

1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due to objections received from Bellingham Parish Council and local residents. It was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1 Full planning permission is sought for the construction of 64 new homes on the site of the former Bellingham Auction Mart. An area to the northern boundary of the site is not included within the current proposals or application site area and is still being considered under a separate application for a retail store and associated works under planning application 21/03910/FUL.

2.2 The application site is 1.86 hectare in area, is largely cleared and vacant, and is located close to the centre of Bellingham village. The B6320 highway, from where vehicular access is proposed, forms the northern boundary of the site with residential properties located beyond this, including at Fairshaw Crescent. The line of the former railway also features along the northern boundary of the site. The site is also bounded largely by existing residential development to the east, south and west, including some commercial development to the east and south-east within the centre of the village.

2.3 A public right of way is located beyond the stone wall that forms the southern boundary of the site. There are no designated heritage assets immediately adjacent to the application site. However, there are several Grade II listed buildings in the locality to the south and south-east of the site, whilst the Hareshaw Ironworks scheduled monument is located around 165 metres to the east of the site.

2.4 The application proposes an affordable-led housing development including a mix of affordable rent, rent to buy and shared ownership properties, as well as supported living apartments proposed within Use Class C2 (residential institutions). Grant funding has been secured from the North of Tyne Brownfield Housing Fund to assist in the delivery of the site. It is understood that Karbon Homes would take on the site and manage the new housing and apartments. The proposed housing mix of 64 units overall would include 20 supported apartments and 44 new homes, and is broken down as follows:

- 16 x 1-bed apartments
- 4 x 2-bed apartments

- 12 x 2-bed Tyneside flats
- 15 x 2-bed bungalows
- 10 x 2-bed houses
- 7 x 3-bed houses

2.5 The applicant has amended the proposals following the original submission with the change of the apartment building to make provision for Use Class C2 provision with an increase from 16 to 20 units within this. This follows discussions with the Council's housing officers and Adult Social Care, and new consultation was undertaken on those amendments.

2.6 The applicant sets out that the C2 use would incorporate the provision of a safe, secure communal environment for residents requiring low levels of support and each property within the building will benefit from a direct warden call system. Additionally, Karbon have an onsite part-time scheme coordinator offering on site support and activities service to the residents. The scheme coordinator undertakes a daily well-being call and keeps a support plan on each tenant which is reviewed 6 monthly. The submitted plans show the apartments would comprise of self-contained facilities with kitchen/living area, bedroom and bathroom and the building would also feature an office and communal room at first floor level with a central lift.

2.7 The application proposes two phases of development, which it is stated would comprise the following:

Phase 1

- 16 x 1-bed apartments (supported living)
- 4 x 2-bed apartments (supported living)
- 4 x 2-bed Tyneside flats (affordable rent)
- 5 x 2-bed bungalows (older persons shared ownership)
- 4 x 2-bed bungalows (affordable rent)
- 3 x 2-bed houses (rent to buy)
- 1 x 3-bed house (rent to buy)

Phase 2

- 8 x 2-bed Tyneside flats (affordable rent)
- 6 x 2-bed bungalows (affordable rent)
- 5 x 2-bed houses (affordable rent)
- 2 x 2-bed houses (rent to buy)
- 6 x 3-bed house (rent to buy)

2.8 The application has also been subject to more recent amendments and the submission of further supporting information to address matters raised in relation to sustainability, layout, scale, design, highway safety and pedestrian connectivity, and viability.

2.9 The site has previously had outline permission with reserved matters for a residential development of 65 dwellings with car parking and a children's play area, as approved most recently under applications 20050571 and 20071304 respectively. However, it is understood that these approvals have not been implemented and there is currently no extant permission on the site.

3. Planning History

Reference Number: 21/03910/FUL

Description: Construction of new convenience food retail store (Use Class E) with associated access, parking and landscaping

Status: Pending consideration

Reference Number: T/20071309
Description: Construction of 1 dwelling
Status: Permitted

Reference Number: T/20071304
Description: Reserved matters - Application for the approval of those matters reserved by condition 1 of outline planning permission 20050571 for the construction of 65 dwellings and construction of public car park and play area
Status: Permitted

Reference Number: T/20050571
Description: Outline application for residential development
Status: Permitted

Reference Number: T/20050521
Description: Construction of 57 dwellings and associated landscaping, open space provision, internal roads, construction of new access and car parking area
Status: Withdrawn

Reference Number: T/20041515
Description: Construction of 75 dwellings and associated landscaping, open space provision, internal roads and construction of new access
Status: Withdrawn

4. Consultee Responses

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| Bellingham Parish Council | <p>September 2021</p> <p><u>Key areas of concern:</u></p> <ul style="list-style-type: none">- No evidence regarding the number of social properties needed by this area- Plans for the housing for vulnerable people are vague- Very poor reputation with shared ownership properties in the area- Impact on facilities and services in the village, particularly the doctor's surgery and paramedic facilities <p><u>Other issues:</u></p> <ul style="list-style-type: none">- Require further details of the greenspace and ongoing maintenance- Would like consideration to be given to providing car parking for the village- Street lighting and impact on dark skies- Pedestrian access- Provision of electric vehicle charging points for each household- Management of housing for vulnerable individuals- Misleading information on extent of local facilities- Drainage and flood risk- Limited information on contributions to infrastructure and community facilities |
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- Limited information on sustainable design/renewables as part of development
- Evidence for proposed housing mix
- Noise impacts in relation to proposed new retail store and construction works for new housing
- Welcome new tree planting
- Transport Assessment
- Concerns over extent of pre-application community involvement

Overall

As outlined, there are some real positives to the development and the PC appreciates the work that has gone into production of the planning documents. However the PC cannot support the proposals until the above points have been actioned and, in many cases, until more information about key issues has been provided. Once these concerns are addressed and the additional information needed has been released (as outlined in this document) it will allow residents and the PC to give an informed response to every aspect of the proposed development.

October 2021

The Parish Council is very grateful for the time taken to clarify a number of the points that were raised in our comments. However, there are still key areas where there is inadequate information at this time, including:

- firm evidence of the mix of housing/local needs
- detail on covenants and how local residents will be prioritised - impact on local services
- green spaces and facilities
- transport and lighting
- impact of further consultations

The PC is sure the developers agree that it will be important for these issues to be open to scrutiny and comment by residents before planning is finalised. As such we look forward to detailed information on these areas being released for comment as soon as possible within the planning process by Maple Oak, Karbon and NCC.

January 2022

The Parish Council is concerned that in spite of their assertions, the work undertaken by the developers with its new proposals do little or nothing to deal with the majority of queries the PC, residents and NCC have raised in their earlier comments, including:

- firm evidence of the mix of housing/local needs

- detail on covenants and how local residents will be prioritised - impact on local services and facilities
- green spaces and play areas
- transport and parking
- lack of further consultations
- groundwater, drainage and pollution
- environmental mitigation
- appearance of the properties.

The PC also notes that the new proposals increase the density of the site, increasing the issues rather than mitigating them.

The proposals also may cause more problems for neighbouring residents being overlooked as well as reducing connections to the rest of the village.

The PC would like to stress that it would like to see development on the Mart Field. However it needs to fit with the needs of the local area and the new proposals have done little if anything to ensure this is the case. The developers have shown no regard for this and little or no care for concerns raised by local stakeholders who will have to actually live with any development on the site.

Given the lack of promised consultation with the public and the significant worsening of the proposals for the site, the Parish Council has had no choice but to change its opinion on this matter from neutral to a formal objection.

June 2022

Following the revised proposals for the site, Bellingham Parish Council has reviewed the documentation provided. For sake of brevity, the Parish Council has outlined below a list of the objections and other areas of concern that it has previously raised regarding the Mart Field development proposals and added comments based on the revised planning application.

Proportion of housing as social/rented only - the plans have not offered any additional evidence of the need for the level of social housing being provided. The new planning documentation state that the tenure mix has now been agreed with NCC. If this is correct, it is disappointing to see a lack of engagement with local resident concerns on this matter. There is no evidence that there are sufficient residents within the Bellingham area who need immediate social housing. How will the rest be found? This would simply mean new residents being found from far afield and will fail to maximise benefit to the local area.

Ensuring houses are only rented to residents from local area - no further information on how this would be undertaken. As mentioned above, there is no evidence that the site will be filled with local resident desiring social housing. No mention has yet

been made of letting restrictions to ensure only local residents are offered properties on the site.

Apartment block - appears 4 more parking spaces for the flats have been added. Please note that the PC has concerns over even this increased level of parking. Vulnerable residents may still have vehicles. Coupled with staff vehicles and visitors, this could lead to additional vehicles needing to park nearby. The Mart Field estate is not designed for on-street parking and parking in the main village will exacerbate already pressured parking in Bellingham. In addition, new legislation requires all resident parking for developments such as these to have car charging facilities and this does not appear to have been built into the designs.

Impact on local facilities/existing facilities - despite repeated mentions, the level of facilities mentioned as being present in Bellingham are still overstated. The document mentions that this would be dealt with via s106, followed by statements that it would be unaffordable for the site to make s106 payments. Given the pressure this development will put on local green spaces and other facilities a lack of input from s106 would be of great concern to the Parish and local residents.

Green spaces - the grassed area near Fountain Cottage now doubles as SUDs - open pond or underground SUDs? This would be useful to be clarified as it impacts on the usage of the site and health and safety. The lack of provision for play area/green space per planning regulations (and no planned s106 for development elsewhere) is worrying. The Parish Council noted that the developer has the option to thin the trees on the old railway line - this is a key wildlife corridor. In addition, elsewhere within planning documentation they state that they provide a valuable screen between the new development and other nearby properties. Please note that the land is not owned by Network Rail so their permission would not be useful and the Parish Council would be strongly opposed to any removal of trees along this line.

