

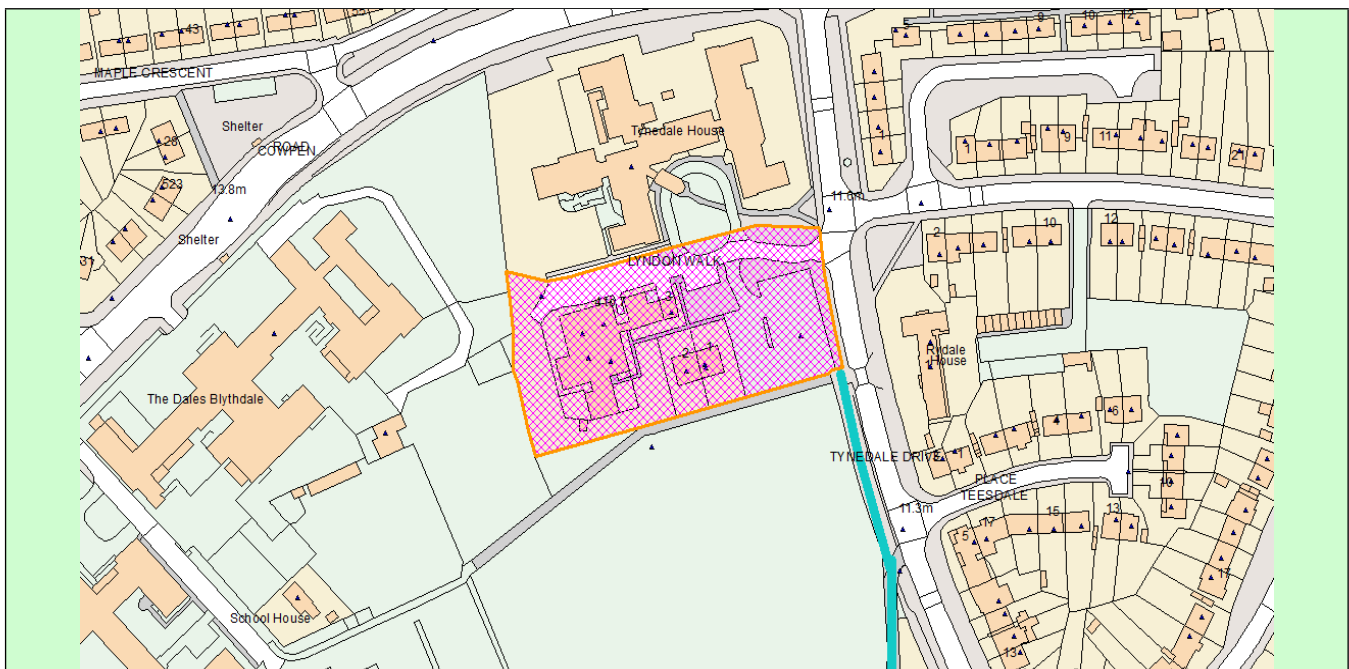


# Northumberland County Council

## Ashington/Blyth Local Area Committee 15<sup>th</sup> February 2023

<b>Application No:</b>	22/02324/FUL		
<b>Proposal:</b>	Proposed Erection of 13no Affordable 2 Bed Bungalows		
<b>Site Address</b>	Social Services, Lyndon House Day Care Centre, 1 Lyndon Walk, Blyth Northumberland NE24 4LJ		
<b>Applicant:</b>	Northumberland County Council County Hall, Morpeth, NE61 2EF,	<b>Agent:</b>	Miss Amelia Robson Unit 3, Hexham Enterprise Hub, Burn Lane, Hexham NE46 3HN
<b>Ward</b>	Kitty Brewster	<b>Parish</b>	Blyth
<b>Valid Date:</b>	2 August 2022	<b>Expiry Date:</b>	1 January 2023
<b>Case Officer Details:</b>	Name: Miss Stephanie Milne Job Title: Senior Planning Officer Tel No: 07966203682 Email: Stephanie.Milne@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to conditions and payment of the £7995.00 towards Coastal Mitigation Contribution and £1684.80 towards parks and gardens via internal transfer to be made prior to the decision being issued.



