



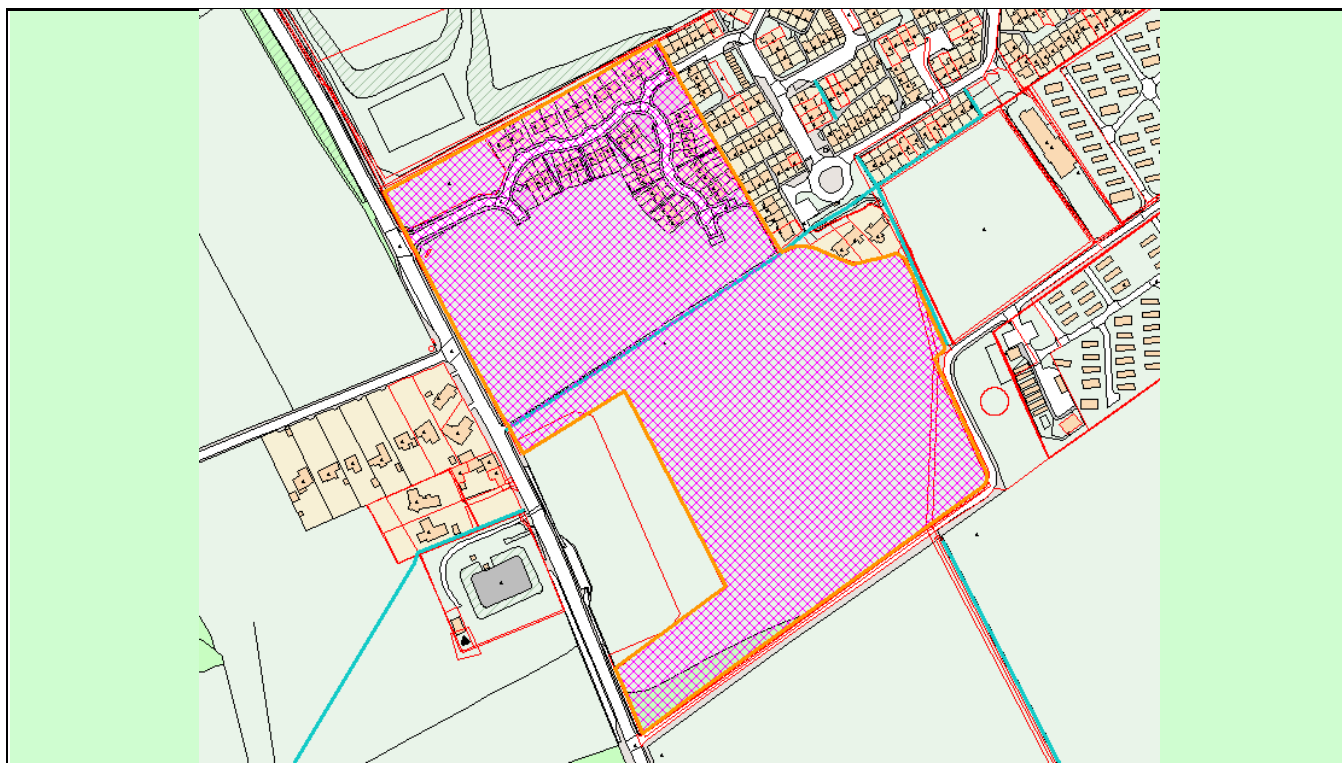
# Northumberland

County Council

Strategic Planning Committee, 2<sup>nd</sup> January 2024

<b>Application No:</b>	19/01095/REM		
<b>Proposal:</b>	Reserved matters application for access, appearance, landscaping, layout, and scale for 110 dwellings relating to planning permission 14/01295/VARYCO		
<b>Site Address</b>	Land East of Springhill, Sunnyside, Tweedmouth, Northumberland		
<b>Applicant:</b>	Mr Michael Guthrie 19D Windmill Way East, Ramparts Business Park, Berwick-Upon-Tweed, Northumberland TD15 1TQ	<b>Agent:</b>	Mr James Cromarty Suite 6, 5 Kings Mount, Ramparts Business Park, Berwick Upon Tweed Northumberland TD15 1TQ
<b>Ward</b>	Berwick East	<b>Parish</b>	Berwick-upon-Tweed
<b>Valid Date:</b>	29 April 2019	<b>Expiry Date:</b>	9 February 2024
<b>Case Officer Details:</b>	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to planning conditions and a S106 agreement securing the provision of £67,650 towards the Coastal Mitigation Strategy (CMS).



