

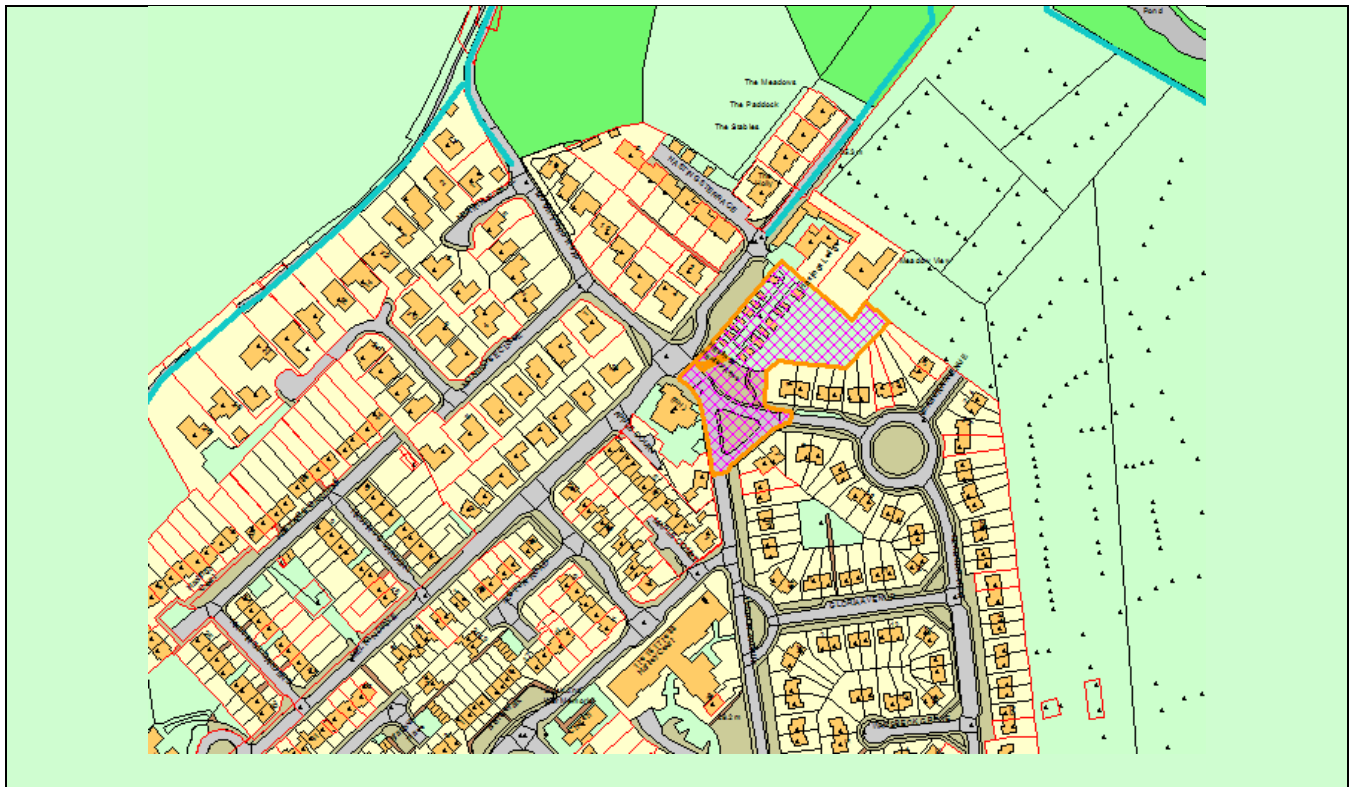


Northumberland County Council

Bedlington, Cramlington and Seaton Valley Local Area Council 21st February 2023

Application No:	21/01588/FUL		
Proposal:	Proposed Erection of 9no. 2 Bed Affordable Bungalows.		
Site Address	Land North East Of Hastings Hartley Arms, Lysdon Avenue, New Hartley, Northumberland		
Applicant:	Mr Alasdair Ritchie Wansbeck Business Park , Rotary Parkway , Ashington , NE63 8QZ	Agent:	Alexander Franklin Unit 3 Hexham Enterprise Hub, Burn Lane , Hexham , NE46 3HY
Ward	Hartley	Parish	Seaton Valley
Valid Date:	19 April 2021	Expiry Date:	22 February 2023
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a s106 to secure affordable housing and a contribution to the Coastal Mitigation Scheme.



