

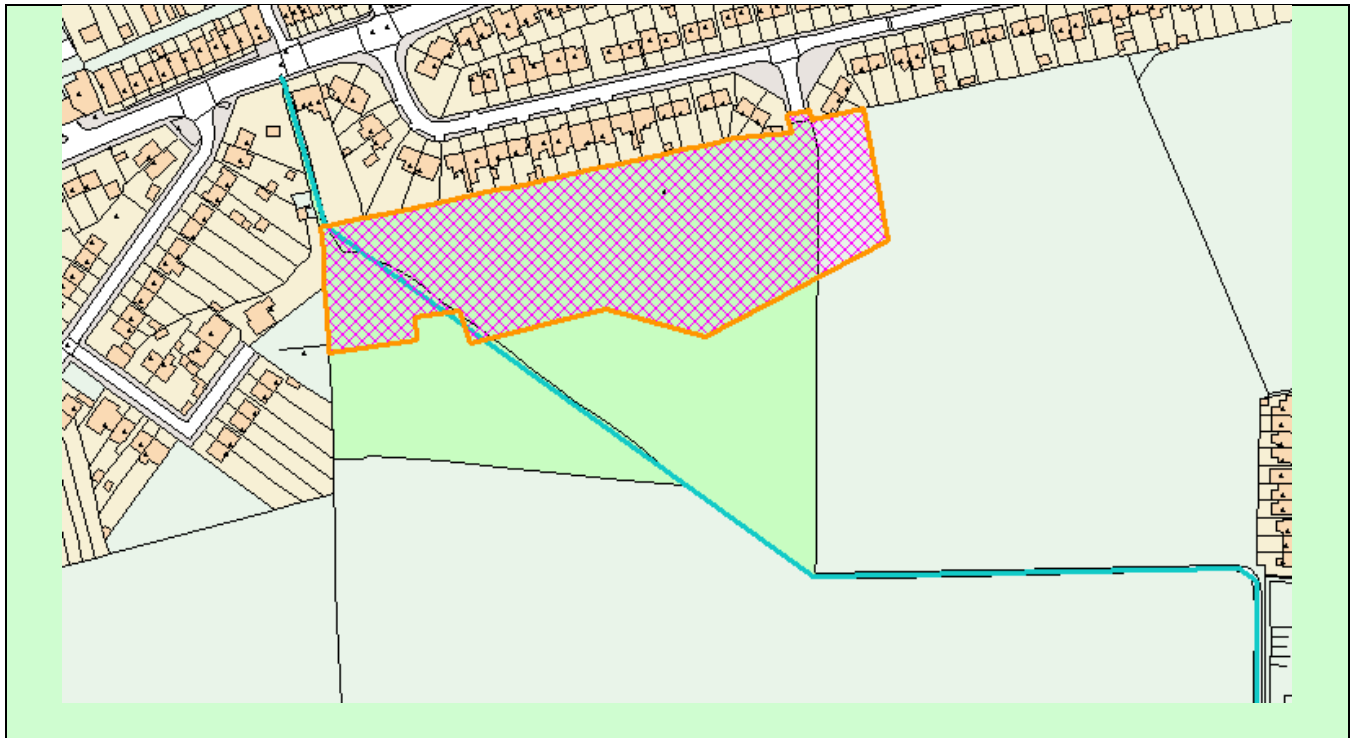


Northumberland County Council

Castle Morpeth Local Area Committee 11th March 2024

Application No:	23/02165/FUL		
Proposal:	Development of 32no. affordable homes with associated infrastructure, drainage and open space		
Site Address	Land South of 15-47 Stakeford Crescent, Stakeford Crescent, Stakeford, Northumberland		
Applicant:	PCL & BG C/O Agent	Agent:	Mr Alastair Willis Saint Nicholas Building, Saint Nicholas Street, Newcastle Upon Tyne, NE1 1RF
Ward	Stakeford	Parish	Choppington
Valid Date:	13 June 2023	Expiry Date:	12 March 2024
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Senior Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a section 106 agreement securing relevant contributions (£19,680 coastal mitigation, £20,400 healthcare, £96,000 education and £20,968.74 open space) and recommended conditions.



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1. Introduction

- 1.1 The application falls to be determined by the local area planning committee as a local member has requested such within 21 days of the application being registered, in accordance with the current scheme of delegation.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 32no affordable homes with associated infrastructure, drainage and open space on land south of 15-47 Stakeford Crescent, Stakeford. The application site currently consists of undeveloped, agricultural land covered in various soft landscaping and planting.

- 2.2 The proposed 32 dwellings would consist of a housing mix of:

- 10x 2-bedroom bungalows;
- 2x 3-bedroom bungalows;
- 7x 2-bedroom two storey properties;
- 11x 3-bedroom two storey properties (two house types);
- 2x 4-bedroom two storey properties.

The proposed external material palette consists of red (Leamington Wine) and orange (Burnt Maise) facing brickwork, anthracite concrete roof tiles and UPVC framed fenestration. Architectural detailing such as stone effect windowsills and canopies are also proposed upon the properties.

- 2.3 A total of 6no house types would be proposed across the site. An overview of the proposed house types and the measurements can be found below:

House type NDS-36 – Two-bedroom bungalow

7.64 metres in width by 9.86 metres in length, incorporating a hipped roof that measures 5.44 metres to the ridge.

House type 3BB – Three-bedroom bungalow

9.78 metres in width by 12.59 metres in length, incorporating a hipped roof that measures 5 metres to the ridge.

