

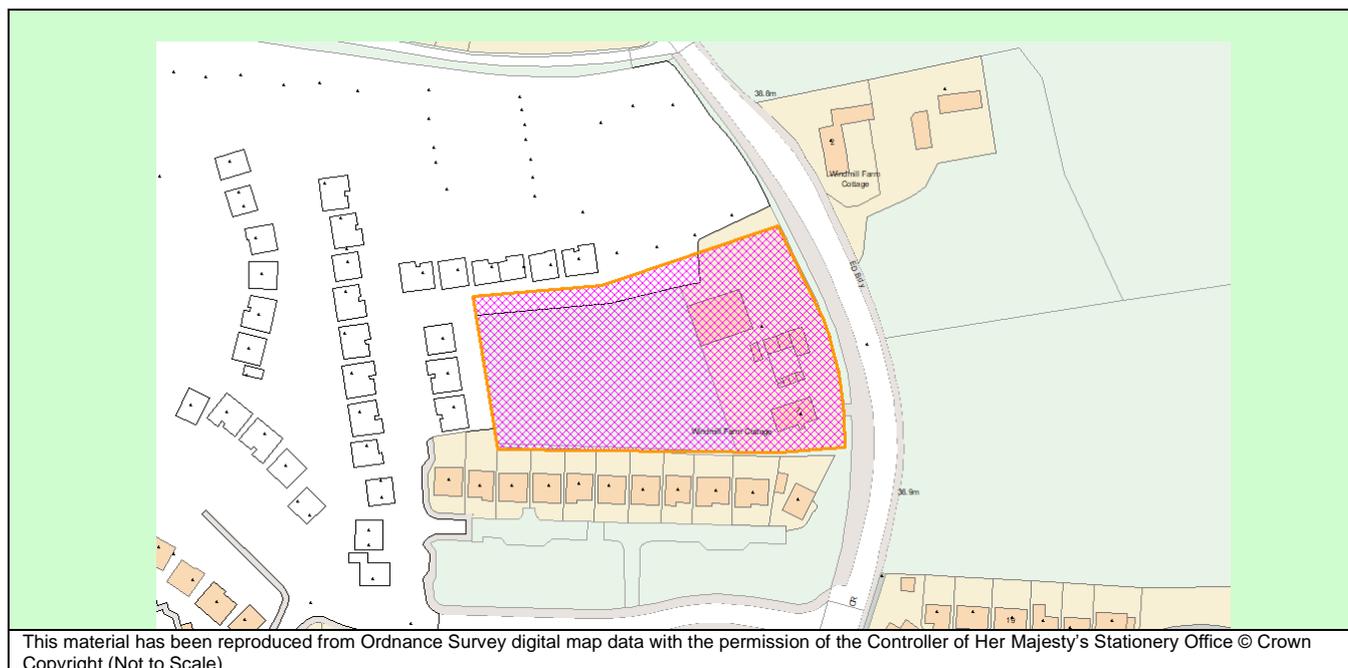


Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council Committee, Wednesday 15th June 2022

Application No:	21/03369/FUL		
Proposal:	Demolition of various buildings, retention of 1 Windmill Farm Smallholdings and erection of 9no. bungalows with associated works and new vehicular access		
Site Address	Windmill Farm Smallholdings, Choppington Road, Choppington, Northumberland, NE62 5TJ		
Applicant:	Mr & Mrs Michael & Denise Burkinshaw Windmill Farm Cottage, Choppington, NE62 5TJ,	Agent:	Mr David Boyce Unit 4, Witney Way, Hi-Tech Village, Boldon Business Park NE35 9PE
Ward	Bedlington West	Parish	West Bedlington
Valid Date:	12 October 2021	Expiry Date:	16th June 2022
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a unilateral undertaking in relation to contributions to the Coastal Mitigation scheme (£5,535), and recommended conditions.



1. Introduction

1.1 This application is being brought to local area council committee following the receipt of an objection West Bedlington Parish Council. Following this objection, the application was referred to the chair and vice chair of the committee and executive director of planning who confirmed a decision should be made via local area council committee.

2. Description of the Proposals

2.1 Planning permission is sought for the demolition of existing agricultural structures and the construction of 9no bungalows with associated works and a new vehicular access at Windmill Farm Smallholdings, Choppington.

