

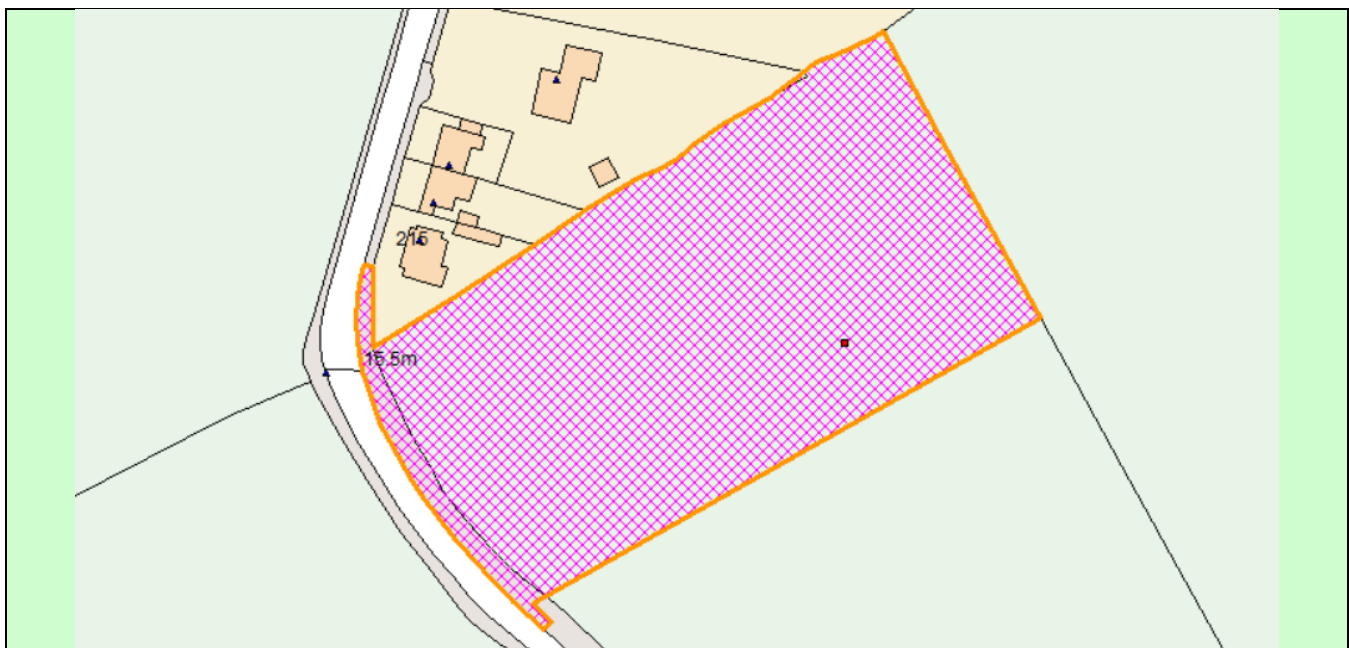


Northumberland County Council

North Northumberland Local Area Planning Committee 19th October 2023

Application No:	22/04503/FUL		
Proposal:	Residential development - 9no. affordable homes		
Site Address	Land South West Of St Cuthbert Close, Main Street, North Sunderland, Northumberland		
Applicant:	Mrs S Carr And Mr W Dunn Bernicia Homes C/O Agent	Agent:	Ms Stephanie Linnell 4-6 Market Street, Alnwick, NE66 1TL
Ward	Bamburgh	Parish	North Sunderland
Valid Date:	4 January 2023	Expiry Date:	31 July 2023
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a Section 106 legal agreement to secure affordable housing, primary occupancy and a financial contribution of £5535 to the Council's Coastal Mitigation Service.



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Planning Committee following a call in request by the local member as a matter of significant local interest.

2. Description of the Proposals

2.1 Full planning permission is sought for the erection of 9no affordable dwellings on land South West Of St Cuthbert Close, Main Street, North Sunderland.

2.2 The proposed dwellings would comprise the following which would be laid out with 3no sets of semi detached dwellings (Plots 1-6) facing the site frontage, with a parking court to the rear and a short terrace of 3no dwellings (Plots 7-9) to the south of the internal access road, which includes a hammerhead to facilitate the turning of large vehicles within the site.

Plots 1 & 2 - 2no two storey semi detached houses

Plots 3 & 4 - 2no 1 1/2 storey semi detached houses

Plots 5 & 6 - 2no semi detached bungalows

Plots 7, 8 & 9 - 3no terraced bungalows

2.3 To the east of the site land is proposed to be retained as open amenity space and as an area for the SuDS basin. This takes advantage of the natural topography of the site which slopes gently to the east before rising again on land outside of the site boundary.

2.4 The application site is located on the south western edge of North Sunderland and is comprised of a parcel of agricultural land of approximately 0.88ha. It is bound by existing residential development to the north, by open fields to the east and south and by Main Street to the west with open countryside beyond. Access to the site would be gained via an existing field access onto the C68 at the southern corner of the site.

