



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

Email: lesley.little@northumberland.gov.uk

Tel direct: 01670 622614

Date: Wednesday 20 December 2023

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, 2 JANUARY 2024** at **4.00 PM**.

Yours faithfully

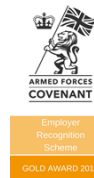
Dr Helen Paterson
Chief Executive

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



Dr Helen Paterson, 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. APOLOGIES FOR ABSENCE

2. MINUTES OF PREVIOUS MEETINGS

(Pages 1
- 6)

The minutes of the Strategic Planning Committee held on Tuesday 5 December 2023 as circulated, to be agreed as a true record and be signed by the Chair.

3. 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.

4. DETERMINATION OF PLANNING APPLICATIONS

(Pages 7
- 12)

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

Please note that printed letters of objection/support are not circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

5. 19/01095/REM

(Pages
13 - 38)

**Reserved matters application for access, appearance, landscaping, layout, and scale for 110 dwellings relating to planning permission 14/01295/VARYCO
Land East of Springhill, Sunnyside, Tweedmouth, Northumberland**

6. APPEAL UPDATE JAN 2024

(Pages
39 - 52)

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.

7. S106 UPDATE JAN 2024

(Pages
53 - 56)

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous 2 months.

8. 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)

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Council Chamber - County Hall on Tuesday, 5 December 2023 at 4.00 pm.

PRESENT

T Thorne (Chair) (in the Chair)

MEMBERS

C Ball	L Darwin
B Flux	JI Hutchinson
J Lang	G Renner-Thompson
G Stewart	M Swinbank
A Watson	

OFFICERS

A Deary-Francis	Ecologist
D Hadden	Solicitor
N Leadbeatter	Housing Enabling Officer
L Little	Senior Democratic Services Officer
R Murfin	Director of Housing & Planning
M Patrick	Highways Development Manager
T Wood	Principal Planning Officer

Around 13 members of the press and public were present.

42 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dodd, Foster, Hill, Reid, Robinson and Wallace.

43 MINUTES OF PREVIOUS MEETINGS

The Minutes of the Strategic Planning Committee held on 7 November 2023, as circulated, were agreed as a true record and were signed by the Chair.

44 DISCLOSURE OF MEMBERS' INTERESTS

Councillor Flux advised that his personal circumstances could lead to a perception of bias in connection with item 5 application 23/0287/FUL and as such he left the meeting at this point.

45 **DETERMINATION OF PLANNING APPLICATIONS**

The report outlined the procedure to be followed and 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.

46 **23/02787/FUL**

Residential development of 94 new homes (Use Class C3), an 84 apartment extra care facility (Use Class C3), the preservation of the Water Tower, demolition of existing buildings and all associated infrastructure. Former St Georges Hospital, Morpeth, Northumberland, NE61 2NS

A comprehensive introduction to the report was provided by T Wood, Principal Planning Officer with the aid of a power point presentation. A sheet detailing minor revisions to a number of conditions in the report was circulated to Members at the meeting. This included the tightening of conditions, correct plan numbers being added, the deletion of two conditions and requesting further information to be provided such as the CMP and added trigger points. A further condition was also to be added regarding the phasing plan. Further updates in addition to those circulated were noted as follows:-

- Revised Condition 10 – remove second sentence and add “completed in accordance with the approved plans for the signalisation of the junction.”
- Paragraph 7.28 of the report at the third line down add “and apartment blocks” after extra care apartment complex.

The revisions to the conditions would be uploaded to the Council’s website. R Murfin, Director of Housing and Planning stated that this was a very complex and strong scheme and whilst it would not deliver affordable housing in the usual sense it did provide 47% of additional housing units.

Jane Cadman addressed the Committee speaking in objection to the Committee. Her comments included the following:-

- She lived in Thorpe Avenue which was the older estate adjacent to the access road. Whilst she did support the building of the homes, extra care facility and general site plan she partially opposed the transport statement and travel plan for the safety and wellbeing of residents of her estate which was the west of the St. George’s access road.
- She asked that revisions be looked at for the changes to the junction of the St. George’s access road and the A197 and agreed with statements made that the junction could not take more traffic. Her issue was with the proposal for traffic lights and would prefer either widening the junction or a roundabout which would permit free flow of traffic.
- She had been advised by users of Tommy’s field, opposite the junction, that the Council had already acquired land from this area for use as a

roundabout. She advised that there were currently temporary traffic lights at the junction which demonstrated the effect traffic lights had at that junction and on the surrounding areas. She had tried to leave her road at 9.10 am on Monday morning after the school rush, but it was blocked as always. The traffic queue caused by the traffic lights at that junction went through the town, past the Mafekin roundabout and up to the Sun Inn.

- She supported the transport statement where it suggested keep clear signs on the tarmac in front of Thorpe Avenue and Howard Terrace and urged that this be undertaken as quickly as possible so that the exiting and accessing of these roads could be done safely.
- She highlighted the proximity of her estate to the new development advising that her house had been seen on slide one of the presentation. All the houses on Thorpe Avenue abut St George's access road with only one house and garden between them. At the bottom of the road where the junction with Thorpe Avenue and the access road met the A197 there was only 45m, which was no distance at all.
- A lot of the housing on her estate was from the era when cars and garages did not exist and was very closely packed. Residents used two roads to feed onto the local transport network, one being Thorpe Avenue and the other Fenwick Road which fed into Howard Terrace. These roads were currently blocked most of the time by traffic waiting at the traffic lights.
- Neither herself or any of her neighbours had been consulted on this application and currently it only took one coach or two small cars queuing at the temporary lights before Thorpe Avenue was blocked and residents could not get out of their road.
- She asked that the safety of the road users on the adjacent site also be considered as well as those using St George's access road.

Melissa Fynn, Head of Development at Countryside Partnerships who was the applicant for the third and final phase of development on the former St. George's hospital site, addressed the Committee speaking in support of the application. Her comments included the following:-

- The site had been identified for regeneration in the adopted Local Plan for over two decades. As part of this phase 94 dwellings and an 84 unit Community Wellbeing Facility were proposed. This was the most challenging part of the site to deliver with derelict buildings to demolish whilst retaining access to the existing hospital. It was also the most interesting part of the site and a lot of effort had been made in designing bespoke apartments that reflected the character of the former hospital buildings and integrated with the water tower which was being retained.
- It was acknowledged that there had been a number of comments on the planning portal and directly to the applicant in respect of the access road. The access road had been difficult to manage and, given the restraints, it had been necessary to close off access for a period of time which had caused a lot of inconvenience to the public and for which they apologised. It was hoped however that it could be seen that good progress had been made and that they were genuinely trying to finish the works as soon as possible to minimise the disruption caused. It was highlighted that the signalised junction had already been approved and did not form part of this application.

- The many benefits of the development were highlighted and the submitted viability appraisal demonstrated that the affordable housing and other financial contributions that would usually be requested could not be provided.
- It was stressed that the 83 units on the site would be delivered as affordable housing through the Community Wellbeing Facility with Homes England grant funding. If the S106 Agreement sought to secure affordable housing then this could not be provided. As a strategic partner of Homes England, they had a commitment to deliver affordable housing across their sites and often delivered above policy requirements.
- They were excited to deliver this flagship specialist affordable housing scheme with Karbon Homes.