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

## 1. Introduction

1.1 The application is suitable for determination at the Strategic Planning Committee (SPC) by virtue of being in excess of 100 houses.

## 2. Site Description and Proposals

2.1 The proposal is located at the south west end of Berwick Upon Tweed sandwiched between the Highcliffe housing estate and the A1167. The site is currently agricultural fields, and the application represents phases 2 - 4 of hybrid planning consent reference 14/01297/VARYCO, which granted detailed permission for 40 houses with outline permission for 110. The land rises to the south and west but drops away to the north and east. There is an ancient monument on the site which is bisected by the A1167. The monument is a Roman camp. The site extends to Cow Road to the south where there is an extensive holiday camp made up of static caravans and associated facilities.

2.2 The application consists of 110 dwellings made up of:

- 36 x 3 bedroom semi detached
- 11 x 3 bedroom detached
- 9 x 4 bedroom detached
- 3 x 3-bedroom bungalow
- 2 x 2-bedroom bungalow
- 8 x 3-bedroom villa
- 38 x 4-bedroom villa
- 3 x 5-bedroom villa

2.3 The application also consists of boundary hedgerows and a wildflower meadow around the Roman camp.

2.4 The proposal is for the reserved matters for phases 2 – 4 established from the original consent, i.e. appearance, landscaping, layout and scale. Other matters such as the principle of the development and impacts on infrastructure have already been assessed and considered acceptable.

## 3. Planning History

**Reference Number:** 13/00589/FUL

**Description:** Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

**Status:** PER

**Reference Number:** 13/03615/DISCON

**Description:** Discharge of conditions 4, 7, 9, 18, 20, 23, 24, 26 and 27 of approved planning application 13/00589/FUL (Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

**Status:** PER

**Reference Number:** 14/00501/DISCON

**Description:** Discharge of conditions 29 and 30 from planning approval 13/00589/FUL (Hybrid planning application consisting of full planning application for the erection of 40 no. housing units as phase 1 with associated landscaping, access, and parking. Outline application for 110 residential units as phase 2-4 with consideration of access (reserving matters of appearance, landscaping, layout, and scale)

**Status:** PER

**Reference Number:** 14/01295/VARYCO

**Description:** Variation of conditions 2 and 3 of application 13/00589/FUL

**Status:** PER

**Reference Number:** 15/02708/DISCON

**Description:** Compliance of conditions- 1, 2, 3, 4, 14, 15, 18 and 21 of 14/01295/VARYCO

**Status:** CONREF

**Reference Number:** N/09/B/0419

**Description:** Outline application for residential development comprising 150 units & associated works with some matters reserved.

**Status:** PER

#### 4. Consultee Responses

Architectural Liaison Officer - Police	No comment
Fire & Rescue Service	Further to your request the Fire Service have no objection in principle to the above proposals.
Northumbria Ambulance Service	No response received.
Environment Agency	No response received.
The Coal Authority	No objection subject to conditions.
Northumbrian Water Ltd	No objection, subject to condition:
Strategic Estates	No response received.
NHS NORTHEAST & CUMBRIA ICB	No response received.
Active Northumberland	No response received.
Berwick-upon-Tweed Town Council	Members were supportive of this application.
Highways	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Historic England	No objection subject to safeguarding conditions on the setting of the SAM (Scheduled Ancient Monument).
County Ecologist	No objection subject to conditions.