2.5 Site constraints include;

Area of Outstanding Natural Beauty

Coal Authority High Risk Area

Coastal Mitigation Zone

Heritage Coast

Neighbourhood Planning Area

Occupancy Restriction

SSSI Impact Risk Zone

2.6 The application site previously benefited from outline approval (17/01819/OUT) for 20no dwellings, which extended over a larger area to the north east of the current site and was to be accessed via St Cuthbert Close, however it has now expired and as such there is no extant planning permission on the land.

3. Planning History

Reference Number: 17/01819/OUT

Description: Outline Permission with All Matters Reserved; Development of up to 20 dwellings (100% affordable) - Amended 30/04/18

Status: Permitted

Reference Number: 22/00801/FUL

Description: Residential development of 20no. affordable homes

Status: Refused

4. Consultee Responses

North Sunderland And Seahouses PC	The Parish Council is in favour of this application and fully supports the provision of affordable housing in North Sunderland and Seahouses
Highways	<p>The application site lies beyond the settlement boundary and does not offer a genuine choice of transport modes in accordance with the NPPF (2021) and TRA 1 and 2 of the Northumberland Local Plan (Adopted 2022), with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety.</p> <p>Further details will be required before HDM can progress further including revised internal layout, swept path analysis, surface water drainage, access arrangements and details of proposed offsite highway works.</p>
County Archaeologist	<p>Taking into account the absence of significant recorded archaeological remains in the vicinity, the results of the geophysical survey and the relatively small scale of development proposed, the risk of significant unrecorded archaeological remains being damaged or destroyed by the proposed development is considered to be low.</p> <p>There are no objections to the proposed development on archaeological grounds. No further archaeological work is recommended.</p>
Coal Authority	The Coal Authority considers that the content and conclusions of the information prepared by Dunelm Geotechnical and Environmental Ltd is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.
County Ecologist	<p>Objection - the following information should be submitted within the next 14 days to enable ecological advice to be provided:</p> <ul style="list-style-type: none">o A revised Ecological Impact Assessment which reflects current scheme designo Updated landscaping plans showing biodiversity enhancement measureso Architectural plans updated to show in-built enhancement measures (bat and bird provision) <p>Any approval which may be issued would also require a contribution to the Coastal Mitigation Service (CMS).</p>
County Ecologist (2)	No objection subject to conditions - the proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of

	<p>mitigation, which is proposed in the ecological report (Ecological Impact Assessment, Land to South West of North Sunderland, E3 Ecology Ltd., 1.2.22'). This mitigation should be secured by condition.</p> <p>In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through delivery of the proposed landscaping scheme and bat, breeding bird, and hedgehog provision, secured through further planning conditions.</p> <p>As the proposals involve the creation of new residential units of accommodation with 10km of the coast, a contribution to the Coastal Mitigation Service (CMS) will be required</p>
Highways	<p>The application site lies beyond the settlement boundary and does not offer a genuine choice of transport modes in accordance with the NPPF (2021) and TRA 1 and 2 of the Northumberland Local Plan (Adopted 2022), with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety.</p> <p>Further details will be required before HDM can progress further including revised internal layout, swept path analysis, surface water drainage, access arrangements and details of proposed offsite highway works.</p>
Highways (2)	<p>Highways DM's objection remains outstanding, and the submission of details have not addressed these issues. Further information will be required as identified in this response before we can proceed further.</p>
Highways (3)	<p>The applicant has addressed most of the issues raised previously however confirmation is still required that the Parish Council have been engaged with in terms of the consideration of the speed signage and gateway feature. Written confirmation is required regarding the maintenance of the private shared driveways and the VP bay opposite plot 9 needs to be revised.</p>
Highways (4)	<p>No objection subject to conditions and informatives</p>
Lead Local Flood Authority (LLFA)	<p>The LLFA object to application 22/04503/FUL on flood risk and drainage grounds.</p>
Lead Local Flood Authority (LLFA) (2)	<p>Defra / Environment Agency updated the climate change allowances for flood risk assessments on 10th May 2022. The 2022 changes centre around peak rainfall intensity allowances (surface water). The guidance is now based on river catchments rather than a blanket countrywide allowance. Please can the drainage strategy, drawings and hydraulic calculations be updated to reflect this.</p>
Lead Local Flood Authority (LLFA) (3)	<p>The LLFA have no objection to application 22/04503/FUL subject to the following conditions and documents being listed as approved.</p>
Natural England	<p>No objection subject to appropriate mitigation</p>

