



Northumberland

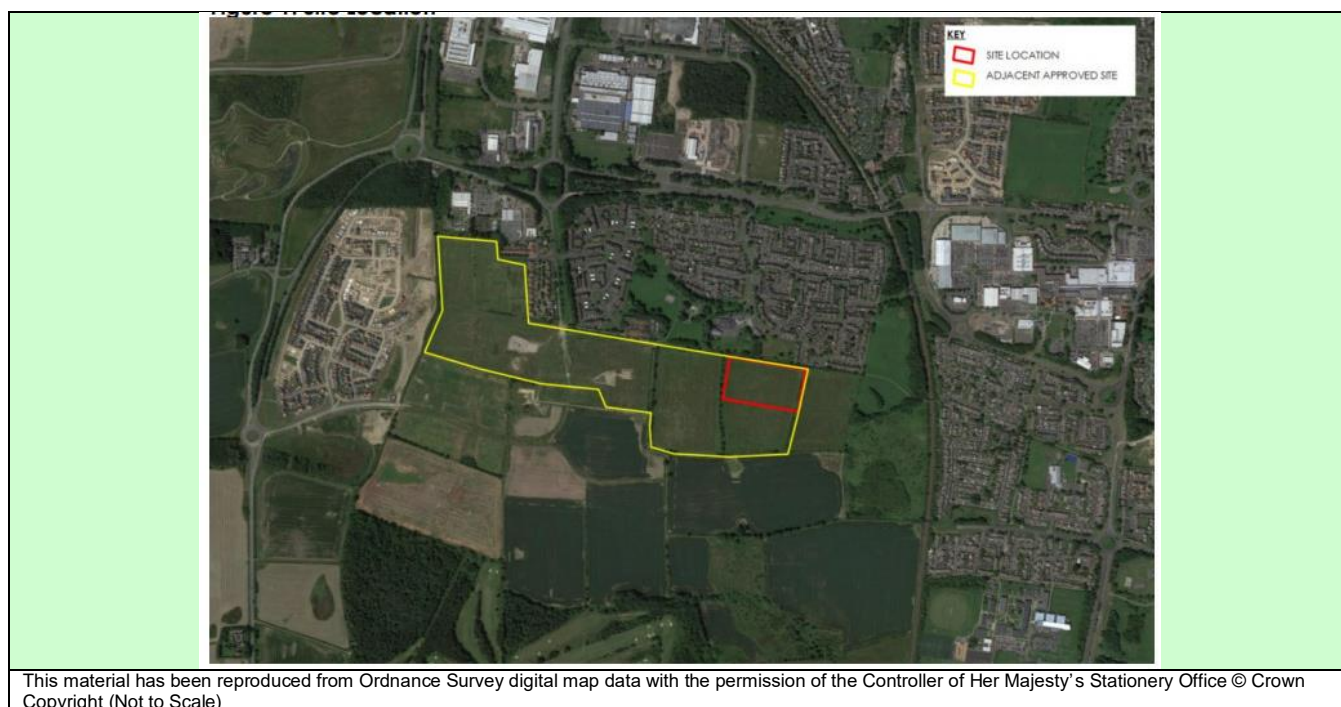
County Council

Cramlington, Bedlington Seaton Valley Planning Committee

31st January 2024

Application No:	23/01737/FUL		
Proposal:	New Temporary Access to site.		
Site Address	Land South Of Beacon Farm Beacon Lane Cramlington Northumberland NE23 8AZ		
Applicant:	Mr Chris Blair Barratt David Wilson Homes North East Barratt House The Watermark Gateshead Tyne & Wear NE11 9SZ	Agent:	Mr Chris Blair Barratt David Wilson Homes North East Barratt House The Watermark Gateshead Tyne & Wear NE11 9SZ
Ward	Cramlington West	Parish	Cramlington
Valid Date:	30.05.2023	Expiry Date:	25.07.2023
Case Officer Details:	Name: Mr Richard Whittaker Job Title: Planning Technician Tel No: 0345 600 6400 Email: richard.whittaker@northumberland.gov.uk		

Recommendation: That this application be GRANTED temporary permission.



1. Introduction

1.1 This application was referred to the Chairs of the Cramlington, Bedlington and Seaton Valley Committee and the Director of Planning and Housing and it was recommended that it be considered by Members of the Planning Committee.