Martin Hawthorne also addressed the meeting speaking on behalf of Karbon Homes in support of the 84 unit extra care scheme as part of the wider application. His comments included the following:-

- NCC was concerned with the escalating costs of providing care and had a shortage of care workers. It was a key priority within the Council's Extra Care and Independent Supported Living Strategy to support opportunities which helped improve services for older people and improve efficiency and lower running costs.
- Those with a medium to high care need were finding that moving to an expensive care home was the only option. By creating a vibrant home from home environment residents could live independently in self-contained apartments.
- Care staff would be able to offer their services to residents all under one roof, making the provision of care better and more cost effective and efficient, and reduce the need for some to go into a care home. It would bring older people together, lowering feelings of isolation.
- Adult Services staff had been involved in the scheme with Karbon from the beginning and together they had created a scheme which catered for those with high, medium and lower care needs; dementia and those with bariatric requirements in an environment with a bistro, hairdressers and communal lounges, which would also be open to the wider community. It would be a lovely place for residents, family and friends to meet along with beautiful well stocked grounds to enjoy.
- Karbon had several successful facilities in the County already offering this service. Karbon board had approved this scheme in advance of this meeting and had pledged the capital required. The care team would be commissioned by the Council to provide the care and Karbon would run the complex building.
- Members were asked to approve this exemplar scheme and help realise this vision for Morpeth and Northumberland.

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

- A full transport and travel assessment had been undertaken in respect of the additional housing and extra care unit including the other uses included within this. The junction had been modified and accepted under a previous

planning application with footways provided and phasing within the lights at the junction to enable pedestrians to access the development. It was a very steep bank but pedestrians would be able to walk up this should they wish. There was also an additional car parking strategy condition in relation to the extra care facility so that parking did not spill out onto residential streets. Bus routes etc had also been taken into consideration within the previous applications so all transport issues had been considered.

- The applicant had been made aware of the responses from Northumbria Police and the Fire and Rescue Service with amendments having been made to the scheme and all comments addressed and taken into account within the revised layout. This site design was also subject to a road safety audit to ensure safe operations for all users and this would continue through the Highways Adoption procedure.
- There was no S106 contribution to Education or Health due to the viability of the site.
- Condition 9 requested the submission of a construction management plan which would contain the requirement for a wheel wash facility.
- The usual policy requirement for affordable housing would be 10%, 20% or 30%, however this site would provide a 47% contribution of affordable housing, albeit in a different way to the usual as it is not secured by way of s106 agreement. Due to that level of contribution and site constraints the external valuation had stated that no additional S106 contributions would be able to be made to those already included. The provision of an extra care facility of this scale was in excess of what would normally be achieved through the usual S106 contributions.
- The Local Plan set out a series of policy asks in relation to S106 contributions including health and education and the viability of that ask had been tested as part of the public examination. The Inspectorate took into consideration that not every scheme would be able to pay for those contributions but it would be expected that approximately 85% of all schemes would and therefore accepted that a proportion would not be able to make a contribution. In this instance an additional contribution was not viable due to the special circumstances of providing 47% of units for special care, which would not impact on education provision. Whilst the development might have some impact on local health care provision, any health care contribution was for capital expenditure and not revenue. The scheme could not deliver the type of facility being proposed and also pay any additional S106 contributions. There would be a facility in the s106 agreement for clawback to be provided if the margins for the scheme were better than expected and the overall benefit of the scheme offset the harm of no additional S106 contributions being made.
- Highways improvements were tied to trigger points within Phase B, however, to ensure that these were undertaken in a timely manner, the trigger points had been updated to reflect this scheme to ensure that the improvements were delivered in advance of those proposed through Phase B.

Councillor Stewart proposed to accept the officers recommendation as outlined in the report, including the s106 agreement, and with the amendments to conditions as outlined on the amended conditions sheet and further updated condition 10, which was seconded by Councillor Renner-Thompson.

Members considered that the scheme would benefit hospitals in discharging patients and help provide the additional dementia facilities which were required due to the increasing numbers of people being diagnosed with dementia. As residents accessed the supported accommodation, this would free up other much needed housing stock in the area. This was a very special facility and would benefit the residents of both Morpeth and the wider area and therefore it was considered that the benefits outweighed the fact that no additional S106 contribution was being made in respect of education or health care.

A vote was taken and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report, amended conditions update sheet and further amended condition 10 and subject to a S106 agreement to secure

- Off-site biodiversity net gain
- To fund £23,025 towards the coastal mitigation measures service
- To include a viability review/clawback mechanism

47 **PLANNING APPEALS UPDATE**

RESOLVED that the information be noted.

48 **SECTION 106 UPDATE**

RESOLVED that the information be noted.

CHAIR.....

DATE.....



Northumberland County Council

STRATEGIC PLANNING COMMITTEE

DATE: 2ND JANUARY 2024

DETERMINATION OF PLANNING APPLICATIONS

Report of the Director of Housing & Planning (Chief Planning Officer)

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
Director of Housing & Planning
Rob.Murfin@northumberland.gov.uk

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the North Northumberland Local Area 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.

Important Copyright Notice

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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

PROCEDURE AT PLANNING COMMITTEE

A. Chairman welcomes members and those members of the public watching on the livestream

Welcome to also include reference:

- (i) Fact that the meeting can be viewed on a live stream through You Tube Northumberland TV and a recording will be available after the meeting.
- (ii) Members are asked to keep microphones on mute unless speaking
- (iii) To switch all mobile phones off.
- (iv) Reminder that if a member leaves the Chamber whilst an application is being considered then they may take no further part in that application.

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 Management: -

Application

<u>Chair</u>	Introduces application Site Visit Video (previously circulated)-invite members questions
<u>Planning Officer</u>	Updates – Changes to recommendations – present report
<u>Public Speaking</u>	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 PUBLIC SPEAKING

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)

Planning Officer confirms and reads out wording of resolution

Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all the consideration of the application)