Northumberland Coast AONB	<p>If the principle of the development is found to be acceptable, the AONB Partnership is generally supportive however further consultation on elements of the scheme is requested.</p> <p>The AONB Partnership recognises the need for affordable housing in North Sunderland and Seahouses. It is worth stating that as for 22/00801/FUL, the proposed scheme is not considered to constitute major development in the AONB in terms of NPPF paragraph 177 and footnote 60.</p> <p>Advice on the access, appearance, landscaping, layout and scale of the development was given for the previous application, much of which has been carried through into the current, smaller scheme. However, concerns remain in relation to the site layout and boundaries; architectural detailing; and landscaping, in particular the drainage and amenity area.</p>
Northumberland Coast AONB (2)	The applicant has responded to our previous concerns and this is welcomed. The proposed footpath connection should use whinstone setts rather than concrete and we would request consultation on a proposed street lighting plan.
Northumberland & Newcastle Society	Whilst the Society would support any provision of affordable housing in a settlement so obviously and urgently in need of it, this is possibly the worst siting for it. The application constitutes ribbon development on an important approach, reminiscent of the piecemeal but unrestrained proliferation along roads in the 1920/30s. As a site with poor integration, safety and active/public transport, this development constitutes an unacceptable greenfield incursion. We believe the planning authority must carefully scrutinise this application against compliance with both the Northumberland Local Plan and the Seahouses / North Sunderland Neighbourhood Plan.
Public Protection	No objection. Conditions are recommended in order to protect public health and prevent loss of amenity.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	22
Number of Objections	9
Number of Support	3
Number of General Comments	0

Notices

General site notice, posted 13th January 2023
No Press Notice Required.

Summary of Responses:

9no objections received raising concerns including,

All of the reasons given for refusal of the previous proposal remain,
Other more suitable sites available within the village which are closer to amenities and services,
Impact on AONB,
Site is in open countryside beyond the defined settlement boundary,
Highway safety particularly in relation to cyclists,
Visual impact, proposed properties not in keeping with existing character,
Negative impact on landscape,
If approved reassurances or a condition are needed to stop further development taking place especially on the two amenity open spaces,
A Section 106 agreement should be agreed to secure principal occupancy.

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=RMERMNQSLN400>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (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 4 - Climate change mitigation and adaptation (Strategic Policy)
STP 5 - Health and wellbeing (Strategic Policy)
HOU 2 - Provision of new residential development (Strategic Policy)
HOU 3 - Housing requirements for neighbourhood areas (Strategic Policy)
HOU 4 - Housing development site allocations (Strategic Policy)
HOU 7 - Exception sites
HOU 9 - Residential development management
QOP 1 - Design principles (Strategic Policy)
QOP 2 - Good design and amenity
QOP 3 - Public realm design principles
QOP 4 - Landscaping and trees
QOP 5 - Sustainable design and construction
QOP 6 - Delivering well-designed places
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
TRA 4 - Parking provision in new development
ICT 2 - New developments
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 - Biodiversity and geodiversity
ENV 3 - Landscape
ENV 4 - Tranquillity, dark skies and a sense of rurality
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty
WAT 2 - Water supply and sewerage
WAT 3 - Flooding
WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land
POL 2 - Pollution and air, soil and water quality
POL 3 - Best and most versatile agricultural land
MIN 4 - Safeguarding mineral resources (Strategic Policy)
INF 6 - Planning obligations

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2023)

PPG - Planning Practice Guidance (2021, as updated)

6.3 Neighbourhood Planning Policy

North Northumberland Coast Neighbourhood Plan (2018)

Policy 1: Sustainable development

Policy 5: Design in new development

Policy 9: Sustainable development outside the settlement boundaries

Policy 14: Principal residence housing

Policy 24: Broadband infrastructure

6.4 Other Documents/Strategies

National Design Guide (2019)

National Model Design Code (2021)

North Northumberland AONB Management Plan (2020)

North Northumberland AONB Design Guide

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NLCNP) (2018). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,
Housing Need,
Impact on Character of Area,
Design,
Amenity,
Highways,

Impact on AONB,
Archaeology,
Ecology,
Public Protection,
Mineral Safeguarding,
Water Management,
Sustainable Construction,
Broadband Connections,
Agricultural Land Classification,
Planning Obligations,
Other Matters, and
Procedural Matters.

Principle of Development

7.3 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies Seahouses/North Sunderland as a "service centre" which will accommodate employment, housing and services that maintains and strengthens their roles.

7.4 The principle of development in North Sunderland would be acceptable, however the site is beyond the settlement boundary, defined in the Neighbourhood Plan, and is therefore in Open Countryside, where development is restricted and needs to demonstrate that it meets a policy test.

7.5 It is acknowledged that the settlement boundary is not intended to stifle development and there are circumstances where housing development beyond a boundary may be appropriate. For example, the plan supports rural exception sites (Policy HOU 7) which would help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. Policy STP 1(1)(g) states that development in the open countryside will be supported if it can be demonstrated that it provides for residential development in accordance with Policy HOU 7.

7.6 Policy HOU 7 states that the development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:

- a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;
- b. The affordable housing is secured in perpetuity through a Section 106 agreement;
- c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and
- d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.

7.7 Development adjacent to the settlement of North Sunderland would help to deliver some economic benefits through new housing in the area and in social terms would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. The policy specifically provides support for small exception sites and a development of 9no dwellings in this location would fit this criteria.