1.2 Following consideration at the Planning Committee of 29th November 2023, Members deferred the application to enable a site visit to take place to better understand the site layout. This application will now therefore be considered at Planning Committee on 31st January 2024 following the Members' site visit, which is scheduled to take place on the same day.

2. Description of the Development

2.1 Site Location

2.2 The application site is located to the south-west of Cramlington, more specifically the parcel of land in question is located on the eastern perimeter of the Cramlington South West Sector site. The exact location is shown above.

2.3 Description of Proposals

2.4 The application seeks permission to introduce a temporary access to a parcel of land located to the eastern perimeter of the Cramlington South West Sector site.

2.5 The proposed temporary vehicular access is intended to serve the 90 proposed dwellings to be brought forward prior to the new link road being built, connecting this site through the wider approved site. It is therefore proposed to provide access to the site via Langdale Drive to the north of the site. Langdale Drive is a two-way carriageway route providing access through the residential estate to the north of the proposed site. It is bounded by footways to both sides of the carriageway, has street lighting and provides direct frontage access to properties along its length. The new access will be located to the west of the junction where Langdale Drive (east-west) meets the loop at Langdale Drive (to the north) at a priority T-junction.

2.6 Langdale Drive is subject to a 20mph speed limit and is the primary route through the residential estate to the north, providing a loop arrangement to/from A1172 to the north of the site. The road is approximately 6.5m - 6.7m wide down to Lindsey Drive, thus has no limitation as to the amount of dwellings this section of highway serves. Beyond Lindsey Close, it drops down to 5.5m which is able to accommodate up to 250 dwellings. Langdale Drive is therefore wide enough to serve this proposal *after* adding the 90 dwellings to the number of dwellings already served by this section of Langdale Drive.

2.7 The overall housing site is designed to deliver 715 new dwellings from a new access created off Beacon lane, which then forms a primary road through the development. However, because Barratt Homes are building out under two brands, they are delivering at a faster pace than Keepmoat. The 90 dwellings lie entirely within a Barratt parcel of land, which is further to the east of the main road and east of a Keepmoat parcel of the site and is to be brought forward ahead of the Keepmoat site. This means that the construction process across the Barratts site and the Keepmoat site will be operating at a different pace and will put the Barratts site ahead of the construction of the full extent of the link road. As a consequence of this, it will be unsafe to bring residents through an element of the site that will be a (Keepmoat)

construction site to gain access to their homes. Currently, the condition of the existing access road is not made up to a suitable standard to serve residents and allow cars to pass over it, as confirmed by Northumberland Highways Development Management. Hence, this is the purpose for the temporary access from Langdale Drive. It should be noted that it is envisaged that the access would only be in use until the completion of the construction lining the primary road.

2.8 The existing footpath running north of the Cramlington South West Sector is a Public Right of Way. The PRoW will be maintained and a pedestrian crossing provided to protect pedestrians in this location. The proposed temporary access will tie in with a turning head being provided within the Barratt Homes site. It is also proposed to maintain the PRoW at level, with a raised table being provided along the vehicular route. This will act as a speed reduction measure, as well as facilitating easier movement along the PRoW. Tactile paving will be introduced to either side of the crossing to ensure that pedestrians are aware of the crossing. The measures proposed will also ensure pedestrians can still safely use the PRoW and the popular route to school. Condition 9 later in the report addresses this point.

Background

2.9 The wider Cramlington SWS site was granted outline planning consent in 2017 for 715 dwellings (Ref: B/08/00465/FUL). The parcel of land in question was due to be delivered by Keepmoat, however, Barratt Homes now plans on delivering this parcel. The plots being brought forward by Barratt Homes will likely be constructed before those immediately to the west and, therefore, before the link road through the surrounding SWS site is constructed.

3. Planning History

Reference Number: 14/00105/SCOPE

Description: Proposed scoping opinion

Status: SCOPE

Reference Number: 15/00901/OUTES

Description: Outline application for the development of up to 1600 dwellings (excluding flats over A1/A2 units), two form entry primary school, a new local centre comprising convenience store (Use Class A1), medical centre (Use Class D1), public house (Use Class A4) other ancillary local centre uses (Use Classes A1/A2/D1) and flats over A1/A2 units (Use Class C3) and associated infrastructure and landscaping. All matters reserved except access (for the avoidance of doubt access meaning to the site, with access arrangements within each phase reserved).