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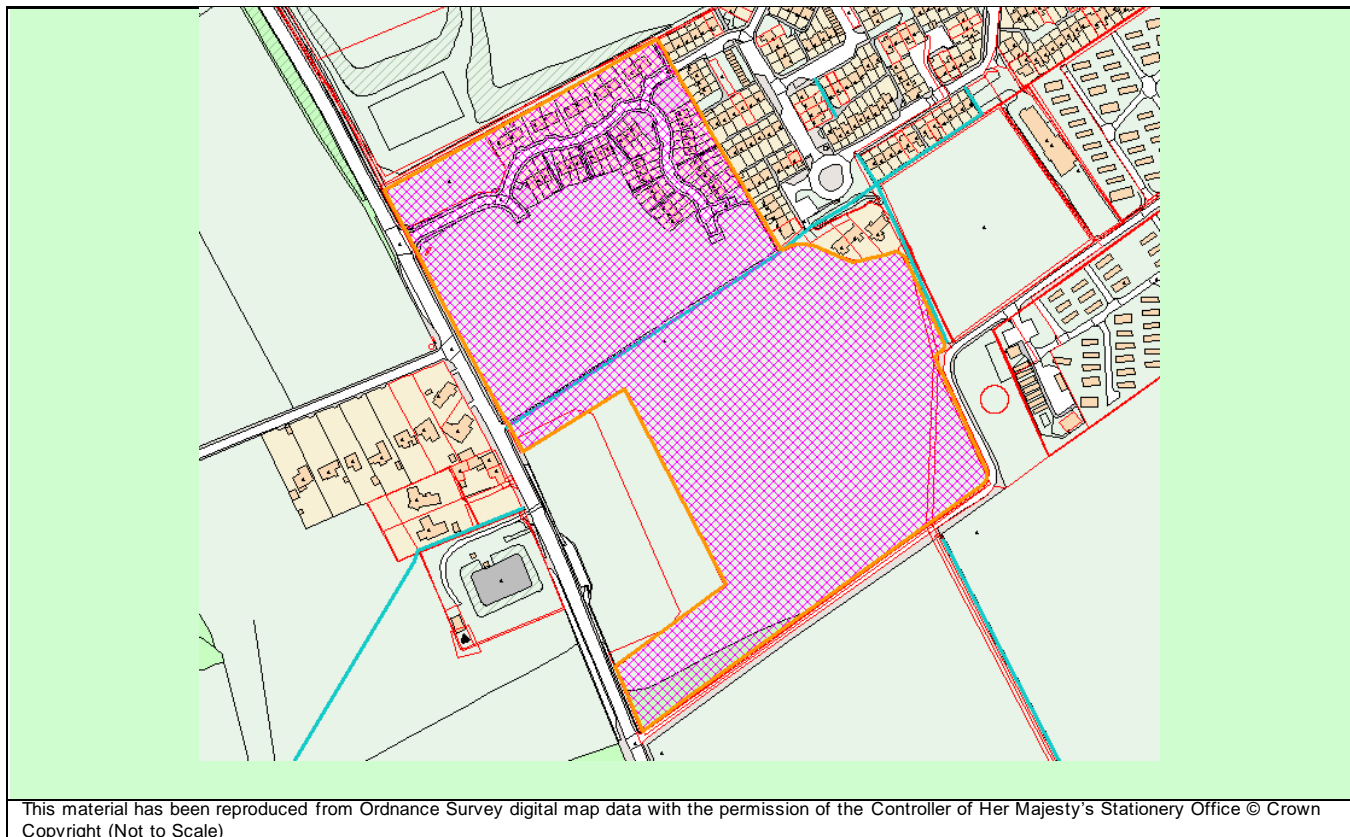
Northumberland

County Council

Strategic Planning Committee, 2nd January 2024

Application No:	19/01095/REM		
Proposal:	Reserved matters application for access, appearance, landscaping, layout, and scale for 110 dwellings relating to planning permission 14/01295/VARYCO		
Site Address	Land East of Springhill, Sunnyside, Tweedmouth, Northumberland		
Applicant:	Mr Michael Guthrie 19D Windmill Way East, Ramparts Business Park, Berwick-Upon-Tweed, Northumberland TD15 1TQ	Agent:	Mr James Cromarty Suite 6, 5 Kings Mount, Ramparts Business Park, Berwick Upon Tweed Northumberland TD15 1TQ
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date:	29 April 2019	Expiry Date:	9 February 2024
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to planning conditions and a S106 agreement securing the provision of £67,650 towards the Coastal Mitigation Strategy (CMS).



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1. Introduction

1.1 The application is suitable for determination at the Strategic Planning Committee (SPC) by virtue of being in excess of 100 houses.

2. Site Description and Proposals

2.1 The proposal is located at the south west end of Berwick Upon Tweed sandwiched between the Highcliffe housing estate and the A1167. The site is currently agricultural fields, and the application represents phases 2 - 4 of hybrid planning consent reference 14/01297/VARYCO, which granted detailed permission for 40 houses with outline permission for 110. The land rises to the south and west but drops away to the north and east. There is an ancient monument on the site which is bisected by the A1167. The monument is a Roman camp. The site extends to Cow Road to the south where there is an extensive holiday camp made up of static caravans and associated facilities.

2.2 The application consists of 110 dwellings made up of:

- 36 x 3 bedroom semi detached
- 11 x 3 bedroom detached
- 9 x 4 bedroom detached
- 3 x 3-bedroom bungalow
- 2 x 2-bedroom bungalow
- 8 x 3-bedroom villa
- 38 x 4-bedroom villa
- 3 x 5-bedroom villa

2.3 The application also consists of boundary hedgerows and a wildflower meadow around the Roman camp.

2.4 The proposal is for the reserved matters for phases 2 – 4 established from the original consent, i.e. appearance, landscaping, layout and scale. Other matters such as the principle of the development and impacts on infrastructure have already been assessed and considered acceptable.

3. Planning History

Reference Number: 13/00589/FUL

Description: Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

Status: PER

Reference Number: 13/03615/DISCON

Description: Discharge of conditions 4, 7, 9, 18, 20, 23, 24, 26 and 27 of approved planning application 13/00589/FUL (Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

Status: PER

Reference Number: 14/00501/DISCON

Description: Discharge of conditions 29 and 30 from planning approval 13/00589/FUL (Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

Status: PER

Reference Number: 14/01295/VARYCO

Description: Variation of conditions 2 and 3 of application 13/00589/FUL

Status: PER

Reference Number: 15/02708/DISCON

Description: Compliance of conditions- 1, 2, 3, 4, 14, 15, 18 and 21 of 14/01295/VARYCO

Status: CONREF

Reference Number: N/09/B/0419

Description: Outline application for residential development comprising 150 units & associated works with some matters reserved.

Status: PER

4. Consultee Responses

Architectural Liaison Officer - Police	No comment
Fire & Rescue Service	Further to your request the Fire Service have no objection in principle to the above proposals.
Northumbria Ambulance Service	No response received.
Environment Agency	No response received.
The Coal Authority	No objection subject to conditions.
Northumbrian Water Ltd	No objection, subject to condition:
Strategic Estates	No response received.
NHS NORTHEAST & CUMBRIA ICB	No response received.
Active Northumberland	No response received.
Berwick-upon-Tweed Town Council	Members were supportive of this application.
Highways	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Historic England	No objection subject to safeguarding conditions on the setting of the SAM (Scheduled Ancient Monument).
County Ecologist	No objection subject to conditions.

Countryside/ Rights of Way	No objection to the application on the condition that Public Footpath No.77 is protected throughout.
County Archaeologist	No objection subject to safeguarding conditions on the setting of the SAM.
Open Spaces - North Area	No response received.
North Trees and Woodland Officer	No response received.
Affordable Housing	No response received.
Public Protection	No objection subject to conditions.
Waste Management - North	No response received.
Education - Schools	Comments.
Natural England	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	71
Number of Objections	0
Number of Support	0
Number of General Comments	2

Notices

Stat Pub & PROW 3rd May 2019

Berwick Advertiser 9th May 2019

Summary of Responses:

General comments have been submitted raising the following:

- The historic coal mining information should be made available to residents of Barley Rise.
Comment: All information relating to the application is available on public access.
- The 30mph speed limit on the main road should be extended.
Comment: This is a separate highways matter, and the request should be made to them directly.

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=PPAAH6QS0K400>

6. Planning Policy

6.1 Development Plan Policy

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)
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 4 - Landscaping and trees
QOP 5 - Sustainable design and construction
QOP 6 - Delivering well-designed places
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
ICT 2 - New developments
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 5 - Northumberland Coast Area of Outstanding Natural Beauty
ENV 7 - Historic environment and heritage assets
WAT 4 - Sustainable Drainage Systems

6.2 National Planning Policy

NDG - National Design Guide (2019)
NMDC - National Model Design Code (2021)
NPPF - National Planning Policy Framework (2023)
NPPG - National Planning Practice Guidance (2021, as updated)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application. The key issues for consideration in the determination of this application are:

- Principle of the development
- Reserved Matters
 - Layout
 - Design
 - Scale
 - Landscaping
- Access
- Coal Mining
- Ecology

- Archaeology / Historic Environment
- Other Matters
 - Affordable Housing
 - Open Space
 - Climate Change
 - Broadband Provision

Principle of the development

7.2 The site lies within the settlement boundary of Berwick Upon Tweed. Policy STP 1 identifies this as a Main Settlement wherein most forms of development will be encouraged. Policy HOU 2 further encourages housing development in various forms in the Main Settlements.