Parking - no village parking provided still, which is an ongoing disappointment for the use of this site.

Sewerage - NCC had stated run off from the site would be more than the local drains could cope with and this has not been reviewed as far as noted. Will SUDs plans deal with this? Needs clarity and input from NCC before any approval is granted.

Overlooking houses - new proposals seem to have mitigated this issue for much of Cairns Road and houses near Fountain Cottage by putting bungalows at these points. The PC is happy with this proposed solution.

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| | <p>Environmental - unclear of size of EV system/usefulness of 2 panels - no changes or clarification to this matter.</p> <p>Footpaths - footpaths to Malting Close seem to have been put back, which again the Parish Council is grateful to see. It is vital that any new development allows easy access to the rest of the village and is not an enclosed, separate enclave.</p> <p>Construction traffic - no amends or additional information about this.</p> <p>Public consultation - the new documentation noted that there were only 18 complaints + PC objection which was low for a population of 1,400. This could be a result of the lack of promised proper consultation undertaken by the developers and Karbon. Many residents may be unaware of the repeated amends to the plans and resubmissions and therefore not realised the need to re-comment. As no promised proper face to face consultation has materialised there has been wholly inadequate public consultation on such a major development as this.</p> <p>Pollution - no further information on the extent of the naphthalene pollution or test results relating to this.</p> <p>Appearance - appears to have been improved - all buff brick and red roof tiles removed and 20 now have stone frontages, which appears more in keeping with the area.</p> <p>The Parish Council is therefore grateful to see improvements in the issues relating to overlooking of nearby homes, as well as the appearance of the proposed houses and footpath connections. However there are still a number of very fundamental issues that have simply not been addressed to allow the Parish to support this decision. As such, the Parish Council's objection to the current form of the proposals has to stand.</p> |
| Highways Development Management | <p>Object - the overall visitor parking in terms of the housing development is not in complete adherence to local policy. The houses all have parking in accordance with standards. However, the apartment block should generate 20 parking spaces and 5 visitor parking spaces. Given the density of housing apartments bring, visitor parking displaced would undermine the provision generally on the layout. The plans propose a footpath across the open space / SUDS area, however insufficient information is presented to ascertain if this is achievable / deliverable. The lack of parking to standards is of concern in relation to general amenity and long-term quality of place.</p> |
| Design & Built Heritage | <p>November 2021</p> <p>Built Heritage and Design have considered the submitted proposal with regards to design and heritage planning policy in</p> |

the NPPF. We consider development of the former Auction Mart site to be acceptable in principle, but the design, layout and massing of the buildings must reflect the character of Bellingham.

In its current form, the design of the residential development does not appropriately respond to or positively contribute to local character and would be an incongruous addition to a historically and visually sensitive gateway site close to the centre of the settlement.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset (NDHA) should be taken into account. We consider the proposed development would adversely impact on the setting of the road bridge and former Union Workhouse as NDHAs, and this amounts to harm to significance. The NPPF requires that we take a balanced judgement to the scale of any harm or loss when determining this application and the level of harm would be less than substantial.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Our concerns regarding design, together with the harm to the significance of the NDHAs mean that we cannot support this proposal and recommend refusal.

February 2022

In its revised form, the design of the residential development fails to respond to or positively contribute to local character and would be an incongruous addition to a historically and visually sensitive gateway site close to the centre of the settlement.

The 'less than substantial' harm to the significance of Bellingham, the road bridge and former Union Workhouse as NDHAs, identified in our comments submitted 19th November 2021, has not been mitigated by the amended proposals.

The NPPF requires that we take a balanced judgement to the scale of any harm or loss when determining this application. Again, we refer to paragraph 134 which states that development that is not well designed should be refused, especially where it fails to reflect government guidance on design.

Our concerns regarding design, together with the harm to the significance of the NDHAs mean that we cannot support this proposal and recommend refusal.

June 2022

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| | <p>The proposed development does not accord with the strategic design policies in Policy QOP 1 and therefore should be refused on design grounds as stated in paragraph 134 of the NPPF.</p> <p>Without changes to the layout of the site, scale and massing of the apartment block and materials, the development would also present 'less than substantial' harm to the significance of Bellingham, the road bridge and former Union Workhouse as NDHAs</p> |
| Northumberland National Park | No objection. |
| NCC Adult Social Care | Adult Social Care have been working with the applicant for a number of months to design and bring forward supported living apartments that will meet the needs of an increasing frail elderly population. There is currently no provision for older people in need of additional care and support in appropriately designed accommodation. Adult Social Care support the application for this development which will alleviate some of the Health and Social care pressures in the rural west of the county. |
| County Archaeologist | No objection and no further archaeological work is required. |
| County Ecologist | No objection subject to condition. |
| Lead Local Flood Authority (LLFA) | No objection subject to conditions. |
| NCC Education - Schools | No objection and no education contribution is sought. |
| Waste Management - West | No response received. |
| Countryside/ Rights of Way | No objection subject to condition. |
| Public Protection | No objection subject to conditions. |
| The Coal Authority | No objection. |
| Natural England | No comments – refers to standing advice. |
| Ministry Of Defence | No objection. |
| Fire & Rescue Service | No objection in principle. |
| NHS Northumberland Clinical Commissioning Group | Request healthcare contribution of £33,300. |

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| NCC Climate Change Team | No objection - seeks clarification and further information on some elements, including solar PV panels, energy efficiency measures and air source heat pumps. |
| Northumbrian Water Ltd | No objection subject to condition. |
| Police (Designing out Crime Officer) | No objection – provides comments and seeks clarification in respect of lighting and car parking provision. |

5. Public Responses

Neighbour Notification

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| Number of Neighbours Notified | 64 |
| Number of Objections | 17 |
| Number of Support | 0 |
| Number of General Comments | 4 |

Notices

Site notice – major development, affecting listed building and public right of way: 12 January 2022

Press notice - Hexham Courant: 13 January 2022

Summary of Responses:

Following publicity of the application as originally submitted 15 objections and 4 representations (neither in support nor objection) were received. Following further consultation on the application as amended, a further 7 objections were received, including 5 from parties that had previously commented. The representations raise the following issues:

- change in the character of the village and proposed design is disappointing and references lower quality design and materials in the village – the design should be in keeping with the context of Bellingham to improve its character and appearance, including the use of stone
- a block of flats is out of character with the village
- lack of open space and amenity space within the development
- amount and type of new housing is not justified in this location and Bellingham cannot sustain this level
- scheme is out of proportion to the needs of the community and does not reflect the local needs and type of housing required
- more affordable housing to buy should be provided within the development
- impacts on local services and infrastructure, including schools, health and social care
- additional traffic, suitability of existing road network and impacts on highway safety, parking and pedestrians
- limited public transport and footpath/cycle infrastructure
- flood risk and drainage
- there should be bungalows to eastern and western boundaries as well as southern boundary to minimise impacts

- application is not clear in terms of who would be offered vulnerable housing apartments and does not explain this provision – concerns if this would not be for elderly and is for those with other social problems
- adverse impacts on the amenity, living conditions and quality of life for adjacent residents
- potential effects on access to the village centre
- welcome new fencing to railway line to prevent fly-tipping and for privacy
- would like plans to allow for access to rear of existing properties to the east for deliveries etc.
- welcome development of the site and high level of affordable housing
- construction jobs will only be a short-term benefit
- scheme should make provision for parking to serve the village
- lack of information in terms of climate change and sustainable design/renewable energy measures
- lack of employment provision and limited weight to be given to new shop as this is not part of the current proposals
- limited pre-application consultation with the community
- potential adverse effects on tourism and the visitor economy
- scheme should provide good access to the immediate surrounding countryside and provision of new pedestrian routes in and around the site
- lack of detail on the proposed C2 use

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QYCNAOQSITW00>

6. Planning Policy

6.1 National Planning Policy

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

6.2 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
HOU 2 Provision of new residential development
HOU 4 Housing development site allocations
HOU 5 Housing types and mix
HOU 6 Affordable housing provision
HOU 9 Residential development management
HOU 11 Homes for older and vulnerable people
QOP 1 Design principles
QOP 2 Good design and amenity

QOP 3 Public realm design principles
QOP 4 Landscaping and trees
QOP 5 Sustainable design and construction
QOP 6 Delivering well-designed places
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
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
INF 1 Delivering development related infrastructure
INF 5 Open space and facilities for sport and recreation
INF 6 Planning obligations

6.3 Other Documents/Strategies

- National Design Guide (2021)
- National Model Design Code (2021)
- Building for a Healthy Life (2020)
- Northumberland Strategic Housing Market Assessment (SHMA - 2015)
- Partial SHMA Update (2018)
- Strategic Housing Land Availability Assessment (SHLAA 2019-2036) including Five-Year Housing Land Supply of Deliverable Sites (2019-2024) (September 2019)
- Bellingham / North Tyne Housing Needs Survey (2019)
- Housing Site Allocations Selection and Appraisal Technical Paper (December 2018)
- Local Plan: Heritage Impact Assessments (2019)
- Housing Strategy for Northumberland 2019-2022

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 policies in the Northumberland Local Plan (NLP) (March 2022). The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Having regard to the assessment of the site, its constraints and the application proposals, as well as the responses and representations received during the consultation period, the main issues for consideration for the application include:

- principle of development
- housing mix and affordable housing
- design, visual impact and heritage assets

- residential amenity
- sustainable transport and highway safety
- flood risk and drainage
- archaeology
- ecology
- ground conditions
- planning obligations and viability

Principle of Development

7.3 Policy STP 1 of the NLP identifies Bellingham as a second-tier Service Centre where new housing development that helps to maintain and strengthen the role of the settlement is generally supported. Policy STP 3 states that in applying the presumption in favour of sustainable development, and to deliver against economic, social and environmental objectives, proposals will be expected to adhere to identified principles. These include providing a type and mix of homes to meet local housing need and increase choice in the local housing market; making efficient use of land including achieving higher densities in more accessible locations where appropriate and through the re-use of brownfield sites; demonstrating high quality sustainable design; and being accessible by, or be able to be made accessible by public transport, walking or cycling where feasible.

