



Northumberland County Council

**Tynedale Local Area Council Planning Committee
10 May 2022**

ADDENDUM REPORT

Application No: 20/03425/FUL

Proposal: Development of 9no. residential dwellings (100% affordable) including associated access, car parking, landscaping and all other ancillary works (amended layout and housing mix)

Site Address: Land North of Piper Road, Piper Road, Ovingham, Northumberland

Applicant: Miss Shona Ferguson, Northumberland Estates, Estates Office, Alnwick Castle, Alnwick, NE66 1NQ

RECOMMENDATION: That this application be GRANTED subject to completion of a Section 106 Agreement

1. Introduction

1.1 The purpose of this addendum report is to update Members on the implications arising on the above application following the adoption of the Northumberland Local Plan (NLP) in March 2022.

1.2 This application was previously considered by the Planning Committee on the 15 February 2022. The resolution of the Committee as recorded in the Minutes is as follows:

RESOLVED that the application be GRANTED permission for the reasons and with the conditions as outlined in the report, amendment of condition no 4 as set out below and subject to completion of a Section 106 agreement to secure 100% affordable housing provision on the site and a financial contribution to sport and play provision:

*“04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local provenance, including a planting schedule setting out species, **size**, numbers, densities and locations, the provision of all new boundary treatments, the creation of areas of hardstanding,*

pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.”

1.3 The officer report that was previously considered by Members at the February 2022 meeting is appended to this addendum report for information. That report considered the proposals having regard to the adopted development plan at the time, comprising the Tynedale Core Strategy and the saved policies of the Tynedale Local Plan, as well as the National Planning Policy Framework and other material considerations.

1.4 The previous report did make reference to the advanced stage of preparation of the NLP and assessed the proposals on the basis of the weight that could be attached to relevant policies at that time. However, this report will provide a further update and assessment of the proposals in the context of the adopted NLP.

2. Planning Policy

2.1 Development Plan Policy

Northumberland Local Plan (March 2022)

STP 1 Spatial strategy

STP 2 Presumption in favour of sustainable development

STP 3 Principles of sustainable development

STP 4 Climate change mitigation and adaptation

STP 5 Health and wellbeing

STP 6 Green infrastructure

STP 7 Strategic approach to the Green Belt

STP 8 Development in the Green Belt

HOU 2 Provision of new residential development

HOU 5 Housing types and mix

HOU 6 Affordable housing provision

HOU 7 Exception sites

HOU 8 Residential development in the open countryside

HOU 9 Residential development management

HOU 11 Homes for older and vulnerable people

QOP 1 Design principles

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

TRA 2 The effects of development on the road network

TRA 4 Parking provision in new development
ICT 2 New developments and infrastructure alignment
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
ENV 2 Biodiversity and geodiversity
ENV 3 Landscape
ENV 7 Historic environment and heritage assets
WAT 1 Water quality
WAT 2 Water supply and sewerage
WAT 3 Flooding
WAT 4 Sustainable Drainage Systems
POL 1 Unstable and contaminated land
POL 2 Pollution and air, soil and water quality
POL 3 Best and most versatile agricultural land
INF 1 Delivering development related infrastructure
INF 2 Community services and facilities
INF 5 Open space and facilities for sport and recreation
INF 6 Planning obligations

2.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2018, as updated)

3. Appraisal

3.1 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, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

3.2 Having regard to the assessment of the site, its constraints and the application proposals, as well as the responses received during the consultation period, the main issues for consideration are considered to include the following that were assessed as part of the previous report:

- principle of development
- landscape and visual impact
- residential amenity
- sustainable transport and highway safety
- ecology
- drainage and flood risk
- archaeology
- ground conditions
- Planning Obligations

Principle of Development

3.3 The previous report set out the assessment of the principle of development on the site having regard to its location within the open countryside and the Green Belt and also made reference to the relevant policies of the NLP at that stage.

3.4 The assessment in relation to development in the Green Belt has not changed following the adoption of the NLP and paragraphs 7.10 - 7.14 of the previous report remain relevant in terms of national policy set out within the NPPF. Of particular relevance to the proposal is paragraph 149 of the NPPF, which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include:

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);

3.5 The adopted NLP does not alter the Green Belt boundary in this location, and therefore the application site remains in the Green Belt. Policy STP 8 of the NLP sets out the approach to development within the Green Belt, which includes that development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. However, development that is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.