Status: Approved

Reference Number: 20/03696/DISCON

Description: Discharge of Condition 18 (Ground Gas) on approved planning application 15/00901/OUTES

Status: Approved

Reference Number: 22/02684/DISCON

Description: Discharge of conditions 26 (surface water) on approved application 15/00901/OUTES.

Status: Refused

Reference Number: 22/03792/DISCON

Description: Discharge of conditions 14(Construction Method Statement), 17(Ground Stabilisation), 18(Ground Gas), 19(Remediation Scheme) and 28(Foul Drainage) on approved application 15/00901/OUTES.

Status: CONREF

Reference Number: 22/03846/DISCON

Description: Discharge of condition 16 part b and c (Archaeology) on approved application 15/00901/OUTES.

Status: Approved

Reference Number: 23/00066/DISCON

Description: Discharge of condition 16(Archaeology) on approved application 15/00901/OUTES.

Status: CONREF

Reference Number: 23/00376/DISCON

Description: Discharge of condition 32(Bus Stop Details) on approved application 15/00901/OUTES.

Status: Refused

Reference Number: 22/04050/NONMAT

Description: Non-material amendment (Plot substitution on 20 houses from David Wilson to Barratt) on approved application 21/00842/VAREIA.

Status: Approved

Reference Number: 22/04486/NONMAT

Description: Non-material amendment (plots 1-29 pulled down by 1m to facilitate retention of majority of existing hedge) on approved application B/08/00465/FUL.

Status: Pending consideration

Reference Number: 23/01543/NONMAT

Description: Non-Material Amendment (amendment of wording on existing conditions 7 and 10) on approved application 21/00842/VAREIA.

Status: Pending consideration

Reference Number: 23/01755/NONMAT

Description: Non-material amendment (substitution of house type plots. 91-128, 249-280 and 311-356) on approved application 21/00842/VAREIA.

Status: Approved

Reference Number: 22/04050/NONMAT

Description: Non-material amendment (Plot substitution on 20 houses from David Wilson to Barratt) on approved application 21/00842/VAREIA.

Status: Approved

4. Consultee Responses

Cramlington Town Council	<p>The Town Council objects to this proposal for the following reasons:</p> <ol style="list-style-type: none"> 1. It would result in unacceptable nuisance and loss of amenity to residents on Langdale Drive and adjacent areas 2. It could result in significant road safety issues; this is particularly relevant given the proximity of Beaconhill School 3. Traffic noise and pollution will increase significantly 4. The town council is also concerned that there is no time limit attached to the application and with the potential for “temporary” route to be adopted as a permanent cut through. <p>It is felt that the developers should identify an alternative route that does not impact on existing residents outside the boundary of the original application.</p>
Rights of Way	No objection subject to the implementation of conditions.
Ecology	No objection subject to the implementation of conditions.
Highways	No objection subject to the implementation of conditions.
Archaeology	No objection.
Public Protection	No objection.
Active Travel England	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	644
Number of Objections	32
Number of Support	0
Number of General Comments	0

Notices

A site notice indicating that the proposal could potentially impact a public right of way was posted adjacent to the site on 04.07.2023.

A press notice was published in the News Post Leader on 16.06.2023.

Summary of Responses:

During the consultation process 32no objections were received raising the following issues:

- Parking issues
- Congestion
- Impact on road surface
- Road safety
- Length of time access will be in use
- Access to be used for public transport

- Whether the proposals are submitted in good faith
- Impact on use of cycle path
- Noise of vehicles
- Air pollution
- Ecological impact
- Impact on green space
- Obstruction to parking
- Developers not abiding to existing conditions
- Dust
- Vibrations
- The application is to avoid planning regulations
- Impact on cycle network in Cramlington
- Impact on parking access for adjacent garages
- Impact on children using the public right of way

The majority of the above issues will be addressed in the relevant section of the below report, some others will be addressed in this section (immediately below) as they are not materially planning concerns with regard to this proposal.

- Access to be used for public transport
- Whether the proposals are submitted in good faith
- Impact on green space
- Developers not abiding to existing conditions
- The application is to avoid planning regulations

The proposal does not seek to use the access for public transport. It is for the access of potential buyers for the new properties with no proposal to change any public transport agreements.