7.4 Policy HOU 2 of the NLP relates to the provision of new residential development. The delivery of new open market and affordable dwellings in a range of tenures, types and sizes will be supported where it is consistent with the spatial strategy for Northumberland, meeting objectively assessed housing needs and housing priorities; and making the best and most efficient use of land and the redevelopment of suitable previously-developed 'brownfield' sites.

7.5 In accordance with the spatial strategy, the overall Auction Mart site (including the land subject of the proposed retail application), is specifically allocated for residential development in Policy HOU 4 of the NLP, with an indicative capacity for 50-65 dwellings. Proposed development on sites allocated under Policy HOU 4 should demonstrate that they would not unacceptably reduce or hinder the development options for a wider site; avoid development within Flood Zones 2 and 3; reflect identified housing needs and market considerations; have regard to provision of new and impacts on existing infrastructure and services; and take into account Heritage Impact Assessments for the sites.

7.6 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The five-year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that paragraph 11(d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold.

7.7 As identified in the Northumberland Strategic Housing Land Availability Assessment (SHLAA, September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the county's minimum Local Housing Need figure. The forecast 'deliverable' five-year supply for 2020-2025 would equate to a 10.9 years housing land supply. The latest Housing Delivery Test result

records that Northumberland achieved 257% delivery against its minimum housing need for the past three monitoring years 2017-20. Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply. The extent of recent delivery and outstanding permissions/commitments also shows that Northumberland has therefore already more than satisfied the NPPF objective of significantly boosting the supply of land for housing.

7.8 Having regard to the above policy context, the principle of new residential development on the site is supported by the policies in the NLP. The site is specifically allocated for housing development in the NLP and the proposed amount of development is considered to be in line with Policy HOU 4 and the spatial strategy for Northumberland set out at Policy STP 1 of the NLP. However, the suitability of the site for new homes as proposed is subject to the consideration of other matters that will need to be assessed, which are set out in the remainder of this report.

Housing Mix and Affordable Housing

7.9 Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. Paragraph 62 goes on to highlight that the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.

7.10 Paragraph 63 of the NPPF states that *"where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes; or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."*

7.11 The Council's Housing Strategy for Northumberland (2019-2022) recognises that the demand for affordable housing continues to outstrip supply, which needs to be met by the development of new-build affordable housing. It sets an objective for the Council to facilitate the delivery of up to 1,000 affordable homes to rent over the four-year lifetime of the strategy. The North of Tyne Combined Authority also has a key strategic aspiration to ensure the delivery of a sustainable supply of high-quality housing of a variety of types and tenures that is affordable, accessible and which meets the housing needs of current and future generations.

7.12 Policies HOU 5 (housing types and mix) and HOU 6 (affordable housing provision) of the NLP require that development proposals should be assessed in terms of how well they meet the housing needs and aspirations identified in the most up-to-

date Strategic Housing Market Assessment (SHMA) or local housing needs assessment.

7.13 Policy HOU 5 looks to provide a range of good quality, energy-efficient homes, including affordable homes, to deliver a more balanced mix of tenures and housing types and sizes, alongside specialist housing for older and vulnerable people. Development proposals need to be assessed according to how well they contribute to meeting the needs and aspirations of those living in and seeking to move to Northumberland, as identified in the SHMA, local housing needs assessment and/or other evidence of local housing needs.

7.14 Policy HOU 6 relates to the delivery of affordable housing provision and the level of provision that will be sought on major development proposals. The policy sets out housing viability areas that will determine the expected amount of affordable housing provision to be delivered on site. Bellingham is identified as a medium value area where 15% affordable provision would be required on sites.

7.15 Policy HOU 6 also states that the tenures and dwelling types of affordable homes will be negotiable within reason on a site-by-site basis to ensure affordability and to reflect local housing needs and taking into account local market conditions, the structure of the local housing market and interest from potential Registered Providers (RP). Within medium value areas the 15% affordable provision is recommended to provide up to 33% as affordable homes to rent and at least 67% for affordable home ownership.

7.16 Policy HOU 11 of the NLP supports the provision of new housing for older and more vulnerable people. It should be noted that the policy will require a 50% proportion of new affordable homes (and 20% of market homes) to meet the Government's higher M4(2) Building Regulations standards of accessibility and adaptability, which can be secured by planning condition. The applicant has provided some further information to demonstrate that this requirement can be achieved, which could also be secured by planning condition.

7.17 The supporting text to Policy HOU 11 does indicate the priority needs and opportunities for delivering supported housing are for 'extra care' or specialised supported housing for older adults aged over 65 in Berwick-upon-Tweed, Rothbury, Bellingham, Hexham, Morpeth and Cramlington. The text also highlights that some of the needs for supported housing and care accommodation may be provided for on the sites allocated in Policy HOU 4.

7.18 The most recent Bellingham area local housing survey (2019) identified a desire from local residents for improved access to services as people age and the need to downsize to smaller cheaper-to-run accommodation, while there was also some need for young people seeking their own accommodation and for growing families. While purchasing a home on the open market was preferred for nearly half of those households with a housing need, there was also evident demand for affordable housing. 2-bed bungalows were most sought, as well as some 3-bed houses and bungalows, together with some desire for sheltered/retirement housing. There was also a desire from those with health or accessibility issues for stair-free housing. The proposed scheme is considered to broadly reflect these predominant housing needs.

7.19 In assessing the proposed housing mix and tenure as submitted in the amended scheme officers have consulted with colleagues in Adult Social Care (ASC)

and the Housing Enabling Officers (HEO). The housing mix and tenures as currently proposed have been amended following discussions with the HEO to further refine the mix and to explore options for change and phasing after initial concerns were raised over the scale, tenure and housing mix. The applicant has stated that whilst the phase 2 tenures have been set out within the application, if it is demonstrated through demand on phase 1 that a different mix would be more appropriate, it may be possible to review the mix on phase 2, for example increasing the homeownership product and/or introducing 1-bed accommodation. Officers are also mindful that the type and need for the housing being proposed has been raised as a concern in objections from the Parish Council and other interested parties.

7.20 It is acknowledged that the scheme is proposing affordable housing significantly above the 15% requirement of Policy HOU 6, with the application looking to deliver 100% affordable housing provision on the site. The most significant change to the tenure from the scheme as originally submitted is the increase in rent to buy properties on the site. As the scheme proposes to deliver higher than the policy requirement at 100% affordable housing, then there is scope to provide a greater proportion of the homes as affordable rented while still achieving at least 10% of the total homes as affordable home ownership products.

7.21 ASC comment that they have been working with the applicant to design and bring forward supported living apartments that will meet the needs of an increasing frail elderly population. They highlight that there is currently no provision for older people in need of additional care and support in appropriately designed accommodation. ASC support the application for this development, which they advise will alleviate some of the Health and Social care pressures in the rural west of the county. ASC anticipate that the proposed apartments will be an alternative to an institutional living environment, with individuals with care and/or support needs living in their own accommodation but receiving care and support to meet their assessed needs. It is purpose designed to meet changing needs over time and provides the care and support necessary to facilitate continued independent living in the community.

7.22 Following further consultation on the proposed mix, the HEO comments that the site is suitable for affordable housing being close to amenities and services. The number exceeds the minimum proportion that is required by the NLP, although there are some concerns about the scale, mix and tenure mix for the area, which the HEO states have been in part allayed by the phasing and flexibility indicated by the applicant. This is further helped by the fact that 20 of the units will be for supported housing and ASC have indicated support for these.

7.23 The HEO concludes that the proposed housing mix and tenure breakdown is broadly in line with the county's identified needs and local and national policy requirements. The absence of Discount Market Value (DMV) homes is noted but could potentially be offset by the change in tenure of other affordable properties in the area. The revisions include changes to the supported living apartment numbers and the change in tenure of five of the 2-bed houses from affordable rent to rent to buy, which the HEO states goes some way to addressing concerns in respect of the balance of tenures.

7.24 The delivery of the affordable housing will need to be secured by a Section 106 agreement, which should include a requirement for an Affordable Housing Statement to be submitted to the Council for approval before development commences. This should set out the agreed tenure mix and plots for affordable homes, any alternative

tenure options, the timing of their delivery in the context of the overall housing development, arrangements for their transfer to a Registered Provider and for them to remain as affordable housing in perpetuity (where applicable), any arrangements for the marketing of affordable home ownership products, and the basis on which the affordable homes will be occupied. It is also recommended that the Section 106 allows for changes in tenure types to allow the RP to change tenures if the market change.

7.25 In light of the above considerations, and having regard to the relevant policy context, the proposed housing mix is considered, on balance, to be acceptable in this location. This is an allocated housing site, and the proposals would deliver a mix of house types and tenures, including supported living apartments that are supported by ASC. Although there are no market homes as part of the scheme that could contribute to a wider housing mix, it is noted that the scheme would make a significant contribution to affordable housing in the local area and the county's overall need.