3.6 Ovingham is identified as a Service Village within Policy STP 1 of the NLP, which will accommodate employment, housing and services that maintains and strengthens their role. The Service Villages sit below the Main Towns and Service Centres. The policy goes on to state that sustainable development will be supported within Green Belt inset boundaries and settlement boundaries defined on the Local Plan policies map. However, given that this site is within the open countryside as defined in the NLP, Policy STP 1 criterion g. states that development will only be permitted if it can be demonstrated that it provides for residential development in accordance with Policies HOU 7 (exception sites) or HOU 8 (isolated residential development in the open countryside).

3.7 As set out in the previous report, the NLP makes provision for rural exception sites, which would also enable a site to potentially be considered an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. These exception sites are intended to help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. In the context of the NPPF's definition of major development, small sites are considered to be less than 0.5 hectares in size or comprise less than 10 dwellings, which would apply in this case.

3.8 Policy HOU 7 of the NLP is relevant in this context, and part 2 of the policy states that:

The development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:

a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who

are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;
b. The affordable housing is secured in perpetuity through a Section 106 agreement;
c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and
d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.

3.9 The NPPF makes clear at Paragraph 149 f) that only limited affordable housing for local community needs will be considered as an exception to inappropriate development in the Green Belt. In order to meet the exception to inappropriate development in the Green Belt the relevant rural exception policy will need to be satisfied in full. This includes that the site is adjacent to or well related to an existing settlement and the development is in scale and keeping with the form, character and landscape setting of the settlement.

3.10 As part of the assessment of the previous application, and following consultation with the Council's Housing Enabling Officers, it was concluded that the proposed housing mix would meet the identified affordable housing need for the area and result in limited affordable housing for local community needs. The Strategic Housing Land Availability Assessment (SHLAA - 2019) does not identify any other suitable or available sites other than that covered by the application site and the adjoining development to the west (site 2643), whilst no housing sites are allocated in Ovingham, Horsley or Ovington as part of the NLP. Having regard to the supporting information provided by the applicant, and given the Green Belt constraints within and around the settlements of Ovingham, Ovington and Horsely, it is acknowledged that it would not appear likely that the provision could be provided on other more suitable sites without releasing Green Belt land.

3.11 On that basis, and subject to further detailed consideration of the effects on the character of the site and surrounding area, the general principle of the development as a rural exception site for limited affordable housing adjacent to and well related to the settlement could be said to be in accordance with Policy HOU 7 of the NLP, and therefore result in an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. In addition, by satisfying Policy HOU 7 and paragraph 149 f) of the NPPF, the proposal could also be supported having regard to Policy STP 8 of the NLP.

3.12 As with the previous report, the following sections will consider other matters and consideration will be given to any other harm, along with the overall planning balance within the conclusion of the report.

Landscape and Visual Impact

3.13 Policies QOP 1, QOP 2, QOP 3, QOP 4, QOP 5 and QOP 6 of the NLP are relevant in relation to achieving high quality, sustainable design and well-designed places in accordance with the NPPF, and these were referenced within the previous committee report.

3.14 Policy QOP 1 sets out general design principles against which development will be assessed. These include that proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place and

integrate the built form with the site and wider local area; be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment; ensure buildings and spaces are functional and adaptable for future uses; facilitate an inclusive, comfortable, user-friendly and legible environment; support health and wellbeing and enhance quality of life; support positive social interaction and a safe and secure environment; not cause unacceptable harm to the amenity of existing and future occupiers of the site and surroundings; incorporate green infrastructure and opportunities to support wildlife; make provision for efficient use of resources; respond to the climatic conditions of the location; mitigate climate change and be adaptable; ensure the longevity of buildings and spaces. Similar to the NPPF, the policy states that development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions will be refused.

3.15 Policy QOP 2 seeks to achieve good design and a high standard of amenity for existing and future users. Policy QOP 5 looks to secure sustainable design and construction, including incorporating passive design measures; prioritise use of locally sourced, recycled and energy efficient materials; and incorporate or connect to small-scale renewable and low carbon energy systems where feasible amongst other criteria. Policy QOP 6 relates to delivering well-designed places making reference to relevant design guidance and policies and requiring design and access statements clearly demonstrating how design has been considered in the development process.

3.16 Policy HOU 9 of the NLP relates specifically to residential development. The policy sets out criteria where new development will be supported, including where they contribute to a sense of place, which supports community identity and pride; provide multi-functional spaces that support different recreational and social activities; provide functional space and facilities for refuse and storage; are constructed to a high quality of design; and perform positively against 'Building for a Healthy Life' principles.

3.17 Officers have also highlighted the requirements of Policy HOU 11 of the NLP with the applicant, which relates to homes for older and vulnerable people. This requires planning applications to demonstrate that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. The policy requires that to ensure new homes are accessible and adaptable to meet the needs of residents now and in the future, 20% of new open market dwellings and 50% of affordable dwellings will be required to meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards).