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Cramlington, Bedlington and Seaton Valley Area Committee as it raises significant planning issues.

2. Description of the Proposal

2.1 The application seeks planning consent for Proposed Erection of 9no. 2 Bed Affordable Bungalows and Land North East of Hastings Hartley Arms, Lysdon Avenue, New Hartley.

2.2 The site is located in New Hartley adjacent to the. The Hastings Hartley Arms, a Public House. The site is 0.4ha in a residential area. There are existing garages and outbuildings located on the site and an area of green space with mature trees to the eastern corner.

2.3 The proposal includes demolition of the existing garages and outbuildings and construction of 9no bungalows with associated access, car parking, infrastructure and landscaping. The proposed access is from Lysdon Avenue and Seaburn View and the bungalows consist of small terraces arranged around a central access road. All units are inward facing with the rear gardens backing onto the north-west and north east facing site boundaries. The use of materials includes red brick grey roof tiles with the exact specification to be confirmed.

2.4 The supporting planning statement considers that the existing temporary structures are not considered to positively contribute to the character of the surrounding area. The demolition of the outbuildings and garages allows for development of a site which is not currently utilised to its full potential and allows for improvement to the character of the area.

2.5 The site is within the New Hartley Green Belt inset boundary (i.e not in the Green Belt) and is designated as Protected Open Space in the Northumberland Local Plan.

3. Planning History

N/A

4. Consultee Responses

Seaton Valley Parish Council	Support
Natural England	No objections subject to Coastal Mitigation Scheme
Highways	No objections subject to conditions
Public Protection	No objections subject to conditions
Northumbrian Water Ltd	No objections subject to conditions
Lead Local Flood Authority (LLFA)	No objections subject to conditions
County Ecologist	No objections subject to conditions and contribution to Coastal Mitigation Scheme.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	37
Number of Objections	2
Number of Support	1
Number of General Comments	0

Notices

General site notice 20th May 2021

No Press Notice Required.

Summary of Responses:

“The Council is broadly supportive of this development but wonders that from a Highways Safety perspective, access to the site would be better from Mountford Road rather than from Lysdon Avenue which already has a number of junctions on it?”

The application has received 2 letters of objection with concerns relating to:

- Loss of open space, trees and impact to ecology
- Poor choice of access into site
- Need to consider previous coal mining history and land stability
- Flooding/drainage
- Noise during construction
- Where will existing garages be located?

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=QRNWMKQSFSV00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2022 (NLP)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy HOU 2 - Provision of new residential development (Strategic Policy)

Policy HOU 5 - Housing types and mix

Policy HOU 6 - Affordable housing provision (Strategic Policy)

Policy HOU 9 - Residential development management

Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 2 Biodiversity and geodiversity
Policy ENV 3 Landscape
Policy WAT 3 Flooding
Policy POL 2 Pollution and air, soil and water quality
Policy INF5 Open Space and facilities for sport and recreation
Policy INF 6 Planning obligations

Seaton Valley Neighbourhood Plan

No relevant policies

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2020) (NPPG)

7. Appraisal

7.1 The relevant planning consideration in the determination of this application are as follows:

- Principle of Development
- Design and Visual Amenity
- Impact on Residential Amenity
- Highway Safety
- Ecology
- Land Contamination
- Drainage

Principle of development

Spatial Strategy

7.2 The site is located within the settlement of New Hartley. The Northumberland Local Plan (NLP) aims to deliver sustainable development in Policy STP1 which enhances the vitality of communities across Northumberland, supports economic growth which conserves and enhances the County's unique environmental assets to the main towns of the County and Service Centres including New Hartley. The NLP proposal Maps confirms that the site is within the built-up area of the settlement and the Green Belt inset boundary that surrounds New Hartley. STP1(e) confirms support of sustainable development within Green Belt inset boundaries.