7.26 Whilst it is felt that there could arguably be an improved housing mix on the site to better reflect local needs in the area, including provision of open market homes, it is acknowledged that there are apparent difficulties in this site being brought forward for development, and the Brownfield Housing Fund will be able to assist in this. The proposed housing mix is therefore considered to be acceptable and broadly in line with Policies HOU 4, HOU 5, HOU 6 and HOU 11 of the NLP and the NPPF in this respect.

Design, Visual Impact and Heritage Assets

7.27 The NPPF at paragraph 126 states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”* and recognises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Officers note the added emphasis to design in the most recent version of the NPPF published in July 2021, and that this is a key aspect of achieving sustainable development. In effect, design has been given greater weight in the decision-making process and the National Design Guide and National Model Design Code are material considerations.

7.28 Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate landscaping; are sympathetic to local character and history, including the surrounding built environment; establish or maintain a strong sense of place; and 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. Furthermore, the NPPF sets out at paragraph 131 that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change, and this looks to ensure that new streets are tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate.

7.29 Paragraph 134 of the NPPF states that *“development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design”* and references the National Design Guide and National Model Design Code in this respect. Conversely, significant weight should be given to design that reflects local design policies and government guidance on design and/or outstanding or innovative designs that promote high levels of sustainability, or

help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.30 The 10 characteristics in the National Design Guide (NDG) that should be used to appraise a development are:

1. *Context – enhances the surroundings.*
2. *Identity – attractive and distinctive.*
3. *Built form – a coherent pattern of development.*
4. *Movement – accessible and easy to move around.*
5. *Nature – enhanced and optimised.*
6. *Public spaces – safe, social and inclusive.*
7. *Uses – mixed and integrated.*
8. *Homes and buildings – functional, healthy and sustainable.*
9. *Resources – efficient and resilient.*
10. *Lifespan – made to last.*

7.31 With regard to some of the key elements that are highlighted, the NDG sets out that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary, and they are shaped by an understanding of the context. Some features include local heritage and character and views inwards and outwards. The NDG also makes clear that well-designed new development is integrated into its wider surroundings and is demonstrably based on an understanding of the existing situation. This includes patterns of built form and the architecture that is prevalent in the area, including the local vernacular, other precedents that contribute to local character and materials. It is also influenced positively by the history and heritage of the site, its surroundings and wider area and the significance and setting of heritage assets. This will be an important consideration for this site given its prominent location and proximity so close to the traditional and historic core of the village.

7.32 In terms of identity, the NDG sets out that well-designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents. Well-designed places and buildings are visually attractive and aim to delight their occupants and passers-by.

7.33 The NDG highlights that nature contributes to the quality of a place and to people's quality of life, and it is a critical component of well-designed places. Natural features are integrated into well-designed development, including natural and designed landscapes, high quality public open spaces, street trees, and other trees, grass, planting and water. Well-designed places provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote, health, well-being and social inclusion.

7.34 Following on from this, the NDG highlights that the quality of the spaces between buildings is as important as the buildings themselves. Well-designed new developments will therefore include well-located public spaces that support a wide variety of activities and encourage social interaction to promote health, well-being, social and civic inclusion. The above aspects are an important element to be considered for the proposed scheme given the nature of the proposals and units,

which include supported living, and where opportunities for wider mobility and access to other spaces outside of the site may be more limited.

7.35 The NDG states that well-designed homes and buildings are functional, accessible and sustainable, providing internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. Successful buildings also provide attractive, stimulating and positive places for all with good quality internal and external environmental for their users, promoting health and well-being, and relating positively to the private, shared and public spaces around them, contributing to social interaction and inclusion. Again, this is felt to be a particularly important consideration for a major housing scheme within the village and given the nature of the accommodation and likely occupants who may be less mobile.

7.36 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. Policies ENV 1 and ENV 7 are also relevant in respect of development affecting the built and historic environment as well as heritage assets, including non-designated heritage assets. In terms of green infrastructure and open space requirements, Policies STP 6 and INF 5 look to ensure there is appropriate provision as part of new developments, which will also contribute to achieving the aim of well-designed places.

7.37 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.

7.38 Policy QOP 2 seeks to achieve good design and a high standard of amenity for existing and future users, which will also be considered in more detail in the following section on residential amenity. 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 amongst other criteria. The applicant has provided additional information in this respect, indicating that the development would incorporate solar PV panels and air source heat pumps throughout the scheme amongst other measures. 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.

7.39 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.

7.40 As referred to earlier, there are several listed buildings located within the vicinity of the site, as well as a scheduled monument to the east and other non-designated heritage assets. Policy ENV 7 NLP refers to the assessment of developments that may impact upon the historic environment and heritage assets. This includes consideration of impacts upon designated heritage assets, as well as non-designated heritage assets and archaeological impacts.

7.41 Section 16 of the NPPF, and in particular paragraphs 194 – 208, also set out the framework for considering applications affecting the historic environment. Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 203 refers to assessing the effect of development on non-designated heritage assets and where proposals directly or indirectly affect such assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

7.42 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.43 The site occupies a prominent position with a road frontage to the north and public right of way to the south meaning this is highly visible in the local area. There are a mix of designs and materials for residential properties in the vicinity of the site. This includes development immediately to the west and north on Cairns Road and Fairshaw Crescent, which is not sympathetic to or in keeping with the more traditional character and local vernacular of Bellingham, and that is of little historic or visual merit in terms of design and materials. Notwithstanding the fact that it is open in character and free from buildings at present, the proposed development of this vacant, brownfield site could potentially enhance its character and appearance with a high-quality design using appropriate materials, open space and landscaping.

7.44 During the course of the pre-application and current application processes, as well as ongoing discussions with the applicant and their planning consultants, officers have highlighted that the principle of residential development on the site would be acceptable, which is reinforced with the housing allocation on the site following adoption of the NLP. However, this is also subject to being able to achieve an acceptable and high-quality form of development in terms of the layout, scale and design of the development, and ensuring this is well related to the site and surrounding area. This includes the use of suitable materials and features within the design that are appropriate to the character and appearance of Bellingham, which is particularly important given the prominent location of the site and its proximity to the more traditional and historic centre of the village.

7.45 The proposed apartment building would be within a substantial building located to the north-western corner of the site, which benefits from existing landscaping to the boundary with the former railway line to the northern boundary and features the garage

units of properties on Cairns Road immediately to the west. This is a large building with a substantial width and roof form in comparison to the remainder of the proposed housing, as well as other buildings in the locality. It would have a total length of 48.6 metres and a width of 18.1 metres at its widest section. The elevations would be broken up with different gabled roof heights ranging from 9.2 metres at its highest and 6.7 metres at its lowest to either end of the building.

7.46 Despite officers raising concerns in relation to the overall scale and design of this building as submitted with the application, the amended plans have increased the footprint as well as the scale and massing of the building on the site. It is acknowledged that the visual impact may be mitigated to some degree by its position at this part of the site, although this would remain a relatively large and imposing building in comparison to other development in the area. It is located very close to the northern boundary of the site and would have very limited external amenity space surrounding it. The apartment building is proposed to be constructed with brick and slate grey roof tiles and would incorporate integrated solar PV panels to the front, south facing elevation.

7.47 The remainder of the housing on the site comprises a mix of single-storey and two-storey properties of varying designs and roof forms. The layout shows single-storey properties located to some parts of the east, south and west boundaries of the site adjacent to existing dwellings. As originally submitted the plans proposed the use of two brick types (buff and red colours) along with a slate grey and a red roof tile throughout the development. The submitted design and access statement makes reference to the surrounding residential development mainly being constructed from brick with grey/brown roof tiles. However, this does not make reference to or acknowledge the existing development adjacent to the site and in very close proximity within the centre of the village that is more traditional with the predominant use of natural stone and slate. Officers have sought to secure a better design and use of materials that are more prevalent in the immediate area to ensure a more sympathetic design of development appropriate to the character of the village, which is particularly important given the prominent location of the site.

7.48 During the course of the application the applicant has submitted amended plans that attempt to improve the design through the use of materials and some design features to the elevations and windows. The latest plans now show that there are 20 plots that are proposed to feature natural stone elevations and stone quoins to their frontages in various locations throughout the site as well as a small section to the central section of the apartment block. The roofs of the properties would only use a grey roof tile rather than incorporate any red, whilst these would also feature integrated solar PV panels. The applicant has suggested that the recent changes to increase the number of plots with stone frontages is as far as the scheme can go in terms of materials due to viability.

7.49 Another area where officers have identified concerns is in relation to the scheme layout/design, and the provision of useable open space that is proposed throughout the development given its size as a major development. It is acknowledged that there is provision for supported living and some properties intended for older persons, although other housing on the site could accommodate families and younger children. There are some areas of tree planting and landscaped areas to the frontages of properties, however there is little in the way of useable open space that would enhance the design and amenity of the development. As set out in Appendix H1 of the NLP, it is important to note that, irrespective of the requirement for open space,

developments will still be required to provide appropriate landscaping for other purposes, including in the interests of good design, for visual amenity, flood alleviation and biodiversity.