## **1. Introduction**

1.1 The applicant is Northumberland County Council and therefore the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

## **2. Description of the Proposals**

2.1 This full application on behalf of Northumberland County Council (together with Advance Northumberland and Ascent Homes) is for the proposed redevelopment of Adult Social Services' former Lyndon House Day Care Centre site in Blyth, to enable the erection of 13 affordable 2-bedroom bungalows for dementia sufferers.

2.2 The proposed scheme, to be managed with the Tynedale House residential care home to the northern side of Lyndon Walk, would comprise 5 single-storey residential blocks and small private garden spaces backing onto three sides of a communal courtyard garden on the southern part of the site - a terrace of 3 bungalows on the eastern and western sides of the communal garden, with a semi-detached pair of bungalows either side of another terrace of 3 bungalows along the northern side of the communal garden. There would be 14 car parking spaces situated to the northern side of those northern blocks along the southern side of Lyndon Walk itself, with a further 8 parking spaces to the eastern side of the site (beside Tynedale Drive) and 13 spaces on the western side of the site, together with cycles and bin storage shelters.

2.3 The 0.44ha application site is located towards the north-western edge of the settlement of Blyth. It currently comprises a pair of bungalows (nos.1 and 2), plus the residential day care centre (nos. 3-7), together with a 39-space car park on the eastern part of the site and 3 disabled parking bays on the southern side of Lyndon Walk (plus 15 parking spaces on the northern side of Lyndon Walk). The application form notes that this care home facility is now redundant, while the proposed scheme would result in a loss of 8 parking spaces (reduced from 43 down to 35).

2.4 The Tynedale House Care Home bounds the north of Lyndon Walk with Cowpen Road beyond, while Tynedale Drive bounds the eastern side of the site with the main residential areas of Blyth to the east of that. The buildings and playground of the Dales School - Blythdale bound the western side of the site (with Horton Grange Primary School just beyond that), with the middle school playing fields to the south of the site. The agent's supporting Planning Statement notes that a public right of way between Tynedale Drive and the schools runs along the southern boundary of the site, but that this would be fenced off from the proposed development given the level of control that would be needed for the anticipated residents of the site. There are several trees and hedgerows within the site.

## **3. Planning History**

**Reference Number:** 22/02127/DEMGDO

**Description:** Prior notification of demolition of vacant residential buildings to allow construction of new bungalow accommodation for dementia sufferers

**Status:** PANR

**Reference Number:** B/04/00455/CPO

**Description:** Construction of 39 parking bays and associated lighting

**Status:** Approved

**Reference Number:** 22/02127/DEMGDO

**Description:** Prior notification of demolition of vacant residential buildings to allow construction of new bungalow accommodation for dementia sufferers

**Status:** PANR

#### 4. Consultee Responses

Blyth Town Council	No response received.
Highways	No objection subject to conditions
Affordable Housing	Support
NHS NORTH EAST & CUMBRIA ICB	No comment
Waste Management - South East	No response received.
Climate Change Team	No objection
Education - Schools	No impact on educational infrastructure on either mainstream or SEND provision the area and therefore no contribution would be sought.
Natural England	No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).
Lead Local Flood Authority (LLFA)	No objection subject to conditions
County Ecologist	No objection subject to conditions and contribution to coastal mitigation of £7995.00
Public Protection	No objection subject to conditions
Strategic Estates	No response received.
Fire & Rescue Service	No response received.
Architectural Liaison Officer - Police	No objections
Northumbria Ambulance Service	No response received.
The Coal Authority	Withdraws its objection subject to conditions
Adult Services NCC	Adult Social Services support the proposed development. The properties will provide much needed accommodation for adults living with Dementia and help to fill a gap in the Council's