2.2 The submitted details propose 9no detached bungalows with outdoor external amenity space and garages. Materials used in the construction of the dwellings would consist of red facing brickwork, concrete roof tiles and ivory coloured UPVC framed fenestration. A breakdown of the proposed dwellings is below –

- 3no four bedroom bungalows with a double garage (plots 2, 4 and 5).
- 2no four bedroom bungalows with a double garage (plots 6 and 7)
- 1no four bedroom bungalow with a double garage (plot 1)
- 1no three bedroom bungalow with a double garage (plot 3)
- 2no three bedroom bungalows with a single garage (plots 8 and 9)

2.3 A new access to the site would be created from the adjacent A1068 public highway with the existing access to be closed. A new footpath would be created within the site providing links with the existing pathway whilst additional soft landscaping is proposed upon the boundaries of the application site.

2.4 The application site is located within the settlement boundary for Bedlington. New residential development is being constructed to the northern, western and southern boundaries of the application site whilst a public footpath and highway bound the application site to the east.

3. Planning History

N/A

4. Consultee Responses

West Bedlington Parish Council	The Town Council would OBJECT to the present application because it believes the vehicle egress from this proposed site could potentially be a difficult with a limited field of vision to the right and left, and its proximity to other development access points in the immediate vicinity.
Highways	No objection subject to recommended conditions.
The Coal Authority	No objection.
County Ecologist	No objection subject to recommended conditions.
South SE Tree And Woodland Officer	No response received.
Public Protection	No objection subject to recommended conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	46
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022)

Policy STP 1 - Spatial strategy (strategic policy)

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

Policy STP 3 - Sustainable development (strategic policy)

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

Policy STP 5 - Health and wellbeing (strategic policy)

Policy HOU 2 - Provision of new residential development (strategic policy)

Policy HOU 5 - Housing types and mix

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 3 - Public realm design principles

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well designed places

Policy TRA 1 - Promoting sustainable connections (strategic policy)

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

Policy TRA 4 - Parking provision in new development

Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (strategic policy)

Policy ENV 2 - Biodiversity and geodiversity

Policy WAT 3 - Flooding

Policy WAT 4 - Sustainable drainage systems

Policy POL 1 - Unstable and contaminated land

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

Policy INF 6 - Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

7. Appraisal

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

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

Principle of development

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

7.3 The site is clearly sustainable owing to its location within the existing settlement of Bedlington with a variety of everyday services including shops, schools and restaurants all within walking distance of the application site. Furthermore, the site is well supported by public transport links that allow travel to neighbouring towns, as well as Newcastle city centre, without the requirement of a private car.

7.4 The application site is to be bounded by residential development to the northern, southern and western boundaries upon completion of the works granted by the LPA under application ref no's 16/04731/OUT and 19/01457/REM. At the time of the officers site visit (October 2021), construction work was underway for this adjacent development.

7.5 The principle of development is therefore acceptable and accords with relevant local and national planning policy.

Design and visual character

7.6 Policy HOU 9 of the NLP states that residential development will be supported where they *'contribute to a sense of place'* and *'are constructed to a high quality of design'*. Policy QOP 1 is also relevant within this assessment and states that development proposals should *'make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography'*.

- 7.7 The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development with paragraph 130 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 7.8 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the wider surrounding area. There is an evident housing mix within this area of Bedlington consisting of two storey detached and semi-detached properties as well as bungalows. There is a wide-ranging material palette upon residential dwellings, however, the most identifiable materials were red brick properties with concrete roof tiles.
- 7.9 The scale and massing of the proposed bungalows is acceptable and would not result in incongruous additions that would impact upon the visual character of the immediate or wider area. The ridge heights of the proposed dwellings would not exceed 5.3 metres whilst the footprint of the buildings are acceptable to ensure that appropriate external amenity space is provided for each property. Whilst the additional built form would be generated within the site when compared to existing agricultural structures, this would not result in harm to the character of the area which is recognised as primarily residential.
- 7.10 Fenestration has been appropriately sited upon the proposed dwellings whilst the material palette chosen would mirror materials upon neighbouring properties, including the existing Windmill Farm Cottage located within the application site. To retain a level of control over the proposed materials, it would be appropriate for the LPA to include a condition requesting that material samples be provided prior to construction works upon site.
- 7.11 Subject to a material samples condition, the LPA are satisfied that the proposed development accords with both local planning policy and national planning policy in relation to good design.

Residential amenity

- 7.12 Policy QOP 2 of the NLP states that *'development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area'*. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users'*.
- 7.13 The application site consists of 1 no residential dwelling and agricultural structures. A large area of open, agricultural land is located to the western boundary of the application site with timber fencing and planting providing separation between the application site and the residential development currently under construction. Soft landscaping also bounds the shared boundaries of the site.
- 7.14 As part of the application site visit, a site walkaround was conducted to assess the development site and the wider area. Following this, a desktop

study was undertaken to assess the separation distances within the site between the proposed properties and the distances between existing dwellings, and those due for construction within the near future.

