



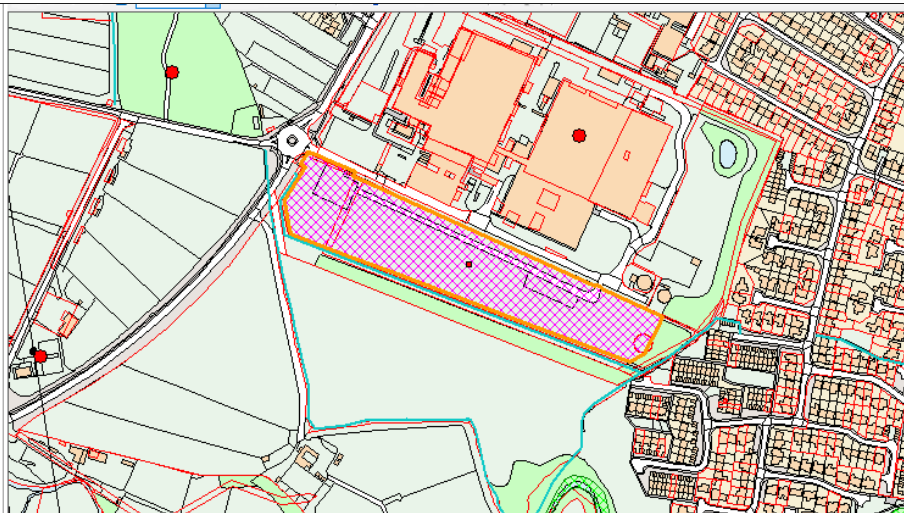
Northumberland County Council

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

Application No:	23/00584/OUT		
Proposal:	Outline planning application (all matters reserved) for 99 dwellings.		
Site Address	Land South Of Plant Based Valley, Avenue Road, Seaton Delaval, Northumberland		
Applicant:	Ms Fiona Mills 44 Grand Parade, Brighton , BN29QA,	Agent:	Mr Alan Mcbeth 22 Saturday Bridge, Gas Street, Birmingham, B1 2JX
Ward	Holywell	Parish	Seaton Valley
Valid Date:	16 February 2023	Expiry Date:	18 May 2023
Case Officer Details:	Name: Mrs Tamsin Wood Job Title: Principal Planning Officer Tel No: 07966331977 Email: tamsin.wood@northumberland.gov.uk		

Recommendation:

That this application be GRANTED permission subject to a Section 106 agreement securing Affordable Housing on site and contributions of £387,000 towards education facilities, £73,200 towards healthcare, £60,885 towards coastal mitigation and contributions towards amenity green space, parks and gardens, and play for children and young people



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1. Introduction

1.1 This application is to be determined at committee as the recommendation is contrary to the objection received from the Town Council.

2. Description of the Proposals

2.1 Outline Planning permission is sought for the construction of 99 dwellings of different sizes on land measuring 3.09 hectares in size, directly south of the former Proctor and Gamble site which is now used by the NHS. The site which is located to the south of Seaton Delaval, is mainly covered in overgrown grass, with an area of hard standing to the western side.

2.2 Whilst all matters have been reserved for approval at a later stage an indicative zonal plan has been submitted with the application which shows the dwellings would be located mainly along a linear west/ easterly road through the centre of the site, with off shoots, which would lead to a double ended cul de sac at the eastern end of the site. This also shows that Suds basins and access into the site, would be provided at the western side of the site. A design and access statement has also been submitted which states 'Dwellings will not exceed 99 dwellings with a suggested ratio of 20% x 2 bed – 45% 3 bed and 35% 4 bed . (Subject to design development and market study.) This equates to a proposed housing density of approx 31.3 dwellings per hectare (including the Green Belt space to the West.)'.

2.3 Under the provisions of the Northumberland Local Plan there is a requirement for the provision of 10% affordable homes across the site. Within the planning statement the applicant has confirmed their intention to provide affordable homes.

2.4 The site is bounded by residential development to the east, employment land to the north, the A190 Avenue Road to the west and greenfield land to the south. A tree belt runs along the southern and eastern boundaries of the site. The site is south of the former Procter & Gamble factory which is now used by the NHS. The site was previously used as private playing pitches for Procter & Gamble employees only before the factory closed. No remnants of the playing pitches remain. The site is not subject to any ecological designations and does not have any designated heritage assets. The closest ecological designation is Holywell Pond, Site of Special Scientific Interest, which is over 1.3km away to the north east and is separated from the site by existing development. The closest heritage asset is the Grade II Seaton Delaval War Memorial located over 400m north and again is separated by existing development. The vast majority of the site is classed as 'white land' in the local plan, although a small part to the west, closest to Avenue Road, is designated as Green Belt. This is the area the SUDs ponds are proposed. The Seaton Valley Neighbourhood Plan, which concentrates on open space designations, has not identified this land for open space protection.

3. Planning History

Reference Number: 21/02285/FUL

Description: Erection of 92 dwellings and associated access, infrastructure and landscaping.

Status: WDN

Reference Number: B/93/C/0231/P

Description: Proposed erection of 10 No. Bungalows for housing association

Status: REF

4. Consultee Responses

Seaton Valley Parish Council	Members agreed to raise an OBJECTION to the proposed outline application on the following grounds: The site is more suitable and preferable for commercial development. The proposed development would be disconnected from the villages of Seaton Delaval and Seghill. There isn't a need for additional housing of this type in Seaton Valley over and above developments on sites that have already been identified in NCCs Local Plan. A development of this size would require the schools in the area to be enlarged to accommodate the new pupils. The increase in the outline plan to build 99 homes would result in a reduction of green spaces in the development site. There are concerns over the increase in traffic at the roundabout on Avenue Road (A190) which is already a busy route that would need to be shared with traffic and deliveries onto the NHS site. Vehicle access to the development would also need to be over the private land owned by the NHS.
Highways	1) Amended plans and/or additional information required: 2)No objections subject to conditions.
Affordable Housing	10 affordable dwellings are required.
NHS NORTH EAST & CUMBRIA ICB	Request that a single payment of £73,200 is required from the developer towards healthcare infrastructure.
Waste Management - South East	No response received.
Climate Change Team	No response received.
Education - Schools	A £387,000 contribution would be sought.
Natural England	No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (european sites).
County Ecologist	1) Ecological assessment is required 2) Coastal Mitigation Service is required at £615 per unit.
Lead Local Flood Authority (LLFA)	1)Object- require drainage assessment and flood risk should be assessed. 2) Object to this application on flood risk and drainage grounds. Further information is required. 3)No objection subject to conditions.
Countryside/ Rights Of Way	The development must include the connection to, and adoption of the existing privately connected lighting columns currently situated along the footpath. Details of any changes to the boundary treatments on the north and south sides of the footpath, and any proposed direct links to the footpath from the development, must be agreed with the County Council Rights of Way Team. I have no objection to the proposed development on the condition that Public Footpath No. 152 is

	protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
Public Protection	No objection subject to conditions.
Strategic Estates	No response received.
Fire & Rescue Service	No objection in principle to the above proposal subject to it complying with the requirements of section 13 and 14 of Approved Document B – Volume 1.
Architectural Liaison Officer - Police	At this stage of planning the Outline application contains insufficient detail to comment fully on the proposals.
Northumbria Ambulance Service	No response received.
Forestry Commission	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	54
Number of Objections	4
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

Stat Pub & PROW 3/3/23

News Post Leader 3rd March 2023

Summary of Responses:

3 letters of objection (2 from the same person) have been received which in summary raise concerns regarding:

- High demand for jobs by locals and removal of employment land
- Details are vague and waste of public taxes.
- Access to the site is unsuitable from main arterial link road and sae access road as the NHS. cause hindrance of vital NHS supplies
- There will be parking problems in the estate
- The proposal does not satisfy local need for housing.
- The application site was discounted for housing in 2019 SHLAA Plan.
- The application site was identified as allocated employment land in the neighbourhood plan. - The proposed development would present a poor relationship between the prospective occupiers of the dwellings and the NHS factory complex- lead to poor living conditions for the prospective residents and add commercial pressures on the NHS.
- A mature boundary woodland borders existing properties, not the case for the application site.

- The greenfield has formed part of the overall factory complex and is included in all of its previous planning applications. So effectively the proposed housing would fall within the factory complex itself
 - SHLAA read:- “Allocated employment land and therefore not considered suitable at the present time for residential development, either in whole OR PART” (emphasis added)
 - Introduces unnecessary and unacceptable future constraints in terms of its employment use and, as such, the employment role of Seaton Delaval.
 - Service Centres, such as Seaton Delaval, are the second tier of settlements. These provide local services to their surrounding areas and have an employment role, as well as a housing one
 - 2017 Appeal Decision for 285 residential dwellings in New Hartley discussed access to employment provision
 - Future needs and changes of the factory complex- no longer proposed as open space, site was site was to be used as parking for extended packing hall.
 - Social objectives of sustainable development. The prospective occupiers of the dwellings would have poor living conditions- noise- no assessment on intrusiveness, air pollution, lighting, privacy levels etc
 - Omitted area of land could potentially be the only space left for additional needs of the factory complex- to east of site.
 - Refers to Appendix H1 of the Main Modifications (albeit now it is the adopted plans) and requirement for open space requirements.
 - The proposal would cause significant harm to the natural environment in this part of Seaton Delaval, especially the setting of the Green Belt and the much-valued amenity of the Public Right of Way.
 - Not well designed, car dominated, inappropriate pattern of plots. Contrary to design policies.
 - Impact on visual amenity, no landscape and visual impact assessment has been submitted.
 - a refusal on premature grounds is considered to be justified.
- The Northumberland and Newcastle Society (N&N) objects to grant of planning approval for this scheme in its current form as we believe there is insufficient detail to validate the application. This application is on land owned by the adjacent NHS Innovation Centre and designated white land in local plan. A public footpath runs outside the southern boundary. Outline layout very poor, so the Society awaits further details to be able to make a comment

Summary of representations submitted on behalf of the Trust, as the owner of the adjoining NHS Manufacturing and Innovation Hub premises at Avenue Road, Seaton Delaval.

- The Manufacturing and Innovation Hub comprises around 38,000m² of floorspace across a mix of lawful and unrestricted Class E (offices, research and development and light industrial), B2 and B8 uses, with unfettered 24-hour operations, 365 days a year.
- As well as serving a range of ‘back of house’ NHS services including clerical functions, the storage of medical records, and PPE manufacture, the wider site has huge potential to provide Northumbria Healthcare with office, manufacturing and warehousing space to service their own supply chain and meet clinical and operational functions across the region moving forward.

- It is anticipated that the site will ultimately support around 590 jobs for NHS staff and the local community in South East Northumberland
- The Trust's site is identified as a General Employment Land Allocation at Policy ECN6 and a key general employment area at Policy ECN7 of the Northumberland Local Plan which seek to support main employment uses within General Employment Areas.
- Policy QOP2 ensures that neighbouring uses are compatible in terms of impact on amenity ie noise, disturbances, odour, gases, other emissions and any other harmful effects,
- Concerns relate to the development of residential uses in close proximity to their manufacturing facility in respect of highways, residential amenity and the 'Agent of Change' principle,
- The current outline planning application provides insufficient detail for any of these considerations to be adequately assessed. ie absence of any detail in respect of the site access. Does not consider the subject outline planning application to constitute a valid application, due to significant deficiencies in the information
- To adequately assess the Agent of Change principle, the subject application should be accompanied by noise and lighting assessments, with details of any necessary mitigation. Without granting planning permission for the residential properties would be premature and likely to lead to Environmental Health or statutory nuisance complaints against the Trust, which could ultimately jeopardise their 24-hour operation and put at risk hundreds of jobs- in conflict with the Agent of Change Principle in paragraph 187 of the NPPF and policy QOP2.
- Requires Flood risk assessment.