7.8 Policy 1 of the NNCNP supports small-scale development which provides new Principal Residence dwellings (Policy 14), including affordable housing to meet local needs, self-build units, live-work units, housing for older people and schemes which provide for a range of house types, including two, three and four bedroom dwellings and bungalows.

7.9 The supporting text to the policy notes that Policy 1 makes reference to small scale housing development being the preferred means by which new housing will be delivered in the Neighbourhood Area. It states that small scale should be seen in general terms as applying to a scheme that is modest and limited in scope or extent and concludes that 'small-scale' for the purposes of housing in the plan area is schemes of up to 9 dwellings.

7.10 Policy 9 of the NNCNP relates to sustainable development outside the settlement boundaries which could still make a positive contribution to sustainable communities in the Neighbourhood Area. This reflects the intention of national policy and guidance and therefore, proposals such as 'exception' sites for 100% affordable housing provision, are supported through this policy.

7.11 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities.

7.12 It is evident that there is clear policy support for the delivery of exception sites out with defined settlement boundaries and it is clear that the proposed development would meet the requirement for such developments to be "small-scale". Issues of visual and landscape impact and impacts on designated areas are discussed further below, however the principle of a small exception site development in this location is accepted.

Housing Need

7.13 Policy HOU 3 of the NLP sets a requirement for the North Northumberland Coast Neighbourhood Plan area to provide a minimum of 110 net additional dwellings over the plan period 2016-2036. The previous outline planning permission (17/01819/OUT) would have been factored into this figure, however, now that has lapsed, it may be considered that there is now an additional need for development to meet this requirement. However, there were 25 completions in the first 6 years of the plan period (2016-2022) and the council's 5 year housing land supply monitoring shows that, at the end of March 2022, there were extant permissions for 30 new dwellings in Seahouses (including the 20 on this site) with the possibility of some additional small sites of less than 5 dwellings too which aren't specifically picked up in the SHLAA, giving at least 55 dwellings permitted at that time (now cut to 35 due to the outline permission on this site lapsing).

7.14 Policy HOU 4 of the NLP also allocates a large site at Broad Road in Seahouses for 80-100 dwellings. When combined with the 25 completions to date, circa 35 outstanding to be built on other permitted sites, plus the allocated site for 80-100 dwellings and even having knocked out the lapsed 20 dwellings on this site, there would still be more than sufficient committed development in the pipeline to meet the identified minimum requirement set out in the NLP. Therefore there is no pressing need to seek to re-permit housing on this edge-of-settlement site in order to meet the NLP requirement. Notwithstanding this, the number set out in the plan is not a ceiling and so the proposal cannot be refused on such grounds.

Impact on Character of Area

7.15 The application site is located on an area of greenfield land on the south west edge of the village. It is bound by built development to the north but borders open countryside to the east, south and west (on the opposite side of the highway). The site comprises part of an open agricultural field which falls away to the east (before rising again beyond the application site) and has a strong relationship with the open countryside beyond, following established field boundaries.

7.16 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.17 Policy ENV 3 of the NLP seeks to ensure that the impact of development on the setting and surroundings of the County's historic towns and villages will be assessed, ensuring that new development on the edge of settlements does not harm the landscape character of the settlement edge and, where possible that it has a net positive impact. It goes on to say that where it is considered that landscape character may be adversely affected, or aspects of this character that warrant protection would be degraded as a result of a proposed development, then the weight given to the harm caused will be in accordance with the importance of the designation.

7.21 Policy 2 of the NNCNP states that development proposals within or affecting landscape character areas must demonstrate how they respect the particular features of the landscapes identified in the Northumberland Landscape Character Assessment (2010) and National Character Areas and the Historic Landscape Characterisation.

7.22 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.23 The proposed development comprises 9no dwellings on 0.88ha of greenfield land, though the dwellings would be focused in an area of approximately 0.4ha to the front of the site. This is a far greater density than the previously approved scheme and is noticeably at odds with the existing low density edge of settlement development in this part of North Sunderland. However it is recognised that the proposed affordable housing is much needed in the area and whilst the proposals do

not respond as well as we might like to local character and distinctiveness, on balance the proposals for an “exception site” in this location would be acceptable.

7.24 The availability or otherwise of alternative sites within the village (Broad Road & the old school) are not material to the assessment of the application at hand and whilst some of the refusal reasons given for the previous proposals on this site are still valid, it is clear that this revised scheme is acceptable as an exception site, with the provision of nine affordable dwellings outweighing concerns regarding character and landscape. The sensitivities of the edge of settlement site are noted, particularly in the context of being within the outer edge of the more sensitive Northumberland Coast AONB and North Northumberland Heritage Coast designations, however it is officer opinion that the proposals are now acceptable in accordance with LP Policies QOP 1, ENV 3 and ENV 5, NP Policy 2 and the NPPF.

Design

7.25 This section considers the appearance of the proposed development independently and as part of the immediate streetscene.