7.50 Having regard to the above policies in terms of design, as well as Policy INF 5 and the standards for the provision of open space set out at Appendix H1 of the NLP, the preference would be for delivery of open space on site. For a residential development of this scale, and taking into account only the Class C3 dwellings rather than the Class C2 supported living apartments, the standards at Appendix H1 set out that provision should be sought for 835.4sq.m of 'amenity green space, natural and semi-natural green space' (on site); 223.6sq.m of 'provision for children and young people' (off-site); and 250.6sq.m of 'parks and gardens' (off-site). It should be noted that Appendix H1 sets out that amenity green space should be capable of supporting informal recreation as well. The potential for a financial contribution to be sought will be considered further in the 'planning obligations' section of this report.

7.51 There are no areas of open space of any note within the main part of the housing development, and very limited communal external space around the apartment building in relation to its size. This is particularly concerning given the nature of the units and as residents may well not be as mobile or able to travel to other spaces within the village or further afield. An area of around 1,133sq.m is identified as open space to the north-east of the overall site, which is located to the north of properties at Fountain Cottages and bound to the north and east by the main highway and to the west by the access into the new development and proposed retail store (21/03910/FUL). However, this area has been amended from the original submission in order to make provision for a SuDS basin as part of the surface water drainage scheme to address an objection raised by the Lead Local Flood Authority (LLFA).

7.52 Although this area could provide some contribution to the visual amenity of the site and surrounding area as an area of open space and amenity green space, this is less likely to provide any significant functional purpose as useable amenity and open space given the contours as currently proposed to create the SuDS basin and its use as part of the drainage scheme. Further details of the design of this area could potentially be secured by condition should permission be granted in order to try and secure some improved dual function as SuDS and open space. No play provision is proposed in this area of the site, whilst this is not felt to be an entirely suitable location in any event given the proximity to the main B-class highway and the access to the development, as well as the proposed SuDS function. It should also be noted that Appendix H1 of the NLP states that for housing developments of less than 50 dwellings, provision for children and young people can be delivered off-site.

7.53 Given the scale of development, its location and potential effects on the setting of designated and non-designated heritage assets consultation has taken place with the Built Heritage and Design team (BHD). How the design of the development responds to the character of the site and the local vernacular is considered to be a key aspect of achieving an appropriate form of development in this location having regard to the NPPF, NLP and NDG. The Design and Access Statement submitted in support of this application asserts that the proposed development would not impact on the setting of any designated heritage assets in the locality and BHD agree with this assessment.

7.54 BHD have identified the following as non-designated heritage assets (NDHAs) that they advise require consideration in the assessment of the planning application:

the stone-built road bridge on the B6320 to the north of the site over the disused railway line; the former Union Workhouse to the east of the site; as well as the historic settlement of Bellingham itself. The town is not designated as a Conservation Area, but this does not preclude it from having a degree of significance meriting consideration within a planning application. This assessment by BHD also reflects the Heritage Impact Assessment (HIA) that was undertaken as part of the preparation of the NLP and the allocation of the site under Policy HOU 4.

7.55 In terms of any mitigation for potential harm arising through development of the site, the HIA states that any development should consider the existing character and built form in Bellingham, including being sympathetic to local character and history and landscape setting for this large and prominent site. In addition, it states that factors such as scale, massing, layout, materials, roofscape and height of buildings should demonstrate they have regard to the historic character of the settlement. This effectively reflects the guidance with the NDG and the policy context of the NLP and the NPPF in terms of achieving well-designed places.

7.56 BHD had commented following the first revisions to the scheme that the revised Design and Access Statement continues to reference modern residential development in the surrounding area and does not assess Bellingham's 19th century built environment as highlighted in their initial comments. The proposed stone facades did not address their concerns regarding the incongruent appearance of the development, which would consist of predominantly brick-built houses with red roofing tiles in an area characterised by local sandstone and slate roofs. The use of high-quality building materials to reflect the local vernacular should carry through the whole development. Furthermore, comments were made in relation to window and detailing that is not reflective of Bellingham's local character and history as required by the NPPF.

7.57 With regard to the apartment building, BHD reiterated that its form does not relate well to the traditional stone-built houses with two or three bay facades close to the application site. There is also concern about the loss of the open green character of the former auction mart site, which has not been addressed at all in the layout of the development. The proposed layout is distinctly suburban in contrast to Bellingham's higher density core centred around a medieval marketplace. The former auction mart site acts as a green buffer between Bellingham's historic and well-preserved high street, and later less successful residential development to the north. The site therefore currently preserves the historic setting of the village's core.

7.58 BHD highlighted that despite the looser suburban layout of the site and the opportunities this could present for maintaining the site's open character, the proposed site layout has minimal open green space. The historically significant green character of the auction mart would be much diminished by the proposals, which would adversely impact on the historic setting of the NDHAs. This, together with the design of the development, would amount to harm to the significance of the NDHAs, contrary to the NPPF objective to sustain or enhance the significance of heritage assets.

7.59 In their most recent comments, BHD state that concerns regarding the distinctly suburban site layout in such a visually and historically sensitive location have not been addressed by the amended plans. The submitted sections demonstrate how the development will be seen and experienced from within and around the site. They present a loose scatter of dwellings, with no defined building line or focal points characteristic of the historic core of Bellingham. There remains no open green space within the proposed development which has an impact on the historic significance of

the former auction mart site and means there is a lack of amenity space for residents. The layout therefore does not accord with NLP Policy QOP 1 part 1(a) to make a positive contribution to local character and distinctiveness or part b, to create or contribute to a strong sense of place.

7.60 With regard to the apartment block, BHD state that the scale and massing of this remains unchanged. Its depth and shallow pitched roof create an unattractive brick gable end which would be visible from within the development, and from the main road leading out of Bellingham to the north. The symmetrical composition of the elongated block fails to respond to the local built environment. The unwelcoming recessed pitched roof entrance, smaller pitched roof detailing, and fenestration pattern does not reflect or contribute to Bellingham's historic character. The block is therefore contrary to Policy QOP 1 part b (ii) that development should reflect the form, scale and massing prevailing around the site and part d, which requires development to respect and enhance the natural, developed and historic environment including significant views.

7.61 With regard to materials and detailing, BHD comment that the amended material plan now shows a stone elevation on 20 plots and on the recessed entrance to the proposed apartment block. Stone would be used on some principal elevations and some side elevations, the remainder being built in brick. This is a slight improvement on the previous plans. However, the placement of these frontages does not demonstrate a consideration of the site as viewed from the lanes and back yards behind the high street or glimpsed from the main road through the village as these visible elevations remain brick. The site would therefore not integrate the built form of the development into the local area as required by Policy QOP 1 part b. Previous comments regarding inappropriate architectural detailing including uPVC stick-on glazing bars and barge boards, canopies and brick corbeling have not been addressed.

7.62 Having regard to relevant design and heritage planning policy in the NPPF and the NLP, BHD conclude that the proposed development does not accord with the strategic design policies in Policy QOP 1 and therefore should be refused on design grounds as stated in paragraph 134 of the NPPF. Without changes to the layout of the site, the scale and massing of the apartment block and materials, the development would also present 'less than substantial' harm to the significance of Bellingham, the road bridge and former Union Workhouse as NDHAs.

7.63 Where such harm has been identified, the NPPF at paragraph 203 and Policy ENV 7 of the NLP require a balanced judgement in respect of the scale of any harm or loss when determining this application. BHD also refer to paragraph 134 of the NPPF, which states that development that is not well designed should be refused, especially where it fails to reflect government guidance on design.

7.64 The application has been considered in detail having regard to the policy context set out within the NPPF and the NLP, as well as the guidance on achieving well-designed places as set out within the NDG in the absence of any current local guidelines. In particular, consideration has been given to the ten individual characteristics set out within the NDG that work together to create its physical character and well-designed places. There are concerns from officers that the application has not sufficiently demonstrated that it has been designed taking into account the context of the site and surrounding area, and particularly the historic character of the village.

7.65 In light of the above assessment and considerations, and acknowledging the revisions made and improvements to the materials used within the development, it is officer opinion that there remain outstanding concerns in relation to the amount, layout, scale and design of the development on the site. Whilst the principle of development is supported, and significant weight is given to the fact that this is an allocated site for housing, achieving an acceptable form of development and high-quality design that is well related to the character of Bellingham and provides a well-designed place for future occupants and the local community is a key aspect of achieving sustainable development in this prominent location having regard to paragraph 126 of the NPPF. Officers are also mindful of the added emphasis on design within the NPPF, as well as the policies of the NLP that set out requirements in terms of design, which are felt to be important in considering any proposals for major residential development on this site.

7.66 Officers acknowledge that there are some positives and benefits as a result of development of the site that weigh in favour of this form of development on the site. These would include bringing forward new housing delivery on a longstanding vacant brownfield and allocated housing site in a sustainable location, as well as providing a significant contribution to affordable housing provision and supported living accommodation that is fully supported by ASC, albeit that there have been some issues raised in terms of the overall housing mix and whether this is entirely appropriate in terms of meeting an identified local need.

7.67 However, whilst these benefits weigh in favour of the proposed development, it is not felt that these would outweigh the harm in this case to the character of the site and the surrounding area, including non-designated heritage assets, through the development of the site and the proposed layout, scale and design as identified in this section. Officers have given appropriate weight to the comments of BHD in relation to matters of design and the built environment, as well as other concerns and objections raised during the course of the application.

7.68 Despite there being some improvements to the scheme since its original submission, by virtue of the scale and massing of the apartment block, the layout and density of development overall, the design and use of materials, as well as the limited open and external spaces and landscaping throughout the development, it is considered that the proposal would not result in an entirely acceptable form of design that would be well related to the character of the site and surrounding area, particularly given the scale of the development and its very prominent location within the settlement and adjacent to the historic form of Bellingham.