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 6th September 2022

News Post Leader 12th August 2022

### Summary of Responses:

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=RE70H0QSHRV00>

## 6. Planning Policy

### 6.1 Development Plan Policy

- STP 1 - Spatial strategy (Strategic Policy)
- STP 2 - Presumption in favour of sustainable development (Strategic Policy)
- STP 3 - Principles of sustainable development (Strategic Policy)
- STP 4 - Climate change mitigation and adaptation (Strategic Policy)
- STP 5 - Health and wellbeing (Strategic Policy)
- STP 6 - Green infrastructure (Strategic Policy)
- HOU 2 - Provision of new residential development (Strategic Policy)
- HOU 4 - Housing development site allocations (Strategic Policy)
- HOU 5 - Housing types and mix
- HOU 6 - Affordable housing provision (Strategic Policy)
- HOU 9 - Residential development management
- HOU 11 - Homes for older and vulnerable people (Strategic Policy)
- QOP 1 - Design principles (Strategic Policy)
- QOP 2 - Good design and amenity
- QOP 3 - Public realm design principles
- QOP 4 - Landscaping and trees
- QOP 5 - Sustainable design and construction
- QOP 6 - Delivering well-designed places
- TRA 1 - Promoting sustainable connections (Strategic Policy)
- TRA 2 - The effects of development on the transport 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 (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

WAT 3 - Flooding

WAT 4 - Sustainable Drainage Systems

POL 2 - Pollution and air, soil and water quality

INF 1 - Delivering development related infrastructure (Strategic Policy)

INF 5 - Open space and facilities for sport and recreation

INF 6 - Planning obligations

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG – National Planning Policy Guidance (2021)

## **7. Appraisal**

Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- S106 requirements/contributions
- Design, landscaping and impact on residential amenity impact
- Highways
- Flood Risk/ Drainage
- Ecology matters
- Contamination

### Principle of development

7.1 Paragraph 119 of the NPPF states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

7.2 Policy STP 1 sets out the Council's Spatial Strategy which is to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. The Main Towns of Alnwick, Amble, Ashington, Bedlington/Bedlington Station, Berwick-upon-Tweed, Blyth, Cramlington, Haltwhistle, Hexham, Morpeth, Ponteland and Prudhoe will be the main focus for employment, housing, retail and services.

7.3 Policy STP 3 In applying the presumption in favour of sustainable development in Northumberland, and to deliver against economic, social and environmental objectives development proposals will be expected to adhere to the following principles where appropriate:

- a. Contribute to building a strong, responsive and competitive economy across Northumberland, support more and better jobs, protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors;
- b. Provide a type and mix of homes to meet local housing need, and increase choice in the local housing market;
- c. Support and provide opportunities to improve health, social and cultural wellbeing for all, and provide the infrastructure which is required to enhance the quality of life of individuals and communities;

7.4 The application site is within the delineated settlement boundary of Blyth, as shown on the Policies Map which is identified in Policy STP 1 as a main town which will be the main focus for employment, housing, retail and services. Further to this, Policies STP3(h) and HOU2 encourage the re-use of previously-developed 'brownfield' sites. This site previously formed part of the existing care home, with the buildings being demolished following submission of 22/02127/DEMGDO which confirmed that Prior Approval was Not Required for the demolition of the buildings. This site is therefore considered to be previously developed land. Overall it is considered that the principle of the proposal is acceptable and conforms with the policies in the Northumberland Local Plan and the NPPF.

#### Section 106 contributions

7.5 Policy INF 6 Planning obligations sets out 'Where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable...Planning obligations will be used, as necessary, to ensure that development meets relevant planning policy requirements set out in the Local Plan and any made neighbourhood plans.... Planning obligations will only be sought where they meet all of the following tests which require that they are: 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.'

7.6 The site is within the ownership of Northumberland County Council and therefore it is not possible to enter into a legal agreement for the purposes of S106 contributions. Therefore the contributions are required to be made via internal transfer between departments prior to the decision being issued. The applicant has agreed to this.

#### *Housing Mix and Affordable Housing*

7.7 Policy HOU 2 requires proposals to deliver new open market and affordable dwellings in a range of tenures, types and sizes and will be supported where it is consistent with: a. The spatial strategy for Northumberland; b. Meeting the objectively assessed housing needs and housing priorities as identified through an up-to-date assessment; and c. Making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so.