7.3 Further to the above planning permission for granted for a hybrid application under reference 13/00589/FUL for 40 houses with a further 110 in outline. The initial 40 units represented phase 1 and have been built. This has kept the remainder of the permission live in perpetuity.

7.4 Considering the above the principle of development has firmly been established through the grant of outline planning permission. Furthermore, the development of large-scale housing is directed towards the Main Settlements and the application is consistent with the spatial strategy of the Local Plan.

Reserved Matters

7.5 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in the NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

7.6 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of the application. Section 12 of the NPPF is about achieving well-designed places. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.7 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by

having a clear definition of private / public spaces, having a clear hierarchy of routes of spaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening through street trees and other vegetation.

7.8 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users.

7.9 This application seeks to determine the reserved matters attached to the original hybrid consent. These are detailed and assessed below.

Appearance

Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. In the case of a space, its landscape also influences its appearance.

7.10 In this instance the development seeks to deliver a wide range of accommodation types which impacts on the appearance. The existing development, phase 1, is finished in a mixture of quoin stones, tile roofs and render. This offers a monochromatic finish, but the developer is seeking to mix the finishing materials for phases 2 – 4. A planning condition will ensure agreement is reached prior to any works above ground course level. The current materials palette is acceptable, but it will be important to allow more of a mix in the colours and texture of the finishes.

Landscaping

Landscape is the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site, the area in which it is situated and the natural environment. Landscape includes landform and drainage, hard landscape such as surfacing, boundary treatments, street furniture and play equipment. It also includes soft landscape – trees, shrubs and other planting.

7.11 The proposal seeks a high degree of landscaping through boundary treatments, hard and soft landscaping detailings, tree lined streets and a wildflower meadow. A condition requires the applicant to submit details of the finish of all hard surfaces prior to the commencement of each phase. Boundary treatments are a mix of fencing and hedgerow planting. This will soften the development and create a positive addition for biodiversity. Houses are set back to offer small areas of grassland to the front with no fencing or walls. Given the proximity to the road any proposals to include such will require planning permission.

7.12 A wildflower meadow is proposed at the site of the Roman camp which will provide a feature of the development and a focal point. The adjacent Cow Road and local footpath network allows for easy access to large areas of open space with a play area in the adjacent housing estate available off road.

7.13 Although a modern housing scheme would usually offer a central focal point with a village green style layout the general form of the development has been accepted at the outline stage. The presence of the SAM complicates matters further

as this requires a buffer zone which forms a wider function and the focal point. Access will be permitted but will be limited to pedestrians only. A condition requires full details of the management of this area.

Layout,

A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces and buildings. It defines:

- *the structure or settlement pattern;*
- *the grain - the pattern of development blocks and plots; and*
- *the broad distribution of different uses, and their densities or building heights.*

7.14 The proposal offers adoptable standard streets with various footpaths allowing for easy access to local amenities such as the Highcliffe shop, Northern View pub and play / open space. Spine roads are sufficiently curved to control excessive speeds and encourage sensible and safe driving. Density is higher in the middle of the development with larger plot sizes on the edges. This reflects the nature of the site and proximity to Highcliffe.

7.15 Upon accessing the site from the A1167 there will be a line of bungalows to the south. This will retain the built form of Barley Rise and help to integrate the development with its surroundings.

Scale

Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions.

Enclosure is the relationship between the height of the buildings across a space, and the dimension of the space itself. Taller building heights and a more built-up building line both increase the enclosure. Different degrees of enclosure influence how people use different spaces, by creating differences in character that suit different activities.

7.16 The proposal offers several different building types at various scales. This provides an interesting mix of heights and widths. Buildings are set back within their plots offering a small area of green space to the front, albeit with car parking spaces. This may have the result of appearing car dominated but design solutions are limited at this level of density which was established by virtue of the hybrid consent.

7.17 Plot sizes are generous, and the density is not overly high whilst also providing for a sense of character respectful to the adjacent housing estate.

Residential Amenity

7.18 Although not a reserved matter the overall design must be assessed to consider the amenity of existing and future residents. Policy QOP 2 of the Northumberland Local Plan 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, and sets out several criteria which development will be assessed against. Paragraph 130 of the NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.19 Policies HOU 9 and QOP 2 of the NLP seeks to ensure that development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy, and visual outlook, and is not obtrusive.

7.20 Officers have assessed the application in this regard and are satisfied that garden sizes, access to day / sun light and privacy distances are all acceptable. In this regard the design solution is consistent with the provisions of QOP 2.

Summary

7.21 The proposal was granted as part of its time and there are improvements that could be had. However, the appellant has presented a proposal that provides a positive balance between delivering the expectations of the hybrid permission, i.e. 100 units, without appearing overly packed at too a density. The wildflower meadow will provide a focal point and it is the location of the Roman camp that has dictated its location otherwise we could have achieved a central area akin to a village green space.

7.22 The proposal provides for significant levels of accessibility to adjacent amenities encouraging travel by foot and bicycle. The meadow will allow for people to relax and gather. It is a well overlooked space with passive security measures that meets the requirements of Secured by Design.

7.23 The application delivers the requirements of the outline in a positive manner and turns the challenges of the site into opportunities. It is the only large-scale housing site in Berwick Upon Tweed and will go some to delivering housing needs in the town.

7.24 The proposal is consistent with the provisions of policies QOP 1 and QOP 1 of the Local Plan, the NPPF and the National Design Guide.

Access

7.25 Local Plan policies TRA 2 and TRA 4 seek to ensure that proposal will not adversely affect the existing highways network and provide appropriate levels of parking. In this instance Highways Development Management (HDM) has raised no objection after assessing the proposal for safety and parking.

7.26 Furthermore, the proposal will need to secure a scheme of works to provide satisfactory public transport facilities, including pedestrian links between the site and bus stops, a scheme to upgrade the Public Right of Way and that the vehicular access shall be from the A1167 only. A condition is recommended below to secure completion of all highways works before occupation given alterations to outstanding S278 works such as the increase in width of the PRoW and alterations to pedestrian connections.

7.27 The proposal is consistent with the provisions of TRA 2 and TRA 4. It provides sufficient levels of safety for road users, parking and will enhance access to the public transport network.

Coal Mining

7.28 The site is subject to concerns over historic coal mining. The Coal Authority (CA) has been involved in the proposals and has had significant dialogue with the LPA and the applicant.

7.29 The CA initially objected to the proposals on the grounds that the layout did not take account of known historic coal mine shafts and their zone of influence. However, it has been confirmed that the applicant has now amended the layout, as per their letter of 8th February 2022 and layout plan A101, to show the locations of all shafts and being avoided by all built development. Consequently, and subject to the shafts being remediated in line with the recommendations set out in the Sirius Report dated: December 2017 (as stated in the 8 February 2022 letter), the CA can withdraw their objection.

Ecology

7.30 Policy ENV 2 seeks to ensure developments secure a biodiversity net gain and protect species and habitats. In this instance the applicant has submitted various supporting documentation demonstrating there is little on the site of protected species and habitats. This is not surprising given they are agricultural fields frequented by dog walkers along desire lines. The County Ecologist has welcomed the net gain to be achieved through significant levels of hedgerow planting and the wildflower meadow. Planning conditions are attached seeking details of implementation and management.