- 7.15 Following the submission of amended details to relocate fenestration upon selected plots, the LPA are satisfied that the proposed development would not adversely impact upon residential amenity. Acceptable separation distances have been retained between the proposed dwellings and those currently under construction to ensure that there would be no significant impacts caused by way of privacy or overlooking. All plots would benefit from private external amenity space whilst the internal footprint of the 9no bungalows is considerable, ensuring future occupiers will benefit from good levels of amenity within the properties.
- 7.16 The scale and massing of the proposed dwellings, coupled with the separation distances and layout of the site ensures that there would be no overshadowing or loss of light caused that may impact upon an occupiers enjoyment of the property. To protect the amenity of future occupiers of plot 1 and 2, an acoustic barrier must be installed along part of the northern and eastern boundaries of the site to prevent noise from the adjacent public highway that may impact upon amenity. The local authority's Environmental Protection team are satisfied that this can be dealt with via planning condition.
- 7.17 Subject to recommended conditions, the proposal accords with both local and national planning policy regarding residential amenity.

Highway safety

- 7.18 Policy TRA 2 of the NLP states that developments will be expected '*provide effective and safe access and egress to the existing transport network*' and '*include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or highway safety*'. Policy TRA 4 is also relevant within this assessment and states that '*an appropriate amount of off-street vehicle parking to serve new development shall be made available in safe, accessible and convenient locations*'.
- 7.19 Paragraph 111 of the NPPF states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 7.20 Consultation was undertaken with highways development management (HDM), who, following the submission of additional information, raised no objection to the application proposals subject to recommended conditions. Appropriate visibility splays can be achieved from the proposed access therefore allowing safe ingress and egress at the application site whilst appropriate parking provision has been demonstrated for the 9no properties, as well as additional parking for visitors.
- 7.21 The installation of a footpath internally within the site, which then connects to the existing footpath outside of the site boundary, promotes sustainable transport with everyday services and amenities accessible on foot. Conditions have been requested by HDM that would secure highway safety throughout

the demolition and construction phases on site and across the lifetime of the development. The proposals therefore accord with both local and national planning policy in relation to highway safety.

Ecological impacts

- 7.22 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. These provisions are mirrored within paragraph 174, part d) of the NPPF.
- 7.23 An ecological appraisal and bat survey forms part of the application submission allowing the LPA to appropriately assess potential impacts upon protected species and how these can be mitigated throughout the demolition and construction phases upon the application site. Consultation was undertaken with the local authority's ecologist who raised no objection to the application proposals subject to recommended conditions. The first condition focuses upon mitigation to protected species and their habitats on site whilst the second condition would provide biodiversity net gains through the installation of bat boxes, swift bricks, new hedging and various other improvements to the site.
- 7.24 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.
- 7.25 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.
- 7.26 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast and £307 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £615 per unit within 7km of the coast but are exempt beyond that. The coastal mitigation contribution for this development has been calculated at £5,535 (£615 x 9). The applicant has agreed to these contributions which can be secured via a unilateral undertaking.

Land contamination, stability and ground gas

- 7.27 Policy POL 1 of the NLP outlines that *'development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts'*.
- 7.28 Policy POL 2 of the NLP is also relevant within this assessment and states that *'Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported'*. Both of these provisions are mirrored within the NPPF.
- 7.29 The application site is located within an area subject to former coal mining activity with a coal mining risk assessment forming part of the application submission. Consultation was undertaken with The Coal Authority (TCA) who confirmed that part of the site lies in an area of historic, unrecorded coal mine workings at shallow depth. If shallow coal workings are present those pose a potential risk to surface stability and public safety.
- 7.30 The planning application is supported by a Coal Mining Risk Assessment (CMRA) which has been informed by an appropriate range of sources of information. The report concludes that the risk to surface stability from historic coal workings is low and that based on this evidence, no further investigations or remedial works are necessary. TCA are satisfied that the CMRA appropriately assesses the potential impact from historic coal mining activity and raise no objection to the planning application. No conditions are recommended to the LPA.
- 7.31 As the site is located with an area subject to former coal mining activity, the applicant will be required to install appropriate ground gas protection within the development to protect the health of future occupiers of the properties. A condition has been requested by Public Protection that would secure the installation of protection within this development with a verification report to be provided prior to occupation to ensure protection has been correctly installed.
- 7.32 Due to the historic use of the site for agricultural purposes, there is potential for land contamination within the application curtilage therefore a phase 2 intrusive investigation is required to ensure that contamination impacts can be identified and appropriately mitigated prior to the construction of residential dwellings upon the land. Following the undertaking of the mitigation works on site, a verification report coupled with post remediation sampling and monitoring results shall be provided to the LPA.
- 7.33 Subject to recommended conditions, the LPA are satisfied that the proposed development accords with both local and national planning policy in relation to land contamination and ground gas.