3.18 In this instance, 50% of the dwellings will be required to meet or exceed the enhanced accessibility and adaptability housing standards. The applicant has provided further supporting information which states that six of the nine houses comply (Plots 1 – 6) with only minor changes required that would not significantly impact the layout, building footprint or design. Further details to assess and satisfy this requirement can be secured by a new condition as part of the recommendation.

3.19 Members previously considered the layout, scale and design of the proposals and effects on the character of the site and surrounding area and found these to be acceptable. The proposed development is considered to be acceptable in the context of the policies of the adopted NLP, although it is recommended that an additional

condition could be attached to any approval that looks to secure further details of sustainable design and construction measures having regard to Policy QOP 5.

Residential Amenity

3.20 Policy QOP 2 of the NLP states that development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in the local area.

3.21 As set out within the previous report, whilst there would be changes to the character of the area, given the layout and scale of development and the relationship between existing and proposed properties, the proposals are not felt to result in significant or harmful impacts upon the amenity of existing residents, whilst an acceptable level of amenity could be achieved for future occupants of the new dwellings. The proposal would therefore continue to be acceptable and would be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Sustainable Transport and Highway Safety

3.22 Policies TRA 1, TRA 2 and TRA 4 of the NLP are relevant to the development in terms of promoting sustainable connections, considering effects on the transport network and parking provision. Appendix E of the NLP sets out relevant parking standards for new development.

3.23 Whilst concerns have been raised in relation to increased traffic and matters of highway safety, on the basis that Highways Development Management (HDM) have raised no objection to the proposals, there are not considered to be any grounds to prevent development of the site with regard to matters of access and highway safety. It is proposed to amend a previous condition recommended by HDM in respect of cycle parking in order that further details of this provision within the plots can be secured prior to occupation.

3.24 Subject to recommended conditions, the proposals would continue to be acceptable and in accordance with Policies TRA 1, TRA 2 and TRA 4 of the NLP and the NPPF.

Ecology

3.25 Policy ENV 2 of the NLP is relevant in respect of matters of biodiversity and geodiversity and looks to ensure proposals to minimise any adverse effects on habitats and species and maximise opportunities to incorporate biodiversity and ecological enhancements.

3.26 Whilst there are ecological impacts arising from the proposed development of the site, it is considered that these can be mitigated by the recommended conditions. Having regard to the comments of the Council's Ecologists it is considered that the proposal would be acceptable in terms of ecological impacts, subject to conditions, having regard to Polic ENV 2 of the NLP and the NPPF.

Drainage and Flood Risk

3.27 Policies WAT 1 – 4 of the NLP are relevant in respect of matters of drainage, flood risk and the use of SuDS. These aspects have been previously assessed in detail

by Northumbrian Water and the Lead Local Flood Authority (LLFA) and found to be acceptable with recommended conditions.

3.28 On this basis, subject to the recommended conditions it is considered that an acceptable form of development can be achieved in respect of matters of drainage and flood risk, in accordance with the NLP and the NPPF.

Archaeology

3.29 Paragraphs 194 of the NPPF and Policy ENV 7 of the NLP require that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

3.30 Having assessed the potential archaeological impact of the proposed development on below ground archaeological remains, and based on the available information, the Assistant County Archaeologist raises no objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological work. Subject to this condition, the proposal would therefore be in accordance with Policy ENV 7 of the NLP and the NPPF in this respect.

Ground Conditions

3.31 Policy POL 1 of the NLP states development will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented through its location and measures can be taken to mitigate any impacts, with suitable assessments to be submitted with any application.

3.32 As set out within the previous report, the application has been subject to consultation with the Coal Authority and Environmental Protection who raise no objection subject to conditions. On this basis, and subject to recommended conditions, the proposal would continue to be acceptable and in accordance with Policy POL 1 of the NLP and the NPPF.

3.33 In terms of Policy POL 3 of the NLP and the NPPF in respect of best and most versatile agricultural land, it is understood that the site is grade 3 land. The proposals do not result in any significant loss of the best and most versatile agricultural land, whilst the proposals are also considered to be acceptable as a rural exception site for affordable housing.

Planning Obligations

3.34 The recommendation within the previous report set out the planning obligations that were required to be secured through the Section 106 Agreement. These were the provision of 100% affordable housing on the site and a total contribution towards sports and play provision of £17,408, which was based on the former Tynedale Council's Supplementary Planning Document: *Planning Obligations for Sports and Play Facilities (2006)*.