7.8 Further to the overall countywide housing requirement in Policy HOU2, Table 7.1 provides an indicative spatial distribution of that requirement, including for Blyth

parish to provide for 1,800 net additional dwellings over the plan period 2016-2036. Monitoring shows that there were 1,315 net additions completed in Blyth during the first 6 years of the plan period, including 177 affordable homes, while there are over 500 further permitted homes outstanding to be built.

7.9 Policy HOU4 additionally allocates a few further sites in Blyth for housing development, including this approx. 0.43ha application site at Lyndon Walk for 10 dwellings. Part 2 of the Policy sets out a number of requirements that proposals for housing development on these allocated sites should abide by, including to reflect identified local housing needs and the provision of affordable housing, having regard to and mitigating any impacts of transport and utilities infrastructure works, avoiding development in flood zones 2 and 3, and to take account of the findings of the NLP's Heritage Impact Assessment of the site. The site is not within a flood risk zone and the HIA identified no known heritage assets in relation to the site.

7.10 Policy HOU5 seeks to ensure a range and mix of good quality, energy-efficient housing is provided across the county that meets identified local needs and aspirations, including the provision of affordable homes and supported specialist housing for older and vulnerable people. The supporting text (para.7.29 and 7.42) notes that the latest SHMA identified a particular need for smaller 1 and 2-bedroom homes, especially affordable bungalows and level-access accommodation to help meet the needs of the ageing population. The need to provide housing, including bungalows, that meets the changing needs of older and vulnerable people is further reflected in Policy HOU11, as part of the Council's strategy to enable residents to live securely and independently in their own homes over their lifetimes. The supporting text (para.7.70-7.71) notes that the Council's Extra Care and Supported Housing Strategy and Market Position Statement for Care and Support in Northumberland identify a priority need for delivering specialised supported housing for older adults in Blyth, and that some of the site allocations in Policy HOU4 have the potential to help provide for some of these needs. The agent's Planning Statement notes that Adult Social Services have previously identified a specific need for affordable housing for dementia sufferers in the Blyth area, as there is a lack of residential care and nursing homes available within the town.

7.11 Criterion 1e of Policy HOU11 requires planning applications to demonstrate in their supporting Design and Access Statement that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. Part 2 of the policy goes on to require 20% of market homes and 50% of affordable homes to be designed to meet or exceed the higher M4(2) accessibility and adaptability standards of the Building Regulations. The agent's Planning Statement advises that the proposed dwelling sizes would be above that required by the Nationally Described Space Standards (NDSS).

7.12 In terms of Policy HOU6 (Affordable Housing), as the proposed development site is within a low value area and would only involve 13 dwellings, less than the policy's 30 dwellings threshold, it would be exempt from the policy requirement to otherwise provide at least 10% as affordable homes. Nevertheless, the proposed scheme is for 100% affordable housing and would therefore be wholly supported.

#### Open space requirements

7.13 As a major development, the applicant would also need to pay a S106 financial contribution towards open space provision in accordance with Policies INF5 and

INF6 and Appendix H1. This sets out that three different types of open space that should be provided as follows:

Amenity green space and natural and semi-natural green space  
Parks and Gardens  
Provision for children and young people

7.14 Housing for older people is exempt from providing towards the children and young people provision component of open space (para. H20). The Appendix also includes when this is required on site or off site, standards that should be met and formulas for working out the exact provision required. Using the formula the following provisions are required.

- Amenity Green Space- 234sq m of amenity green space / natural semi natural green space is required- on-site. 811 sqm of amenity green space / natural and semi natural green space is provided on site therefore no financial contribution is required.
- Parks and gardens- to be provided off site  $23.4 \times 3$  ( Sq per person)= 70.2sq m of parks and gardens is required-multiplied by £24 (cost and maintenance cost of 5 years) = **£1684.80** to be secured via financial contribution through internal transfer.

### *Coastal Mitigation*

7.15 As this is a proposed residential development within 10km of the coast, consideration has been given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.