7.69 In light of all of the above considerations, it is not felt that the proposal satisfies the relevant criteria at Policies QOP 1 and QOP 2 of the NLP in terms of achieving good design and quality of place, as well as providing a high standard of amenity for future users of the development. These include that the proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place; is visually attractive and incorporates sufficient high quality materials; respect and enhance the natural, developed and historic environment; facilitate an inclusive, comfortable, user-friendly and legible environment; support health and wellbeing and enhance quality of life; support positive social interaction; not cause harm to the amenity of future occupiers; and incorporate green infrastructure. Despite the benefits in bringing forward a site with a housing allocation and officers highlighting concerns over the main issues that have been highlighted in this section, it is not felt that the proposals have demonstrated that they satisfy the

NPPF, NLP and NDG in terms of achieving a well-designed place and development in terms of its context; identity; built form; movement; nature; public spaces; and the homes and buildings.

7.70 In line with paragraph 134 of the NPPF, it is officer opinion that the development is not well designed, fails to reflect NLP design policies and government guidance on design, therefore the application should be refused. It is therefore considered that the proposal would be contrary to Policies STP 6, HOU 4, HOU 9, QOP 1, QOP 2, QOP 3, QOP 4, QOP 6 and ENV 7 of the NLP and the NPPF.

Residential Amenity

7.71 In addition to achieving good design, Policy QOP 2 of the NLP requires development 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. Policy POL 2 of the NLP also requires consideration to be given to potential pollution arising from new development. There are also elements of the NDG as discussed above that are important to consider in ensuring that the scheme delivers a well-designed place with high standards of amenity for existing and future users.

7.72 The above policies are consistent with the aims of the NPPF, which seeks at Paragraph 130 that planning policies and decisions ensure a high standard of amenity for existing and future users, as well as paragraphs 174 and 185 that refer to the effects of new development in terms of potential pollution.

7.73 Impacts upon amenity as a result of the development could include effects on the living conditions of occupiers of the existing adjacent dwellings in terms of a more intensive use of the site and associated activity/disturbance as well as effects on visual amenity, outlook, privacy and light etc. In this instance this could also include as a result of the variations in levels on the site and adjoining land, as well as proposal for the raising of levels in some areas of the site to address matters of ground water and flood risk. An acceptable level of amenity will also be expected for occupants of the new development to ensure that this is a well-designed new development.

7.74 The submitted site plan positions bungalows in some areas where there are existing properties adjacent to the site, including where there are existing bungalows on Maltings Close to the south of the site. Bungalows are also proposed to the south-eastern corner and in areas along the western boundary where there are both single and two-storey properties on Cairns Road. It is acknowledged that this will assist in reducing potential effects on amenity in these areas, although further consideration needs to be given to separation distances and difference in levels between the existing and proposed properties. During the application officers have requested the applicant provide cross-section drawings to show the relationship between properties across the site, as well as variations in levels.

7.75 The additional information provided in terms of levels and cross-sections now indicates the relationship with the existing ground levels and adjoining development. The application also sets out that in order to satisfy the requirements of the LLFA it is necessary to raise levels in parts of the site by 500mm. This is in areas where groundwater levels are at their highest, predominantly around the southern boundary. This has also resulted in the need for retaining walls in some areas.

7.76 Whilst the apartment building is largely set within the north-western corner of the site, and near to existing garages, this is relatively close to, and orientated somewhat so that it faces towards the rear of properties on Cairns Road being around 18 metres at its nearest point and 10 metres from the nearest garden boundary. Given the scale and relationship with these properties there is potential for some adverse effects on visual amenity, outlook and loss of privacy for those properties nearest to the site. However, it is acknowledged that the new building would not face directly towards the rear elevations, with any impacts resulting primarily from the western part of the building, which steps down towards the side elevations and therefore mitigates any impacts.

7.77 However, an area that officers have highlighted as a concern during the course of the application is the very limited outlook that occupants of the apartments would have to the rear (north) facing elevation of the building alongside the very limited area of external amenity space around the building as referred to earlier. The north facing windows in these elevations would serve kitchen/living areas and bedrooms and would be sited only around 2 – 6 metres off the boundary of the site and face towards the existing tree planting and landscaping adjacent to and on the former railway line. This is not an entirely suitable layout and could result in adverse and harmful impacts on the outlook and general amenity of occupants of these apartments and not a well-designed place to occupy having regard to the NLP, NPPF and NDG.

7.78 In further supporting information the applicant has suggested that these trees are low level and do not impact on amenity, and there could be an opportunity to thin the trees by agreement with the landowner. It should be noted that whilst this area and the proximity of the apartment block to it impacts on the outlook of future occupants in the apartment block, the landscaping in this area also acts as a buffer between the site of the apartments and the existing housing to the north. This area of the former railway line has a width of around 20 metres. The rear elevation of the apartment block would be around 25.5 metres – 28.3 metres from the garden boundary of the dwelling at Darmel House to the north. Whilst this is considered to be generally acceptable in terms of separation, there could be potential effects on the amenity of occupants of that property if trees are removed as a result of the levels of the building, its scale/massing and the extent of windows on its northern elevation. The Parish Council has also commented that they would be strongly opposed to any removal of trees along this line.

7.79 There are also other areas where the scheme as proposed could result in some harm to the amenity of existing residential properties adjoining the site. To the south-western boundary the two-storey flats at plots 29-30 would be around 16.7 metres from the nearest bungalow to the rear at 2 Cairns Road. Whilst the properties are slightly orientated away from each other, given this distance there is still the potential for some loss of privacy and visual amenity for existing residents in the existing bungalows.

7.80 The additional information provided on levels and in cross-sections, as well as the proposals to raise ground levels in some areas, shows that there would likely be effects on the amenity of existing residents to the south of the site on Malting Close. The site is separated from these single-storey properties with the public right of way that runs to the south of the site beyond an existing stone boundary wall, and the rear boundaries of the existing properties also feature a lower boundary wall. The two-storey flats on plots 27-28 would be around 600mm above the level of the footpath and around 13.5 metres from the gable end of 3 Malting Close. Given this relationship,

and as there are no windows in the gable end of the existing property, there is not felt to be any significant adverse impact in that respect.

7.81 However, the proposed bungalow on plot 26 would have a finished floor level around 1.8 metres higher than the footpath, and would be around 13.5 metres from the rear elevation of 3 Malting Close and 16.3 metres from 2 Malting Close. The submitted levels information suggests that this finished floor level would only be 365mm lower than the eaves height of 3 Malting Close. Given this relationship it is considered that there would be harmful adverse impacts upon the outlook and visual amenity of the existing properties, albeit it is noted that the latest plans show that windows in the side elevations of the new bungalows have been removed, other than a bathroom, which would reduce overlooking. The bungalow on plot 13 would be sited around 900mm above the footpath and around 13.4 metres from the rear of the bungalow at 1 Malting Close. In this case it is acknowledged that whilst there would be some adverse effects on amenity, the rear boundary of 1 Malting Close currently features a timber fence above the existing boundary wall, which would mitigate potential effects on that property.

7.82 The bungalows to the south-eastern corner of the site are not felt to have any significant impacts upon the amenity of Haining Cottage due to the separation distance and the intervening electric sub-station in that area, as well as the relationship to the north due to its gable end. Elsewhere in this part of the site the bungalows on plots 11 – 12 and the two-storey flats on Plots 7 – 10 (which have recently been swapped with bungalows that were originally proposed in this area to address an amenity issue further north along the eastern boundary in recent amendments) would be sited around 10 metres from the rear boundary wall of the gardens with properties further east at Barclays Bank House and The Vault House with separation between the properties at around 34.6 metres – 38 metres. The flats on plots 7 – 10 would also be around 10 metres from the boundary with the properties at 1 and 2 Fountain View, with a distance of around 36 metres to the rear elevation of those existing properties. Given this relationship there are not considered to be any significant or harmful impacts on amenity.

7.83 Looking further north along the eastern boundary of the site, the dwellings on plots 3 – 6 are now bungalows instead of two-storey flats as officers had raised some concerns around the potential impacts on the existing properties at Fountain Cottages to the east. The bungalows would be around 37 metres from the rear elevation of 2 Fountain View, which is considered to result in an acceptable separation. The bungalows to the rear of 3 – 5 Fountain Cottages would be around 9 – 12 metres from this boundary and around 28 – 31 metres from the rear of the existing properties. This is an acceptable distance, even taking into account the change in levels sloping down from west to east, and is mitigated further by existing outbuildings sited on the rear boundary of the Fountain Cottages properties.

7.84 The new properties would be sited between 24.3 - 28.4 metres from the rear elevations of the properties at Fountain Cottages. The rear elevations of the new properties would also range from between 7 – 10 metres from the rear boundaries with the existing dwellings. Having regard to the information provided on levels and cross-sections, officers remain concerned that this layout would result in harm to the amenity of occupants of the properties at Fountain Cottages in terms of overlooking of the garden areas and properties, which is exacerbated by the difference in levels.

7.85 The two-storey properties on plots 1 – 2 would be sited around 7.7 - 9.2 metres from the rear boundary with 5 Fountain Cottages, and around 25.5 - 27.3 metres from its rear elevation. The difference in levels, with the new dwellings at a higher level, could exacerbate any potential impacts. However, given the layout and scale of the new development, as well as the proposed windows at first floor level, it is not felt that there would be significant or adverse impacts in that location.