The LPA can only determine the legibility of a proposal in planning terms and on its merits, whether it is submitted in good faith or not makes no bearing on the decision. The LPA must determine whether it is in accordance with relevant policy or not.

The proposed works would not impact any areas of green space to any greater degree than the original approval.

In the event a member of the public feels a condition is broken then they should contact the enforcement team.

The application is determined as to whether it accords with planning regulations.

It is further noted that no recognised green space would be impacted by this proposal.

The above is a summary of the comments. The full written text is available on our website at: <https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

6. Planning Policy

4.1 Development Plan Policy

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

- Policy STP 1 Spatial strategy (Strategic Policy)
- Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)
- Policy STP 3 Principles of sustainable development (Strategic Policy)
- Policy HOU 2 Provision of new residential development (Strategic Policy)
- Policy HOU 3 Housing requirements for neighbourhood areas (Strategic Policy)
- Policy HOU 4 Housing development site allocations (Strategic Policy)
- Policy HOU 5 Housing types and mix
- Policy HOU 6 Affordable housing provision (Strategic Policy)
- Policy HOU 9 Residential development management
- Policy QOP 1 Design principles (Strategic Policy)
- Policy QOP 2 Good design and amenity
- Policy QOP 3 Public realm design principles
- Policy QOP 4 Landscaping and trees
- Policy QOP 5 Sustainable design and construction
- Policy QOP 6 Delivering well-designed places
- Policy TRA 1 Promoting sustainable connections (Strategic Policy)
- Policy TRA 2 The effects of development on the transport network
- Policy TRA 4 Parking provision in new development
- Policy ENV 2 Biodiversity and geodiversity
- Policy ENV 3 Landscape
- Policy WAT 2 Water supply and sewerage
- Policy WAT 3 Flooding
- Policy WAT 5 Coastal erosion and coastal change management
- Policy POL 1 Unstable and contaminated land
- Policy POL 2 Pollution and air, soil and water quality
- Policy INF 5 Open space and facilities for sport and recreation

Cramlington Neighbourhood Plan (Made Version 2020)

- Policy CNP1 - The sustainable development of Cramlington
- Policy CNP2 - Northumberland Coastal Mitigation Service
- Policy CNP3 - Promoting good quality design in new development
- Policy CNP5 - Housing
- Policy CNP6 - Extending choice in housing
- Policy CNP8 - Creating high quality new places through good quality housing design and layout
- Policy CNP9 - Making the most of the existing housing stock
- Policy CNP14 - Sustainable and active travel
- Policy CNP20 - Protecting trees and woodland
- Policy CNP23 - Community facilities
- Policy CNP24 - Infrastructure
- Policy CNP25 - Healthy communities

4.2 National Planning Policy

- NPPF - National Planning Policy Framework (NPPF) 2023
- NPPG - National Planning Practice Guidance (2021 PPG) 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) and the Cramlington Neighbourhood Plan (Made Version 2020). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application. The main considerations in the assessment of this application are:

- Principle of the development
- Archaeological impact
- Highway safety
- Ecological impacts
- Rights of way
- Public Protection

Principle of the Development

7.2 The application proposes the introduction of a temporary access to the site of an existing development of which construction is ongoing. The access would be utilised by domestic vehicles only to provide access to the 90 dwellings that will be constructed within the eastern section of this site.

7.3 The principle of the residential development has been established under 15/00901/OUTES. The principle of establishing a new, temporary access must now be assessed.

7.4 The establishment of the new access point would facilitate the purchase of, and therefore access to, dwellings within a main town, providing a mix of homes that have already been approved under a previous approval as recognised by the Northumberland Local Plan.

7.5 The proposed access point would cross an existing cycle path and recognised public right of way. It is noted that the traffic using this access would not result in a solid obstruction of the right of way or the cycle path but would allow for intermittent crossings of vehicles and pedestrians for a limited period of time (two years). Whilst it is acknowledged that this proposal would temporarily inhibit these two existing sustainable connections (albeit to a limited degree), it is considered that the delivery of homes to a main town outweighs this negative impact on balance.