7.3 Policy STP 2 reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Policy STP 3 states that in applying the presumption in favour of sustainable development in Northumberland, development proposals will be expected to 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; provide a type and mix of housing to meet local housing need, including meeting the needs of an ageing population and be accessible by, or be able to be made accessible by public transport, walking or cycling

where feasible, thereby reducing the need to travel for both people and goods, and the dependence on travel by private car and effectively manage the impact on the highway network and utilities infrastructure.

7.4 New Hartley recognised as a service village within the NLP and is served by public transport and comprises facilities including a public house, convenience store and primary school. As such, the site is within a sustainable location and in accordance with NLP Policies STP 1, STP 2 and STP 3.

Housing

7.5 Policy HOU 2 of the NLP states that 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 meeting the objectively assessed housing needs; making the best and most efficient use of land and buildings; the implementation of necessary enabling transport and utilities infrastructure.

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 8 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. This situation is the principal means by which existing policies relevant to housing can be deemed out-of-date. As identified in the Northumberland Strategic Housing Land Availability Assessment (SHLAA), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites. The forecast 'deliverable' five-year supply for 2021-2026 equated to a 12.5 years housing land supply against the April 2021 minimum Local Housing Need figure, and 11.6 years against the Local Plan's residual annual average requirement. The latest Housing Delivery Test result records that Northumberland achieved 280% delivery against its minimum housing need for the three-year monitoring period 2018-21. Therefore, in the context of paragraph 11(d) and Footnote 8 of the NPPF and NLP Policy STP2, the presumption in favour of sustainable development and 'tilted balance' does not apply, such that existing policies that influence the location, supply and delivery of housing development are not regarded as being out-of-date. Northumberland has also therefore more than satisfied the NPPF paragraph 60 objective of significantly boosting the supply of housing.

7.7 In terms of whether the site is needed to contribute to the distributed housing requirement for the designated neighbourhood plan area in Policy HOU 3 (and Table 7.1) of the NLP, it is the case that the indicative requirement for Seaton Valley of 540, over the Northumberland Local Plan period, can be met from other committed sites. However, this figure is not a maximum limit. NLP Policy HOU 5 of the NLP provides support for the proposal with an aim to provide a range of good quality, energy-efficient homes, including affordable homes, will be provided to deliver a more balanced mix of tenures and housing types and sizes, alongside supported specialist housing for older and vulnerable people.

7.8 It is worthy to note that the supporting text to NLP Policy HOU5 from the Strategic Housing Market Assessment (SHMA) states that the majority of need in Northumberland is expected to be for 2-bedroom and 3-bedroom properties, together

with some 1-bedroom homes, although there is a small need for larger dwellings of 4- or more bedrooms. In terms of dwelling types, need is split equally between houses for families upsizing and first-time buyers/movers, and bungalows or level-access accommodation for older people downsizing, together with flats. Analysis of aspirations and expectations in the SHMA however, suggests a greater need for 1 and 2-bedroom bungalows and level-access flats/apartments, further emphasising the need to meet the needs of an ageing population.

7.9 NLP Policy HOU 7 further expands on this by highlighting that the development of Entry-level Exception Sites for first-time buyers or renters will be supported on sites not allocated for housing adjacent to an existing settlement where: a. There is an evidenced need for affordable entry-level homes; the proposal wholly comprises one-or-more types of affordable housing secured through a Section 106 agreement; The proposal is consistent with the Plan's spatial strategy for sustainable development and is well-related to local services and facilities; The site is no larger than 1.0 hectare or does not exceed 5% of the size of the existing settlement.

7.10 Policy HOU 11 relates to homes for older and vulnerable people. Housing and other residential accommodation which meets the changing needs of older people and vulnerable needs groups and which supports residents' desires to live securely and independently in their own homes and communities over their lifetimes will be delivered wherever possible, by supporting the adaptation of existing homes and the provision of new adaptable homes, including bungalows located in accessible and sustainable central locations well-served by local health, leisure, education and transport facilities.