7.16 When developers apply for planning permission for new residential development within the coastal zone of influence, the Local Planning Authority has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. The Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.17 Contribution to the Coastal Mitigation Service (CMS) enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.18 In this particular case the site lies within 10km distance from the relevant protected sites and as a result a contribution of £615 per unit for those between 7-10km of the coast. An Internal transfer of **£7995.00** will be required between departments of Northumberland County Council to provide wardening and associated activity to mitigate the impact of recreational activity on designated sites on the Northumberland coast. The County Ecologist has therefore confirmed this will ensure that adequate mitigation will be provided to address increased recreational



disturbance and damage within the coastal designated sites and so will enable the Council to reach a conclusion that there will be no adverse effect on site integrity in respect of this issue when undertaking the Habitats Regulations Assessment for this development. The proposal would therefore accord with Local Plan Policy ENV2 in this respect.

### *Education*

7.19 Housing for older people is also specifically exempted from the education contribution requirement of Appendix H2 (para. H49). The Education officer has confirmed that the development would not require a contribution towards Education facilities.

### *Healthcare*

7.20 Policy INF6 and Appendix H3 would require a S106 financial contribution towards health facilities provision. The Northumberland Clinical Commissioning group has confirmed that the development would not require a contribution towards healthcare provision due to the small scale nature of the development.

### Design, landscaping and impact on Residential Amenity

7.21 The proposal comprises 13 residential bungalows all of similar appearance with private gardens, communal garden area and car parking. The site entrance is located to the north eastern side of the site and the properties are situated within a U shaped formation, with the private gardens facing onto the communal garden area. Car parking is provided to the property frontages as well as cycle storage and bin stores. The properties will be predominantly finished in facing bricks with concrete roof tiles. The properties will be low profile and in combination with the design and materials, would sit well within the street scene. As such the properties are considered acceptable in terms of their design.

7.22 In terms of landscaping of the site, the proposed access road, parking and footpaths consist of a mixture of materials. Areas of soft landscaping are included between the parking areas which will allow for interest around the site and to soften the appearance. Soft landscaping is proposed to the communal area in the centre of the site including planting and resin bonded gravel walkways. A 1.8 metre close boarded fence is proposed to the southern boundary of the site to provide security to residents. Each private amenity area is to be bounded by fencing at 1.8 metres in height which will reduce to 1.2 metres to allow views onto the communal areas. The Council's Ecologist has no objection to the landscaping proposed but has requested a condition to ensure that all trees and shrubs (outside of the ornamental, non-native hedge) will be composed of species native to Northumberland and include berry bearing species such as rowan, hawthorn and wild cherry. There are a variety of small trees and shrubs currently on the site that will be cleared as part of the proposed development. There are no protection orders on the trees and they are not considered significant in their appearance such that their loss would be harmful. The proposal includes planting of trees and hedging within the site. There are also no concerns raised by ecology with regard to the loss of existing vegetation.

7.23 Overall, it is considered that the quality of the design and landscaping proposed is acceptable in terms of their impact on the character and appearance of the area. The layout is also considered to be acceptable and there is no overbearing impact to

neighbouring properties and the residential amenity of future residents is acceptable in terms of loss of light, outlook and privacy. It is also considered the layout will not cause any impact to the existing residential amenity of occupants of existing nearby properties. In this respect the proposal accords with Local Plan Policies HOU9 QOP1, QOP2, QOP4, QOP6, ENV2 and the NPPF.

### Highways

7.24 The application has the potential to impact on highway safety, the highway network and parking, by virtue of its layout and vehicular movements to and from the development when built and through construction traffic. In this case given the sites location, the Highway Authority have therefore been consulted on the information submitted.

7.25 The Council's Highway Authority have assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations. A review of the information provided has been undertaken and following the submission of further information including safe pedestrian links, revised internal layout, revised vehicle swept path, surface water management, EV charging details, visibility splay, refuse management strategy, construction method statement and details of street lighting, Highways now have no objection to the proposal. Overall, the proposals are therefore now considered acceptable on highways grounds and as such in this respect the proposal is in accordance with the NPPF and Local Plan Policies Policy TRA1, TRA2 and TRA4.

### Flood Risk/Drainage

7.26 The Lead Local Flood Authority (LLFA) who assess the proposal in terms of impact of surface water run off and potential impact of flooding from the site, have no objection to the proposal subject to conditions. In light of these comments, the proposal is considered to be in accordance with NLP Policies WAT3 and WAT4 which deal with Flooding and Sustainable Drainage Systems.