Countryside/ Rights of Way	No objection to the application on the condition that Public Footpath No.77 is protected throughout.
County Archaeologist	No objection subject to safeguarding conditions on the setting of the SAM.
Open Spaces - North Area	No response received.
North Trees and Woodland Officer	No response received.
Affordable Housing	No response received.
Public Protection	No objection subject to conditions.
Waste Management - North	No response received.
Education - Schools	Comments.
Natural England	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	71
Number of Objections	0
Number of Support	0
Number of General Comments	2

### Notices

Stat Pub & PROW 3rd May 2019

Berwick Advertiser 9th May 2019

### Summary of Responses:

General comments have been submitted raising the following:

- The historic coal mining information should be made available to residents of Barley Rise.  
*Comment: All information relating to the application is available on public access.*
- The 30mph speed limit on the main road should be extended.  
*Comment: This is a separate highways matter, and the request should be made to them directly.*

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=PPAAH6QS0K400>

## 6. Planning Policy

### 6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)  
STP 2 - Presumption in favour of sustainable development (Strategic Policy)  
STP 3 - Principles of sustainable development (Strategic Policy)  
STP 4 - Climate change mitigation and adaptation (Strategic Policy)  
STP 5 - Health and wellbeing (Strategic Policy)  
HOU 2 - Provision of new residential development (Strategic Policy)  
HOU 5 - Housing types and mix  
HOU 6 - Affordable housing provision (Strategic Policy)  
HOU 9 - Residential development management  
HOU 11 - Homes for older and vulnerable people (Strategic Policy)  
QOP 1 - Design principles (Strategic Policy)  
QOP 2 - Good design and amenity  
QOP 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  
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 5 - Northumberland Coast Area of Outstanding Natural Beauty  
ENV 7 - Historic environment and heritage assets  
WAT 4 - Sustainable Drainage Systems

## 6.2 National Planning Policy

NDG - National Design Guide (2019)  
NMDC - National Model Design Code (2021)  
NPPF - National Planning Policy Framework (2023)  
NPPG - National Planning Practice Guidance (2021, as updated)

## **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 2016-2036 (adopted March 22). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application. The key issues for consideration in the determination of this application are:

- Principle of the development
- Reserved Matters
  - Layout
  - Design
  - Scale
  - Landscaping
- Access
- Coal Mining
- Ecology

- Archaeology / Historic Environment
- Other Matters
  - Affordable Housing
  - Open Space
  - Climate Change
  - Broadband Provision

### Principle of the development

7.2 The site lies within the settlement boundary of Berwick Upon Tweed. Policy STP 1 identifies this as a Main Settlement wherein most forms of development will be encouraged. Policy HOU 2 further encourages housing development in various forms in the Main Settlements.

7.3 Further to the above planning permission for granted for a hybrid application under reference 13/00589/FUL for 40 houses with a further 110 in outline. The initial 40 units represented phase 1 and have been built. This has kept the remainder of the permission live in perpetuity.

7.4 Considering the above the principle of development has firmly been established through the grant of outline planning permission. Furthermore, the development of large-scale housing is directed towards the Main Settlements and the application is consistent with the spatial strategy of the Local Plan.

### Reserved Matters

7.5 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in the NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

7.6 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of the application. Section 12 of the NPPF is about achieving well-designed places. Paragraph 126 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.

7.7 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by

having a clear definition of private / public spaces, having a clear hierarchy of routes of spaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening through street trees and other vegetation.

7.8 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users.

7.9 This application seeks to determine the reserved matters attached to the original hybrid consent. These are detailed and assessed below.

#### Appearance

*Appearance is the aspects of a building or space within the development which determine the visual impression the building or space makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. In the case of a space, its landscape also influences its appearance.*

7.10 In this instance the development seeks to deliver a wide range of accommodation types which impacts on the appearance. The existing development, phase 1, is finished in a mixture of quoin stones, tile roofs and render. This offers a monochromatic finish, but the developer is seeking to mix the finishing materials for phases 2 – 4. A planning condition will ensure agreement is reached prior to any works above ground course level. The current materials palette is acceptable, but it will be important to allow more of a mix in the colours and texture of the finishes.