7.11 New Hartley is a small village with some local amenities but good transport links with regular bus services to Seaton Delaval as such it is a sustainable location for more affordable units. At the time of the submission of the application, there were currently 351 applicants within Holywell, New Hartley, Seaton Delaval, Seghill and Seaton Sluice. Currently there are 1286 Registered Social Landlords (RSL) properties in the area from 2018 stock data of all RSL's using Homefinder.

7.12 Within New Hartley there was 0 bungalows advertised between Sept 2018-19. However 1 bungalow in Holywell, 19 in Seaton Delaval and 6 in Seghill which are all considered to be local were advertised between this time. There are currently 126 (35.9%) existing RSL applicants on Homefinder with 68 (54%) currently in identified housing need (Band 2R or above). From the 126 RSL applicants 55 (44%) are 55 years old or above.

7.12 RSL's currently allow applicants 55 years old and above to bid on bungalows so there may be some need for bungalows assuming that all the above applicants are in need of this type of unit. The site is in an area of existing affordable/social rented stock so the location is suited for further affordable units. All 9 units are 2 bedroom bungalows which the applicant has identified has a specific need for the area.

7.13 The site delivers 9 affordable bungalows and the provision of both affordable rent and shared ownership would be suitable for this area.

7.14 Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: a) off-site provision or an appropriate financial

contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

7.15 Policy HOU6 of the NLP establishes the criteria and need for the provision of affordable housing in major residential schemes. This expands on the requirements within the NPPF. The application proposes all 9 dwellings to be affordable homes and as the scale of the scheme is not defined as a 'major' application, there is no such policy requirement to secure this provision however, the applicant has still agreed to enter into a section 106 agreement to legally bind this with any permission granted.

7.16 The 100% provision of affordable housing is a welcomed approach and is a positive factor in the overall planning balance. As such, this aspect of the application is in accordance with the NPPF and Policy HOU6 of the NLP.

7.17 Overall, the application would meet the 3 sustainability objectives in the NPPF with economic benefits for job creation during construction and increased expenditure in the local economy from an increase in the local population. The site is within a sustainable location with accessibility to services and delivers 2 bedroom bungalows that would be suitable as entry level properties or for vulnerable or older people addressing social objectives. From an environmental perspective, despite the loss of mature trees, the proposal would develop a section of brownfield land and enhance the appearance of the site with soft landscaping and biodiversity enhancements. The application is in accordance with policies, STP1, STP2, STP3, HOU2, HOU5, HOU7, HOU11 and the NPPF.

Open Space

7.18 The site is partly recognised as brownfield land as it accommodates outbuildings for residential use. It is also acknowledged however, that the remaining area is open green space comprising mature trees. This secluded area of open space is not visible from the public highway and enclosed to the rear of existing houses, nevertheless there is some visual and amenity value with an undeveloped green space within a built-up residential area and the large mature trees provide some landscape features within the street.

7.19 The site is not allocated as protected open space within the Seaton Valley Neighbourhood Plan which its primary aim, incidentally, is allocating areas of protected open space and Local Green Space Areas. Despite being partly brownfield land, the whole site is allocated as protected open space in the NLP Proposal Map and under Policy INF5 (Open space and facilities for sport and recreation). This states that:

“The loss of open spaces defined on the Policies Map, or other existing open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”*

7.20 7.19 NLP Policy INF 5 (1) follows a similar approach to the NPPF under Paragraph 99 which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”*

7.21 The application has been supported by an Open Space Assessment to demonstrate that the land is surplus to requirements as amenity green space in this location. The study is an appraisal of the quality and function of the application site and surrounding areas of open space. The criteria for the field assessments includes if a site is a welcoming place; security; maintenance and cleanliness; biodiversity and landscape; community involvement. The study demonstrated that there is a wide variety of public open space in New Hartley and the application site is underused, of poor quality and partly used as a storage area.

7.22 The Open Space Assessment concludes:

“The site is identified within the Open Space, Sport & Recreational Facilities – PPG17 Assessment (2011) as Hastings Lodge (ref: 3207) and it is cited as ‘Amenity Greenspace’ and a site in need of improvement.