### Ecology

7.27 The County Ecologist, who assesses the proposal in terms of impact upon biodiversity, protected species and protected sites has considered the submitted Ecological Impact Assessment (OS Ecology 2020 (Amended) and the Biodiversity net gain assessment and has no objection to the proposal subject to conditions which will help to maintain and enhance biodiversity. Subject to these the proposal would accord with the NPPF and Local Plan Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

### Contamination

7.28 The site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards. As such the Coal Authority and Public Protection were consulted on this application. Following the submission of further information, the Coal Authority removes their objection subject to the suggested conditions. Public protection also raised no objections subject to the inclusion of conditions relating to ground gas protections, working and construction delivery hours. Public Protection therefore

have no objection to the proposal on these grounds subject to conditions which will help to protect future and existing residents from contamination and sources of noise during construction. Subject to these conditions the proposal would be acceptable and in accordance with Local Plan Policy Pol1.

### Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

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

### Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within

the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to conditions and payment of the £7995.00 towards Coastal Mitigation Contribution and £1684.80 towards parks and gardens via internal transfer to be made prior to the decision being issued.

### Conditions/Reason

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

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

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

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

03. Notwithstanding any description of the materials in the application, the dwellings shall not be constructed above damp proof course until precise details, of the materials to be used in the construction of the external walls and / roof(s) of the buildings have been submitted to and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Northumberland Local Plan Policies QOP1 and 2.

04. All landscaping outside the boundaries of the houses shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaping and boundary treatments (ie fences) within and to the boundaries of the bungalows shall be carried out before that particular dwelling is occupied. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Northumberland Local Plan Policies QOP1, QOP 2 and QOP 4.

05. The properties hereby permitted shall always used as affordable bungalows for use by adults with a care and support need and not sold separately as market housing.

Reason: To provide suitable housing mix that helps meet the needs of the ageing population in accordance with HOU5 and HOU 11.

06. No development shall commence until;  
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

07. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

08. No foundation works shall be commenced until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases

for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

09. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 6, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

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

a) A Phase 2 intrusive site investigation shall be carried out as recommended in the submitted Phase 1 Geoenvironmental Appraisal (Coast Consulting Engineers, Report Number:20103-01 (Rev A) dated 29 May 2020 to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

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

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

11. The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring

results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

12. If during redevelopment contamination not previously identified is discovered, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

13. During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800  
Saturday 0800 to 1300

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

14. Deliveries to and collections from the construction phase of the development shall only be permitted between the hours:

Monday to Friday - 0800 to 1800  
Saturday - 0800 to 1300

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

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

15. Demolition works and vegetation clearance will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.

Additional external lighting that may affect the sites suitability for bats will be avoided. If required this will be limited to low level lighting, avoiding use of high intensity security lighting.

Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°

Reason: To prevent harm to protected species during land clearance, construction and ongoing use of the development.

16. All trees and shrubs (outside of the ornamental, non-native hedge) will be composed of species native to Northumberland and include berry bearing species such as rowan, hawthorn and wild cherry.

Reason: to ensure that a net gain for biodiversity results from this development as required by the NPPF.

17. No dwelling shall be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

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

18. No dwelling shall be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interest of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

19. No dwelling shall be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

20. No dwelling shall be occupied until details of the proposed highway works for modifications to the site access onto the U9700, tie-in of the pedestrian footways from the site access to the existing footways on the U9700, dropped kerbs and associated works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

21. No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance



with the approved plans and shall be kept available for the parking of cycles at all times.

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

22. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

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

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

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

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

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

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

25. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

26. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

27. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include: a. As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc); b. Construction details (component drawings, materials, vegetation); c. Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components. d. Health and Safety file; and e. Details of ownership organisation/adoption details.