The NHS appended a letter submitted under the previous application at the site, which in summary added the following additional comments-

- Awarded £30 Million from the NHS in November 2022 to deliver a new aseptic manufacturing unit for chemotherapy drugs at the site, and the completion in December 2022 of the state-of-the-art new Wheelchair Centre, storing and providing mobility equipment for patients across the County. This illustrates the Trust's intention that the Manufacturing and Innovation Hub will operate as a 'one-stop shop' for back office and support services, freeing up capacity within their hospital sites to deliver enhanced patient care.
- The Trust has significant concerns regarding the potential impact of the neighbouring housing development upon the rapidly expanding operation of the Manufacturing and Innovation Hub over the coming years.
- The crux of these concerns are twofold; relating to the potential detrimental impact of the Trust's ongoing intensification of operations upon the residential amenity of future occupants of the proposed dwellings and conflict with the 'Agent of Change Principle' , and the impact of the proposed new site access arrangements upon the Trust's 24-hour operational requirements.
- Impact upon Residential Amenity and Conflict with the Agent of Change Principle - the Trust considers that the proposed housing development is not compatible with the operation of their site, both in respect of residential amenity and the resulting potential for public complaints and restrictions to be placed upon the Trust's facility.
- In addition to potential noise impacts arising from the intensification of the Trust's manufacturing operations at the site over time, no assessment has been undertaken to consider the impact of night-time floodlighting from the Manufacturing and Innovation Hub upon the proposed new residential properties. Stainton Lighting Design Services, have assessed the manufacturing site's current lighting, and confirms the 6m columns along the NHS site's western boundary, which would immediately abut the proposed residential application site will create a high intensity

light source which can be viewed from most locations and generate a lot of glare in the general area. In particular, those residential properties closest to the Trust facility, with rear living and bedrooms directly facing the lighting, would experience glare all through the night. Stainton recommend taller screening would be necessary between the proposed properties and the 6 m high columns, in addition to a 2.4 m high fence. It could potentially be in the form of trees.

- The Trust should not have unreasonable restrictions placed on them.
- Granting planning permission for the residential properties as proposed would be likely to lead to Environmental Health or statutory nuisance complaints against the Trust, which could ultimately jeopardise their 24-hour operation.
- Access- The Trust currently benefits from unfettered use of a private site access arrangement, secured by gates.
- The proposed access works would be detrimental to the long-term operation of the facility
- The intended adoption of the front section of the site access road means that the Trust could not practically 'stack' two HGVs behind the security barrier, as they can at the moment, as they are not permitted to "stack" on the public highway. The only way they would be able to stack HGV's is with an expensive reconfiguration and relocation of a significant proportion of the site's 'front of house' security arrangements;
- Currently HGV drivers can stop next to the security control hut on the Trust's land to physically sign in. The new proposed layout and route means that any visitors would have to walk to the security hut to physically sign in. If the HGVs stop at the hut, as they currently do then they would be "stacking" on the public highway;
- The application proposals leave the security control hut in its current location but move the barrier. The Trust does not want the barrier to be relocated in this way. It is inconvenient and raises security concerns. Relocating the security control hut and all services that serve it would be a substantial expense and one that the Trust should not have to contemplate. If the security control hut is moved, then the barrier could not be easily operated and would impact on safety.
- The proposals will, in the Trust's opinion, give rise to a serious risk of traffic seeking to enter the site having to "stack" on Avenue Road (the public highway), due to traffic waiting to turn into the proposed housing development.
- The only means of mitigating the above safety issues and adverse impacts would be for the Trust to have to relocate the security control hut and barrier as set out above. There is however no obligation on the Trust to do this nor any reason why it would choose to do so given the substantial costs it would have to incur to do so and the sterilisation it would cause to part of the Trust's land.
- The proposal will result in the loss of critical car parking spaces from the Trust's site which impacts on their ability to serve current and future development at the Hub.
- The safety issues resulting from stacking of HGVs on the public highway is likely to lead to restrictions being place on the Trust and for this reason also the application conflicts with the Agent of Change Principle. As the application stands, the Trust is not minded to agree to the use of the site access in the manner proposed due to its impact upon the future operation of the allocated employment site, and this is considered to be a material consideration in the determination of the subject planning application.

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=RQ4PX5QSFJ500>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

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 6 – Green Infrastructure (Strategic Policy)
STP 8 - Development in the Green Belt.
HOU 2 – Provision of new residential development (Strategic Policy)
HOU 5 – Housing types and mix
HOU 9 – Residential development management
ECN 5 Large-scale windfall employment development
ECN 6 -General employment land - allocations and safeguarding
ECN 7 -Key general employment areas for main employment uses
QOP 1 – Design principles (Strategic Policy)
QOP 2 – Good design and amenity
QOP 4 – Landscaping and trees
QOP 5 – Sustainable design and construction
QOP 6 – Delivering well-designed places
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
TRA 3 - Improving Northumberland's core road network
TRA 4 – Parking provision in new development
ENV 2 – Biodiversity and geodiversity
ENV 7 -Historic environment and heritage assets
WAT 3 – Flooding
WAT 2 - Water supply and sewerage
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality
INF 6 – Planning obligations

Seaton Valley Neighbourhood Plan September 2021

Policy SV1: Local green space
Policy SV2: Protected open space

6 .2 National Planning Policy

NPPF (2021)
NPPG (2021)

7. Appraisal

7.1 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
- Section 106 requirements
- Design, landscaping and impact on residential amenity impact
- Noise impact / conflict with the adjacent factory use
- Highways
- Flood Risk/ Drainage
- Ecology matters
- Archaeology
- Contamination

Principle of Development

7.2 The majority of the application site is not allocated as anything within the Northumberland Local Plan. It is known as 'white land'. This covers that part of the site where the indicative zonal plan shows houses are to be located. Only a small proportion of the western side of the site falls in the Green Belt and only the road that leads to the site from the roundabout on the A190 falls within a Key employment area (Policies ECN 6 and 7). The Seaton Valley Neighbourhood Plan does not allocate the site as employment land, as suggested by an objection.