The standard set out in the Open Space Assessment is “To ensure provision does not fall below the current level of 1.09 ha per 1,000 population”. In relation to the availability, it states: “Area analysis: surplus in the North and South East, deficiency in the West” (page 3). As the site is located within the South East area of Northumberland, the site is located in an area of identified surplus amenity greenspace.

The existing site is brownfield land with several disused garages located on the site, it is considered that the site only provides limited open space. Correspondence with the Parish Council states that the site mostly consists of disused garages which does not have recreational value to local people currently, and it is noted that the Parish Council are broadly supportive of the proposed development. This demonstrates that the existing site does not hold value to the local area and areas of open space within New Hartley are better used than the proposal site.

The site provides a very small contribution of Open Space (0.39ha, of which 0.11ha is covered by garaging) within the settlement of New Hartley. Within a minutes walking distance from the site, a large area of Protected Open Space is allocated to the north east with several other areas within New Hartley”.

7.23 The statement provides a credible case highlighting that the existing open space is linked to an area of brownfield land and is of poor recreational quality. There are more accessible areas of open space within the village and the application site does not currently contribute to the open space needs of the local people. There has been 1 objection received which relates to the loss of open space but there doesn't appear to be a general overriding need within the village to retain this small pocket of land for amenity value. In addition, there are comments from Seaton Valley Parish Council that

acknowledge the poor quality of the application site as public open space and the provision of affordable homes is supported.

7.24 The loss to a small area of open space and large mature trees is regrettable and a negative factor in the planning balance however, it has been adequately justified. Taking into consideration the quality, location, lack of identifiable need and alternative sites within the village, there is a strong case to consider that the application site is surplus to requirements and is in an exception within paragraph 99 of the NPPF and Policy INF5 of the NLP.

Design

7.25 NLP Policy HOU 9 Residential developments will be supported where they contribute to a sense of place, which supports community identity and pride.

7.26 Policy QOP1 states that in determining planning applications, design will be assessed against design principles. In summary this includes:

- Be visually attractive and incorporate high quality materials and detailing;
- Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;
- Ensure that 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, including measures where relevant to reduce the risk of crime and the fear of crime;
- Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;
- Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains.

7.27 NLP Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.28 The proposed density and layout of the scheme is appropriate for the size of the site and the number of units proposed does not overdevelop the available space. The central access road into the site positions the two row of terraces within an 'L' shaped formation to promote social cohesion within an informal courtyard area. The proposed design and scale of the dwellings are suitable for 2 bedroom bungalows to avoid appearing overbearing within the existing street layout. The use of facing red brick relates to the surrounding residential development. New Hartley comprising various housing styles and the provision of 2 bedroom bungalows contributes to the objective of creating mixed and balanced communities in accordance with the NPPF.

7.29 The existing area of open space to the rear of the site has no significant amenity value and the loss of trees is necessary to enable the development of housing infrastructure and affordable homes. Those trees that don't conflict with the development are being retained, particularly the dense coverage to the north-west boundary. The trees on site are not legally protected and the scheme includes

compensatory landscaping with additional planting within the site; soft landscaping enhancements to the front of the site and protecting the boundary trees during construction. Whilst NLP QOP 4 does seek to retain existing trees, the considerations in favour of the development outweighs the harm and mitigation has been proposed with tree planting, ornamental shrub planting and native hedging with area of bulb planting within wildflower turf.

7.30 Overall, the scheme in general would redevelop the site to replace the existing unkempt outbuildings and improve the overall appearance from the public domain with soft landscaping. As such, the application is in accordance with NLP Policies HOU 9, QOP 1, QOP 4 and the NPPF.

Amenity

7.31 NLP Policy QOP 2 promotes good design and to ensure amenity a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area.

7.32 The proposed layout of the development ensures that primary elevations do not overlook each other, and an appropriate separation distance is retained to existing properties. Each dwelling has private outdoor amenity space with adequate distances to the nearest built development to avoid an overbearing impact. Soft landscaping is proposed to enhance amenity for occupants.