Drainage

- 7.34 The submitted details indicate that both foul sewage and surface water will be disposed of via existing mains. The LPA have no objection to these proposals.

Equality Duty

- 7.35 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

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

Human Rights Act Implications

- 7.37 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.38 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.
- 7.39 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The application proposals represent an acceptable form of development which accords with both local and national planning policy. The application is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to a unilateral undertaking in relation to contributions to the Coastal Mitigation scheme (£5,535), and the following conditions:

Conditions/Reason

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

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

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

- 1) Location plan drawing no. c-00 rev. A (received 6th October 2021)
- 2) Proposed plot 2 elevations drawing no. c-13 rev. B (received 19th May 2022)
- 3) Proposed plot 2 plan drawing no. c-04 rev. B (received 19th May 2022)
- 4) Proposed plot 4 elevations drawing no. c-15 rev. B (received 19th May 2022)
- 5) Proposed plot 4 plan drawing no. c-06 rev. B (received 19th May 2022)
- 6) Proposed plot 6 elevations drawing no. c-17 rev. B (received 19th May 2022)
- 7) Proposed plot 6 plan drawing no. c-06 rev. B (received 19th May 2022)
- 8) Proposed site plan drawing no. c-02 rev. N (received 19th May 2022)
- 9) Ecological appraisal and bat survey project no. 6263 (received 13th December 2021)
- 10) Ecological plan (received 18th November 2021)
- 11) Plot 1 elevations drawing no. c-12 rev. A (received 18th November 2021)
- 12) Plot 1 plan drawing no. c-03 rev. A (received 18th November 2021)
- 13) Plot 3 elevations drawing no. c-14 rev. B (received 18th November 2021)
- 14) Plot 3 plan drawing no. c-05 rev. A (received 18th November 2021)
- 15) Plot 5 elevations drawing no. c-16 rev. A (received 18th November 2021)
- 16) Plot 5 plan drawing no. c-07 rev. A (received 18th November 2021)
- 17) Plot 7 elevations drawing no. c-18 rev. A (received 18th November 2021)
- 18) Plot 7 plan drawing no. c-09 rev. A (received 18th November 2021)
- 19) Plot 8 elevations drawing no. c-19 rev. A (received 18th November 2021)
- 20) Plot 8 plan drawing no. c-10 rev. A (received 18th November 2021)
- 21) Plot 9 elevations drawing no. c-20 rev. A (received 18th November 2021)

- 22) Plot 9 plan drawing no. C-11 rev. A (received 18th November 2021)
- 23) Tree protection plan drawing no. 0010706 (received 4th October 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, prior to construction above damp proof course level of the dwellings hereby approved, precise details of the materials to be used in the construction of the external walls, roof and fenestration of the dwellings, shall be submitted to, and approved in writing by, the Local Planning Authority. Development must not be undertaken above damp proof course level until approval from the Local Planning Authority has been provided in writing. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

- 04. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

- 05. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans and the highway including roads, kerbs and footway has been reinstated.

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

- 06. 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.

- 07. 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.

08. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

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

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

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

10. The development hereby permitted shall not be commenced until a scheme to deal with contamination of land or controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by a competent and qualified consultant. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- a. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

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

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

11. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation Page 4 of 7 sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

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

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

12. If during redevelopment contamination not previously considered is identified within any statement / report that has received the approval of the Local Planning Authority, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. The written method statement must be written by a 'competent person'*. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

* "Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9 .

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

13. No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a 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 the health & amenity.

14. No building shall not be brought into use or occupied until the applicant has submitted validation and verification report to the approved methodology in Condition 13, 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 & amenity.

15. Prior to commencement of the permitted use, a scheme for a robust, continuous acoustic barrier constructed along the north and east boundaries of the plot 1 and along the northern boundary of plot 2, of minimum height of 2 metres(from ground level on the boundaries specified) and minimum surface density of 10 Kg/m² together with scheme of maintenance, shall be submitted to, and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before first residential occupation. The barrier shall be maintained in accordance with the approved scheme and retained throughout the life of the development.