#### Landscaping

*Landscape is the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site, the area in which it is situated and the natural environment. Landscape includes landform and drainage, hard landscape such as surfacing, boundary treatments, street furniture and play equipment. It also includes soft landscape – trees, shrubs and other planting.*

7.11 The proposal seeks a high degree of landscaping through boundary treatments, hard and soft landscaping detailings, tree lined streets and a wildflower meadow. A condition requires the applicant to submit details of the finish of all hard surfaces prior to the commencement of each phase. Boundary treatments are a mix of fencing and hedgerow planting. This will soften the development and create a positive addition for biodiversity. Houses are set back to offer small areas of grassland to the front with no fencing or walls. Given the proximity to the road any proposals to include such will require planning permission.

7.12 A wildflower meadow is proposed at the site of the Roman camp which will provide a feature of the development and a focal point. The adjacent Cow Road and local footpath network allows for easy access to large areas of open space with a play area in the adjacent housing estate available off road.

7.13 Although a modern housing scheme would usually offer a central focal point with a village green style layout the general form of the development has been accepted at the outline stage. The presence of the SAM complicates matters further

as this requires a buffer zone which forms a wider function and the focal point. Access will be permitted but will be limited to pedestrians only. A condition requires full details of the management of this area.

Layout,

*A layout shows how routes and blocks of development are arranged and relate to one another to create streets, open spaces and buildings. It defines:*

- *the structure or settlement pattern;*
- *the grain - the pattern of development blocks and plots; and*
- *the broad distribution of different uses, and their densities or building heights.*

7.14 The proposal offers adoptable standard streets with various footpaths allowing for easy access to local amenities such as the Highcliffe shop, Northern View pub and play / open space. Spine roads are sufficiently curved to control excessive speeds and encourage sensible and safe driving. Density is higher in the middle of the development with larger plot sizes on the edges. This reflects the nature of the site and proximity to Highcliffe.

7.15 Upon accessing the site from the A1167 there will be a line of bungalows to the south. This will retain the built form of Barley Rise and help to integrate the development with its surroundings.

Scale

*Scale is the height, width and length of each building proposed within a development in relation to its surroundings. This relates both to the overall size and massing of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. It affects how a space can be used and how it is experienced. The relationships between the different dimensions of a building or component are known as its proportions.*

*Enclosure is the relationship between the height of the buildings across a space, and the dimension of the space itself. Taller building heights and a more built-up building line both increase the enclosure. Different degrees of enclosure influence how people use different spaces, by creating differences in character that suit different activities.*

7.16 The proposal offers several different building types at various scales. This provides an interesting mix of heights and widths. Buildings are set back within their plots offering a small area of green space to the front, albeit with car parking spaces. This may have the result of appearing car dominated but design solutions are limited at this level of density which was established by virtue of the hybrid consent.

7.17 Plot sizes are generous, and the density is not overly high whilst also providing for a sense of character respectful to the adjacent housing estate.

Residential Amenity

7.18 Although not a reserved matter the overall design must be assessed to consider the amenity of existing and future residents. Policy QOP 2 of the Northumberland Local Plan states that 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, and sets out several criteria which development will be assessed against. Paragraph 130 of the NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.19 Policies HOU 9 and QOP 2 of the NLP seeks to ensure that development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy, and visual outlook, and is not obtrusive.

7.20 Officers have assessed the application in this regard and are satisfied that garden sizes, access to day / sun light and privacy distances are all acceptable. In this regard the design solution is consistent with the provisions of QOP 2.

### Summary

7.21 The proposal was granted as part of its time and there are improvements that could be had. However, the appellant has presented a proposal that provides a positive balance between delivering the expectations of the hybrid permission, i.e. 100 units, without appearing overly packed at too a density. The wildflower meadow will provide a focal point and it is the location of the Roman camp that has dictated its location otherwise we could have achieved a central area akin to a village green space.

7.22 The proposal provides for significant levels of accessibility to adjacent amenities encouraging travel by foot and bicycle. The meadow will allow for people to relax and gather. It is a well overlooked space with passive security measures that meets the requirements of Secured by Design.