7.33 Public Protection has also been consulted and offer no objection on noise grounds with the site being close to the Hastings Hartley Arms Pub. The submitted noise assessment found that any disturbance from the public house beer garden may slightly affect the acoustic character of the area but not to the extent that there is a change in quality of life. It has been recommended however, to ensure that the construction works mitigate the potential disturbance to exiting residents which can be secured via condition.

7.34 Overall, the application is in accordance with NLP policy QOP2 and the NPPF.

Ecology

7.35 Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations

7.36 Any potential impacts on protected habitats/species that may be present will need to be accounted for by way of appropriate avoidance, mitigation and/or enhancement strategies to ensure that favourable conservation status of the population/habitat is at least maintained and to ensure that individual animals are not harmed. Paragraph 179 of the NPPF seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority

species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

7.37 The proposal will mean the loss of a large mature trees and open space to the rear of existing housing. Whilst the loss of trees is regrettable, the provision of sustainable affordable housing should be given significant weight. Existing trees along the northern boundary will be retained and the Seaton Valley Neighbourhood Plan does not identify the land as protected open space. Ecology has requested more ecology enhancements prior to a decision being made

7.38 The proposed landscape plan confirms the trees will be retained around the perimeter of the site with additional planting to the small area of open space near the entrance. The landscaping proposals and inclusion to install bat and bird boxes provide adequate enhancements for biodiversity. There is no objection to the application from the County Ecologist subject to conditions. As such, the application is in accordance with the NPPF.

Coastal Mitigation Service

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

7.40 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.41 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast and £307 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £615 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements.

7.42 The developer should be aware that paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. A class Habitat Regulations Assessment has been agreed with Natural England

and applies to all developments where a contribution to the Coastal Mitigation Service has been agreed. Consequently there is no need to complete an individual HRA for each scheme.

7.43 The applicant has agreed to contribute £5,535 (£615 x 9) to the coastal mitigation and is being secured via a s106 agreement. As such the application accords with Policy ENV 2 and the NPPF.

Highways

7.44 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Where relevant this includes the use of Transport Assessments, Transport Statements and Travel Plans where applicable and appropriate.

7.45 Policy TRA 2 of the NLP relates to the effects of development on the transport network. All developments affecting the transport network will be required to:

- “a. Provide effective and safe access and egress to the existing transport network;*
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;*
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;*
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;*
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and*
- f. Minimise any adverse impact on communities and the environment, including noise and air quality”*

7.46 Policy TRA 4 relates to parking provision in new development where an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking should normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan

7.47 The proposed development will be located in a residential area of New Hartley. There are pedestrian routes surrounding the site which link to the Public House, New Hartley First School and bus stops to the South. The existing bus stops to the South are serviced by the Arriva X7 Max every 30 minutes and the 58 service to East Hartford once per day (School Bus). The proposed development site is located within a sustainable location.

7.48 A new vehicular access and footway is proposed on the existing junction at Seaburn View. A Road Safety Audit was undertaken to demonstrate that the development can provide safe access and egress to the existing network without conflicting other traffic. The visibility and movement of vehicles for the new access and internal layout have been assessed and considered acceptable for this scheme which is eligible for adoption through an agreement with NCC Highways.

7.49 The proposed development has been assessed in conjunction with the NPPF, Northumberland Local Plan Appendix E of the NLP. The proposed development will see the construction of 9 x 2-bed bungalows and proposes an unallocated approach in terms of car parking with 16 car parking spaces in total with visitor parking being included in this total. The principle of this arrangement is acceptable and encourages the use of sustainable modes of transport such as bus services and in addition, a condition is imposed to secure Electric Vehicle Charging to support mitigation of climate change under the principles identified within NLP Policy STP 4.

7.50 Overall, Highways Development Management has no objections to the application subject to securing further details via conditions relating to a construction method statement; boundary treatment; street trees; implementation of parking area; completion of highway works; maintenance of estate streets; submission of details of adoptable streets; cycle parking; EV charging points and refuse.