7.26 Policy QOP 1 of the NLP sets out design principles and seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.27 Policy QOP 2 goes on to say that the physical presence and design of development proposals should preserve the character of the area and not have a visually obtrusive or overbearing impact on neighbouring uses, while outlook from habitable areas of the development should not be oppressive and the best outcomes for outlook are achieved wherever possible.

7.28 In addition to the overarching design principles set out in Policy QOP 1, Policy QOP 3 states that, where relevant, the design of the public realm will be expected to:

- Create diverse, vibrant buildings and spaces which contribute to supporting a range of public activity;
- Be physically and socially accessible and inclusive;
- Be clearly defined from private spaces;
- Have a clear hierarchy of routes and spaces, which are faced by active frontages and maximise natural surveillance;
- Prioritise pedestrian and cycle movement and facilitate access to public transport wherever possible;
- Avoid dominance of vehicles and ensure that parking, where included, is sensitively integrated;
- Maximise urban greening, including the use of street trees and other vegetation as appropriate;
- Respond to opportunities to incorporate public art where possible; and
- Incorporate appropriate street furniture, lighting and surface materials.

7.29 Policy HOU 9 of the NLP seeks to support residential developments where they contribute to a sense of place, provide functional space and facilities for refuse and recycling storage as appropriate for the development and are constructed to a high

quality of design. HOU 11 meanwhile seeks to ensure that new homes are accessible and adaptable to meet the needs of residents now and in the future, 20% of new open market dwellings and 50% of affordable dwellings will be required to meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards).

7.30 Policy 5 of the NNCNP states that new development in the Neighbourhood Area should incorporate high quality design and demonstrate how it meets a range of criteria including respecting local context and character in terms of scale, density, height, massing, and layout,

7.31 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.32 The National Design Guide also provides guidance on design for those involved in the planning and built environment disciplines and illustrates how well-designed places that are beautiful, enduring and successful can be achieved. This forms part of the Planning Practice Guidance and should be read alongside other guidance on the design process and tools.

7.33 High quality design supports the creation of good places and has a positive impact on health, wellbeing, and happiness. The highest standards of design can be achieved to create new vibrant places which are distinctive, safe, and pleasant, easy to move around, welcoming, adaptable, and sustainable. Good design should:

- demonstrate an understanding of the unique characteristics of a place and the context within which it is located.
- demonstrate an understanding of the historical development of the site.
- reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape.
- provide appropriate densities depending on their existing characteristics; and,
- incorporate and use features worthy of retention, including natural features, buildings, and views.

7.34 The design of the proposed dwellings is acceptable insofar as they are of standard construction with reconstituted stone and/or rendered facing walls under concrete tiled gabled roofs incorporating solar PV panels. Artstone cills and lintols would add an element of visual interest. The properties are grouped into a series of semi-detached properties to the site frontage and a short terrace of bungalows to the east of the access road. Varying plot designs also add character. Amenity space would be provided for each property giving sufficient space for residential paraphernalia and private enjoyment. Car parking would be provided in a communal parking court for plots 1-6 with plots 7-9 benefiting from in curtilage parking. The area to the north and east of the dwellings is shown as open amenity space on the proposed site plan and an area to the north east edge of the site is set aside for a SuDS basin.

7.35 Whilst the design of the individual properties is acceptable the density of the overall development is much greater than that of the adjacent built form. As such it could be seen to be at odds with the existing characteristics of its surroundings in

this sensitive edge of settlement location. The proposals would not therefore reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape, however this needs to be weighed against the nature of the development being proposed, acknowledging that affordable housing, by necessity, needs to make more efficient use of land and will not therefore benefit from the large curtilages that characterise adjacent properties. It is worth noting the nearby and relatively recent St Cuthbert Close development, which saw the construction of a modern form of residential development into an infill site adjacent to the cemetery. Whilst this development consists of larger detached dwellings than those proposed here and this is reflected in the density of the site (approx 16 dwellings per ha), it gives a useful visual indication of what is now proposed, albeit with smaller properties and plot sizes.

Amenity

7.36 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.37 Policy 5 of the NNCNP also seeks to ensure that proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.38 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.39 Due to the site's location and the proposed layout of the development, there would not be any substantive impacts on residential amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. Separation distances between the proposed and existing dwellings are acceptable and sufficient amenity space is provided within the development for the use of future occupiers. As such the proposal is considered to be in accordance with Policy QOP 2 of the NLP, Policy 5 of the NNCNP and the NPPF in this respect.

Highways

7.40 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

7.41 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.42 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.43 The Local Highway Authority responded to initial consultation noting that the site does not offer a genuine choice of transport modes in accordance with the NPPF or Policies TRA 1 and TRA 2 of the NLP, with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety. Following receipt of additional details in respect of access, swept path analysis and off site works, the technical objection has been withdrawn, subject to the conditions and informatives set out below. The concerns regarding the sustainability of the location in highways terms remains, however it is recognised that proposals are otherwise acceptable when reading the development plan as a whole. As noted above the proposals offer no permeability through the site, however with the proposed dwellings being located close to the front of the site the extended footpath along Main Street would provide a suitable link for those wishing to walk or cycle to nearby facilities.