House type NDS-33 – Two-bedroom dwellinghouse

5.17 metres in width by 9.36 metres in length, incorporating a pitched roof that measures 7.97 metres to the ridge.

House type NDS-31 – Three-bedroom dwellinghouse

6 metres in width by 9.33 metres in length, incorporating a pitched roof that measures 8.07 metres to the ridge.

House type NDS-13 – Three-bedroom dwellinghouse

6 metres in width by 9.3 metres in length, incorporating a pitched roof that measures 8.07 metres to the ridge.

House type NDS-19 – Four-bedroom dwellinghouse

6.1 metres in width by 10.34 metres in length, incorporating a pitched roof that measures 8.3 metres to the ridge.

- 2.4 The proposed dwellings would be accessed via the creation of a new access from Stakeford Crescent located to the north. A central road would extend westwards throughout the site, with various visitor parking spaces located off the highway. Parking for occupiers of the proposed dwellings would mostly be located to the side of the properties to retain an open feel to the street. Cycle parking would be located within the rear gardens of the properties. The submitted details also propose parking provision for 6no existing dwellings upon Stakeford Crescent with a car parking area proposed adjacent to the site entrance.
- 2.5 The proposed site layout indicates the majority of open space within the application site would be located towards the eastern boundary. This would include various soft landscaping, including trees and hedges, as well as children’s play space. The suds pond for the development is located against the eastern boundary of the site. An existing public right of way extends throughout the site at present and the application proposes to retain this link, albeit within a slightly altered position within the site.

3. Planning History

N/A

4. Consultee Responses

County Archaeologist	No objections.
Choppington Parish Council	No response received.
Lead Local Flood Authority (LLFA)	No objection subject to recommended conditions
Choppington Ward	No response received.
Highways	No objections subject to recommended conditions.
Affordable Housing	No response received.
NHS NORTH EAST & CUMBRIA ICB	No objection subject to securing of healthcare contributions (£20,400)
Waste Management - South East	No response received.
Climate Change Team	No response received.
Education - Schools	No objection subject to securing of education contributions (£96,000).
Natural England	No objection subject to securing of contributions to the coastal mitigation service.
Countryside/ Rights Of Way	No objection to the proposed development on the condition that Parish of Wansbeck Public Footpath No. 48 is protected throughout. I note from the application that it is proposed to

	<p>build across the definitive line of Parish of Wansbeck Public Footpath No. 48, and this would require a legal diversion order to be made under section 257 TCPA 1990 to permanently divert it onto an alternative route. No construction work should take place on the line of the footpath until the diversion order has been confirmed. Additionally, a temporary diversion order would be required for Parish of Wansbeck Public Footpath No. 48 to facilitate access whilst construction is being carried out.</p> <p>These can be secured via planning condition.</p>
County Ecologist	No objection subject to recommended conditions and contributions to the coastal mitigation service (£19,680).
Public Protection	No objection subject to recommended conditions.
Fire & Rescue Service	No objection.
Architectural Liaison Officer - Police	No response received.
Northumbria Ambulance Service	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	53
Number of Objections	40
Number of Support	1
Number of General Comments	0

Notices

Stat Pub & PROW Site notice, 27th June 2023

Press notice, News Post Leader, 30th June 2023

Summary of Responses:

40no objections were received against the application from neighbouring residents and members of the public. Concerns were raised regarding:

- Safeguarding issues;
- Highway safety;
- Traffic congestion;
- Difficulty for emergency services accessing the site;
- Poor access to the site;
- Poor condition of road which is in need of repair;
- Impacts on wildlife and biodiversity;
- Negative impact on existing house prices;
- Noise and disturbance;
- Loss of open space;
- Air quality;

- Increased flood risk;

1 no support comment was received from a member of the public with interest in this land, recognising the benefits and need of affordable housing.

Material planning considerations shall be assessed within the below appraisal.

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=RW5B60QSIC600>

6. Planning Policy

6.1 Development Plan Policy

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

Policy STP 1 - Spatial strategy (strategic policy)
 Policy STP 2 - Presumption in favour of sustainable development (strategic policy)
 Policy STP 3 - Sustainable development (strategic policy)
 Policy STP 4 - Climate change mitigation and adaption (strategic policy)
 Policy STP 5 - Health and wellbeing (strategic policy)
 Policy STP 6 – Green infrastructure (strategic policy)
 Policy HOU 2 – Provision of new residential development (strategic policy)
 Policy HOU 5 – Housing types and mix
 Policy HOU 6 – Affordable housing provision (strategic policy)
 Policy HOU 7 – Exception sites
 Policy HOU 9 – Residential development management
 Policy QOP 1 - Design principles (strategic policy)
 Policy QOP 2 - Good design and amenity
 Policy QOP 4 – Landscaping and trees
 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 1 - Approaches to assessing the impact of development on the natural, historic and built environment (strategic policy)
 Policy ENV 2 - Biodiversity and geodiversity
 Policy ENV 7 -Historic environment and heritage assets
 Policy WAT 3 - Flooding
 Policy WAT 4 - Sustainable drainage systems
 Policy POL 1 – Unstable and contaminated land
 Policy POL 2 – Pollution and air, soil and water quality
 Policy MIN 4 – Safeguarding mineral resources (strategic policy)
 Policy INF 5 – Open space and facilities for sport and recreation
 Policy INF 6 – Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (2023) (NPPF)
 National Planning Practice Guidance (2023) (PPG)

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 of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;
- Ecological impacts;
- Land contamination;
- Water management;
- Archaeological impacts;
- Planning obligations.

Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located which enhances the vitality of communities, supports economic growth and conserves and enhances the County's unique environmental assets. Stakeford, grouped together with Guidepost, Choppington and West Sleekburn is recognised as a service centre that will accommodate employment, housing and services that maintains and strengthens the role of the settlement. The application site is located out with the settlement boundary for Stakeford, as defined by the Policies Map. The site is therefore recognised as being located within open countryside land.

7.3 Policy STP 1, part g) of the NLP states that "*Development in the open countryside will be supported if it can be demonstrated that it:*

- i. Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or*
- ii. Supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or*
- iii. Supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15; or*
- iv. Provides for residential development in accordance with Policies HOU 7 or HOU 8; or*
- v. Supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2; or*
- vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or*
- vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan."*

As the proposals are for residential development, the decision maker is therefore directed to policies HOU 7 and HOU 8 of the NLP.

7.4 Policy HOU 7 of the NLP relates to the development of entry-level exception sites for first time buyers. The policy states proposals “*will be supported on sites not allocated for housing adjacent to an existing settlement where:*

- a. There is an evidenced need for affordable entry-level homes that is not already being met in the parish in which the development is located, or neighbouring parishes, and the proposal wholly comprises one-or-more types of affordable housing secured through a Section 106 agreement;*
- b. The proposal is consistent with the Plan’s spatial strategy for sustainable development and is well-related to local services and facilities;*
- c. The site is no larger than 1.0 hectare or does not exceed 5% of the size of the existing settlement; and*
- d. The site is not within the Green Belt or an Area of Outstanding Natural Beauty and does not compromise any protected environmental designations.*

7.5 In May 2021, during the final preparation stages of the NLP, the Government (through the Written Ministerial Statement (WMS) on First Homes, and accompanying PPG) announced that, as part of the introduction of the new First Homes tenure of affordable housing, entry-level exception sites would be replaced with First Homes Exception Sites with effect from 28 June 2021 – the WMS stated with regard to the NPPF’s entry-level exception site policy (which had “not delivered affordable housing to the extent originally envisaged”) that “*the Government is replacing this policy with a ‘First Homes exception sites’ policy, in order to encourage First Homes-led developments on land that is not currently allocated for housing*”. The inspector of the NLP at the time did not consider it appropriate for the local planning authority to consult on further variations of the NLP despite this policy amendment. Whilst reference to entry-level exception sites remained within the NPPF, the most recent version published in December 2023 makes reference to the First Homes exception site policy.

7.6 It is recognised that First Homes exception site policy continues to support the provision of affordable housing on land outside of the development plan with the WMS amendment initiated due to the lack of entry-level sites upon a national level. The provisions of policy HOU 7 therefore remain relevant, despite not being wholly consistent with national planning, in that it aims to achieve affordable housing throughout the County. The LPA must therefore determine whether there is accord with the application proposals and parts 1a) – 1d) of HOU 7, as referenced within paragraph 7.4 of this report.

7.7 The site is clearly adjacent to the existing settlement of Stakeford with the current settlement boundary as defined by the NLP Policies Map, ending upon the northern boundary of the application site. Existing residential development bounds the site to the north and west whilst the site can be appropriately linked to the settlement through the provision of additional footpaths and a highway. The proposal site is well related to local services and facilities which are accessible through sustainable transport methods and whilst the site does exceed 1 hectare, it does not exceed 5% of the existing settlement of Stakeford. The site is not designated Green Belt land or within an AONB with no environmental designations.

- 7.8 As part of the application documents, the applicant has provided an affordable housing statement which sets out need for affordable housing within the area. Additional data was provided by the applicant on 11th January 2024 which provides further evidence to support their claim.
- 7.9 The Northumberland Homefinder data provided by the applicant outlines that approximately 20no bids are received for each 2-bedroom bungalow within the locality, 56no bids are received for 2-bedroom dwellings, 37no bids are received for 3-bedroom properties and 30no bids are received for 4-bedroom dwellings. Whilst this data does not factor that those bidding on the properties may not currently live within Stakeford, it does provide evidence that there is an evident need for affordable properties within the area that cannot currently be accommodated through the existing housing stock.
- 7.10 It is clear from the evidence provided by the applicant, and internal discussions with the housing enablers team, that there is an identified need for affordable housing within the settlement of Stakeford and that the provision of 32no affordable homes will assist in addressing this need. Policy HOU 5 of the NLP seeks for developments to provide a good housing mix with the proposal site providing bungalows as well as 2-, 3- and 4-bedroom properties. The site is a suitable location for affordable housing, benefitting from good transport links and local amenities as well as being situated close to larger towns such as Ashington, Bedlington and Morpeth. The consultation response provided by the housing enablers team recognises that all types of affordable housing would be suitable upon the site.
- 7.11 To ensure appropriate affordable housing tenures upon the site, a legal agreement attached to a permission for the site should include the requirement for an affordable housing scheme to be submitted to the Council for approval prior to the commencement of development. This document should set out the agreed tenure mix and plots for affordable homes, any alternative tenure options, the timing of their delivery, arrangements for their ownership and management, provisions for them to remain as affordable housing in perpetuity (where applicable in terms of the NPPF definition), any arrangements for the marketing of affordable home ownership products, and the basis on which the affordable homes will be occupied. If shared ownership was to be incorporated upon the site, these homes may not go to local people due to Homes England grant funding provisions preventing any locality clauses from being included upon a section 106 agreement.
- 7.12 The local planning authority are therefore satisfied that the principle of residential development upon the application site is acceptable, in accordance with the provisions of policies STP 1, HOU 5 and HOU 7 of the NLP as well as the NPPF.