7.31 Furthermore, the site lies in the Coastal Mitigation Scheme (CMS). The applicant had paid a contribution towards this in the hybrid consent but given this is a multi-consent regime their needs to be a re-assessment for each permission granted by the LPA. This is in line with the comments from Natural England. A section 106 agreement is currently being agreed and permission is subject to this being signed.

7.32 The proposal is consistent with the Habitats Regulations Appraisal for the North Northumberland Coast, as agreed with the Natural England, subject to the a payment towards the CMS. The application is consistent with the NPPF and policy ENV 2 of the Local Plan.

Archaeology / Historic Environment

7.33 Policies ENV 1 and ENV 7 seek to protect historic assets. In this instance there is a statutory duty to ensure the preservation of below ground archaeology and the setting of the Springhill Roman camp, which is a Scheduled Ancient Monument (SAM).

7.34 The applicant, in discussions with Historic England (HE) and the County Archaeologist, has established a buffer zone around the SAM. This will be protected by a fence and planted as a wildflower meadow. This will ensure the SAM is prevented from disturbance during the build and will ensure its focal point in the residential development upon completion. However, HE has raised concerns over the lack of detail to protect the SAM during works and the finished fencing detail. This has been

echoed by the County Archaeologist. To address this matter and move the application forward planning conditions are proposed. These have been agreed with the County Archaeologist. Please note that HE's comments suggested this approach should we be minded approving the application.

7.35 With the above in mind, the proposal is consistent with the provisions of the NPPF and the local plan but only with conditions.

Other Matters

Affordable Housing

7.36 A proposal such as this would ordinarily be required to provide a degree of affordable housing. However, the development was considered during the initial hybrid application. This delivered the necessary affordable housing units in phase 1. There is no requirement for the REM to deliver this.

Open Space

7.37 The original hybrid consent did not require open space provision on the site. This is due to the proximity of play spaces at Highcliffe. Although the situation has since changed with an informal area west of Northern View now expected to be delivered as an extension to the holiday camp there remains sufficient levels of available nearby. Furthermore, there will be some access to the wildflower meadow allowing for a degree of informal recreation. Given the requirement for play space was not secured at the hybrid stage the LPA cannot retrospectively apply this at the REM submission.

Climate Change

7.38 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.

7.39 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.

7.40 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.

7.41 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to the permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connectivity

7.42 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.43 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Equality Duty

7.44 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

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

Human Rights Act Implications

7.46 The Human Rights Act requires the County Council to consider 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.

7.47 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.

7.48 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, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The application has demonstrated that, with conditions, it is consistent with the provisions of the Local Plan and the NPPF. It will deliver 110 houses in an area where there are not a lot of available sites and housing is in high demand. The application provides for a range of house types, which is welcomed. The protected of the SAM, with access measures to be agreed, is also a positive result of the application and will raise awareness of the historic importance. Issues such as historic coal mining, surface water management and access / parking have all been addressed through extensive discussions between consultees and the applicant.

8.2 The application has the support of the town council and there are no objections from third parties. The application is recommended for approval subject to conditions and a S106A towards CMS.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and a S106 agreement for the contribution of £67,650 towards CMS:

Conditions/Reason

01. Timescale

The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

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

02. Approved Plans and Documents

The development hereby permitted shall, except where modified by conditions elsewhere in this permission, not be carried out other than in complete accordance with the following approved plans:

Location Plan A101

Proposed Site Plan HCD 101 23rd November 2022

Strategic Water Main Existing and Proposed Routes NW101

Double and Single Detached Garages GP102

Typical Boundary Fence Detail 1:30 scale

House Types

House Type HT116 B122

House Type HT116 B121

House Type HT115 B120

House Type HT115 B119

House Type HT114 B118

House Type HT114 B117

House Type HT113 B116

House Type HT112 B115

House Type HT111 B114

House Type HT110 B113

House Type HT109 B112

House Type HT108 B111

House Type HT107 B110

House Type HT106 B109

House Type HT105 B108

House Type HT104 B107b

House Type HT103 B106

House Type HT103 B105
House Type HT102 B104
House Type HT102 B103
House Type HT101 B102
House Type HT101 B101
House Type Four Bedroom Detached Villa HT114a
House Type Four Bedroom Detached Villa HT113a
House Type Linked Bedroom Villa's Dwellings 3 - 8 HT109e
House Type Linked Bedroom Villa's Dwellings 3 - 8 HT109d
House Type Linked Bedroom Villa's Dwellings 5 - 8 HT109c
House Type Linked Bedroom Villa's Dwellings 1 - 4 HT109b
House Type Linked Bedroom Villa's Dwellings 1 - 4 HT109a
Three Bedroom Detached House Narrow Site HT108
Five Bedroom Villa HT107a
Five Bedroom Detached Villa Layout Plan HT107A
Four Bedroom Detached House HT106
Three Bedroom Detached House HT105
Three Bedroom Semi-Detached House Larger Size HT104
Three Bedroom Semi-Detached House Standard Size HT103
Two Bedroom Semi-Detached Bungalow HT102
Two Bedroom Detached Bungalow HT101

Geotechnical Overlay A113
Scheduled Ancient Monument Plan A106
Indicative Foundation Zoning Plan A105
Site Management Plan A104
Phasing Plan A102
Proposed Landscaping Plan A101

Highways

A1167 Improvement Works Phase 1 C GA/04 Rev B
A1167 Improvement Works Phase 2-4 C GA/14

Coal Authority

Yeoman Architecture letter dated 8/2/22
Drawing Ref A101
Sirius Report December 2017

Ecology

Biodiversity Strategy and Landscaping Appraisal incorporating multifunctional benefit sustainable drainage systems for the residential development at Land East of Springhill, Sunnyside, Tweedmouth, Berwick on Tweed, Northumberland TD15 2WL (Yeoman Architecture 28th April 2022, Updated 7th July 2022)
Proposed Site Plan Drawing Number HCD 101 (produced 8th July 2022)

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. Archaeological

A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 17/11/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest and in accordance with paragraph 199 of the NPPF.

04. Temporary fencing

No development shall commence until the detail of an appropriate scheme of fencing has been submitted to the LPA and approved in writing. The approved scheme of should be designed and located to protect the area of the scheduled monument from accidental damage for the duration of the construction programme.

Reason: To prevent damage to the scheduled monument (Springhill Roman Camp) during the construction phase of the development

05. Buffer zone and landscaping

No development shall commence until the detail of an appropriate scheme of landscaping and long-term management of the area of the 'buffer zone' between Springhill Roman Camp and the area of the proposed development. The scheme shall include details of species to be planted, access arrangements to the site and a proposed management strategy including seasonal cutting / mowing arrangements to prevent scrub generation.

Reason: To preserve an open space between the development and monument

06. Contamination Not Previously Discovered

If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. 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 NPPF 2023.

Reason: To ensure that risks from land contamination are minimised.

07. Ground Gas Protection

No foundation works shall be commenced until a report reviewing and updating the gas risk assessment and detailing the proposed protective measures to prevent the

ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protected measures for Methane and Carbon Dioxide ground gases for new buildings), or to the Characteristic Situation 2 level of protection, whichever is the highest, has been submitted to and approved in writing by the Local Planning Authority.

The report shall also specify 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.