7.44 On the basis of the revised proposals the development may be considered to be acceptable in accordance with Policies TRA 1, TRA 2 and TRA 4 of the NLP and the NPPF.

AONB

7.45 Policy ENV 5 of the NLP relates to the Northumberland Coast AONB and states that the special qualities of the AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.46 Policy 1 of the NNCNP states that major development in the AONB will not be supported except in exceptional circumstances and where it can be demonstrated to be in the public interest and where there is no alternative location which could absorb the development without a significant adverse impact on the AONB.

7.47 Policy 2 of the NNCNP places great weight on the conservation of local landscapes, the Heritage Coast and the scenic beauty of the coast including views into and out of the Northumberland Coast AONB.

7.48 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in [...] Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.49 Paragraph 177 goes on to say that when considering applications for development within [...] Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. This is caveated by Footnote 60 which states that for the purposes of paragraphs 176 and 177,

whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.50 The AONB Partnership has responded to consultation recognising the need for affordable housing in North Sunderland and Seahouses and noting that the proposed scheme is not considered to constitute major development in the AONB in terms of NPPF paragraph 177 and footnote 60, insofar as it would not cause a major impact on the special qualities of the AONB, as it is reasonable to conclude that landscape and visual effects in relation to the proposed development would be localised. Whilst the proposals are supported, a number of concerns were raised in relation to the site layout and boundaries, architectural detailing and landscaping. It is noted that the applicant has responded to these concerns however the Partnership would welcome the opportunity to have input in respect of materials and street lighting should planning approval be granted.

7.51 Therefore the proposals are acceptable in this respect in accordance with Policies ENV 1 and ENV 5 of the NLP, Policies 1 and 2 of the NNCNP and the NPPF.

Archaeology

7.52 Policy ENV 7 of the NLP states that development proposals which will affect a site of archaeological interest, or a site which has the potential to be of archaeological interest, will require an appropriate desk-based assessment and, where necessary, a field evaluation.

7.53 Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to say that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

7.54 The County Archaeologist has responded to consultation noting the absence of significant recorded archaeological remains in the vicinity, the results of the geophysical survey and the relatively small scale of development proposed, the risk of significant unrecorded archaeological remains being damaged or destroyed by the proposed development is considered to be low. Taking account of the known archaeological baseline and the information submitted with the application, the risk of significant unrecorded archaeological remains being damaged or disturbed by the proposed development is considered to be low. There are no objections to the proposed development on archaeological grounds and no further archaeological work is recommended.

Ecology

7.55 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

7.56 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.57 The County Ecologist responded to initial consultation requesting further information, including a revised ecological impact assessment, updated landscape plans and architects plans showing inbuilt biodiversity enhancements. Following receipt of this information no objections are raised subject to conditions recommended below. On this basis the proposals are acceptable in accordance with Policy ENV 2 and the NPPF in this respect.

Public Protection

7.58 Policy POL 1 of the NLP states that development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.59 Policy POL 2 seeks to ensure that development proposals are not put at an unacceptable risk of harm from or are adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances.

7.60 Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

7.61 The Council's Environmental Protection team has responded to consultation stating that they have no objections to the proposals subject to conditions in order to protect public health and prevent loss of amenity.

7.62 On this basis the proposals are acceptable in accordance with policies POL 1 and POL 2 of the NLP and the NPPF.

Mineral Safeguarding

7.63 The whole site lies within a wider Minerals Safeguarding Area for carboniferous limestone, with the eastern part of the site also within an MSA for coal. Policies MIN 4 and MIN 5 require consideration to be given to the prior extraction of minerals where practical and viable, however given the site location on the edge of an established settlement, it is unlikely that proposals for limestone quarrying (or coal extraction) would be welcomed and it could be argued that, short of not developing the site at all, there are no reasonable alternative options which would avoid or minimise the sterilisation of the minerals. Furthermore, the overall social, economic and environmental benefits of the proposed development would likely outweigh the potential loss of the mineral resource.

7.64 The Coal Authority has responded to consultation noting the submitted information. It is considered that the content and conclusions of the report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

Water Management

7.65 Policy WAT 3 of the NLP relates to flooding and states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Policy WAT 4 relates to Sustainable Drainage Systems and states that water sensitive urban design, including Sustainable Drainage Systems (SuDS) will be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance.

7.66 The LLFA responded to initial consultation objecting to the proposal on flood risk and drainage grounds, requesting that the submitted Drainage Strategy be updated to reflect updated climate change allowances for flood risk assessments which were introduced in 2022. Following receipt of this information the earlier objection has been withdrawn subject to conditions as set out below. On this basis the proposals are in accordance with Policies WAT 2 and WAT 4 of the NLP and the NPPF in this respect.