3.35 Following the adoption of the NLP, and having regard to the requirements of Policy INF 5 and Appendix H1 that cover the provision of open space and facilities for

sport and recreation, the proposed scheme does not meet the threshold of a major development (i.e. 10 dwellings or more) where a contribution could be sought. On that basis there is no longer a requirement for the applicant to provide open space, either on-site or off site or make a contribution to improve existing provision.

3.36 Having regard to the above and the adoption of the NLP, the only planning obligation that will need to be secured through the Section 106 Agreement in this instance is the provision of affordable housing on the site.

4. Conclusion

4.1 Ovingham is considered to be an acceptable and sustainable location for new residential development in principle having regard to the NLP and the NPPF. However, the application site is within the Green Belt where the construction of new buildings is considered to be inappropriate development, unless satisfying an exception listed at paragraphs 149 and 150 of the NPPF.

4.2 Paragraph 149 f) sets out an exception to inappropriate development with regard to *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*. At this time Policy HOU 7 of the NLP is now applicable for the purposes of this assessment. The site adjoins the settlement and existing development on Piper Road to the south and west and is therefore well related to the built form of the village. On this basis the proposal would satisfy the relevant requirements of Policy HOU 7 of the NLP.

4.3 Given the location and scale of the development, it is felt that the proposals would result in a ‘limited’ form of affordable housing provision. Having regard to the assessment set out within the previous report, which is still relevant, including consideration of the applicant’s supporting information and consultation with the HEO, the proposal is considered to satisfy Policy HOU 7 of the NLP as a rural exception site, and therefore also the exception to inappropriate development in the Green Belt set out at paragraph 149 f) of the NPPF as limited affordable housing.

4.4 As with the previous assessment, the proposed layout, scale and design of the new housing is considered to be acceptable in this location in the context of its relationship with existing housing and having regard to the character and appearance of the settlement and the surrounding countryside. Furthermore, on the basis of the layout and scale of the development, the proposals are not felt to result in any significant or adverse impacts upon the amenity of existing residents in the area. Impacts on the character of the area in terms of the loss of hedgerow can be mitigated through new planting proposals.

4.5 Following consultation with relevant consultees as part of the original assessment, and subject to conditions where required, it is considered that an acceptable form of development can be achieved in relation to matters such as access and highway safety; drainage and flood risk; ecological impacts; archaeology; and ground conditions.

4.6 In light of all of the above, the adoption of the NLP would not change the previous assessment and recommendation to approve the proposals on the site, albeit the Section 106 would now only look to secure affordable housing as a planning obligation and there are alterations to some conditions. Previous conditions have also been updated in terms of their reasons in order to reflect the adopted NLP policies.

The proposals would therefore remain acceptable having regard to the NLP and the NPPF.

5. Recommendation

That this application be GRANTED permission subject to the completion of a Section 106 Agreement to secure 100% affordable housing provision on the site and the following:

Conditions/Reason

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

3964 10 02 J – Proposed Site Plan
3964 20 01 B – 2 Bed Bungalow – Plot 1 & 2
3964 20 02 A – 2 Bed Bungalow – Plot 3-4 & 5-6
3964 20 06 B - 2 Bed House – Plot 8 & 9
3964 20 09 A – 4 Bed House – Plot 7

C-GA-005 P6 - Proposed Drainage Strategy
Surface Water Drainage Strategy – CK21 Ltd ref: Project 9133 Rev C (July 2021)

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

03. Notwithstanding any description of the materials in the application, no construction of the dwellings above damp proof course level shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the dwellings have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local provenance, including a planting schedule setting out species, size, numbers, densities and locations, the provision of all new boundary treatments, the creation of

areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies HOU 9, QOP 1, QOP 2, QOP 4 and ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

05. Notwithstanding the details submitted with the application, all trees and hedges within, and to the boundaries, of the site identified for retention on the approved plans shall be retained and protected throughout the course of development in accordance with updated details that shall first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall include measures for minimising the impact of groundworks in close proximity to the existing trees and hedges to be retained and shall be prepared in accordance with guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

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

Reason: To maintain and protect the existing landscape and biodiversity value of the site, in accordance with the provisions of Policies QOP 4 and ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

06. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Piper Road, Ovingham Ecological Survey Report', BSG Ecology Ltd., 17.9.19) including, but not restricted to:

- inclusion of 'in built' bat roost and nesting bird features in the new houses and/or hedgehog boxes in garden areas at a rate of not less than 1 feature per dwelling with types, numbers and locations to be agreed in writing with the Local Planning Authority before the development progresses above foundation level;
- adherence to timing restrictions; adherence to precautionary working methods;
- adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018;
- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;