The report shall also 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 be prejudicial to health and amenity.

08. Validation and Verification of Ground Gas Protection

No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology under the Ground Gas condition above, 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 health and amenity.

09. Decommissioning redundant investigation boreholes.

No works of construction shall be commenced until a verification report detailing the position of all boreholes installed for the investigation of soils, ground gases, groundwater, or geotechnical purposes (including grouting), is submitted to the Local planning authority. The verification report shall detail how redundant boreholes have been decommissioned and how any borehole that needs to be retained, post development, for monitoring purposes will be secured, protected, and inspected.

Reason: To ensure that redundant boreholes are safe and secure, and they do not cause preferential pathways for contamination and gas movement.

10. Hedgerow Protection

All works on site must 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 to protect the root zone of the existing hedgerows which are to be retained.

Wherever possible there should be no storage of materials, ground disturbance or compaction, burning or contamination within 1m of the spread of the hedgerow. Within 1m hand tools should be used and every effort made to avoid roots over 25mm being severed.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

11. Control of Operations

No demolition, development, tree felling, or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first

confirmed that no birds' nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

If nesting birds are encountered during vegetation clearance or development, then works must stop immediately and professional advice should be sought immediately.

Reason: to ensure nesting birds that are protected under the Wildlife and Countryside Act 1981 are protected during the development.

Surface Water Management

12. Prior to the commencement of works, a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall:

1. Be in broad accordance with Drainage Layout Plan: Drawing Number 10-02 Drainage Catchments Rev P2 dated 17.08.2023 by RSK
2. Provide a drainage layout showing which plots will drain to shared soakaway and which plots drain to individual soakaway
3. Provide a cross section of each different size of soakaway ready for construction
4. Provide a cross section of each shared driveway that multiple plots are draining to ready for construction
5. Provide confirmation of the discharge rates at the point of each shared drive
6. Provide a cross section of the permeable driveways ready for Construction
7. Provide hydraulic calculations confirming the half drain times for each soakaway which must be less than 24 hours for the critical 100-year return period storm, including an allowance for climate change
8. Provide a management and maintenance plan for the scheme

The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the effective disposal of surface water from the development.

13. Details of SuDS Maintenance

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. This will include:

- o A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within
- o a homeowners' guide explaining to the new homeowner how to maintain their soakaway and permeable driveways including cross sections and explanation of how they work

This shall 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.

14. SuDS - Construction

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.

15. SuDS - Verification Report

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);
- * Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components.
- * Health and Safety file; and
- * Details of ownership organisation/adoption and maintenance details.

REASON: To ensure that all sustainable drainage systems are designed to the DEFRA non statutory technical standards.

16. Street Trees

No part of the development shall be occupied until details of street trees have been submitted to and approved in writing by the Local Planning Authority. The approved street trees shall be implemented prior to first occupation. Thereafter, the street trees shall be incorporated to the management strategy.

Reason: In the interests of highway safety and sustainable development, in v3 July 2022 accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

17. Implementation of car parking area

Each dwelling shall not be occupied until the car parking area associated with each respective dwelling, as indicated on the approved plans, has been hard surfaced, sealed and marked out and implemented in accordance with the approved plans.

Thereafter, the car parking area for each dwelling 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.

18. Completion of highway works before occupation

Development shall not be occupied until details of the proposed highway works 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.

19. Estate Street Phasing and Completion Plan

No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

20. Management and Maintenance of Estate Streets

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

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

21. Implementation of cycle parking

Each dwelling shall not be occupied until the 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.

22. Submission of details of adoptable streets

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

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

23. Full Travel Plan

Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- i. details of and results from an initial staff travel to work survey;
- ii. Clearly specified ongoing targets for staff travel mode shares;
- iii. A plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
- iv. A scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

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

24. Surface water drainage (Private Land)

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 NPPF.

25. Construction Method Statement (including Plan) - Amended

Notwithstanding what has been approved as part of 14/01295/VARYCO, the development shall not commence until a Construction Method Statement for this application, 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. routing of heavy construction vehicles and deliveries;
- vii. site access and any turning facilities required for construction vehicles;
- viii. the approximate phasing of construction works;

ix. vehicle movements and numbers;

x. measures to be put in place to safeguard during construction works any existing trees and hedgerows

xi. details of any temporary lighting, which shall be designed so that lighting levels are minimised

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.

Refuse

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

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

External Materials

27. Prior to the commencement of works above base course level in any phase the applicant shall submit details of external materials for that phase. This shall include finishing materials, including colour, of all roofs and external walls. Once approved in writing by the LPA the phase of development shall be completed as per these details.

Reason: In the interests of ensuring a high quality level of finish and ensure compliance with policy QOP 1.

Climate Change

28. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Broadband

29. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

Informative

1. No action should be taken to disturb the path surface, without prior consent from the Highway Authority, 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.
2. NCC Conservation Team is part of the Planning Service within Northumberland County Council. The role of the NCC Conservation Team is to advise the LPA regarding the need for and scope of archaeological work to inform the planning process and to mitigate development impacts to the historic environment. The NCC Conservation Team is an advisory service only and does not undertake archaeological fieldwork.
3. The 12" CI strategic water main requires a 3m easement either side of the extreme edge of the pipe, where no buildings or structures, of any kind, can be erected. In addition, the easement must remain in public open space. No private gardens or driveways can be placed within the easement width, this includes private shared driveways. This is to provide Northumbrian Water with unrestricted access in accordance with Section 159 Water Industry Act 1991, to undertake any repairs, alterations, and maintenance to the water mains.

Any construction activity cannot be carried out within any easement until your proposals and RAMS have been reviewed and approved by our Asset Protection team.

The depth of waters mains and sewers cannot be increased or decreased below the current ground surface by more than 300mm without prior approval.

4. Section 38 Agreement and adoption of highways

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

Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before the first occupation of the development. All such work 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 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 licenses.

Technical Approval of Highway Structures

You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk

Contact Local Highway Authority - Estate Street Phasing and Completion Plan

The applicant is advised to obtain the written approval of the Local Highway Authority for the details required under the conditions, prior to the submission of such details to the Local Planning Authority seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Management and Maintenance of Estate Streets

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

Contact Local Highway Authority - Submission of details of adoptable streets

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

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 or 01670 622979

Street Naming

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies' databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

5. Ecology

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a good chance of encountering protected species during work.

Where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

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.

If protected species such as badger (including setts), brown hare or amphibians such as frogs or toads are encountered during development then works should cease immediately and professional advice should be sought straight away.