7.23 The application delivers the requirements of the outline in a positive manner and turns the challenges of the site into opportunities. It is the only large-scale housing site in Berwick Upon Tweed and will go some to delivering housing needs in the town.

7.24 The proposal is consistent with the provisions of policies QOP 1 and QOP 1 of the Local Plan, the NPPF and the National Design Guide.

### Access

7.25 Local Plan policies TRA 2 and TRA 4 seek to ensure that proposal will not adversely affect the existing highways network and provide appropriate levels of parking. In this instance Highways Development Management (HDM) has raised no objection after assessing the proposal for safety and parking.

7.26 Furthermore, the proposal will need to secure a scheme of works to provide satisfactory public transport facilities, including pedestrian links between the site and bus stops, a scheme to upgrade the Public Right of Way and that the vehicular access shall be from the A1167 only. A condition is recommended below to secure completion of all highways works before occupation given alterations to outstanding S278 works such as the increase in width of the PRoW and alterations to pedestrian connections.

7.27 The proposal is consistent with the provisions of TRA 2 and TRA 4. It provides sufficient levels of safety for road users, parking and will enhance access to the public transport network.

### Coal Mining

7.28 The site is subject to concerns over historic coal mining. The Coal Authority (CA) has been involved in the proposals and has had significant dialogue with the LPA and the applicant.

7.29 The CA initially objected to the proposals on the grounds that the layout did not take account of known historic coal mine shafts and their zone of influence. However, it has been confirmed that the applicant has now amended the layout, as per their letter of 8<sup>th</sup> February 2022 and layout plan A101, to show the locations of all shafts and being avoided by all built development. Consequently, and subject to the shafts being remediated in line with the recommendations set out in the Sirius Report dated: December 2017 (as stated in the 8 February 2022 letter), the CA can withdraw their objection.

### Ecology

7.30 Policy ENV 2 seeks to ensure developments secure a biodiversity net gain and protect species and habitats. In this instance the applicant has submitted various supporting documentation demonstrating there is little on the site of protected species and habitats. This is not surprising given they are agricultural fields frequented by dog walkers along desire lines. The County Ecologist has welcomed the net gain to be achieved through significant levels of hedgerow planting and the wildflower meadow. Planning conditions are attached seeking details of implementation and management.

7.31 Furthermore, the site lies in the Coastal Mitigation Scheme (CMS). The applicant had paid a contribution towards this in the hybrid consent but given this is a multi-consent regime their needs to be a re-assessment for each permission granted by the LPA. This is in line with the comments from Natural England. A section 106 agreement is currently being agreed and permission is subject to this being signed.

7.32 The proposal is consistent with the Habitats Regulations Appraisal for the North Northumberland Coast, as agreed with the Natural England, subject to the a payment towards the CMS. The application is consistent with the NPPF and policy ENV 2 of the Local Plan.

### Archaeology / Historic Environment

7.33 Policies ENV 1 and ENV 7 seek to protect historic assets. In this instance there is a statutory duty to ensure the preservation of below ground archaeology and the setting of the Springhill Roman camp, which is a Scheduled Ancient Monument (SAM).

7.34 The applicant, in discussions with Historic England (HE) and the County Archaeologist, has established a buffer zone around the SAM. This will be protected by a fence and planted as a wildflower meadow. This will ensure the SAM is prevented from disturbance during the build and will ensure its focal point in the residential development upon completion. However, HE has raised concerns over the lack of detail to protect the SAM during works and the finished fencing detail. This has been

echoed by the County Archaeologist. To address this matter and move the application forward planning conditions are proposed. These have been agreed with the County Archaeologist. Please note that HE's comments suggested this approach should we be minded approving the application.

7.35 With the above in mind, the proposal is consistent with the provisions of the NPPF and the local plan but only with conditions.

#### Other Matters

##### Affordable Housing

7.36 A proposal such as this would ordinarily be required to provide a degree of affordable housing. However, the development was considered during the initial hybrid application. This delivered the necessary affordable housing units in phase 1. There is no requirement for the REM to deliver this.