Design and visual character

- 7.13 Policy HOU 9 of the NLP states that residential developments will be supported where they *"contribute to a sense of place, which supports community identity and pride"* whilst being *"constructed to a high-quality design"*. Policy QOP 1 is relevant within this assessment and states that development proposals should *"make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and*

natural features, including landform and topography". Proposals should also *"create or contribute to a strong sense of place and integrate the built form of the development with the site overall".*

- 7.14 The NPPF at paragraph 131 recognises good design as a key aspect of sustainable development with paragraph 135 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 139 of the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.15 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the surrounding area. The site currently consists of overgrown grassed land with various trees and hedging located across the site and upon the northern boundary, providing clear separation with the existing properties upon Stakeford Crescent. A public right of way cuts across the centre of the application site, whilst agricultural fields bound the site to the east and west. The existing properties located to the north are two-storey, semi-detached dwellings constructed in red facing brickwork, concrete roof tiles and white UPVC framed fenestration. Roof profiles consist of pitched and hipped roofs with certain properties benefitting from flat roofed extensions at ground, and in some instances, first floor, level.
- 7.16 There is a slightly greater housing mix upon properties located to the west upon Oxford Road and Cottingwood Place however, two-storey semi-detached properties are the main dwelling type within this area. External materials consist of red facing brickwork, white/cream render and pebbledash. Almost all properties within the neighbouring streets benefit from front and rear external amenity space. Two storey properties remain prevalent upon Stakeford Lane, the main public highway running through the settlement, with various commercial premises located upon this road such as a petrol station, public house and hairdressers.
- 7.17 A design and access statement forms part of the application documents and sets out the applicants site analysis and context as well as the design concept. The document states the proposals seek to create an *"interesting street scene"* with the siting of open space and suds to create *"an attractive and inviting entrance into the development site"*. Various design cues have been taken from existing properties within the immediate locality, most notably all dwellings having private garden space to the rear of properties, mirroring dwellings upon Stakeford Crescent and Oxford Road.
- 7.18 The proposed scale, massing and form of the dwellings are acceptable and the total number of dwellings appears to be respectful of the site, not constituting an overdevelopment that would negatively impact upon the character of the immediate and wider landscape. The housing mix of bungalows and 2-, 3- and 4- bedroom properties is welcomed with all properties benefitting from good levels of internal space as well as private outdoor amenity space to the rear. The provision of soft landscaping to the frontage of all properties ensures a pleasing street scene, whilst the considerable area of open space upon the eastern boundary of the site

ensures a lessened impact caused upon the adjacent agricultural land from the proposed built form.

- 7.19 Fenestration has been appropriately sited in a uniform manner upon the external elevations of the proposed dwellings with the provision of hipped and pitched roofs resulting in matching roof profiles with existing dwellings to the north and west. The proposed external material palette appears to be consistent with materials already existing upon neighbouring streets and to ensure the LPA retain a level of control over the external appearance of the properties, it would be appropriate for material samples to be provided prior to the construction of the development above damp-proof course level.
- 7.20 Subject to an appropriately worded condition securing the submission of material samples, the LPA consider the proposed development to represent good design. The applicant has given careful consideration to the character of the settlement of Stakeford and design cues have been taken from existing properties that would ensure the site relates well to the area and does not appear as an incongruous addition. The proposals are therefore considered to accord with the provisions of policies HOU 9 and QOP 1 of the NLP and the NPPF on design grounds.

Residential amenity

- 7.21 Policy QOP 2 of the NLP 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"*. The policy goes on to note that the physical presence and design of a development must not be visually obtrusive or overbearing upon neighbouring uses. The best outcomes for outlook should be achieved wherever possible.
- 7.22 Paragraph 135, part f) of the NPPF states proposals must *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.
- 7.23 As part of the officers site visit, an assessment in relation to residential amenity was undertaken, identifying potential impacts upon existing residents as well as future occupiers of the proposed dwellings. Following the submission of amended plans, a minimum separation distance of 20 metres will now exist between the rear elevation of plots 15-32 and the rear of existing dwellings upon Stakeford Crescent. Amendments to the internal layout were also undertaken to ensure 20 metres was retained between the primary facing elevations of plots 11-18, thus protecting the privacy and amenity of future residents. A separation distance of 22 metres would exist between the gable of plot 14, the most westerly plot upon the site, and the adjacent dwelling within Collingwood Place.
- 7.24 Future occupiers of the proposed dwellings would benefit from acceptable levels of amenity with appropriate internal floor space incorporated within all house types and private outdoor amenity space available to all properties. Fenestration has been appropriately sited upon all properties to ensure that there would be no direct overlooking or privacy concerns between the proposed dwellings.

- 7.25 Consultation was undertaken with the local authority's Environmental Protection team who raised no objection to the proposals on amenity grounds. A condition is recommended to restrict development and construction work to the hours of 0800-18:00 on weekdays, 08:00-13:00 on Saturdays with no working on Sundays, Public or Bank Holidays. A further condition is recommended to secure the submission of a dust management plan prior to the commencement of development, to ensure existing properties are not adversely impacted upon by dust generated from the proposed works.
- 7.26 Subject to the recommended conditions from the local authority's Environmental Protection team, the LPA are satisfied that the proposals would not significantly impact upon the amenity of neighbouring properties or future occupiers of the proposed dwellings, therefore according with the provisions of policy QOP 2 of the NLP and the NPPF.