7.3 The plan defines settlement boundaries for all Main Towns, Service Centres and Service Villages (except in the Green Belt where inset boundaries are defined) unless local communities, through the neighbourhood planning process are defining boundaries. The Seaton Valley Neighbourhood Plan does not define settlement boundaries. That part of the site which is 'white land' lies directly next to the built-up area of Seaton Delaval but within the Green Belt inset boundary and as such this part of the site is considered to be within the settlement limit. Under Policy STP1 Seaton Delaval is identified as a service centre which can accommodate employment, housing and services that maintains and strengthens their roles and under criteria e) of this policy it specifically states 'Sustainable development will be supported within Green Belt inset boundaries and within settlement boundaries defined on the Local Plan policies map or in neighbourhood plans.' In terms of this site it is located in a sustainable location with two bus stops located within 120m of the site which connect the site to the regional centre of Newcastle and the main towns of Cramlington and Blyth. The site is located 2 miles from the A189 which connects to the A19 which in turn connects to the A1. Seaton Delaval County First School, Whytrig Community Middle School and Astley High School are also within walking distance from the site as is the local library. The centre of Seaton Delaval is also located 600m walking distance north of the site. It is therefore considered that the site is acceptable as a sustainable windfall housing site, being close to services. As such the development would be a sustainable form of development within the Green Belt inset and as such the principle of the majority of the development accords with Policy STP1 b) and e).

7.4 The western end of the site does fall within the Green Belt however where development is strictly controlled. Housing does not fall within any of the uses considered to be appropriate development in the Green Belt under para 149 of the NPPF. It does however, under para 150, allow engineering operations as long as it preserves the sites openness and does not conflict with the purposes of including land within it. The indicative site plan does not show any houses on this part of the site but only the Suds ponds and access road, which are considered to be engineering operations that would help to maintain the openness of this part of the site. It is considered the principle of this part of the development is therefore

acceptable and in accordance with the NPPF and Local Plan Policies STP1 and STP8. Overall, it is therefore considered the principle of the proposal is acceptable and in accordance with the NPPF and Local Plan.

7.5 In addition, whilst the site had previously been used as a sports ground for workers at the former Procter and Gamble site, and Sport England had originally objected to the previous application on this site (22/02285/Ful) because it was not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF, they did eventually withdraw their objection to that application, as the playing field use had been superseded by another permission. The site is also fenced off and is not open to the public. Neither the Seaton Valley Neighbourhood Plan nor the Local Plan also protect the site as open space. For these reasons the proposal has not been assessed in terms of any loss of open space. The open space needs generated by the houses now being proposed has however been addressed below. Objections also state that Seaton Valley has adequate housing provision, the site is not allocated for housing in the emerging Local Plan and that the Application Site (Ref 9401) was 'discounted' in the SHLAA. It is noted that the SHLAA has, in the past, discounted the site as unsuitable and unachievable. However, the site had been put forward and originally assessed as part of the factory premises as a whole, during the 'interregnum' between the closure of Procter and Gamble and new owners taking over. The site is now being promoted as a separate entity and has to be reassessed as such. 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 new Local Plan, 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. In terms of concerns raised that the site should also only be used for commercial purposes, as the site is not allocated for such purposes there would be no policy justification for refusing the application on this basis. Policy ECN7 is not directly relevant as the planning application site is not a general employment area and is identified as 'white land' on the policies map. Only the access road to the site is covered by ECN7 and as it will remain in such use, also by the NHS, the proposal would not prevent the main wider employment generating activity at the site, in accordance with that policy.

Section 106 contributions

7.6 New development will be expected to make best use of existing infrastructure where capacity exists to accommodate needs. Where improvements to existing infrastructure are required, new development will normally be expected to meet the costs of such infrastructure, along with providing any additional infrastructure requirements arising from the development. Policy INF 1 seeks to ensure that such provision is secured at the time planning permission is granted and that all necessary infrastructure is provided and phased as appropriate, to serve development when it is needed. The provision or improvement of infrastructure needed to support development will usually be secured through the use of planning conditions attached to a planning permission or by planning obligation where the use of planning conditions is not appropriate.

7.7 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.'

Housing Mix and Affordable Housing

7.8 The NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need. Policy HOU 5 states '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.' Policy HOU 6 Affordable housing provision (Strategic Policy) states '1. To deliver affordable homes for sale or rent to meet the identified needs of those not otherwise met by the market, 'major' development proposals of 10 or more units or 0.5 hectares or more (or proposals for five units or more in the Northumberland Coast Area of Outstanding Natural Beauty), will be expected to provide on-site affordable housing (or where robustly justified make an equivalent financial contribution in lieu to support off-site provision which will help create mixed and balanced communities) as follows, in accordance with the housing viability value areas shown on the Policies Map: a. within low value areas - 10% affordable (except developments of 10 or more, but less than 30 dwellings which are exempt from making an affordable housing contribution).'

7.9 As this application is only at outline stage, the mix of dwellings will need to be assessed at reserved matters.

7.10 In terms of affordable housing the local plan identifies this site falling within a low value area where 10% of dwellings should be affordable homes. In this case 10 affordable homes are therefore required to meet Policy Hou6. The applicant has agreed to provide this. The Housing Officer recommends that the applicant provides 3 x 2-bedroom bungalows, 3 x 2-bedroom houses, 2 x 3-bedroom houses and 2 x 2-bedroom apartments for affordable home ownership although this could be changed at reserved matters stage. The affordable homes will be secured through the section 106 and details of tenure agreed at the reserved matters stage when the actual units will be known. As such, the application is in accordance with NLP Policy HOU6, INF 5 and appendix D.

Open space requirements

7.11 Under Appendix H of the Local Plan 'Major' residential development proposals reflecting the legal planning definition of such development i.e. those with 10 or more dwellings or a site of 0.5 hectares or more will be required to provide open space, either on-site or off site or make a contribution to improve existing provision. This sets out that three different types of open space should be provided as follows:

Amenity green space and natural and semi-natural green space
Parks and Gardens

Provision for children and young people

7.12 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. Normally to work out the on site or off site requirements for a full application this is based on the number of people expected to live at the site and this is worked out from the house sizes ie how many bedrooms it has. In this case as this is an outline application this is worked out differently. Para H.33 states 'When an application is received in 'outline', and the number and type of dwellings are unknown, the open space and provision for children and young people requirement will be estimated by applying a minimum density of 30 dwellings per hectare gross housing development and an assumed mix of 40% 2 beds, 40% 3 beds, 20% 4 beds. This will provide an initial guide to the likely requirements. The initial figure will be updated by a detailed calculation based on the number of dwellings, once a reserved matters application is submitted. A review mechanism will be included in the planning obligation to ensure that the appropriate modified calculation, based on the number and size of dwellings permitted, can be undertaken to achieve the appropriate contribution.'