7.6 It is noted that the proposal would lead to an increase in traffic within the existing Beacon Hill residential estate (particularly along Langdale Drive). However, the vehicles accessing the site would be domestic cars. The access of domestic cars and not construction vehicles or plant machinery can be ensured through the imposition of condition. It is noted that the Highways and Public Rights of Way departments were both consulted on this application and have responded with no objections subject to the imposition of conditions thereby satisfying any concerns with regard to potential impacts on these access routes. These aspects are further detailed in the report below.

7.7 It is therefore considered that the proposed works are acceptable in principle and in accordance with Policies STP 1, STP 2, and STP 3 of the Northumberland Local Plan, and Policy CNP 1 of the Cramlington Neighbourhood Plan, and the NPPF.

Highways

7.8 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.9 Paragraph 112 of the NPPF states that within the above context developments should give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and attractive, minimise the scope for conflicts between all road users, avoid unnecessary street clutter, respond to local character and design standards, allow for the efficient delivery of goods and access for emergency services, be designed to enable charging of ultra-low emission vehicles

7.10 Policy TRA 2 of the Northumberland Local Plan states that all developments affecting the transport network will be required to; provide effective and safe access and egress to the existing transport network; include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts; minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary; facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary; suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary, and; minimise any adverse impact on communities and the environment, including noise and air quality.

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

7.12 Highways Development Management has been consulted on the proposal and has responded with a stance of no objections subject to the imposition of conditions which would ensure a limit of 24 months of use for the access with the access only being used for domestic vehicles and not construction vehicles or plants. The condition would be imposed in conjunction with a Section 278 agreement.

7.13 With regards to any impact on Beaconhill Primary School and traffic safety, there are Traffic Regulation Orders (TROs) in place to prevent inconsiderate parking outside the school, and there are segregated pedestrian and vehicle facilities to enable pedestrians to pass under the carriageway in a safe manner, approximately 45m to the north of the vehicular access to the school.

7.14 In terms of pedestrian safety, pedestrians and cyclists using the footpath will have priority and this will be reinforced with appropriate signage and road markings.

7.15 With the proposed works not considered to result in any significant negative impact upon the surrounding highway network, the proposed works are recognised to be acceptable and in accordance with Policies TRA 2 and TRA 4 of the Northumberland Local Plan and the NPPF.

Ecology

7.16 Due to the location of the site and the potential impact the works may have on the ecological value of the locality Ecology have been engaged with through consultation and have responded with a stance of no objection subject to the imposition of conditions.

7.17 As part of the submission, an Arboricultural Impact Assessment (AIA) was submitted which details that in order to facilitate access and provide adequate visibility to the adjacent public right of way it will be necessary to cut down a 30m wide section. Where the 4,8m wide access road is located, it will be necessary to remove hedge plants and roots, however, where visibility is the reason for removal, hedge plants can be cut down the above ground level but with their root systems retained and allowed to regrow.

7.18 The AIA advises that a clearly defined corridor will be installed prior to construction using braced Heras panels to demarcate the external line of the access road and prevent any unnecessary encroachment to either side of the road. With regards to stumps, where these can remain, they will be cut to above ground level and allowed to regrow. A management plan is also in place should complete removal be necessary in the line of the carriageway.

7.19 With regards to post-construction, reseeded of the disturbed sections of ground will be undertaken using a suitable grass mix. Where hedgerow plants were removed, a new Hawthorn hedgerow can be replanted to fill the gap, with retained plants to either side being left to regrow. For further compensation for hedgerow disturbance hedgerow 12 to the south of the field will be replanted with a mix of Hawthorn and Blackthorn.

7.20 It is considered that the proposed mitigation for the loss and reduction of hedgerow is acceptable and condition nos. 7 and 8 at the end of this report go further to secure this.

7.21 With no objection raised by Ecology it is considered that the proposed works would accord with Policy ENV 2 of the Northumberland Local Plan, and Policy CNP 1 of the Cramlington Neighbourhood Plan, and the NPPF.

Rights of Way

7.22 Paragraph 100 of the NPPF states that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

7.23 Policy TRA 1 of the Northumberland Local Plan states that where applicable and appropriate, development will be required to protect, enhance and support public rights of way.

7.24 With the proposed works potentially impacting a recognised public right of way negatively and concern raised through public consultation the Public Rights of Way department have been consulted and have responded with a stance of no objection. An informative has been put forward.