Highway safety

- 7.27 Policy TRA 1 of the NLP recognises that transport implications of a development must be addressed as part of any planning application. Proposals should *"Promote a spatial distribution which creates accessible development, reduces the need to travel by car, and maximises the use of sustainable modes of transport"*. Policy TRA 2 states that all developments affecting the transport network will be required to *"provide effective and safe access and egress to the existing transport network" and "include appropriate and effective measures to avoid, mitigate and manage any impacts on highway capacity"*.
- 7.28 Policy TRA 4 of the NLP is also relevant within this assessment and seeks for appropriate levels of off-street parking to be incorporated within all developments.
- 7.29 Paragraph 115 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"*.
- 7.30 Consultation was undertaken with highways development management who, following the submission of additional information, raised no objection to the application proposals subject to recommended conditions. The LPA recognise that a significant number of objections received from residents cited concerns in relation to highway safety therefore a full assessment in relation to any impacts has been undertaken. As part of the application documents, a transport statement has been submitted which provides data confirming that there have been no recent incidents along Stakeford Crescent or its junctions with the Stakeford Lane public highway. This has been verified with Gateshead TADU in November 2022. In the interests of highway and pedestrian safety, a condition has been recommended by highways development management that a construction method statement together with supporting plan, be submitted to the local planning authority for written approval prior to the commencement of any on site development.
- 7.31 Alterations to the proposed plans were undertaken by the applicant, relocating various plots within the site to allow for appropriate manoeuvring space for

vehicles. Highways development management are satisfied that these amendments will allow appropriate vehicle movement within the site without detrimentally impacting upon highway safety. Sufficient levels of visitor parking have been demonstrated upon the plans whilst a parking area for existing residents on Stakeford Lane has been proposed towards the northern boundary of the site. Management and maintenance of this area shall be secured via an appropriately worded planning condition.

- 7.32 The proposals demonstrate EV points, cycle parking and refuse storage within all plots. Appropriate vehicle parking provision has been demonstrated, in the majority of cases served by hardstanding located to the side of the property. The applicant has also submitted a S38 plan for adoption for the proposed development, this will be subject to technical approval through the Agreement process, and that the layout must conform to the necessary standards required to be considered for adoption. Any minor amendments required for the given layout will be picked up during the technical approval process.
- 7.33 A new access to the application site will be formed from Stakeford Crescent with appropriate visibility splays demonstrated to allow for safe ingress and egress at the site. The proposed access should provide drainage measures to prevent surface water run-off onto adjacent land and these details shall be secured through the highways agreement process. Precise details shall then be submitted to the local planning authority for written approval, prior to occupation of the development.
- 7.34 A public right of way (Parish of Wansbeck Public Footpath no.48) passes through the proposed development site. Consultation was undertaken with the local authority's rights of way team who raised no objection to the application proposals, subject to a legal diversion order being made under section 257 TCPA 1990 to permanently divert the path to an alternative route. The submitted details indicate that internal footpath connections would be created to allow a diverted right of way throughout the site, however, no construction work should commence on site until the diversion order for the right of way has been confirmed.
- 7.35 Additionally, a temporary diversion order would be required for the right of way to facilitate access whilst construction is being carried out. There is a charge for a temporary path closure which can last up to 6 months. This can then be extended should a further closure period be required with an application to The Secretary of State through the County Council, but the application must be made at least one month prior to the expiry of the original application. Appropriately worded conditions have been recommended by the local authority's rights of way team to secure this further information.
- 7.36 Subject to conditions recommended by the local authority's highways and rights of way team, the local planning authority consider that concerns in relation to highway safety have been addressed by the applicant through the submission of further information. The proposals therefore accord with the provisions of policies TRA 1, TRA 2 and TRA 4 of the NLP, as well as the NPPF, in relation to highway safety.

Ecological impacts

- 7.37 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. If adverse impacts cannot be adequately mitigated, the LPA may request as a last resort that these are compensated for. These provisions are mirrored within paragraph 180 of the NPPF.
- 7.38 Consultation was undertaken with the local authority's ecologist who, following the submission of additional information, raised no objection to the application proposals subject to recommended conditions. The application is supported with an 'ecological appraisal' which has classified the existing habitats present on site as of local value, dominated by a small range of common species. The Appraisal has however noted that the site may be used by protected and / or notable species including breeding birds, badger (although no evidence was recorded), hedgehog, and hare. The presence of an existing right of way and regular recreational use may however reduce its value for these species. The Ecological Appraisal does however recommend that precautionary working methods are employed during the construction phase to ensure that the risk of direct impacts on protected / notable species are minimised / avoided.
- 7.39 To compensate for the loss of existing habitat, the Ecological Appraisal recommends that SuDS and open space areas are designed to promote biodiversity by including appropriate species rich grassland mixes; landscape planting to include native berry and fruit bearing species to provide increased foraging opportunities for birds and invertebrates; and the provision of bat and bird boxes incorporated within the new buildings at a ratio of one per dwelling. An updated 'landscape masterplan' and additional 'POS details plan' have been provided to show the above details.
- 7.40 The Public Open Space (POS) drawing (R/2625/4) states that aftercare shall be in accordance with the approved Landscape Management Document. However, this document does not appear to have been submitted and its provision should be secured by means of a condition requiring the submission of a Landscape and Ecological Management Plan.
- 7.41 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected. When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, the LPA have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.
- 7.42 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is

subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution of £615 per unit can be secured through a legal agreement attached to the granting of a planning permission and the applicant has agreed to these contributions, totalling £19,680 (£615 x 32). A section 106 agreement to secure these contributions has been secured during the planning process. The local planning authority therefore consider the proposals to accord with the provisions of policies ENV 2 and INF 6 of the NLP as well as the NPPF.