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

Informatives:

1. Ground Gas Protection. Our adopted guidance provides a guide to what should be included in a gas protection proposal and is included in Appendix 2 of the YALPAG Technical Guidance - Verification Requirements for Gas Protection Systems, Version 1.1 Dec 2016, which can be accessed in the “related documents” section for environmental protection – development advice at: <https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx> Verification of the gas protection should be proposed to address the first gas condition, once the buildings are erected to floor level then the second gas protection condition can be discharged and the verification should match what is proposed but should broadly consist of the items listed in Appendix 3 of the above guidance document. Please note that following BS 8485:2015+A1:2019 “Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings,” there is a scoring system for the gas risk and building type. It is likely that the following applies to this site:

<b>Gas Risk Score</b>	<b>Elements and Score</b>
Precautionary Gas Risk	CS2 (Characteristic Situation 2)
Building Type	A - private housing
Score Required for Gas and Building Type	3.5
<b>Design Elements to Achieve Score</b>	<b>Score Achieved</b>
Gas Membrane (installed per Table 7 of BS 8485)	2.0
AND;	
Passively-ventilated sub-floor void	1.5 or 2.5*
OR;	
Well reinforced raft/slab	1.5 (1.0 if minimal reinforcing)

\* Either “good performance” or “very good performance” for ventilation from the sub-floor void.

A “standard” installation might normally include a gas membrane installed by a qualified/experienced installer with the installation suitably validated and verified (independently) could achieve a score of 2.0 with a ventilated sub-floor void which could achieve a score of 1.5, giving a total of 3.5

Where a ventilated sub-floor void cannot be accommodated, then a well reinforced raft/slab may achieve the required score of 1.5, alongwith the gas membrane installation achieving a total score of 3.5.

Please note our adopted guidance - YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, which is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation). The British Geomembrane Association website is:  
<http://www.britishgeomembraneassociation.co.uk/>

2. Ventilation Performance of Subfloor Void If the foundation/floor design is to include a sub-floor void then this will have to be passively ventilated to achieve a minimum of “good performance” and should be a include;

The void beneath the floor should be a minimum of 150mm depth.

Periscopic vents should connect the void to the outside of the building through airbricks.

The area of external airbricks should be as a minimum 2000mm<sup>2</sup>/m run of wall on least two opposite facades of the building, to ensure adequate cross-ventilation. Additional can also be fitted to any third or fourth facade (where applicable).

Internal airbricks fitted to the sleeper walls should be at least to the same area as the external airbricks (ie 2000mm<sup>2</sup>/m run of sleeper wall).

3. Sealing and Verification of Service Ducts (gas protection) The applicant should ensure that as well as the top-hat being secured to the gas membrane (tape or weld) that the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) should be filled with a recognised gastight sealant such as FILOseal+ or FILOseal+HD produced by Filoform UK Ltd:

<https://www.filoform.co.uk/catalog/category/view/s/re-enterableductsealingsystem/id/9/>

The applicant should submit additional verification of how the annulus in the dwellings have been sealed, with what method and with photographic evidence.

4. Burning Materials Onsite There shall be no burning of any material associated with the construction phase on the site. Statutory Nuisance The effectiveness of the development’s design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

5. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.
6. It is recommended that the applicant considers applying for the Secured by Design Accreditation, the scheme is designed to prevent crime and reduce the opportunities for crime to occur and provide a safe and secure environment for residents and visitors. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and following the links to the design guides.
7. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.
8. Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).
9. Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a good chance of encountering protected species during works.
10. Care should be taken when removing any roof coverings, window frames or other external features which may support bats or nesting birds.
11. If protected species such as bats or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice on bats by telephoning the National Bat Helpline on 0345 1300 228 <https://www.bats.org.uk/advice/bat-found-during-building-works>

The Chartered Institute of Ecology and Environmental Management (CIEEM) has an online professional directory should assistance be required.  
<https://cieem.net/i-need/finding-a-consultant/>

12. Further information about protected species and the law can be found on the government website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>
13. The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.
14. All fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.
15. INFO24 Alterations to vehicle crossing point (S184) You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: [blythdepot@northumberland.gov.uk](mailto:blythdepot@northumberland.gov.uk)
16. INFO29 Highway condition survey You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).
17. INFO33 Reminder to not store building material or equipment on the highway Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
18. INFO40 Reminder to not deposit mud/ debris/rubbish on the highway In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Date of Report:** 2<sup>nd</sup> February 2023

**Background Papers:** Planning application file(s) 22/02324/FUL