Date of Report:

Authorised by:

Date:

Background Papers: Planning application file(s) 19/01095/REM

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Northumberland County Council

Appeal Update Report

Date: January 2024

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?
None		

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?
23/01847/FUL	<p>Demolish existing rear conservatory and proposed rear two storey extension – 50 The Demesne, North Seaton</p> <p>Main issues: siting, scale and design would result in a disproportionate addition to the dwelling and be incongruous to the character of the dwelling and surrounding area; and harmful impact on residential amenity with regard to outlook, loss of light, privacy and overbearing impact.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/04675/FUL	<p>Proposed 1.5 storey extension to the rear will provide a new staircase; two extensions onto the west gable will provide two storeys of additional living accommodation, plus a single storey link to the updated outbuilding to be clad in timber; the two storey and 1.5 storey extensions to have roof pitches; double garage with timber clad; the landscape and ground levels will be updated to provide access to the garage and accommodate the extensions - The Hott, Thorngrafton, Hexham</p> <p>Main issues: design would not be in keeping with the traditional character and appearance of the dwelling, existing buildings and surrounding area and would be detrimental to visual amenity and fails to preserve</p>	No

	<p>the significance of non-designated heritage assets; and insufficient information to consider the archaeological impacts of the development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
22/04752/FUL	<p>Change of use and siting of 2no. chalets to be used as holiday accommodation – Rookwood House, Widdrington Village</p> <p>Main issues: development within the open countryside; harm to the setting of the adjacent Grade I listed church; incongruous additions in the open countryside resulting in an urbanising effect of a rural environment; and a unilateral undertaking has not been completed to secure contributions to the coastal mitigation service.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/01881/FUL	<p>Proposed rear single storey extension with roof terrace – 29 Front Street, Newbiggin-by-the-Sea</p> <p>Main issues: scale, design, materials and positioning would detract from the character of the Conservation Area and the visual amenity of the property and surrounding area; and adverse impact on residential amenity due to loss of privacy.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
23/00732/FUL	<p>Retrospective - Proposed full timber decking outdoor seating area with timber frame outbuilding / shed for outdoor store and service area – The Schooner Hotel, 8 Northumberland Street, Alnmouth</p> <p>Main issues: harm to heritage asset and no public benefits have been demonstrated to outweigh the identified harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Withdrawn

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

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
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	Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement	<p>2 November 2022</p> <p>Delegated</p>

	<p>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>Decision - Officer Recommendation: Refuse</p>
22/01297/FUL	<p>Development of 4 no. residential dwellings including associated access, landscaping and all other ancillary works – land north of junction of Station Road, South End, Longhoughton</p> <p>Main issues: would fail to preserve the setting of the Grade I listed Church of St Peter and St Paul; harmful impact on the character and appearance of the area; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.</p>	<p>21 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/02704/CLEXIS	<p>Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley</p> <p>Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.</p>	<p>27 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01012/FUL	<p>Conversion of agricultural buildings to create one dwelling including a link extension and detached garage – development site at Barley Hill House Barn, Kiln Pit Hill, Consett</p> <p>Main issues: design fails to reflect the character or appearance of the listed farm building and results in harm to the character and appearance of the listed building.</p>	<p>17 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04676/LBC	<p>Listed Building Consent for alterations comprising inserting one window with shutter in South facing gable wall, and the replacement of existing window with fully glazed panel and shutter on West elevation (Amended Description) - The Cottage, Riding Home Farm, Acomb, Hexham</p> <p>Main issues: less than substantial harm to the character and significance of the listed building that has not been justified.</p>	<p>27 June 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04104/FUL	<p>Change of use, conversion and alteration of the existing buildings to create 6 holiday let units, including landscaping and boundary</p>	<p>18 July 2023</p> <p>Delegated</p>

	<p>treatments – 58-60 Middle Street, Spittal</p> <p>Main issues: lack of detail in respect of parking and ecology; and design has not been informed by a structural survey and results in harm to heritage assets.</p>	<p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/04526/FUL	<p>Erection of single dwelling with associated access and residential garden – land south-east of The Courtyard, Matfen</p> <p>Main issues: unsustainable and isolated location within the open countryside; insufficient information to fully consider the ecological impacts of the proposal; and insufficient information to fully consider the impact on existing trees.</p>	<p>16 August 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/03923/FUL	<p>Proposed first floor extension to dwelling house (as amended 25.05.2023) - 14 Castle Street, Norham</p> <p>Main issues: the development fails to conserve and enhance the Norham Conservation Area and results in harm to the Conservation Area that is not outweighed by public benefits.</p>	<p>18 August 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/04546/CLEXIS	<p>Certificate of existing lawful development for the siting of a twin unit caravan for ancillary residential use as an annexe within the existing residential curtilage – Old Field, Catton, Hexham</p> <p>Main issues: the caravan is not within the residential curtilage so would require planning permission and would have a significant degree of permanency constituting development – the caravan would not be lawful.</p>	<p>24 August 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
21/04346/FUL	<p>Replace existing building (3no flats/14 no bed sit spaces) with 3no detached houses with 18 bed spaces to be used as holiday accommodation (as amended 20th April 2023) - On the Beach, Harbour Road, Beadnell</p> <p>Main issues: the proposed units would not enhance and reinforce the local distinctiveness of the conservation area and would not integrate with the surrounding built environment; and identified harm is less than substantial but it has not been demonstrated the public benefit outweighs the harm.</p>	<p>29 August 2023</p> <p>Committee</p> <p>Decision - Officer</p> <p>Recommendation: Approve</p>
23/01093/FUL	<p>Proposed single storey rear extension, extend above roof above and rear dormer addition – Pethfoot Lodge, Craggside</p>	<p>5 September 2023</p> <p>Delegated</p>

	Main issues: incongruous and inappropriate form of development that would be out of character with the existing property and have a harmful impact upon the character and appearance of the site and surrounding area.	Decision - Officer Recommendation: Refuse
23/02030/FUL	Proposed erection of holiday dwelling with associated access and residential garden – land south east of The Courtyard, Matfen Main issues: development in the open countryside; and insufficient information to fully consider the ecological impacts of the proposal.	15 September 2023 Appeal against non-determination
23/01801/FUL	Proposed two storey front extension and roof alterations – Close House, Whalton Main issues: scale, massing and design would result in disproportionate and unsympathetic additions that would adversely affect the existing dwelling, the character of the Conservation Area and the setting of listed buildings; and insufficient information to assess the ecological impact of the proposals.	19 September 2023 Appeal against non-determination
23/00673/FUL	Retrospective: construction of single storey garden room and steps to rear – Newton Post Office, Newton, Stocksfield Main issues: harm to the character and appearance of the dwelling, site and the Newton Conservation Area.	19 September 2023 Delegated Decision - Officer Recommendation: Refuse
22/04617/FUL	The erection of 3no. cyclist accommodation units, associated extension to West House Farm Cottage, installation of solar panels, and associated landscaping and infrastructure – West House Farm Cottage, Shilvington Main issues: poorly accessible and unsustainable location in the open countryside; and inappropriate development in the Green Belt with no very special circumstances to outweigh the harm.	20 September 2023 Delegated Decision - Officer Recommendation: Refuse
23/01729/FUL	Extension to garage forming gym and office above – Khalsa Manor, Tranwell Woods Main issues: inappropriate development in the Green Belt and no very special circumstances to outweigh the harm.	21 September 2023 Delegated Decision - Officer Recommendation: Refuse
23/01478/FUL	Construction of second story rear extension,	21 September