##### Open Space

7.37 The original hybrid consent did not require open space provision on the site. This is due to the proximity of play spaces at Highcliffe. Although the situation has since changed with an informal area west of Northern View now expected to be delivered as an extension to the holiday camp there remains sufficient levels of available nearby. Furthermore, there will be some access to the wildflower meadow allowing for a degree of informal recreation. Given the requirement for play space was not secured at the hybrid stage the LPA cannot retrospectively apply this at the REM submission.

##### Climate Change

7.38 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.

7.39 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.40 Local Plan Policy QOP 5 relates to sustainable design and construction. 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.

7.41 The supporting 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 the permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

### Broadband connectivity

7.42 Policy ICT2 of the Northumberland Local Plan 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.

7.43 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

### Equality Duty

7.44 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

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

### Human Rights Act Implications

7.46 The Human Rights Act requires the County Council to consider 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.

7.47 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.

7.48 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, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The application has demonstrated that, with conditions, it is consistent with the provisions of the Local Plan and the NPPF. It will deliver 110 houses in an area where there are not a lot of available sites and housing is in high demand. The application provides for a range of house types, which is welcomed. The protected of the SAM, with access measures to be agreed, is also a positive result of the application and will raise awareness of the historic importance. Issues such as historic coal mining, surface water management and access / parking have all been addressed through extensive discussions between consultees and the applicant.

8.2 The application has the support of the town council and there are no objections from third parties. The application is recommended for approval subject to conditions and a S106A towards CMS.

## **9. Recommendation**

That this application be GRANTED permission subject to the following conditions and a S106 agreement for the contribution of £67,650 towards CMS:

### Conditions/Reason

#### 01. Timescale

The development hereby permitted shall be begun before the expiration of two 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 and Documents

The development hereby permitted shall, except where modified by conditions elsewhere in this permission, not be carried out other than in complete accordance with the following approved plans:

Location Plan A101

Proposed Site Plan HCD 101 23rd November 2022

Strategic Water Main Existing and Proposed Routes NW101

Double and Single Detached Garages GP102

Typical Boundary Fence Detail 1:30 scale

#### House Types

House Type HT116 B122

House Type HT116 B121

House Type HT115 B120

House Type HT115 B119

House Type HT114 B118

House Type HT114 B117

House Type HT113 B116

House Type HT112 B115

House Type HT111 B114

House Type HT110 B113

House Type HT109 B112

House Type HT108 B111

House Type HT107 B110

House Type HT106 B109

House Type HT105 B108

House Type HT104 B107b

House Type HT103 B106

House Type HT103 B105  
House Type HT102 B104  
House Type HT102 B103  
House Type HT101 B102  
House Type HT101 B101  
House Type Four Bedroom Detached Villa HT114a  
House Type Four Bedroom Detached Villa HT113a  
House Type Linked Bedroom Villa's Dwellings 3 - 8 HT109e  
House Type Linked Bedroom Villa's Dwellings 3 - 8 HT109d  
House Type Linked Bedroom Villa's Dwellings 5 - 8 HT109c  
House Type Linked Bedroom Villa's Dwellings 1 - 4 HT109b  
House Type Linked Bedroom Villa's Dwellings 1 - 4 HT109a  
Three Bedroom Detached House Narrow Site HT108  
Five Bedroom Villa HT107a  
Five Bedroom Detached Villa Layout Plan HT107A  
Four Bedroom Detached House HT106  
Three Bedroom Detached House HT105  
Three Bedroom Semi-Detached House Larger Size HT104  
Three Bedroom Semi-Detached House Standard Size HT103  
Two Bedroom Semi-Detached Bungalow HT102  
Two Bedroom Detached Bungalow HT101

Geotechnical Overlay A113  
Scheduled Ancient Monument Plan A106  
Indicative Foundation Zoning Plan A105  
Site Management Plan A104  
Phasing Plan A102  
Proposed Landscaping Plan A101