Climate Change

7.67 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.68 Policy QOP 1 of the NLP sets out a number of design principles stating that proposals will be supported where, amongst other criteria buildings are functional for future uses, incorporates green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.69 Policy QOP 5 relates to sustainable design and construction and states that In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.70 The documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to any granting of permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

Broadband Connections

7.71 Policy ICT 2 of the NLP requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.72 Paragraph 114 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.73 Sufficient information has been submitted with the application to show that full-fibre broadband connections are proposed. The proposals are therefore acceptable in accordance with Policy ICT 2 of the NLP and Paragraph 114 of the NPPF.

Agricultural Land Classification

7.74 The quality of agricultural land is classified by Defra and Natural England using the Agricultural Land Classification (ALC). The best and most versatile land is defined as Grades 1, 2 and 3a in the NPPF. Policy POL 3 of the NLP has regard to the wider economic and other benefits of the best and most versatile agricultural land when considering any irreversible loss in accordance with national policy. Where significant development of such land is demonstrated to be necessary, the policy states that areas of poorer quality land should be preferred to those of higher quality.

7.75 The application documents identify the site as being Grade 3, however it is unclear whether it is 3a or 3b. The agent has provided further information noting that higher level maps indicate Grade 3 in the general area, however more detailed survey data is not available. It is understood that the site has been used as grazing land for over 20 years as it is not suitable to sustain arable crops. On this basis it is most likely that the site would fall within the 3b classification (or perhaps even grade 4) and would not therefore be classed as best and most versatile for the purposes of the NPPF or Policy POL 3.

Planning Obligations

7.76 Policy INF 6 of the NLP states that 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 may be used to secure the timely provision, and/or improvement and maintenance of any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Coastal Mitigation

7.77 When developers apply for planning permission for new residential development within the coastal zone of influence, the local planning authority, as competent authority, is required 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, either alone or in combination with other projects.

7.78 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey

or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.79 The contribution per residential unit in this location would be £615 giving a total for the proposed development of £5,535. This should be payable upon occupation of the first dwelling.

Primary occupancy

7.80 Policy 14 of the NP requires first and future occupation of all new housing to be restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. That is housing which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not working away from home. These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations.

Affordable housing

7.81 Policy HOU 6 of the LP states that affordable housing will be secured by a Section 106 planning obligation agreement. For affordable housing for rent, discount market sales housing, or where public grant funding is provided towards other affordable routes to home ownership, the Section 106 agreement will ensure that the on-site provision remains affordable in perpetuity. The tenures and dwelling types of the affordable homes will be negotiable within reason on a site-by-site basis to ensure affordability and to reflect local housing needs.

Other Matters

7.82 The comments made in the representations received are noted and have been taken into account in the assessment of the application.

Procedural Matters

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.85 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life

and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

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

8. Conclusion

8.1 The main planning considerations in determining this application have been set out above, stating accordance with the relevant Development Plan Policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations, accords with relevant planning policies and legislation and is considered to be acceptable on balance.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and a S106 Legal Agreement securing:

- Affordable Housing
- Primary Occupancy
- A financial contribution of £5,535 towards Coastal Mitigation

Conditions/Reason

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

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

02. Approved Plans

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:-

1. Drawing No 3994-L.01-P01 - Location Plan
2. Drawing No 3994-HMH-DD-SPXX-DR-A-1002-P11 - Proposed Site Plan
3. Drawing No 3994-HMH-DD-2BXX-DR-A-1010-P03 - Proposed Plans - Plots 1 & 2
4. Drawing No 3994-HMH-DD-3BXX-DR-A-1020-P02 - Proposed Plans - Plots 3 & 4
5. Drawing No 3994-HMH-DD-BUXX-DR-A-1030-P03 - Proposed Plans - Plots 5 & 6
6. Drawing No 3994-HMH-DD-B3XX-DR-A-1070-P03 - Proposed Plans - Plots 7, 8 & 9
7. Drawing No 2106-01F - Proposed Landscaping Plan
8. Drawing No 21213-CK-XX-XX-DR-C-52-30-P2 - SuDS Details
9. Drawing No 21213-CK-XX-XX-DR-C-52-15-P4 - Drainage Layout
10. North Sunderland Flood Risk Assessment Rev C dated 03/03/2023 Produced by CK21

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

03. Materials

The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application documents. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy QOP 1 of the NLP and the NPPF.

04. Finished Floor Levels

Prior to construction of the dwellings hereby approved, details of finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

05. Sustainable Building

Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

06. Accessible Homes

Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 20% of new market dwellings and 50% of new affordable dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

Highways

07. Construction Method Statement (including Plan) (Pre-Commencement)

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 and shall, where applicable, provide for:

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

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

08. Implementation of car parking area

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

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

09. Means of vehicular access to be constructed

The development shall not be occupied until a means of vehicular access has 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.

10. Completion of highway works before occupation

Development shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

11. Management and Maintenance of Estate Streets

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.

12. Submission of details of adoptable streets

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.