7.51 Subject to conditions, Highways Development Management has no objections on highway safety grounds subject and the application is in accordance with Policies TRA 1, TRA 2, TRA 4 and the NPPF.

Public Protection

7.52 Policy POL 1 relates to unstable and contaminated land. Development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.53 Policy POL 2 relate to pollution and air, soil and water quality and development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported. Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity.

7.54 The development site lies within The Coal Authority Standing Advice Area. Public Protection has been consulted and their main concern is in relation to mine gas and the health & amenity of the future occupants of the proposed dwellings. It is recommended that mine gas protection measures be incorporated into the design proposed dwellings to afford protection to the end user. This can be secured via a condition.

7.55 The applicant has submitted supporting information regarding potential contaminated land which states that the potential risk of significant contamination being present on this site is considered to be low to moderate based on the previous and current known site uses (houses with gardens and garages).

7.56 In order to establish the environmental risk based on the findings of the Conceptual Site Model, further intrusive ground investigation in the form of trial pits and mini-percussion boreholes are required to assess the shallow ground condition.

7.57 The applicant has submitted an Air Quality Screening Report and in accordance with the IAQM (Institute of Air Quality Management) document, the effect can therefore be described as not significant.

7.58 There are some concerns regarding construction noise, dust and floodlighting which have the potential to cause loss of amenity to residential premises which are in close proximity to the proposed site. As such conditions are recommended to mitigate the impact. Overall, Public Protection has no objections and the application is in accordance with Policy POL 1, POL 2 and the NPPF.

Drainage

7.59 The application has been supported by drainage proposals to discharge into the existing mains. Northumbrian Water and the LLFA has been consulted and offer no objections subject to conditions to secure appropriate discharge rates. As such the application is in accordance with NLP Policy WAT 3 and WAT 4 the NPPF.

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 application is located within the settlement of New Hartley within a sustainable location. Whilst there will be a loss of open space, it has been demonstrated that this is surplus to requirements and part of the site is developing upon brownfield land to provide a more efficient use of land and visually improve the site within a residential area. The proposal will be providing 9 affordable bungalows that would help deliver a balanced mix of tenures and housing types where there is a specific need in the area. It is therefore, considered that on balance the positive factors outweigh the loss of open space and as such the application is in accordance with the NLP, Seaton Valley Neighbourhood Plan and NPPF.

8.2 The application is recommended for approval subject to a s106 to secure affordable housing and a contribution to the Coastal Mitigation Scheme.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are:

Proposed Site Plan N81:2928 003 P12
Proposed External Finishes Plan N81:2928 004 P5
Proposed Cycle & Bin Storage Plan N81:2928 004 P4
Proposed Housetype BU4 N81:2928 200 P2
Proposed Streetscenes N81:2928 300 P3
Proposed Cycle Storage N81:2928 400 P1
Detailed Landscape Proposals C-1961-01 Rev A
Location Plan N81:2928 001 P2

Arboricultural Method Statement for trees on land adjacent to Lysdon Court, New Hartley

Arboricultural Impact Assessment for trees on land adjacent to Lysdon Court, New Hartley

Phase 1 GeoEnvironmental Appraisal 29 May 2020 20104-01

Preliminary Ecological Appraisal New Hartley Oct 2020

Tree Protection Plan (TPP) Retained Trees AIA TPP Dated 09.06.20
Arboricultural Method Statement AMS TPP 10.06.20
20104-01 Rev P3 "Engineering Layout" - Coast Consulting;
20104-SMP01 Rev A "SuDS Maintenance Plan – New Hartley" dated 23 September
2020 from Coast Consulting; and
20104-FRA01 "Flood Risk Assessment and Drainage Strategy – Land at Hastings
Terrace, New Hartley" from Coast Consulting.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby permitted shall not be commenced until a 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 in accordance with the NPPF and Northumberland Local Plan.

04. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards in accordance with the NPPF and Northumberland Local Plan.