7.25 With no objection raised from Public Rights of Way the proposal is recognized to be acceptable in this respect, in accordance with Policy TRA 1 of the Northumberland Local Plan and the NPPF.

Public Protection

7.26 Paragraph 183 of the NPPF states that planning 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. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and, adequate site investigation information, prepared by a competent person, is available to inform these assessments.

7.27 Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.28 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and, limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

7.29 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

7.30 Paragraph 187 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

7.31 Policy POL 1 of the Northumberland Local Plan 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.

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

7.33 Policy CNP25 of the Cramlington Neighbourhood Plan states that all new development will be considered in the context of the need to improve the health and wellbeing of communities by requiring development to contribute to creating an age friendly, healthy and equitable living environment by preventing negative impacts on residential amenity and wider public safety from: noise, ground instability, ground and water contamination, vibration and air quality.

7.34 With the proposed works potentially impacting the locality in terms of environmental health and concerns raised regarding vehicle noise, air pollution, dust, and vibrations Public Protection have been consulted and have responded with a stance of no objection.

7.35 With no objection raised by Public Protection the proposed works are considered to be acceptable in this regard and in accordance with Policies POL 1 and POL 2 of the Northumberland Local Plan, Policy CNP25 of the Cramlington Neighbourhood Plan, as well as the NPPF.

Archaeology

7.36 With the site being recognised to be located within the historic land use database Archaeology have been consulted and have responded with a stance of no objections. As such, the proposed works are in accordance with Policy ENV 7 and the NPPF.

Equality Duty

7.37 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

7.38 The proposal has no implications in relation to crime and disorder

Human Rights Act Implications

7.39 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.

7.40 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.

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

8. Conclusion

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

8.2 It is acknowledged that there is a level of concern around the introduction of the temporary access, however, some of the key points to consider are detailed below:

- The access is temporary for 2 years
- Once a safe access through the Keepmoat site to the west is established, the temporary access will close
- The site that the temporary access will serve is not yet under construction and will be open to private vehicles only, not construction traffic
- Langdale Drive, in highways terms, can accommodate the additional vehicles safely
- Existing residents may see an increase in cars driving through Langdale Drive to use the temporary access, however, this is anticipated to be low key in terms of volume and frequency
- Pedestrian access will still be safely accommodated
- Any loss and reduction in hedgerows is being mitigated

8.3 The preferred scenario would have been for the access to the Barratts site to come through the adjacent Keepmoat site to the west. However, and as explained within the report, the Keepmoat site is currently heavily under construction and is not safe for members of the public to walk or drive through. The anticipated negative impacts of the temporary access therefore need to be considered in the planning balance of any benefits the access will bring.

8.4 The recently revised NPPF states that local planning authorities should approach decisions on proposed development in a positive and creative way and that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.5 The concerns around the need for the access off Langdale Drive have been addressed during this report and none of them have shown to be so significant that the proposal should be refused. Whilst it could be argued that the benefit of the temporary access is solely for Barratts, equally, to refuse permission for reasons that are not materially planning based, or for reasons where it has been demonstrated that concerns have been satisfactorily addressed, would conflict with the NPPF and the Northumberland Local Plan policies.

8.6 On that basis, and in line with the NPPF and the Northumberland Local Plan policies, it is recommended that the application be granted temporary planning permission.

9. Recommendation

That this application be GRANTED temporary planning permission for 2 years from the date of the decision subject to the following:

Conditions/Reason

01. Planning Permission

The development hereby permitted temporary permission shall expire on 31st December 2025.

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

02. Approved Plans

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

1. Location Plan drawing no. 100 Rev B (uploaded 3rd July 2023)
2. Detailed Landscape Proposals (sheet 10/10) drawing no. c-1574-20 Rev L (uploaded 11th May 2023)
3. Proposed Temporary Access drawing no. D - 1005 (uploaded 13th November 2023)

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

03. Public Footpath No.173

No action should be taken to disturb the path surface, without prior consent from the LPA, 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.

Reason: In the interests of the public access to public rights of way and in accordance with the provisions of the NPPF.

04. Temporary Access

The temporary access to the site to which this permission relates is granted for a temporary period expiring two years from the date of permission. The use to which this permission relates shall not be carried out after the expiry date. The access works implemented under this permission shall be removed from the site no later than the expiry date and the land restored to its former condition on or before that date.