7.13 Using the formulas set out the following provisions are therefore an estimate of what is required to guide the developer.

Amenity green space / natural semi natural green space

210×10 (Sq per person) = **2100** sq m of amenity green space / natural semi natural green space is required- on-site. If only a proportion can be met on site we need to seek contribution on that which is the remaining area multiplied by £23.75 which includes cost and maintenance costs. This does not include gardens.

Parks and gardens

210×3 (Sq per person)= **630 sq m** of parks and gardens -multiplied by £103 (cost and maintenance cost of 5 years) = £64,890 is required for off site. To be secured via financial contribution through 106

Play

210×3 (Sq per person) = **630 sq m** of play – is to be provided on site. If only a proportion can be met on site we need to calculate residual and seek a contribution on that. This would be the remaining area multiplied by £100 (cost and maintenance cost of 5 years) to be secured via financial contribution through 106 .

7.14 As this application is at the outline stage, as set out above, the open space provision is unable to be correctly calculated as the type and size of dwellings is unknown. These open space contributions can still however be secured within a s106 agreement with a mechanism to agree the total sum at the Reserved Matters stage. The applicant agrees with this approach and as such in this respect the proposal accords with Appendix H1 of the local plan and Policies Inf 5 and 6.

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. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast.

7.18 In this particular case the site lies within 7km distance from the relevant protected sites and as a result a contribution of £615 per dwelling is required, totalling £60,885. The applicant has agreed to pay this. 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 The Education officer has confirmed that the development would require a contribution of £387,000 towards Astley High School (£288,000) and Sen provision (£99,000). The applicant has agreed to pay this contribution and as such the proposal would not have an unacceptable impact on Education provision, in accordance with Local Plan Policy Inf 6.

7.20 Given comments raised at committee previously regarding capacity in the area the Education department did confirm that based on last year's census and how many children they know were allocated into the intake year of the relevant School that:

1. Seaton Delaval First School is at 73% of their capacity and therefore well below the 95% threshold for a contribution assessment.
2. Whytrig Middle School - is at 79% of their capacity, again well below the threshold for contribution assessment.
3. Even if all the houses were completed in one go, they would add around 3 pupils per year group, which would still mean both schools would be under capacity. There is also a capital project underway to rebuild Whytrig along with Astley High School funded by NCC.

Healthcare

7.21 The Northumberland Clinical Commissioning group has confirmed that the development would require a contribution of £73,200 towards healthcare provision. The applicant has agreed to pay this contribution and as such the proposal would not have an unacceptable impact on Healthcare provision, in accordance with Local Plan Policy Inf 6.

Design, Layout and Impact on Residential Amenity

7.22 NLP Policy HOU 9 aims for residential development management to provide functional space and facilities for refuse and recycling storage which is appropriate for the development. The location and design of facilities should provide opportunities to screen or reduce their visual prominence, not impact upon amenity, health or security; Policies QOP1 and QOP2 sets out the design criteria for new proposals and to ensure development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area.

7.23 Policy Des1 of the Morpeth Neighbourhood Plan includes a list of criteria in terms of the design of new developments. Of particular relevance to this application, the policy states that proposals will be supported where:

- The design and layout of the development achieves a sense of place by protecting and enhancing quality, distinctiveness and character of settlements;
- Respecting or enhancing the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features;
- Ensuring the development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside;
- Ensuring that the development does not cause an acceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties;
- Incorporating sustainable drainage systems.

• These policies are consistent with the aims of the NPPF which has good design as one of the key aspects of sustainable development and which states that developments should respond to local character and history, and reflect the identity of local surroundings and materials.

7.24 The application reserves matters including the scale, layout and appearance of the scheme and as such these matters would be dealt with at that stage. It is considered however that the site could accommodate up to 99 dwellings and ensure there can be sufficient curtilage to achieve adequate space and privacy standards. In addition there is scope to provide appropriately designed dwellings to avoid impacting upon the visual amenity and character of the area. There will be issues to consider in terms of the layout and orientation of the properties and boundary treatments to help limit impact from the adjacent NHS factory to the north of the site. Although it is considered the design and through the use of conditions this impact can be limited.

7.25 Policy QOP 4 also seeks landscaping design of high quality and aims to retain existing trees where unavoidable. In terms of landscaping it is considered that an appropriate scheme could be designed to include tree planting around the site. This can be conditioned. There are a number of existing trees surrounding the site, particularly to the south and east but there are few trees within the red line. Those that are at the eastern end are immature and primarily comprise an outgrown

hawthorn hedge. Whilst no arboricultural impact assessment has been submitted at this stage, a condition can be attached to ensure one is submitted with the reserved matters application. In addition conditions can be attached to ensure all remaining trees in and to the edge of the site are protected throughout development. In accordance with the NPPF trees will also need to be planted along the streets . These details can also be shown on a landscape plan.

7.26 Overall, it is considered that an acceptable quality of design and landscaping could be achieved which would be acceptable in terms of their impact on the character and appearance of the area. In addition a layout could be designed to ensure that there is no overbearing impact of properties and the impact on the residential amenity of future residents is acceptable in terms of loss of light, outlook and privacy. It is also considered the layout would 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, QOP 2,4,6, ENV2 and the NPPF.

Noise impact / conflict with the adjacent factory use

7.27 Northumberland Local Plan Policy POL 2 states ‘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..... Where the operation of an existing business or community facility could have a significant adverse effect on a development proposal, the development proposal will be required to provide suitable mitigation.’