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

16. Works to the buildings likely to affect known roosts shall not in any circumstances commence unless the local planning authority has been provided with either:
- licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - confirmation that the site is registered on a Bat Mitigation Class Licence issued by Natural England; or
 - written justification by a suitably qualified ecologist confirming why a licence is no longer required

The development shall then only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the report (ECOLOGICAL APPRAISAL & BAT SURVEY ONE WINDMILL HILL FARM, BEDLINGTON E3 ecology –version uploaded December 2021) which details the methods for maintaining the conservation status of bats, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England. Mitigation includes:

- Two roosting opportunities will be incorporated into the new build.
- Trees will be soft felled.
- Light levels around newly installed roost locations and foraging/commuting areas will be low level, below 2m in height, and low lux (below 1 lux 5m from the light source).
- In accordance with guidance issued by Natural England in bat mitigation

licensing please note that breathable roofing membranes must not be installed into a roof used by bats. If the use of roof membranes is necessary, only Bitumen type 1F felt with a hessian matrix will be permitted under licence. In this case the bat population is such that NO ROOFS in this development should use breathable roofing felt, as completely sealing older buildings from bats is unlikely to be possible throughout the life of the roof.

Reason: To maintain the favourable conservation status of a European protected species.

17. The development will conform to the Windmill Hill Ecological Plan (E3 ecology 2021) in full to include:

9 integrated bat boxes
6 integrated swift bricks
Gaps left within fences for hedgehog
All retained trees as shown
New native species trees as shown
30m of new native hedgerow
Hedgehog hibernacula

Reason: To achieve a net gain for biodiversity in order to conform to paragraph 174d of the National Planning Policy Framework.

18. Works will be carried out outside of the bird breeding season. If this is not possible a pre-commencement check for nesting birds will be undertaken by a suitably experienced ornithologist if vegetation clearance is undertaken between March and August inclusive. Should birds be seen nesting or pre-nesting then works within 5m of the nest will cease until the young birds have fledged.

Reason: to ensure birds are protected in line with the Wildlife and Countryside Act 1981

19. Prior to the construction of dwellings hereby approved, 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, where required, the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of fences, 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 no later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of

policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

- 1) You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:
centralareahighways@northumberland.gov.uk
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) You are advised to contact the Council's Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.
- 7) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 8) The first recommended gas protection condition sets out why gas protection is needed and what is proposed to meet this requirement submitted in the form of a "report":

The gas protection proposed should meet a minimum of Characteristic Situation 2 (CS2) to the level required in BS 8485:2015+A1:2019.

Building type is Type A - residential dwelling.

The British Standard requires achieving a score of 3.5 for Building Type A. This may be met by a:

- A well-reinforced raft/slab with minimal penetrations (scoring 1.0 or 1.5 in Table 5 of BS 8485:2015+A1:2019), and;
- A gas membrane (scoring 2.0) and meeting the requirements of Table 7 of BS 8485:2015+A1:2019.
- A technical brochure for the gas membrane to be used and any manufacturer's installation guidance (if available) and that the membrane will be installed following manufacturer guidance (if available).
- That the membrane installation will be carried out by a suitably qualified and experienced installer.
- Propose what verification of the install will be Building Control, independent verifier, main contractor inspection etc..

SEE APPENDIX 2 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE FIRST CONDITION (see link below)

For the second gas protection condition this demonstrates that the installation has met what was proposed in the submission for the first one and should be a "report" which should:

- Demonstrate that the floor was of the type required and sufficient air bricks (and telescopic vents if required) were included demonstration of at least good ventilation performance.
- Membrane was installed to a standard following manufacturer's instructions (if available).
- Membrane was installed by a suitably qualified and experienced installer (include any documentation which shows this is the case).
- Installer logs/records (proforma in Appendix 5 of our adopted guidance below).
- Verifier logs/records (proforma in Appendix 5 of our adopted guidance below).
- Any third party inspection(s) to verify installation.
- Details of Building Control inspections
- Photographs
- Plans showing location and number of ventilation bricks to meet very good ventilation performance.

SEE APPENDIX 3 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE SECOND CONDITION (see link below)

Our adopted guidance YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx> The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation). The British Geomembrane Association website is:

<http://www.britishgeomembraneassociation.co.uk/>

- 9) The applicant should ensure that as well as any "top-hat" around the outside of service ducts being secured to the membrane (tape or weld) that also the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) should be filled with a sealant approved by the water supply companies, such as FILOseal+ or FILOseal+HD manufactured by

Filoform UK Ltd: <https://www.filoform.co.uk/catalog/category/view/s/re-enterable-ductsealingsystems/id/9/> Evidence of this will be required under the validation/verification of the gas protection.

- 10) For advice about private water supplies please contact the Environmental Protection Team at public.protection@northumberland.gov.uk
- 11) The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.
- 12) The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Date of Report: 18th May 2022

Background Papers: Planning application file(s) 21/03369/FUL