Land contamination

- 7.43 Policy POL 1 of the NLP outlines 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"*.
- 7.44 Policy POL 2 of the NLP is also relevant within this assessment and 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"*. Both of these provisions are mirrored within the NPPF.
- 7.45 Consultation was undertaken with the local authority's environmental protection team regarding the application proposals. As part of the application documents, a phase 1 geoenvironmental report has been provided as well as two phase 2 reports. The first Phase 2 report reference no. N19199G, dated September 2019 was prepared by Patrick Parsons and a more recent report number 22082-01, dated 28 July 2022 was prepared by Coast Consulting Engineers Ltd. The latter report confirms that there are no contaminants of concern which may potentially pose a risk to human health for the proposed residential end-use and that no remedial measures are required. The local authority's environmental protection team are satisfied with this recommendation and have requested an appropriately worded condition relating to a contamination watching brief be attached to any approval for the site.
- 7.46 A ground gas risk assessment has also been provided by the applicant as part of the submission. Slightly elevated concentrations of carbon dioxide (max. 3.7% v/v) were recorded with no methane detected. Significantly depleted oxygen concentrations were recorded with the lowest readings at between 4.9 and 10.9% v/v. Utilising carbon dioxide as the worst-case assessment criteria for the site in accordance with C665 guidance, a GSV of >0.7 and <3.5l/hr would classify the site as Characteristic Situation (CS) CS3 or moderate risk. However, the report concludes that the observed flow rates are considered to be false positives that are not representative of elevated gas flow rates across the site and goes on to state that if the GSV with respect to carbon dioxide are recalculated using more representative steady gas flow rates that were observed after the initial positive gas pressures had dissipated (max. 0.1l/hr), it is below the threshold of 0.07l/hr that would

classify the site as CS1. Conditions have been recommended by the local authority's environmental protection team to secure the provision of ground gas protection within all plots to protect the amenity of future residents.

- 7.47 Subject to the conditions recommended by the local authority's environmental protection team, the LPA consider the proposals to accord with the provisions of policies POL 1 and POL 2 of the NLP, and the NPPF, in relation to land contamination.

Water management

- 7.48 Policy WAT 3 of the NLP outlines that development proposals must demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. These provisions are mirrored within paragraph 173 of the NPPF. Policy WAT 4 of the NLP seeks for sustainable drainage systems to be incorporated within all developments.
- 7.49 Paragraph 175 of the NPPF stipulates that *“major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate”*.
- 7.50 The application form outlines that surface water will be disposed of via existing mains and sustainable drainage systems whilst foul sewage will have a connection to existing mains drainage. Consultation was undertaken with the Lead Local Flood Authority (LLFA) team who, following the submission of additional information, raised no objection to the application proposals subject to recommended conditions. LLFA are satisfied that the proposed development appropriately addresses flood risk on site and appropriately worded conditions have been recommended to secure maintenance of the drainage schemes on site, most notably the large SuDS basin proposed to the eastern boundary.
- 7.51 Conditions have also been requested that would secure details of the disposal of surface water during the construction phase on site as well as the submission of a verification report prior to first occupation of the development, demonstrating that the SuDS have been installed as approved and are in full working order. Subject to these conditions, the LPA consider the proposed development to accord with the provisions of policies WAT 3 and WAT 4 of the NLP and the NPPF in relation to flood risk and drainage.

Archaeological impacts

- 7.52 Policy ENV 7 of the NLP details that *“Development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings”*. It goes on to note that *“Decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance”*.
- 7.53 Paragraph 200 of the NPPF states *“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to*

submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

- 7.54 As part of the application assessment, consultation was undertaken with the local authority’s archaeology who, following the submission of an additional report, confirmed no objection to the application proposals on archaeological grounds. The application is supported by an archaeological desk-based assessment (DBA) and geophysical survey report (January 2024). The DBA noted no designated heritage assets are recorded in the site or Study Area. It considered that the potential for significant unrecorded archaeological remains of prehistoric, Roman and early medieval remains within the site was low but noted that a geophysical survey would be appropriate to inform a more robust assessment of the archaeological potential. The DBA suggested that the site was likely to be in agricultural use through the medieval and post-medieval periods and that buried remains relating to medieval or early post-medieval agriculture, such as ploughing or drainage features may survive within the site.
- 7.55 The geophysical survey undertaken identified a number of sub-surface geophysical anomalies. These were interpreted as being associated with modern disturbance, agricultural activity or background geological origin. No evidence of pre-modern activity was detected within the survey area. Archaeological geophysical survey will not always detect all archaeological remains within a given site. In this case, noting the relatively small area of the application site, the risk of significant unrecorded archaeological remains being present within the site is considered be low. No further archaeological work is therefore required on site with the proposals according within the provisions of policy ENV 7 of the NLP and the NPPF.

Planning obligations

- 7.56 Policy INF 6 of the NLP states:

“1. Where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable.