- an updating in season ecological survey to be carried out in the event that works do not commence before the end of August 2022, with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

07. No removal of vegetation shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of any netting shall first be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

08. All new garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species, in accordance with the provisions of Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

09. No dwelling shall be occupied until the car parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking areas 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 Policy TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

10. No development shall commence until details of the proposed new footway running along the site frontage on Piper Road have been submitted to and approved in writing by the Local Planning Authority. The dwellings 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 Policies TRA 1 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

11. No development 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; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway, in accordance with Policies TRA 1 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

12. No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

13. Prior to occupation, details of surface water drainage to manage run off from private land shall be submitted to and approved in writing 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 the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

14. No development shall commence until a Construction Method Statement, together with 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.

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

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

use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste, in accordance with Policies HOU 9 and TRA 2 of the Northumberland Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

17. Prior to any works on the northern perimeter of the development, an inspection and survey of the existing filter trench and culverted watercourse shall be undertaken. Post development a further inspection of this trench and culvert shall be undertaken. Any damages, defects and debris caused by the development shall be put right to the satisfaction of the Local Planning Authority in accordance with a scheme of details that shall first be submitted for approval in writing.

Reason: To ensure adequate protection from flood risk on and off site, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

18. The invert level of the proposed foul water sewer shall be no greater than 300mm to the base of the culverted watercourse.

Reason: To provide adequate protection to the culverted watercourse, in accordance with Policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

19. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources, in accordance with Policies WAT 2 and WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

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

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

21. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

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

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

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

Reason: To ensure a commensurate level of protection against windblown dust and debris in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

23. If during redevelopment contamination not previously considered within the approved plan: "Phase I Contaminated Land Desk Study – DBS Environmental Ltd May 2020 Ref: 1354R001i2 REV A FINAL" is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

"Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF).

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

24. No dwelling shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection,

as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health and amenity of the occupants of the respective properties, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

25. No dwelling shall be brought into use or occupied until the applicant/developer has submitted a validation and verification report to the approved methodology in Condition 24 which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties, in accordance with Policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

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

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

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

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies QOP 1, QOP 2 and POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

27. A programme of archaeological work is required in accordance with NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 12/11/21). 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 NCEDT 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 NCEDT 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 NCEDT 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, in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

28. Notwithstanding the details submitted with the application, prior to the construction of groundworks of the new dwellings hereby approved, details to be shown on annotated site plans to include:

- a) existing site levels;
- b) proposed site levels; and
- c) proposed finished floor levels of the dwellings

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved levels.

Reason: In the interests of visual and residential amenity, in accordance with the provisions of Policies HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

29. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, dormer windows and curtilage buildings shall be added to or constructed within the curtilage of the dwellinghouses hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact of any additions on the appearance of the dwellinghouses, the Green Belt and the affordability of the properties may be properly assessed, in accordance with Policies HOU 7, HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

30. Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 50% of the new dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

31. 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.

Informatives

01. Your attention is drawn to the Agreement under Section 106 of the Town and Country Planning Act 1990 affecting this site.

02. 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.

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

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

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

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

07. The applicant/developer is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 11 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

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

09. 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.

10. The risk of encountering nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). All wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Accordingly, any vegetation removal or soil stripping undertaken between 1 March – 31 August carried out as part of the proposal should be preceded by checks to confirm that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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 small chance of encountering protected species during works.

In the unlikely event of protected species such as nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078. Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk.

11. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

12. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

13. The applicant/developer is strongly encouraged to make provision for an electric vehicle charging point for each dwelling hereby permitted.

14. With regard to condition 31 you are advised that any scheme should look to demonstrate where feasible how it can incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting; prioritise the use of locally sourced, recycled and energy efficient building materials; incorporate or connect to small-scale renewable and low carbon energy systems which contribute towards the supply of energy to the development, unless this would not be viable; connect to an existing or approved district energy scheme where viable; facilitate the efficient use of water; measures such as water recycling systems will be encouraged; incorporate measures to reduce waste generated during construction, including the recovery of materials on-site, and ensure there is appropriate provision for recyclable and non-recyclable waste; minimise vulnerability to flooding in areas at risk of flooding from all sources, or where the development may increase flood risk elsewhere, through use of materials, green and blue infrastructure and other design features as appropriate; and are flexible to allow for future modification, refurbishment and retrofitting.

Author

Neil Armstrong – Principal Planning Officer

Appendices:

Appendix 1 - Report to Tynedale Local Area Council Planning Committee dated 15 February 2022

Background Papers: Planning application file(s) 20/03425/FUL