Contact Traffic Management

You are advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk before and during the construction period.

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.

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.

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.

Ecology

1) **Standard best practice during construction:** To avoid and mitigate potential impacts on biodiversity during construction the following best practices should be implemented:

i) No tree felling or vegetation clearance should be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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

iii) All works on site should adhere to the Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency. For further information follow the link: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

iv) To protect trees retained on and adjacent to the site, all works should be carried out in accordance with the guidance set out in *BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations* British Standards Institution, 2012.

i v) Contractors should be aware of the potential to spread invasive non-native plant species either from or onto the site and take appropriate biosecurity measures to avoid this, guidance on what to do can be found here <https://www.nonnativespecies.org/what-can-i-do/training/site-workers/>.

2) **Landscaping:** Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as

ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

A list of plant species native to Northumberland can be found online <https://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20Native%20to%20Northumberland%20-%20Google%20Docs.pdf>

A list of suitable trees is available online from Northumberland Wildlife Trust <https://www.nwt.org.uk/what-we-donews-and-publications/publications> Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Date of Report: 21.22.2022

Authorised by:

Date:

Background Papers: Planning application file(s) 21/01041/FUL

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Northumberland County Council

Appeal Update Report

Date: December 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?
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 and the street scene.</p> <p>Delegated Decision - Officer Recommendation: Refuse</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?
21/04673/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 that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	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	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>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.</p>	<p>4 January 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 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>9 February 2022</p> <p>Delegated 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</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

	between Swarland and wider countryside setting.	
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>
20/02094/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>
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</p>	<p>1 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	countryside	
22/00042/LBC	<p>Listed building consent to replace 6 windows with similar casement windows with wooden rather than plastic dividers – Broomhaugh Farm, Broomhaugh, Riding Mill</p> <p>Main issues: would result in loss of historic fabric and fail to preserve the special historic interest of the building, and would cause less than substantial harm to the listed building.</p>	<p>26 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01413/FUL	<p>Dormer window to roof slope on principal (south) elevation – 3 Dene Park, Darras Hall, Ponteland</p> <p>Main issues: design, scale and massing would not be subordinate to the dwelling and would be out of character in the street scene.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04687/OUT	<p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01100/FUL	<p>Timber shed for storage of tools and equipment required to maintain the woods and culverts. (Retrospective application) - Ochre Wood, Corbridge</p> <p>Main issues: inappropriate development within the open countryside and Green Belt; and insufficient information on access and car parking arrangements.</p>	<p>31 October 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01112/FUL	<p>Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel – Beadnell Towers Hotel, The Wynding, Beadnell</p> <p>Main issues: harm to the setting of the listed building and Conservation Area; and fails to conserve or enhance the Northumberland</p>	<p>31 October 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

	Coast AONB.	
21/04958/FUL	<p>Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding – Percy Arms, Chatton</p> <p>Main issues: development results in harm to the character and appearance of the Conservation Area; and substandard access to rear car park.</p>	<p>1 November 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00393/FUL	<p>Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn</p> <p>Main issues: site is in the open countryside and not in a sustainable or accessible location; and adverse impacts on the open</p>	<p>3 November 2022</p> <p>Delegated Decision - Officer Recommendation:</p>

	countryside and landscape.	Refuse
21/02696/S106A	Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.	7 November 2022 Delegated Decision - Officer Recommendation: Refuse
22/00749/OUT	Outline application for demolition of existing garage and stable block and construction of new dwellinghouse (all matters reserved) - building and land west of Roecliffe, Ladycutter Lane, Corbridge Main issues: appeal against imposition of a condition in the decision notice that limits the siting and scale of the new dwelling.	9 November 2022 Delegated Decision - Officer Recommendation: Approve
21/04002/FUL	Proposed 6no. Yurts and associated structure for holiday and tourism – land south-east of Alnham House, Alnham Main Road, Alnham Main issues: the site is not in an accessible location; and results in incursion into the open countryside and fails to respect the intrinsic character and beauty of the area.	17 November 2022 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

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.

Report author and contact details

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