	<p>single storey rear extension with glass roof, proposed dormer extension to rear and dormer window to front – 10 Front Street, Newbiggin-by-the-Sea</p> <p>Main issues: scale, design and positioning would result in an incongruous addition and detract from the character of the Conservation Area; and adverse impact on residential amenity due to loss of sunlight and visual outlook.</p>	<p>2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/01363/CLPROP	<p>Certificate of Lawful Development for proposed extension to the rear of existing residential property – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: the proposed extension would not be permitted development.</p>	<p>2 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/01232/OUT	<p>Outline Application - all matters reserved for a new dwelling in garden of existing dwelling (Self-Build) - West Grange Bungalow, Scots Gap, Morpeth</p> <p>Main issues: unacceptable and unjustified form of housing development in the open countryside and will not support sustainable modes of transportation.</p>	<p>9 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/01444/FUL	<p>Change of use: agricultural land to residential car parking facilities associated with residential dwellings – land north of Shaws House Cottages, Newton (Bywell)</p> <p>Main issues: inappropriate development in the Green Belt and no very special circumstances to outweigh the harm.</p>	<p>19 October 2023</p> <p>Appeal against non-determination</p>
22/03027/FUL	<p>Retrospective Application for the Erection of Storage Sheds – Mickley Bank Farm, Stocksfield</p> <p>Main issues: inappropriate development in the open countryside and the Green Belt and no very special circumstances to outweigh the harm.</p>	<p>26 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/01742/FUL	<p>Proposed development of 1no. dwelling with associated access and amenity space – land west of 20 Park Road, Swarland</p> <p>Main issues: development in the open countryside in an unsustainable location; size, scale, layout and subdivision of the plot would be out of character with the surrounding area and unacceptable impact on the street scene; and unacceptable impact on the landscape and character of the</p>	<p>30 October 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	immediate and wider area;.	
23/02794/FUL	Erection of 1 no. dwelling (C3 Use) - Westfield, Cramlington Main issues: fails to positively contribute to and respect the character of the area and the Cramlington Village Conservation Area; and no planning obligation has been completed to secure contributions to the coastal mitigation service or any other satisfactory alternative mitigation.	31 October 2023 Delegated Decision - Officer Recommendation: Refuse
23/02134/FUL	Front 2 storey extension and side extension above garage – 6 Dunsdale Road, Holywell Main issues: design, height and visual appearance is out of character in the street scene with detrimental visual impact; and unacceptable impact on residential amenity.	8 November 2023 Delegated Decision - Officer Recommendation: Refuse
23/02038/FUL	Replacement of fence to south of driveway – Oakwood Hall, Wylam Main issues: less than substantial harm to the setting of the Grade II listed building; insufficient information to assess the ecological impacts of the development; and inappropriate development in the Green Belt.	22 November 2023 Delegated Decision - Officer Recommendation: Refuse
22/03790/FUL	External render removal from North wall. New double door with juliet balcony at street level. Refurbishment of basement level & external area to make secure & improve appearance. No change of use – Jacksons Hairdresser, 1 Wansbeck Street, Morpeth Main issues: harm to the setting of a listed building, the character of the property and its setting within the Conservation Area.	23 November 2023 Delegated Decision - Officer Recommendation: Refuse
23/03037/FUL	Proposed 2no. new dwellings along with new access and parking to serve proposed dwellings along with existing adjacent cottages – land west of 10 West Burton Cottages, West Burton Cottages, Bamburgh Main issues: development in the open countryside in an unsustainable location; harm to the landscape and character of the area; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and lack of information to assess proposed outbuildings.	24 November 2023 Appeal against non-determination
23/02500/FUL	Extension to home office – 1 Low Middle Moor House, Stannington, Morpeth	5 December 2023 Delegated

	Main issues: would extend beyond the residential curtilage and encroach into open countryside; and inappropriate development in the Green Belt.	Decision - Officer Recommendation: Refuse
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Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
22/01092/COU	Construction of stables – land south of Humbles Wood, Prudhoe	No – claim refused

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
21/00865/BRCOND	Construction of retaining wall – Woodlands Rise, Corbridge Road, Hexham	No

Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/00481/ENDEVT	Change of use of a forestry building for use as residential - English/Wheelings Wood, Corbridge	2 March 2023

21/00080/ENDEVT	Installation of hardcore - land to north of Kiln Cottage, Newton-on-the-Moor	13 June 2023
20/00504/ENDEVT	Installation of hardstanding for access and 6no. pitches, installation of electricity and water points, installation of a septic tank and erection of building – land north-east of Fieldholme, Embleton	16 October 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
21/02077/FUL	<p>Proposed construction of 13no dwellings (including 2no affordable dwellings), creation of new access, car parking and soakaways (amended description) - land south east of The Manor House, Riding Mill</p> <p>Main issues: harm to the character and appearance of the site and surrounding area and curtilage listed boundary wall; harm to residential amenity; does not make sufficient provision for affordable housing on the site; insufficient information to fully assess the impacts of the proposed development on ecology and biodiversity and net gain for biodiversity; does not secure necessary planning obligations in respect of affordable housing, open space and education.</p>	<p>Hearing – 12-13 September 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03915/LBC	<p>Listed Building Consent for demolition of a section of existing curtilage listed boundary wall to create access for residential development – land south east of The Manor House, Riding Mill</p> <p>Main issues: loss of historic fabric and unacceptable alteration of the historic curtilage listed boundary wall.</p>	<p>Hearing 12-13 September 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01362/REM	<p>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</p>	<p>Hearing – 30 August 2023</p> <p>Committee Decision - Officer Recommendation:</p>

	<p>16/00078/OUT (revised description 8th August 2022) - land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: by virtue of the layout, scale and appearance, the design fails to preserve or make a positive contribution to local character and distinctiveness and the site's surroundings and does not demonstrate high quality sustainable design; and there is no effective and safe access and egress to the existing transport network.</p>	Approve
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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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Northumberland

County Council

S106 Agreements Update Report

November 2023

Report of the Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor Colin Horncastle

Purpose of report

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous month

Recommendations

To note the contents of the report in respect of agreement monitoring and collection of s106 contributions.

Link to Corporate Plan

This report is relevant to all the priorities included in the NCC (Northumberland County Council) Corporate Plan 2021-2024.

Key issues

This month's report provides details on new S106 agreements and unilateral undertakings completed during the month of November 2023



New Agreements

November	New Agreements completed during month
23/01040/VARYCO	Former Allerburn House site, Denwick Lane, Alnwick, NE66 1YY
22/04286/VARYCO	Land at 10 Church Lane, Lowick, Berwick Upon Tweed, TD15 2UR
21/01968/FUL	Land south of Linnet Court, Cawledge Business Park, Alnwick
23/02691/FUL	1 Woodhorn Road, Ashington, NE63 9AS
23/03137/FUL	42 West Terrace, Stakeford, NE62 5UL
21/03594/FUL	Land south east of Unthank Farm, Tweedmouth
22/02943/FUL	47 Hide Hill, Berwick-Upon-Tweed
22/04023/FUL	Land at 8 South End, Longhoughton, NE66 3AW
23/00873/FUL	Land at 6-8 West Street, Berwick, TD15 1AS

Payment of Awards

Awards Paid Out	Project	Amount Paid
Amble Development Trust	Play area	£64,000

S106 team - Any queries please email: s106@northumberland.gov.uk

An Infrastructure Funding Statement (IFS) is a document that must be published each year by a “contribution receiving authority”. Northumberland County Council are a contribution receiving authority as we receive money or in-kind obligations from Section 106 agreements. This report covers the period 1st April 2022 to the 31st of March 2023.

This is the fourth report prepared by NCC and as a public sector body, we have a legal duty to make sure our websites and mobile apps are accessible. This year the report takes a different format so it can be published in a fully accessible format.

Members should note the amounts shown in this report is a ‘snapshot’ of the financial position of funds as of 31st March 2023 and some of the available funds may no longer be available.

[View the NCC Infrastructure Funding Statement for 2022-2023](#)

Implications

Policy	Section 106 obligations are in line with policy unless other stated in individual applications.
Finance and value for money	As stated on individual applications
Legal	Legal Services will be instructed to assist with the preparation and monitoring of the obligations
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	Each application will have 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	As set out in individual reports and decisions
Wards	All

Background papers

Planning applications and 106 Agreements

Report author and contact details

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