7.86 Whilst the proposed retail development does not form part of this application and is subject to assessment under application 21/03910/FUL, the introduction of such a use immediately adjacent to the proposed new housing may have implications on achieving a satisfactory level of residential amenity. Impacts arising may include noise and disturbance associated with a commercial use, including effects of car parking, delivery vehicles, lighting, hours of opening etc.

7.87 In their response to the current application, Environmental Protection (EP) advise that there is a current objection to the retail application due to the potential noise impacts from external plant on housing as well as effects from external lighting. It may well be the case that the noise from external plant can be feasibly mitigated, however at this stage there is a legitimate concern that this may not be feasible with the proximity of the proposed housing. It is considered to be more appropriate to control noise at its source, and therefore the preference would be to fully assess and control noise within the retail application, and it is felt that this would not be a reason to refuse or raise an objection to the housing application on these grounds at this stage. EP also raise comments in relation to the further assessment of noise from potential use of air source heat pumps. Whilst the applicant has provided some information on these measures, it has not been confirmed how these would be incorporated into the layout and design of the apartment block. It is possible that some details could be conditioned, including acoustic screening of the units, however officers have sought further details at this stage in terms of the apartment block, although no further details have been submitted.

7.88 The site is allocated for housing and therefore there is an expectation that some development will take place, which will therefore result in a change to the character of the area with some effects on the amenity of existing residents. The proposed amount and scale of development on the site with resultant changes to character are not felt to result in significant or adverse effects on amenity in themselves.

7.89 However, as identified above there are concerns that due to the layout and form of development as proposed, and having regard to the finished levels and the relationship with adjacent properties, there would be some harm to the amenity of adjacent residents, particularly to the southern boundary of the site, contrary to Policy QOP 2 of the NLP.

7.90 As referred to earlier the proposal does not result in an entirely appropriate form of development that would secure high standards of amenity for future occupants given the limited outlook for residents living in apartments on the north side of that building as well as in terms of the levels of amenity space within the site for users of that building as well as for the development as a whole. The proposal does not therefore achieve a high-quality design in terms of amenity and does not fully accord with Policy QOP 2 of the NLP or the NPPF.

Sustainable Transport and Highway Safety

7.91 Paragraph 110 of the NPPF looks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; that safe and suitable access to a site can be achieved by all users; and that any significant impacts from development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.92 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 also sets out that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second – so far as possible – facilitate access to high quality public transport. It also requires development to address the needs of people with disabilities and reduced mobility; create places that are safe and attractive; allow for efficient delivery of goods, and access by service and emergency vehicles; and enable charging of plug-in and other ultra-low emission vehicles.

7.93 Policies STP 3 and STP 4 of the NLP also cover matters in relation to the accessibility of schemes and reducing the need to travel by car and incorporate electric vehicle charging facilities. 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.

7.94 Following consultation with Highways Development Management (HDM) on the plans as originally submitted, HDM advised that in general terms the site is within a sustainable location and the number of trips generated by the development will not have an adverse impact on the highway network. However, HDM raised issues in relation to the need to consider the combined traffic impacts of the proposals alongside the proposed retail store (21/03910/FUL).

7.95 Furthermore, comments were made in relation to the proposals not demonstrating adequate pedestrian connectivity to local amenities, no Road Safety Audit (RSA) being submitted, and concerns previously raised in relation to the internal layout had not been addressed. HDM advised that the submitted information was unacceptable in highways terms and identified that further information would be required, including in respect of off-site highway improvements; submission of a RSA; details on footway connections; revisions to the internal layout; details of electric vehicle charging points; further details of car and cycle parking; refuse storage and strategy; and construction method statement.

7.96 In further comments on amended plans HDM advised that permission should be refused on highway safety grounds due to the lack of a completed safety review, and in terms of the layout, due to lack of inclusive principles and permeable design supporting priority to walking and cycling. HDM advised that the development would not reflect the NPPF's requirement at paragraph 112 that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. The comments also highlighted other areas of concern in relation to the layout and parking provision.

7.97 Following the most recent re-consultation, HDM have maintained an objection to the scheme. They note that details have now been submitted for pedestrian access

points onto The Maltings. These would be stepped, and details have been provided that the facilities can be secured by a planning condition. The number of steps/risers would be between 4 and 7 based on the locations shown. It should be recognised that steps are a barrier to movement for wheeled mobility aid users. However, the infrastructure can be secured in accordance with the best design principles of inclusive mobility. The benefits of connectivity and majority of users should be given consideration as much as the obvious constraints that steps will present. It is also stated that the plans propose a footpath across the open space / SUDS area, however insufficient information is presented to ascertain if this is achievable / deliverable.

7.98 HDM comment that the overall visitor parking in terms of the housing development is not in complete adherence to local policy. The houses all have parking in accordance with standards. However, the apartment block should generate 20 parking spaces and 5 visitor parking spaces. Given the density of housing apartments bring, visitor parking displaced would undermine the provision generally on the layout. The lack of parking to standards is of concern in relation to general amenity and long-term quality of place, and as a result the proposal would be contrary to Policy TRA 4 of the NLP in respect of this element.

Flood Risk and Drainage

7.99 Paragraph 167 of the NPPF states that when determining planning applications LPAs should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and should take account of advice from the Lead Local Flood Authority (LLFA). Policies WAT 1 – 4 of the NLP are also relevant in respect of matters of drainage, flood risk and the use of SuDS.

7.100 The application site falls within Flood Zone 1. As major development on a site that exceeds 1 hectare, a flood risk assessment and drainage strategy (FRA) has been submitted and consultation has taken place with Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA) on the proposals in relation to matters of foul and surface water drainage. The applicant has provided additional and amended information following comments received from the LLFA and in particular in relation to issues of groundwater on the site.

7.101 NWL have raised no objection, provided it is approved and carried out within strict accordance with the submitted FRA. NWL comment that this document reflects their pre-planning enquiry advice identifying how foul water flows will discharge into the existing public combined sewer and surface water flows will discharge into the existing public surface water sewer. A condition requiring the development to be implemented in accordance with the FRA is requested.

7.102 The LLFA had initially objected to the proposals in relation to drainage and flood risk. This required further information in relation to discharge rates and location. In addition, there were no proposals for any source control SuDS and the LLFA requested an analysis to be carried out to assess each possible SuDS feature and whether it is possible and practicable to include these within the development, in line with the NPPF. Further to source control measures, on-site attenuation was proposed via a large underground tank, and the LLFA requested that 'green SuDS' such as an attenuation basin are implemented. Green SuDS have many more multi-benefits than an underground tank. Other matters highlighted related to water quality, calculations and groundwater levels.

7.103 The applicant has provided further information in response to the LLFA objection, and as referred to earlier the site layout now also proposes an attenuation basin in the area that was previously identified for public open space to the north-east corner of the site with storm crates below. The 'residential amenity' section above also made reference to the fact that there are areas of the site where levels will need to be raised due to the issue of groundwater. Therefore, whilst the scheme may provide mitigation to address matters of flood risk and drainage, there are other resultant effects that need to be considered as set out earlier.

7.104 Following the review of the additional information the LLFA has now removed its objection subject to conditions. These include full details of the surface water drainage scheme, including the attenuation basin; adoption and maintenance of all SuDS features; disposal of surface water during construction; levels in relation to ground water; foundation detail; ground water mitigation strategy; and verification of drainage systems.

7.105 Having regard to the above and the comments from NWL and the LLF, the proposal would be acceptable in relation to matters of drainage and flood risk subject to conditions, and would therefore be in accordance with Policies WAT 1 – 4 of the NLP and the NPPF.

Archaeology

7.106 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.

7.107 The Assistant County Archaeologist (ACA) has advised that the proposed development site retains the potential for significant unrecorded archaeological features and deposits across the site, potentially including remains from the prehistoric or Roman period onwards, and as such further site survey work was requested. In addition, the ACA comments that the submitted Heritage Statement and desk-based assessment have looked at the potential indirect impact of the development on the setting of the Hareshaw Ironworks Scheduled Monument and have concluded that there would not be an impact on the setting or significance of the monument.

7.108 The ACA has considered the submitted archaeological evaluation report and notes that no archaeological remains of significance or any great age were revealed during the trial trenching. Based on the available evidence the ACA advises that no further archaeological work is required in connection with this application. The proposal would therefore be in accordance with Policy ENV 7 of the NLP and the NPPF in this respect.

Ecology

7.109 The development plan and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity. The NPPF makes it clear that aside from purely mitigating against the harm that a development may cause to

biodiversity, the definition of sustainable development includes biodiversity enhancement. Paragraph 174 d) states “[Planning] decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity...” and paragraph 180 d) states “...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”.

7.110 Policy ENV 2 of the NLP is also 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.

7.111 The application is supported by ecology and tree reports, which have been considered by the Council’s Ecologists. They identify that the main habitats on site are semi-improved grassland, which is generally species-poor, and ephemeral short perennial vegetation creating an open mosaic habitat with the small areas of remnant hardstanding. No direct evidence of protected species was found on site, although the habitat is suitable for nesting birds, badger and reptiles. The Ecologists advise that the loss of the habitat would not be significant to these species in the local context and impacts can be avoided during construction.

7.112 The Ecologists raise no objection to the application subject to conditions to secure appropriate mitigation and enhancement measures. In addition, advice is provided in relation to suitable native species that should be used in any landscaping proposals. On this basis the proposal would be acceptable in relation to matters of ecology and biodiversity, in accordance with Policy ENV 2 of the NLP and the NPPF.