2. Planning obligations will be used, as necessary, to ensure that development meets relevant planning policy requirements set out in the Local Plan and any made neighbourhood plans.

3. Planning obligations will only be sought where they meet all of the following tests which require that they are:

a. necessary to make the development acceptable in planning terms;

b. directly related to the development; and

c. fairly and reasonably related in scale and kind to the development.”

- 7.57 A financial contribution towards healthcare has been calculated for the proposed development, totalling £20,400. This financial contribution would allow a smooth implementation of the required surgery capacity extension and the payment should be made on completion of the first dwelling. This would ensure that the new health capacity is in place once the dwellings are occupied. The applicant has agreed to this contribution which shall be secured via a section 106 agreement.

- 7.58 An education contribution of £96,000 has been calculated for the proposed development. The consultation response from the local authority's education team recognises that given the current capacity in schools in the area where this application would be developed and the number of dwellings proposed, there would be an impact on educational infrastructure on either mainstream or SEND provision the area. The financial contribution would mitigate this impact and would be required at three different points within the development. 33% at the completion of the first house, 33% at the completion of 25% of the dwellings and 33% at the completion of 75% of the dwellings. Again, the applicant has agreed to this contribution which shall be secured via a section 106 agreement.
- 7.59 As previously set out within paragraphs 7.41 and 7.42 of this report, the proposals represent a residential development within 10km of the coast, therefore ensuring a contribution to the coastal mitigation service is required. This has been calculated at £19,680 and is required prior to occupation of the first dwelling on site. The applicant has agreed to this contribution which shall be secured within the section 106 agreement.
- 7.60 A financial contribution of £20,968.74 has been calculated for parks and gardens (off-site) which shall go towards improvement of such areas within the locality. Appendix H of the NLP sets out that "*off-site contributions for open space will be spent within the accessible distances for the respective provision of open space identified in Table H3 (accessibility standards)*". The applicant has provided sufficient natural green space and children's play space on site to ensure that further financial contributions are not required however, a maintenance and management plan and additional details of the proposed play equipment are required, both of which can be secured via planning condition. The applicant has agreed to the open space financial contribution.

Equality Duty

- 7.61 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

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

Human Rights Act Implications

- 7.63 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.

- 7.64 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.
- 7.75 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 principle of development is recognised as acceptable in accordance with the provisions of the Northumberland Local Plan and National Planning Policy Framework. The application documents address technical matters on site in relation to design, amenity, highway safety, ecological impacts, land contamination and further matters. Appropriately worded conditions and financial contributions, secured through a section 106 agreement, will also address additional impacts.
- 8.2 The application is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to a section 106 agreement securing relevant contributions (£19,680 coastal mitigation, £20,400 healthcare, £96,000 education and £20,968.74 open space) and recommended conditions.

Conditions/Reason

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

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

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

- 1) Location plan 001 D
- 2) Landscape masterplan R/2625/1C
- 3) Engineering layout D001 4
- 4) Engineering layout with SW outfall D002 4
- 5) Surface and foul water outfall location D202 2
- 6) Flood routing plan D203 2
- 7) Typical SuDS details D204 2
- 8) Proposed longsections D300 3
- 9) Suds identification plan D500 2
- 10) Direct comparison outfall plan D600 4
- 11) Road construction details D700 1
- 12) Proposed drainage details D701 1
- 13) Proposed plans NDS-36
- 14) Proposed plans NDS-13(FA)
- 15) Proposed plans NDS-31/01
- 16) Proposed plans NDS-33(M4(2))
- 17) Proposed plans 3BB 000 C
- 18) Proposed site plan 003 Y
- 19) Proposed boundary treatment plan 004 I
- 20) Proposed materials plan 005 E
- 21) Ecological appraisal 22186 V3
- 22) Flood risk assessment and drainage strategy FRA&DS/AE/20035 v4
- 23) Gas verification strategy report 22082-02 A
- 24) Phase 2 geoenvironmental appraisal 22082-01 A
- 25) SuDS maintenance plan 20035/AE/SuDS 4
- 26) Landscape details S1-S18 R/2625/2A
- 27) Landscape details S19-S33 R/2625/3A
- 28) Landscape POS details R/2625/4A
- 29) Ornamental planting details R/2625/5A
- 30) Section 38 plan D800 1
- 31) Proposed plans NDS-19(V1)/01
- 32) Proposed materials plan 005 G

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

3) Notwithstanding any description of the materials in the application, prior to construction above damp-proof course level of the dwellings hereby approved, precise details of the materials to be used in the construction of the external walls, roof and fenestration of the building, shall be submitted to, and approved in writing by, the Local Planning Authority. Development must not be undertaken above damp-proof course level until approval from the Local Planning Authority has been provided in writing. All external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development from the outset in the interests of amenity and in accordance with the

provisions of in accordance with the provisions of policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

- 4) Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:
- i. details of temporary traffic management measures, temporary access, routes and vehicles;
 - ii. vehicle cleaning facilities;
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. the loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. details of the size and number of HGV's associated with the construction phase of the development.

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

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

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA 4 of the Northumberland Local Plan.

- 6) Development shall not commence until details of the proposed highway works to facilitate access to the site by vehicles, pedestrians and cyclists and associated works, details of PRoW works, along with a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved highway works shall be constructed in accordance with the approved plans and in accordance with the approved timetable for implementation.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA 2 of the Northumberland Local Plan.

- 7) 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 TRA 1 and TRA 2 of the Northumberland Local Plan.