7.28 Paragraph 187 of the NPPF states ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

7.29 In terms of the above, the application site lies adjacent to an allocated key general employment site where main employment uses are supported and in particular immediately adjacent are buildings occupied and used by the NHS. The proposed residential properties therefore have potential to be impacted upon by this adjacent employment use, which the NHS and objectors have raised concerns about. In particular their main concern, which it is also necessary to consider, is how the occupiers of the employment site next door may be restricted as a result of the proposed development. Even if processes in the factory are currently compatible with the residential use being next door, the layout should take account of future activities and the possibility that the premises may expand and a different employment use, may seek to occupy the building at a later date. As set out above the NHS have submitted a letter of objection raising their concerns about this very

issue –the impact of future uses on residential amenity and the resulting potential for restrictions to be placed upon the Trust’s facility. It is considered noise impact is the main consideration in terms of residential impact given other Environmental Laws/ Regulations can control other impacts. Potential impact on Highways is discussed later on in the report.

7.30 In respect of potential impact on and off the site Public Protection have therefore been consulted. With respect to noise, they have referred to an addendum report dated 11th October 2022 which had been submitted with the previous application and had reported data from a live monitoring exercise in October 2022. The submission of this report satisfies Public Protection that the proposed housing can be developed without a risk of significant harm to residential amenity – the dominant noise sources were identified as aircraft and the existing road network. Furthermore, the consultant demonstrated that an increased use of the existing NHS site (as is permissible under Permitted Development) is compatible with the sensitive end-use proposed under this application. Public Protection also strongly encourage the applicant to commit at an early stage to an enhanced glazing / ventilation design (with greater sound insulation) on the most noise – sensitive façade of the scheme. This approach may add an additional and complimentary form of acoustic protection which would serve to further ensure that noise is mitigated and minimised to the greatest extent at all times (Paragraph 185 of the NPPF). Overall Public Protection have confirmed that the orientation of buildings and habitable rooms (to be secured at a Reserved Matters stage) & the positioning of an acoustic fence along the site boundary) satisfies the requirement of Paragraph 187 of the NPPF that the applicant (the “agent of change”) can provide suitable mitigation to ensure that the existing commercial use does not have unreasonable restrictions placed upon their activity.

7.31 It must however also be noted that while the NHS could indeed extend their site through permitted uses and changes to other uses that fall within the same use class, as above there are also other Environmental Laws that help protect the amenity and safety of nearby residents which currently restrict the NHS. In addition, there are also restrictions and conditions set out under Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015, which will also limit the scale of development at the NHS site (ie, a building cannot be extended by more than 25% or 1,000 square metres (whichever is the lesser- and height restricted to 5m within 10m of the curtilage). Previous applications at the NHS site also included the need for a noise assessment to be submitted (ie 14/02914/ Ful) with restrictions in place. Notwithstanding the proposal, should any changes require planning permission a noise impact assessment may be required to show the existing residential properties would not be impacted upon. So whilst the NHS are concerned, restrictions at this site will not solely be placed on the NHS from the proposed residential development but from existing residential properties around the site which could also be potentially impacted upon by any future changes at the NHS site too. The site is also already confined in an area which itself will restrict future growth.

7.32 Public Protection have also commented on impact from lighting at the NHS site on future residents. They have been made aware of the NHS’s latest objection which sets out they have had their own lighting assessment carried out and that future residents would experience glare from the high columns light at night. Public Protection however state that they disagree with the alleged risk of lighting that has been suggested.

7.33 Therefore in terms of noise impact from current and future activities at the NHS site, it is considered that the impact of noise on residents from existing and future developments at the adjoining NHS site would be acceptable. In addition, the scheme would also not place unreasonable restrictions on the NHS. In this respect, subject to any conditions proposed by Public Protection, the proposal would be in accordance with Local Plan Policies HOU9 and QOP2 and the NPPF.

Highways

7.34 This application is for outline consent, with all matters reserved, and therefore this assessment considers the principle of the development at this location and whether safe and suitable access for the scale of development proposed can be achieved. Exact details of the internal elements of the development site and detailed designs of access and connectivity would be sought through subsequent Reserved Matters application should this outline application be granted permission. As such whilst detailed technical drawings and Transport Assessment details were provided for review as part of the previous application for this site, it is recognised that this level of detail is not a validation requirement for outline planning applications.

7.35 The application therefore 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. The Highway Authority have therefore been consulted and have undertaken a review of the information provided, including a transport statement and assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations.

7.36 Highways have confirmed the application details show the redline boundary of the application site connects the development to the adopted highway at the existing roundabout on the A190 Avenue Road. The access into the site will come directly from the access road to the NHS site too. A Transport Statement has also been provided, which provides direct responses to the items raised in Highways first comments, in relation to access arrangements, trip generation and assessment of flows and capacity. Appendix C of the submitted Transport Statement identifies that the development is to provide a staggered priority junction with the NHS access road serving the residential development and the NHS Trust site. Additionally, works are proposed to the NHS Trust site car park access in order to widen the access and amend the radii to accommodate the swept path of an articulated HGV where required. The information supplied also shows the distance between the junctions/accesses is proposed to be 24.3m and is to be achieved by locating the access to the residential site west towards the A190 roundabout. Highways state this further information presented in the Transport Statement satisfies the previously raised comment in relation to the interaction of the proposed development and access arrangements with the existing access point to the NHS Trust site at this outline application stage and further assessment can be provided as part of the Reserved Matters application, should this application be granted permission.

7.37 Highways also note that the proposed access arrangements to the residential site in relation to the access for the NHS Trust site car park have been reviewed by external officers and the proposals have been through the formal Road Safety Audit process, to which the assessment and outcomes have been principally accepted by the Local Highway Authority. In addition the Transport Statement for this application

also included modelling which takes into account future development at the NHS site and with the residential development in place – and this concludes there would not be a major change to queuing at the roundabout and junctions if the NHS building was in full use and residential development in place. As such Highways have taken into account future development. Should any further applications be submitted too, these would also be assessed at the time by the Highways Authority.