Ground Conditions

7.113 A small part of the site to the north-western boundary falls within the higher risk Coal Authority referral area with the remainder falling within the lower risk Coal Authority standing advice area. A coal mining risk assessment has been submitted along with land contamination assessments and consultation has taken place with the Coal Authority and the Council’s Environmental Protection team (EP).

7.114 Paragraph 183 of the NLPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy POL 1 of the NLP reflects this, stating 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.

7.115 The Coal Authority has advised that the submitted information is sufficient to demonstrate that the application site is safe and stable for the proposed development and no objection is raised.

7.116 Following the submission of further information relating to potential risks from land contamination, EP have also raised no objection and recommend that conditions are attached to any approval. These relate to verification of the proposed ground gas protection measures and verification of contamination remediation and enabling works. On this basis the proposal would be acceptable in relation to matters of land stability and contamination, in accordance with Policy POL 1 of the NLP and the NPPF.

Planning Obligations and Viability

7.117 Paragraph 34 of the NPPF states that plans should set out the contributions excepted from development, including setting out the levels and types of affordable housing provision along with other infrastructure such as that needed for education, health, transport, flood and water management, green and digital infrastructure. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

7.118 Policies INF 1, INF 5 and INF 6 of the NLP also set out the requirements for providing supporting infrastructure and open space, including through the use of planning obligations.

7.119 Paragraph 58 of the NPPF states that “*where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force*”. The NPPG also provides relevant guidance in relation to the assessment of viability.

7.120 In this case it is considered that should planning permission be granted then planning obligations would normally need to be secured through a Section 106 agreement in respect of affordable housing, as well as financial contributions to open space and healthcare.

7.121 The Education team have advised that the number of dwellings that would arise from this development would not be sufficient to impact on the current educational infrastructure of schools in the area due to their current level of surplus places. However, as additional children would be generated should this application be approved, this would assist in supporting local schools in an area of falling rolls, therefore no objection is raised to this application.

7.122 Northumbria Healthcare Clinical Commissioning Group have been consulted on the application and have advised that a single payment of £33,300 is required from the developer to allow a smooth implementation of the required surgery capacity expansion. This has taken into account the basis for calculating healthcare contributions as set out at Appendix H3 of the NLP.

7.123 Having regard to Policy INF 5 of the NLP, consideration has been given to the requirement for a contribution towards open space and provision for children and young people. This has been calculated in line with Appendix H1 of the NLP, which takes into account provision for amenity green space and natural and semi-natural green space; parks and gardens; and provision for children and young people as referred to in earlier sections of this report. Based on this a contribution of £48,175.86 should be sought in this instance in relation to the parks and gardens and provision

from children and young people requirements. An additional contribution of £19,840.75 would also be required with regard to the amenity green space and natural and semi-natural element where this is not provided on site. As referred to earlier the scheme makes some provision to the north-eastern corner of the site alongside the SuDS basin, although it is questionable if this would be a suitable multi-functional space that would also be capable of informal recreation. It may therefore be possible to discount some of this element depending on how this could be used, which could be considered further in agreeing any contributions as part of the Section 106 should Member be minded to grant permission.

7.124 Based on the above requirements, the applicant has submitted a viability appraisal, which concludes that the proposed development has a viability gap and any financial Section 106 planning obligations would have detrimental impacts on the overall financial viability of the scheme.

7.125 The Council has sought an independent assessment of the submitted viability appraisal, and this has been reviewed by consultants having regard to the above contributions that are sought and with reference to advice in the NPPG. The Council's consultants agree with the applicant that the full Section 106 contributions cannot be viably provided. However, contrary to their findings, they conclude that a reduced sum of £33,000 can be viably paid in this instance. At the time of preparing this report the applicant has not provided any further information to acknowledge if they would accept that contributions to this amount will be provided and secured through a Section 106 agreement, or to justify why they cannot.

7.126 On this basis, officers would advise that should Members be minded to grant permission for the development on the site then contributions to this amount would need to be secured through a Section 106 Agreement. Failure to agree to and secure these contributions through a Section 106 Agreement without clear evidence to justify why they cannot in this case would be a ground for refusal of the application as being contrary to Policies INF 1, INF 5 and INF 6 of the NLP and the NPPF.

Equality Duty

7.127 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

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

Human Rights Act Implications

7.129 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.

7.130 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.

7.131 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 and Planning Balance

8.1 The appraisal of this report makes clear that the principle of housing development on the site is considered to be acceptable having regard to the fact this is an allocated housing site, and as such new housing in such a location is supported by the NLP. Whilst some concerns have been raised in relation to the proposed type and tenure of housing and if this is entirely appropriate to meet identified local need, following consultation with ACS and the HEO, it is felt that, on balance, this would be acceptable in this location.

8.2 Although the principle of residential development on the site is considered to be acceptable, the report sets out the concerns from officers that the proposals as submitted are not felt to be entirely appropriate in this location and do not achieve an acceptable or sustainable form of development in terms of matters of design and amenity. By virtue of the scale and massing of the apartment block, the layout and density of development overall, the design and use of materials, as well as the limited open space and landscaping throughout the development, it is considered that the proposal would not result in an acceptable form of design that would be well related to the character of the site and surrounding area given its prominent location within the settlement and the historic form of Bellingham.

8.3 The proposal also does not result in an entirely appropriate form of development in terms of effects on existing residents and that would secure high standards of amenity for future occupants given the limited outlook and external amenity space for residents living in the apartment building, as well as limited areas of external amenity space within the development as whole.

8.4 The applicant states that due to various site constraints they have not made significant changes to the open space provision and detail of the apartment building, although they consider these are appropriate to the site, its context and wider policy

objectives. If this view is not shared, it is suggested that the significant material benefits outweigh any potential harm caused, which the supporting information identifies as:

- *development of an allocated site in the recently adopted Local Plan*
- *development of a longstanding vacant brownfield site (20 years vacant)*
- *development of local needs affordable housing and supported accommodation in partnership with Karbon Homes and the Council's adult services team*
- *highly sustainable properties, using a combination of PV and air source heat*
- *mix of high-quality materials reflecting local materials*
- *use of SuDS dry basin design to work as dual-purpose open space*
- *significant contribution to the economic sustainability of Bellingham and the wider area. Further increased spend in the local area, supporting local shops, services and facilities in Bellingham*
- *access to the extensive surrounding open countryside via various public rights of way*

8.5 The applicant considers the open space and apartment building design are appropriate to the site, its local context and policy requirements and states that the extent of benefits far outweighs any possible harm, allowing the Council to achieve a balanced recommendation of approval for the application. They consider the material benefits of the proposed development are clear and significant, sufficient to demonstrate the proposed development is entirely appropriate for the application site. It will fit well within the existing fabric of Bellingham and provide a range of housing types which are in need within the village and supported by the Council's housing and adult services teams.

8.6 Although officers acknowledge that there are benefits that weigh in favour of the proposed development to a degree, it is not felt that these would outweigh the harm in this case as a result of the overall design of the scheme and effects on the character of the site and the surrounding area, including non-designated heritage assets. On that basis it is officer opinion that the application should be refused as being contrary to the identified policies of the NLP and the NPPF.

8.7 Following consultation with HDM, it is considered that the application has been submitted with insufficient information to confirm that the proposed levels of parking associated with the proposed development will not have an adverse impact on the residential amenity of proposed and existing residents and in terms of highway safety.

8.8 In relation to viability and planning obligations, the applicant's viability appraisal has been reviewed and having regard to advice in the NPPG, the Council's consultants conclude that a reduced sum of £33,000 can be viably paid in this instance. At the time of preparing this report the applicant has not provided any further information to acknowledge if they would accept that contributions to this amount will be provided and secured through a Section 106 agreement, or to justify why they cannot. Failure to agree to and secure these contributions without clear evidence to justify why they cannot, would also be a ground for refusal of the application as being contrary to the identified policies of the NLP and the NPPF.

9. Recommendation

That this application be REFUSED for the following reasons:

01. By virtue of the scale, massing and design of the proposed apartment block the layout, design and use of materials of the overall scheme, as well as the limited open space and landscaping throughout the development, it is not considered that the proposal would result in an acceptable and well designed scheme that would be well related to the character of the site and the historic form of Bellingham given its prominent location within the settlement, and would result in harm to the setting of non-designated heritage assets. Whilst there are benefits that weigh in favour of the proposed development, it is not felt that these would outweigh the harm in this case to the character of the site and the surrounding area, including non-designated heritage assets. The proposal would therefore be contrary to Policies STP 6, HOU 4, HOU 9, QOP 1, QOP 2, QOP 3, QOP 4, QOP 6 and ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

02. The proposal does not result in an appropriate form of development that would secure high standards of amenity for existing residents and future occupants of the development given the relationship between existing and proposed development with loss of outlook, privacy and visual amenity as well as in terms of limited outlook for residents living in the proposed apartment block, the lack of external amenity space around this building and throughout the scheme. The proposal does not therefore achieve an acceptable design in terms of amenity and does not therefore accord with Policy QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

03. There is insufficient information submitted with the application to confirm that the proposed levels of parking associated with the proposed development will not have an adverse impact on the residential amenity of proposed and existing residents and in terms of highway safety, contrary to Policy TRA 4 of the Northumberland Local Plan.

04. The application does not secure necessary planning obligations required in relation to contributions to open space and healthcare provision. Failure to agree to and secure these contributions through a Section 106 Agreement without any overriding evidence to demonstrate otherwise is considered to be contrary to Policies INF 1, INF 5 and INF 6 of the Northumberland Local Plan and the National Planning Policy Framework.

Background Papers: Planning application file(s) 21/03415/FUL