- 8) 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.

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 TRA 1 and TRA 2 of the Northumberland Local Plan.

- 9) 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 TRA 1 and TRA 2 of the Northumberland Local Plan.

- 10) No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

- 11) 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.

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

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA 1 of the Northumberland Local Plan.

- 13) No works shall be undertaken other than in accordance with the measures detailed within 'Ecological Appraisal, Land at Stakeford, OS Ecology, December 2022' including but not limited to:

- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting
- Vegetation clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°
- A check for badger within 3 months of the commencement of site clearance

Reason: To protect and enhance biodiversity in accordance with Local Plan policy ENV 2 and the National Planning Policy Framework.

- 14) Works to trees shall be undertaken in complete accordance with the measures detailed within 'Land off Stakeford Crescent, Stakeford, Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan, Ref: ARB/AE/2928, Elliott Consultancy Ltd., December 2022.

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with Local Plan policies ENV2, QOP4 and the National Planning Policy Framework.

- 15) The development hereby permitted shall not be occupied until bat and bird provision and access for hedgehogs, has been installed/constructed in accordance with details shown on 'Landscape Masterplan, R/2625/1B, Rev.B: Sep 23'

Reason: To protect and enhance biodiversity in accordance with Local Plan policy ENV2 and the National Planning Policy Framework.

- 16) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance the natural environment in accordance with Local Plan polices ENV2, QOP4 and the National Planning Policy Framework.

- 17) The Scheme shall be maintained in accordance with Document Reference: 20035/AE/SuDS SuDS Maintenance Plan Proposed Residential Development, Land Off Stakeford Crescent, Stakeford Rev 4 dated 22/02/2023 by RWO

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime in accordance with policy WAT 4 of the Northumberland Local Plan and the National Planning Policy Framework.

- 18) Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features in accordance with policy WAT 3 of the Northumberland Local Plan and the National Planning Policy Framework.

- 19) 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 technical standards in accordance with policy WAT 4 of the Northumberland Local Plan and the National Planning Policy Framework.

- 20) If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material

(prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

*“Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9.

Reason: To ensure that risks from land contamination are minimised in accordance with policy POL 1 of the Northumberland Local Plan and the National Planning Policy Framework.

- 21) No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority. The report shall specify to the Local Planning Authority’s satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good Page 4 of 5 practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity in accordance with policy POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

- 22) No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 21. The verification report shall be approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity in accordance with policy POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

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

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties in accordance with policy POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

- 24) No development shall take place outside the hours of:

- 0800 and 1800 on Mondays to Fridays and
- 0800 and 1300 on Saturdays.
- No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with policy POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

- 25) No development shall commence, including any works of demolition, until a dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the agreed plan and shall not be altered without the prior written approval of the local planning authority.

Reason: To ensure a commensurate level of protection against dust in accordance with policy POL 2 of the Northumberland Local Plan and the National Planning Policy Framework.

- 26) Prior to the commencement of development hereby approved, a legal diversion order under section 257 TCPA 1990 to permanently divert the public right of way 'Parish of Wansbeck Public Footpath No.48', shall be submitted to and approved in writing by the local authority. No development shall take place until diversion order has been confirmed.

Reason: To promote sustainable connections in accordance with policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

- 27) Prior to the commencement of development hereby approved, a temporary diversion order must be made for the public right of way 'Parish of Wansbeck Public Footpath No.48'. No development shall take place until this temporary diversion order has been confirmed and the physical works to provide a suitable surface have been completed.

Reason: To promote sustainable connections in accordance with policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

- 28) Prior to the commencement of development above damp-proof course level of the first dwelling on site, full details of the proposed play equipment to be incorporated within the play space must be submitted to and approved in writing by the local planning authority. The proposals should provide an appropriate level of play equipment proportionate to the size of the play space. These approved details shall therefore be implemented prior to occupation of the first dwelling on site.

Reason: To ensure appropriate play equipment within the site in accordance with policy INF 5 of the Northumberland Local Plan and the National Planning Policy Framework.

29) Prior to occupation of the first dwelling on site, a detailed open space (including play) management and maintenance scheme must be submitted to and approved in writing by the local planning authority. This document shall set out the management and maintenance of all areas of open space (excluding private gardens) and following approval, must be adhered to for the lifetime of the development hereby permitted. The document must, as a minimum, include:

- i) Details of landscape management and maintenance plans
- ii) Details of planting, grass cutting, weeding and pruning
- iii) Inspection, repair and maintenance of all hard landscaping and structures
- iv) Management, monitoring and operational restrictions
- v) Maintenance and planting replacement programme for the establishment period of landscaping
- vi) Establish a procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying which shall ensure that any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing

Reason: To ensure appropriate maintenance and management of open space in accordance with policies QOP 2, QOP 4 and INF 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

- 1) You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.
- 2) 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
- 3) 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.
- 4) 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.
- 5) The applicant is advised that to discharge condition 8 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.

- 6) The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 9 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.
- 7) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 8) 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
- 9) 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).
- 10) All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

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

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a chance of encountering protected species during works. Care should be taken when removing any roof coverings, window frames or other external features which may support bats or nesting birds.

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

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

12) Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

A list of plant species native to Northumberland can be found online. A list of suitable trees is available online from Northumberland Wildlife Trust. Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

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

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

Date of Report: 22nd February 2024

Background Papers: Planning application file(s) 23/02165/FUL