13. Implementation of cycle parking

The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

14. Surface water drainage

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

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

15. Implementation of Electric Vehicle Charging

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

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

16. Refuse - No external refuse outside of the premises

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

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

Ecology

17. Ecological Mitigation

No works shall be undertaken other than in accordance with the measures detailed within Section E of 'Ecological Impact Assessment, Land to South West of North Sunderland, E3 Ecology Ltd., 1.2.22' including but not limited to:

- Light levels around retained and newly installed potential roost locations (including retained trees) and foraging/commuting areas will be low level, below 2m in height, and low lux (below 1 lux 5m from the light source).
- Warm-light LEDs with very low UV will be used, with cowls designed to accurately target which areas are lit.
- A pre-commencement check for nesting birds will be undertaken by a suitably experienced ornithologist if vegetation clearance is undertaken between March and August inclusive.
- A checking survey will be undertaken within 3 months prior to works commencing to confirm badger setts remain absent. Works will be undertaken to a precautionary badger method statement.

- Close boarded fences will be avoided, or gaps 13cm x 13cm will be provided in fences between gardens and landscaped areas to allow hedgehogs to forage and commute across the site.
- Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°

Reason: To avoid harm to protected species in accordance with Local Plan policy ENV2 and the NNPF

18. Landscaping Plan

Unless otherwise agreed in writing with the LPA, the proposed landscaping scheme as detailed on 'Detailed landscape proposals, Drawing no c-2106-01-Revision F' shall be implemented in accordance with the submitted details and specifications in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policies QOP4 and ENV2 of the Northumberland Local Plan.

19. Protected Species Mitigation

In-built bat and breeding bird provision shall be installed in accordance with the details provided on 'Proposed Site Plan, 3994-HMH-DD-SPXX-DR-A-1002, P11' and provision of hedgehog refugia in accordance with the details provided on 'Detailed landscape proposals, Drawing no c-2106-01-Revision F'. Reason: To protect and enhance biodiversity in accordance with the requirements of Local Plan policy ENV2 and the NNPF.

LLFA

19. SuDs Features

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.

20. Surface Water

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.

21. Drainage Verification

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

Environmental Protection

21. Contaminated Land Assessment

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

- a) A Phase 2 intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- b) A written remediation strategy 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, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

22. Ground Gas Protection

No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority. The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity.

23. Verification of Ground Gas Protection

No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 22. The verification report shall be approved in writing by the LPA.

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

24. Validation and Verification of the Sealing of Service Duct Annulus

Prior to the occupation of any habitable dwelling, the applicant shall submit to the Local Planning Authority for approval in writing, a statement with evidence of how the service ducts were sealed.

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.

25. Construction Noise

No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of: • 0800 to 1800 on Monday to Friday and • 0800 to 1300 on Saturday. • No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

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

Informatives

Highways

New vehicle crossing point – Type Access C (S184)

The applicant should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To

arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) please contact the Highways Area Office at: North Northumberland northernareahighways@northumberland.gov.uk

Section 38 Agreement and adoption of highways

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

Section 278 Agreement and works in adopted highway

The applicant is 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. Please contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

Please 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 please contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Highway works under Section 278 Agreement

The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: delivery of vehicular and pedestrian access to NCC specifications, new footpath connectivity works, alterations to existing signage and provision of new signage, speed limit alterations and Traffic Regulation Order at the applicant's expense, road markings, drainage, street lighting, gateway feature and all other associated works.

Contact Traffic Management

The applicant is advised to contact the Council's Traffic Management Section at streetworks@northumberland.gov.uk before and during the construction period in respect of any necessary temporary traffic control measures required.

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. The applicant is advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

Technical Approval of Highway Structures

The applicant should note that Technical Approval of Highways Structures is required. Please contact Highways Development Management at highwaysplanning@northumberland.gov.uk

Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 11 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 12 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.

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.

Road Safety Audits

Please note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. Please contact highwaysplanning@northumberland.gov.uk

Street Naming

The applicant is 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).

Ecology

Protected Species

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a chance of encountering protected species during works.

If protected species such as bats, great crested newt or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away from the Project Ecologist.

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

Bat and Bird Provision:

Ready-made integrated bird and bat boxes built into new buildings provide long lasting roosting/nesting features. Most boxes consist of a self-contained concrete roost chamber; however, options are available which will allow bats access into the roof space or wall cavity of the building. Examples of boxes can be readily seen online (e.g., <https://www.nhbs.com/equipment>). Swift brick/boxes are a good option, being able to accommodate a range of smaller cavity nesting birds (house sparrows, blue tits, great tits). Bat boxes are best located on south or east elevations and bird boxes on north and east elevations of buildings.

Native Landscaping:

Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes. A list of plant species native to Northumberland can be found online. A list of suitable trees is available online from Northumberland Wildlife Trust. Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

Coal Authority Standing Advice

Environmental Protection

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

Statutory Nuisance

The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Background Papers: Planning application file(s) 22/04503/FUL