05. No development shall commence above damp proof course level until a scheme for the provision of bat and bird boxes integrated into the fabric of the buildings shall be submitted to, and approved in writing by, the local planning authority. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. Integrated bird nesting features at a ratio of one per dwelling shall be installed.

Thereafter, the bat and bird boxes shall be installed in accordance with the approved details during the course of construction, and retained as such in perpetuity.

Reason: To protect and enhance the biodiversity of the site in accordance with the NPPF and Northumberland Local Plan.

06. Prior to the erection of rear garden boundaries a scheme detailing how and where all garden boundaries will include a gap at the base measuring 13cm x 13cm to allow continued access through the site for hedgehog shall be submitted to, and approved in writing by, the local planning authority.

Thereafter, the access gaps shall be installed in accordance with the approved details during the course of construction, and retained as such in perpetuity.

Reason: To maintain the population of a priority species in accordance with the NPPF and Northumberland Local Plan.

07. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy revision A" dated "August2020". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8001 and ensure that surface water discharges to the surface water sewer at manhole 8919. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Northumberland Local Plan.

08. During the demolition and construction periods, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday - Friday - 0800 - 1800, Saturday 0800-1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused

Reason: To safeguard the amenity of neighbouring residential properties in accordance with the NPPF and Northumberland Local Plan.

09. No development shall take place until an emergency contact telephone numbers in the event of a dust complaint being received and a scheme specifying (Dust Management Plan) the provision to control/mitigate dust emanating from the site, shall be submitted to the Local Planning Authority. The agreed scheme shall be implemented in full and maintained until the construction process has been completed. (Guidance on the assessment of dust from demolition and construction can be found at the following: www.iaqm.co.uk).

Reason: To Safeguard the amenity of neighbouring residential properties in accordance with the NPPF and Northumberland Local Plan.

10. No flood lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To retain control over floodlighting in the interests of visual amenity in accordance with the NPPF and Northumberland Local Plan.

11. 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 the following measures as stated in the Phase1 GeoEnvironmental Appraisal, dated 29th May 2020, Report No: 20104-01, unless the Local Planning Authority dispenses with any such requirement in writing:

- a. Following the demolition and removal of demolition materials a site investigation shall be carried out to characterise the nature and extent of any land contamination fully and effectively 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 assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- b. Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.
- c. 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 in accordance with the National Planning Policy Framework and Northumberland Local Plan.

12. If during development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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 any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user in accordance with the National Planning Policy Framework and Northumberland Local Plan.

13. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

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

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

14. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 13, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to the health of the future occupiers in accordance with the National Planning Policy Framework and Northumberland Local Plan.

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

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

16. The landscaping of the site shall be carried out in accordance with the approved plans within the first planting season following first occupation or substantial completion or within such other time as may be approved with the Local Planning Authority in writing beforehand. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants 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 National Planning Policy Framework and Northumberland Local Plan.

17. Development shall not commence until a Demolition and Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction periods. 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.

18. No dwelling shall be occupied until details of the proposed boundary treatment and visibility splays at the site access clear of obstructions to the driver's eye line 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.

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

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

20. 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.

21. No dwelling shall be occupied until details of the full scheme of proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

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

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

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

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

24. 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.

25. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before each dwelling is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details 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.

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

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

27. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwellings house is properly assessed and to ensure adequate outdoor amenity space in accordance with the NPPF and Northumberland Local Plan.

28. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

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

Informatives

Great crested newt are a European protected species and fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the

Conservation of Habitats and Species Regulations 2017 (as amended). Making it an offence to:

- capture, kill, disturb or injure great crested newts deliberately
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places (deliberately or by not taking enough care)
- possess, sell, control or transport live or dead newts, or parts of them
- take great crested newt egg

Whilst working, developers should avoid leaving piles of rubble or chemicals and equipment which may encourage the species onto the site and lead to their harm. Should a great crested newt be found then work should stop immediately, and an ecologist contacted to provide further advice.

Section 38 Agreement and adoption of highways

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

Section 278 Agreement and works in adopted highway

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

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.

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.

Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 22 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from

the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition [HWD12] of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.

Background Papers: Planning application file(s) 21/01588/FUL