Highways  
A1167 Improvement Works Phase 1 C GA/04 Rev B  
A1167 Improvement Works Phase 2-4 C GA/14

Coal Authority  
Yeoman Architecture letter dated 8/2/22  
Drawing Ref A101  
Sirius Report December 2017

Ecology  
Biodiversity Strategy and Landscaping Appraisal incorporating multifunctional benefit sustainable drainage systems for the residential development at Land East of Springhill, Sunnyside, Tweedmouth, Berwick on Tweed, Northumberland TD15 2WL (Yeoman Architecture 28th April 2022, Updated 7th July 2022)  
Proposed Site Plan Drawing Number HCD 101 (produced 8th July 2022)

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

### 03. Archaeological

A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 17/11/20). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest and in accordance with paragraph 199 of the NPPF.

#### 04. Temporary fencing

No development shall commence until the detail of an appropriate scheme of fencing has been submitted to the LPA and approved in writing. The approved scheme of fencing should be designed and located to protect the area of the scheduled monument from accidental damage for the duration of the construction programme.

Reason: To prevent damage to the scheduled monument (Springhill Roman Camp) during the construction phase of the development

#### 05. Buffer zone and landscaping

No development shall commence until the detail of an appropriate scheme of landscaping and long-term management of the area of the 'buffer zone' between Springhill Roman Camp and the area of the proposed development. The scheme shall include details of species to be planted, access arrangements to the site and a proposed management strategy including seasonal cutting / mowing arrangements to prevent scrub generation.

Reason: To preserve an open space between the development and monument

#### 06. Contamination Not Previously Discovered

If during redevelopment contamination not previously considered is identified, then an additional 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 NPPF 2023.

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

#### 07. Ground Gas Protection

No foundation works shall be commenced until a report reviewing and updating the gas risk assessment and 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 protected measures for Methane and Carbon Dioxide ground gases for new buildings), or to the Characteristic Situation 2 level of protection, whichever is the highest, has been submitted to and approved in writing by the Local Planning Authority.

The report shall also 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 also 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 health and amenity.

#### 08. Validation and Verification of Ground Gas Protection

No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology under the Ground Gas condition above, 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 health and amenity.

#### 09. Decommissioning redundant investigation boreholes.

No works of construction shall be commenced until a verification report detailing the position of all boreholes installed for the investigation of soils, ground gases, groundwater, or geotechnical purposes (including grouting), is submitted to the Local planning authority. The verification report shall detail how redundant boreholes have been decommissioned and how any borehole that needs to be retained, post development, for monitoring purposes will be secured, protected, and inspected.

Reason: To ensure that redundant boreholes are safe and secure, and they do not cause preferential pathways for contamination and gas movement.

#### 10. Hedgerow Protection

All works on site must be carried out in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012 to protect the root zone of the existing hedgerows which are to be retained.

Wherever possible there should be no storage of materials, ground disturbance or compaction, burning or contamination within 1m of the spread of the hedgerow. Within 1m hand tools should be used and every effort made to avoid roots over 25mm being severed.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

#### 11. Control of Operations

No demolition, development, tree felling, or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first



confirmed that no birds' nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

If nesting birds are encountered during vegetation clearance or development, then works must stop immediately and professional advice should be sought immediately.

Reason: to ensure nesting birds that are protected under the Wildlife and Countryside Act 1981 are protected during the development.

#### Surface Water Management

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

1. Be in broad accordance with Drainage Layout Plan: Drawing Number 10-02 Drainage Catchments Rev P2 dated 17.08.2023 by RSK
2. Provide a drainage layout showing which plots will drain to shared soakaway and which plots drain to individual soakaway
3. Provide a cross section of each different size of soakaway ready for construction
4. Provide a cross section of each shared driveway that multiple plots are draining to ready for construction
5. Provide confirmation of the discharge rates at the point of each shared drive
6. Provide a cross section of the permeable driveways ready for Construction
7. Provide hydraulic calculations confirming the half drain times for each soakaway which must be less than 24 hours for the critical 100-year return period storm, including an allowance for climate change
8. Provide a management and maintenance plan for the scheme

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.