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

05. Highway Works

Development shall not be brought into full use until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The access road into the site shall not be brought into final use 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.

06. Surface Water

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.

07. Hedgerow Compensation

Prior to commencement of development including vegetation removal, the hedgerow along the southern boundary of the field in which the temporary access road will be constructed (marked hedgerow 12 in the Arboricultural Impact report by Elliot Consultancy dated 07/11/23) shall be gapped up and planted with a mix of native hedgerow species. The planting shall be undertaken in the optimum planting season (November – March inclusive) following best practice, and all failures replaced in the following planting season.

Reason: To conserve and enhance biodiversity in line with the NPPF and Local Plan Policy ENV2.

08. Working Method

All works to the hedgerow shall be undertaken in accordance with the measures set out in the Arboricultural Impact report by Elliot Consultancy dated 07/11/23, including:

- Precautionary working methods to restrict hedgerow removal to the absolute minimum required, using Heras panels to demarcate the line of the access road.
- Removal of roots and stumps shall first be severed from neighbouring plants before being carefully removed.
- The length of hedgerow within the required visibility 30m splay at public right of way 300/173 shall not be removed but cut down to above ground level with their root systems retained and allowed to regrow.
- On completion of works the line of the hedgerow shall be replanted with a mix of native species, protecting with fencing on its northern side, replacing all failures in the following planting season and maintaining until established.

Reason: To conserve and enhance biodiversity in line with the NPPF and Local Plan Policy ENV2 and QOP4.

09. Pedestrian Access

Prior to first use of the temporary access road by residents, the pedestrian safety and access measures as shown on the plan titled 'Proposed crossing over PROW' DWG. No. D-1005 by tps shall be fully implemented. These measures include:

- i) An agricultural grade post and rail fence installed along the south and east side of the road.
- ii) A safe pedestrian crossing point running east-west, from the housing development site into the field maintained throughout the period of the temporary access road.
- iii) There shall be no storage of construction or spoil materials within the field.
- iv) Signage and paving works along the public right of way ref. 300/173. These measures will be maintained throughout the period of the temporary access road.

Reason: To maintain safe access to the eastern field for the purposes of informal recreation, as part of the mitigation measures to address increased recreational pressure on Arcot Hall & Grasslands Site of Special Scientific Interest (SSSI), in line with Local Plan Policy ENV2.

10. Vehicle Condition

The temporary access to the site hereby permitted shall be used by domestic vehicles only. At no time shall the access be used by construction vehicles or plant of any nature.

Reason: 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.

Informatives

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 2) The granting of planning permission does not override any existing legal claim of ownership of, or access to, the land or property identified in the documents associated with this application.
- 3) You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.
- 4) You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.
- 5) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 6) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 7) All species of wild birds and their nests are protected under the Wildlife and Countryside Act 1981 as amended. No hedgerow removal or other vegetation clearance should be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- 8) To maximise the benefits for biodiversity, new native hedgerows should comprise a minimum of 50% hawthorn (*Crataegus monogyna*) mixed with other species such as elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris*), hazel (*Corylus avellana*) and holly (*Ilex aquifolium*). New hedgerows should be planted in two staggered rows, 30cms apart, with 4-6 plants per metre. All new hedgerows will require suitable protection from grazing damage such as fencing or spiral tree guards etc.
- 9) The works implemented under this permission shall be removed from the site no later than the expiry date and the land restored to its former condition on or before that date. The field should be restored using a suitable seed mix, such as British Flora BFS 13 and not an economy fast seed like perennial ryegrass, the mix can be seen at <https://grassandflower.co.uk/british-flora/store/products/bfs-13-tussocky-grassland-wildflowermeadow-mix/>

- 10) Full vehicular access tie in works off the U9551; construction of a new pedestrian/cycle crossing on U9551 cyclepath and registered public footpath no.173 (design and layout to be finalised); a fully scoped condition survey to be conducted on Langdale Drive from the point of access up to the junction onto the A1172; Associated signage to discourage and restrict construction traffic entering Langdale Drive to be scoped and approved by NCC Streetworks.
- 11) Public Footpath No. 173 shall be protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

Date of Report: 15 November 2023

Background Papers: Planning application file(s) 23/01737/FUL