7.38 Whilst concern has been raised with regard to the impact of the proposal on the highway network and by the NHS in terms of the access into the site, and the Highway Authority have been made aware of these objections, the Highway Authority have still confirmed that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals. They state it is recognised that this application is outline with all matters reserved, and therefore the level of information provided at this stage is proportionate to the type of planning application in relation to details of safe and suitable access arrangements to the site. Highways have not requested any further recommended amendments to the scheme as part of this outline planning application. Overall and finally Highways have no objection to the proposal and consider that the imposition of conditions and informatives as detailed below will address any highways concerns with the proposed development.

7.39 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 TRA –1 and TRA 2. Exact details (those matters which are currently reserved – appearance, means of access, landscaping, layout and scale), including parking details, will be sought through subsequent Reserved Matters application should this outline application be granted permission.

7.40 Whilst concern was raised about the removal of the ‘new car park for increased staff parking’ on the application site that formed part of the Planning Application for the packing hall extension, under Reference 14/02914/ Ful, this was required by Proctor and Gamble who were the former occupier of the site next door which is now used by the NHS. The requirements at the site have therefore changed under new ownership. Should any future proposals require assessment by the LPA parking would be assessed.

Flood Risk/Drainage

7.41 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 WAT 3 and 4 which deal with Flooding and Sustainable Drainage Systems. Final drainage details would be submitted under a reserved matters application and at that stage Northumbrian Water would also be consulted.

Ecology

7.42 The County Ecologist, who assesses the proposal in terms of impact upon biodiversity, protected species and protected sites has considered the submitted Ecological Appraisal 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.

Archaeology

7.43 The proposed development site has potential to retain significant unrecorded archaeological remains. The County Archaeologist has therefore been consulted. They have confirmed that the application site was subject to a programme of archaeological work undertaken to inform application 21/02285/FUL. The results of which are pertinent to the present application. A programme of archaeological evaluation (trial trenching) was undertaken on site which identified that much of the site had been disturbed in the modern period, including via site levelling in advance of the playing field construction. Previous phases of archaeological assessment had identified cropmark features of potential archaeological origin although no trace of these cropmark features was identified. No significant archaeological remains were recorded by the evaluation exercise. Given the negative results of the recent evaluation, the County Archaeologist has no objections to the proposed development on archaeological grounds and confirms no archaeological work is recommended. Overall and in conclusion it is therefore considered that the proposals impact on heritage assets is acceptable and in accordance with Local Plan Policy ENV7.

Contamination

7.44 The site is situated within the Northumberland Coal Field with outcrop features also being present within Seaton Delaval. Public Protection have confirmed that 'in accordance with Northumberland County Councils Planning Contaminated Land Procedure it is proportionate and necessary to require gas protection measures at this site. Conditions to control noise and dust during the construction phase are proportionate to protect residential amenity of Newburgh Avenue. In addition, onsite contamination associated with a track and compound has been identified and it is essential that a sufficient remediation strategy and verification report is submitted to protect future site users.' 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. 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 objections raised have all been taken into account in the assessment of this application. For the above reasons however it is considered that the proposal is acceptable.

9. Recommendation

That this application be GRANTED permission subject to a Section 106 agreement securing Affordable Housing on site and contributions of £387,000 towards education facilities, £73,200 towards healthcare, £60,885 towards coastal Mitigation and contributions towards amenity green space, parks and gardens, and play for children and young people

Conditions

01. Approval of the details of the access, layout, scale, appearance and landscaping hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

02. Application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

03. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

04. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

Location Plan and appraisal

Zonal Housing Masterplan OP2C received and uploaded 7/6/23

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

05. Prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with Northumberland Local Plan Policies HOU9, QOP4 and ENV2.

06. No development shall take place until a landscape scheme for a tree and shrub screen planting belt along the north boundary(s) of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter this screen planting shall be implemented in the first planting season following commencement of development and before the first occupation or within such other time as may be approved with the Local Planning Authority in writing beforehand. The screen planting shall be maintained in accordance with a maintenance schedule which shall first be approved in writing by the Local Planning Authority and any trees

or shrubs which are removed or found to be dead, dying or diseased shall be replaced with similar species during a period of five years following the completion of the screen planting scheme.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with Northumberland Local Plan Policies HOU9, QOP4 and ENV2.

07. All trees and hedges within, and to the boundaries, of the site identified on either the approved tree survey or the approved application plans as being retained, shall be retained and protected throughout the course of development in accordance with a detailed scheme of works which shall first be submitted to, and approved in writing by, the Local Planning Authority. These measures shall be implemented in complete accordance with the approved scheme and shall remain in place throughout the course of the construction of the development, unless otherwise approved in writing with the Local Planning Authority. Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity and in accordance with Northumberland Local Plan Policies HOU9, QOP4 and ENV2.

08. The reserved matters to be submitted under Condition 1 shall include a schedule of the types and colours of all materials to be used on the external elevations of the proposed development. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of and in accordance with Northumberland Local Plan Policies HOU9, QOP1 and 2.

09. The reserved matters application to be submitted under condition 1 shall include a full arboricultural impact assessment, in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012, and it shall also include a tree and hedge protection plan.

Reason: In the interests of protecting biodiversity in the form of trees and hedgerows on site, in accordance with Policies QOP4 and ENV2 of the Northumberland Local Plan and the NPPF.

10. Prior to occupation of any dwelling within any phase of the development hereby approved a detailed Open Space and Landscape Management and Maintenance Scheme for the maintenance and management of all areas of open space within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full upon the substantial completion of the landscaping works in that phase (or as may otherwise be approved in writing by the Local Planning Authority). Details to be submitted shall include;

- i) Details of landscape management and maintenance plans;
- ii) Inspection, repair and maintenance of all hard landscaping and structures;
- iii) Management, monitoring and operational restrictions including details regarding timescales for transfer of open space areas to a management company or companies and details regarding public access arrangements to those areas;
- iv) Establish a procedure that would be implemented in the event of any tree (or other item of soft landscaping) being removed, uprooted/ destroyed or dying which shall ensure that any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

The open space areas provided shall be retained for their intended purpose at all times thereafter unless otherwise is approved in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance and management of open space having regard to Northumberland Local Plan Policy QOP 1 and Env1 of the Morpeth Neighbourhood Plan.