#### 13. Details of SuDS Maintenance

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. This will include:

- o A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within
- o a homeowners' guide explaining to the new homeowner how to maintain their soakaway and permeable driveways including cross sections and explanation of how they work

This shall 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.

#### 14. SuDS - Construction

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.

#### 15. SuDS - Verification Report

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 and maintenance details.

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

#### 16. Street Trees

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 v3 July 2022 accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

#### 17. Implementation of car parking area

Each dwelling shall not be occupied until the car parking area associated with each respective dwelling, as indicated on the approved plans, has been hard surfaced, sealed and marked out and implemented in accordance with the approved plans.

Thereafter, the car parking area for each dwelling 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.

#### 18. 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.

#### 19. Estate Street Phasing and Completion Plan

No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: 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.

#### 20. 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.

#### 21. Implementation of cycle parking

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

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

#### 22. 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.

#### 23. Full Travel Plan

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.

#### 24. Surface water drainage (Private Land)

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 NPPF.

#### 25. Construction Method Statement (including Plan) - Amended

Notwithstanding what has been approved as part of 14/01295/VARYCO, the development shall not commence until a Construction Method Statement for this application, 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. routing of heavy construction vehicles and deliveries;
- vii. site access and any turning facilities required for construction vehicles;
- viii. the approximate phasing of construction works;

ix. vehicle movements and numbers;

x. measures to be put in place to safeguard during construction works any existing trees and hedgerows

xi. details of any temporary lighting, which shall be designed so that lighting levels are minimised

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.

#### Refuse

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

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

#### External Materials

27. Prior to the commencement of works above base course level in any phase the applicant shall submit details of external materials for that phase. This shall include finishing materials, including colour, of all roofs and external walls. Once approved in writing by the LPA the phase of development shall be completed as per these details.

Reason: In the interests of ensuring a high quality level of finish and ensure compliance with policy QOP 1.

#### Climate Change

28. 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.

#### Broadband

29. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

### **Informative**

1. No action should be taken to disturb the path surface, without prior consent from the 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. NCC Conservation Team is part of the Planning Service within Northumberland County Council. The role of the NCC Conservation Team is to advise the LPA regarding the need for and scope of archaeological work to inform the planning process and to mitigate development impacts to the historic environment. The NCC Conservation Team is an advisory service only and does not undertake archaeological fieldwork.
3. The 12" CI strategic water main requires a 3m easement either side of the extreme edge of the pipe, where no buildings or structures, of any kind, can be erected. In addition, the easement must remain in public open space. No private gardens or driveways can be placed within the easement width, this includes private shared driveways. This is to provide Northumbrian Water with unrestricted access in accordance with Section 159 Water Industry Act 1991, to undertake any repairs, alterations, and maintenance to the water mains.

Any construction activity cannot be carried out within any easement until your proposals and RAMS have been reviewed and approved by our Asset Protection team.

The depth of waters mains and sewers cannot be increased or decreased below the current ground surface by more than 300mm without prior approval.

4. Section 38 Agreement and adoption of highways

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

#### Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before the first occupation of the development. All such work will be undertaken by the Council at the applicant's

expense. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.

#### Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

#### Contact Traffic Management

You are advised to contact the Council's Traffic Management Section at [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period.

#### 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 licenses.

#### Technical Approval of Highway Structures

You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)

#### Contact Local Highway Authority - Estate Street Phasing and Completion Plan

The applicant is advised to obtain the written approval of the Local Highway Authority for the details required under the conditions, prior to the submission of such details to the Local Planning Authority seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority. You can contact the Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

#### 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](mailto:highwaysplanning@northumberland.gov.uk)

#### Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain 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](mailto: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

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](mailto: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).

### 5. Ecology

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

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.

All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

If protected species such as badger (including setts), brown hare or amphibians such as frogs or toads are encountered during development then works should cease immediately and professional advice should be sought straight away.



**Date of Report:**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 19/01095/REM