11. The development shall not 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 Northumberland Local Plan Policies HOU9 and QOP2.

12. Prior to the commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along the northern boundary of the site, of a minimum height of 1.8 metres measured from the ground level and minimum surface density of 10 kg/m² shall be submitted to, and approved in writing by, the local planning authority. All works which form part of the approved scheme shall be completed before the first residential occupation. The barrier shall be retained throughout the life of the development.

Reason: To protect the amenities of residents with respect to noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

13. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

14. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours: Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

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

Reason: To ensure a commensurate level of protection against windblown dust and debris. In accordance with the provisions of Northumberland Local Plan Policies QOP2 and POL2.

16. No building shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS₂ standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties. In accordance with the provisions of Northumberland Local Plan Policy POL1

17. 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 16 which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties. In accordance with the provisions of Northumberland Local Plan Policy POL1.

18. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied

until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

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

“Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) 2021

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 provisions of Northumberland Local Plan Policy POL1

19. A written Remediation Strategy report detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. The Remediation Strategy Report must provide sufficient detail as to how the contamination identified within the approved report “Phase II Geo-Environmental Site Assessment Ergo Environmental 20-641-01/Rev B September 2020” will be remediated to protect future site occupants. The report must demonstrate that the soil in landscaped areas from the surface down to a minimum depth of 600 millimetres will provide a suitable growing medium as defined within BS 3882:2015. 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. In accordance with the provisions of Northumberland Local Plan Policy POL1.

20. 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 Remediation Strategy Report. 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 provisions of Northumberland Local Plan Policy POL1.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall provide the means by which the mitigation detailed in the report Preliminary Ecological Appraisal Land at Avenue Road, Seaton Delaval, Tyne Ecology April 2023 are implemented during construction. Suitable tree

protection measures must also be included. This will include any required checking surveys for protected species and the involvement of an Ecological Clerk of Works (ECOW). The CEMP (Biodiversity) shall include the following

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones” including fencing to the woodland buffer.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To maintain the biodiversity value of the site to protected species and habitats in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

22. No development will take place until a Biodiversity Enhancement Plan has been submitted to the LPA for approval in writing. This will include integrated bat and bird boxes at a ratio of 1 per dwelling, hedgehog gaps/hedgehog highway between garden boundary fences and site boundary fences, and landscaping using native species and plants for pollinators. The details will thereafter be fully implemented as approved.

Reason: To maintain the biodiversity value of the site to protected species and habitats in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

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

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

- v. storage of plant and materials used in constructing the development
- vi. Condition survey of the A190 Roundabout, junction onto the A190 & internal access road leading up to the site access
- vii. Details of the size and number of HGV's associated with the construction phase of 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 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.

25. 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.

26. 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.

27. No dwelling shall be occupied until details of the car parking area have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

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

28. The development shall not be occupied until a means of vehicular access to the site has been constructed in accordance with the approved plans and NCC standards and specifications.

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

29. Development shall not be occupied until details of the proposed highway works including: -

1. Full details on the pedestrian crossing upgrade on the A190 roundabout.
2. Full details on the proposed pedestrian footway on the Eastern side of the above crossing point
3. Full details of a new pedestrian crossing facility on the A190 to Prospect Avenue.
4. Bus stop upgrade works (level access kerbing) on both stops on the A190 to the north-east of the main site access.

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.

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

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

31. The development shall not be occupied until details of a Framework Travel Plan in respect of each of the occupiers of any building on the application site have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan shall be implemented in accordance with the approved details. This Framework Travel Plan must include:

- 1 the contact details of a suitably qualified Travel Plan Co-ordinator;
- 1 an implementation programme;
- 1 an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems;
- 1 clearly defined aims and objectives in relation to travel modes; and
- 1 clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.

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Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

32. Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:
- i. details of and results from an initial staff travel to work survey;
 - ii. clearly specified ongoing targets for staff travel mode shares;
 - iii. a plan for monitoring and reviewing the effectiveness of the Full Travel Plan;
- and
- iv. a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

33. 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 the development 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.

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

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

35. Additional infiltration testing shall be carried out during the months of December and January to ensure groundwater levels in the location of the basin are consistent with previous findings. Should groundwater be found within 1m of the base of the basin, the basin shall need to be lined with clay and modelling undertaken removing any allowance for infiltration. The basin shall be designed with a 300mm freeboard between the top 2 water level during the 100 year + climate change storm event and the lowest point on the basin's perimeter.

Reason: To ensure the effective operation of the attenuation basin. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

36. Prior to first occupation an assessment into the structural integrity of the proposed SuDS basin shall be undertaken. This assessment shall ensure the structural integrity of the drainage system and any adjacent structures or infrastructure under anticipate loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.

Reason: To ensure the basin is structurally secure, limiting the possibility of any breaching. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

37. 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. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

38. 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 Northumberland Local Plan Policies Wat 3 and 4.

39. 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); *Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components. * 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 Northumberland Local Plan Policies Wat 3 and 4.

40. The development hereby permitted shall not be commenced until such time as a scheme for surface water management, including a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details and timetable.

Reason: To ensure the effective disposal of surface water runoff from the development. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

41. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall:

i. Restrict discharge from the development to 12.9l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.

ii. Adhere to the principles as set out in the drainage strategy Zonal Housing Master Plan Rev C dated 08/06/2023 produced by Mcbeth Design

lii. Provide attenuation on site for the 1 in 100 year plus climate change event. iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

v. Incorporate permeable driveways throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development. In accordance with Northumberland Local Plan Policies Wat 3 and 4.

Informatives

1) Public Footpath No. 152 shall be protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

2)Highways

INFO35 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.

INFO28 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.

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

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

INFO35 Contact Lighting Section

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

INFO37 Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition HWD11 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.

INFO38 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.

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.

INFO41 Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979

Street Naming

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

Date of Report: 9/6/23

Background Papers: Planning application file(s) 23/00584/OUT