



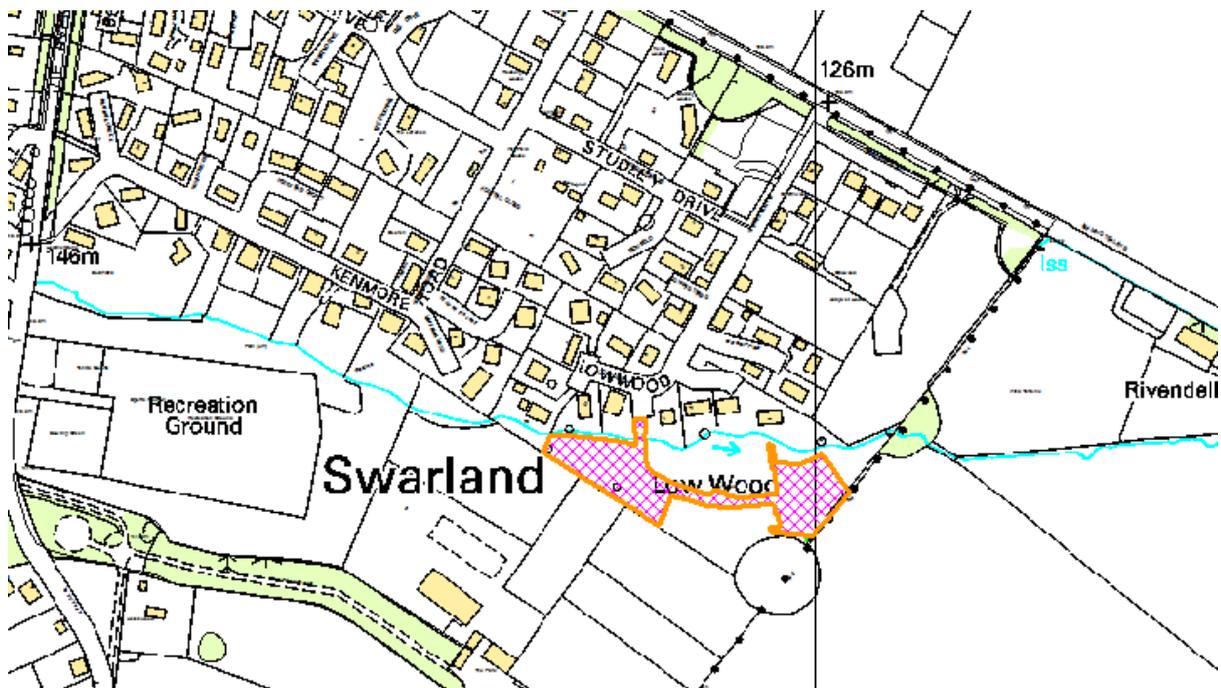
Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL PLANNING COMMITTEE 22ND APRIL 2021

Application No:	20/03622/FUL		
Proposal:	Revisions to the layout to replace 2 approved dwellings with 3 dwellings and the creation of a new plot for one dwelling (amounting to two additional dwellings on the site). Revised description.		
Site Address	Land South Of Mereburn House, Low Wood, Swarland, Northumberland		
Applicant/ Agent	Mr David Brocklehurst C/O 12-14 , Bondgate Within, ALNWICK, NE66 1TD		
Ward	Shilbottle	Parish	Newton-on-the-Moor And Swarland
Valid Date	26.11.2020	Expiry Date	30.04.2021
Case Officer Details	Name: Mrs H Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: Haley.marron@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a S106 Legal Agreement to secure the following obligation

- A financial contribution towards affordable housing provision off site to the sum of £40,800



1. Introduction

1.1 Following an objection from the Parish Council the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

1.2 An outline application for 9 no. dwellings, with all matters reserved except access, was granted consent subject to conditions on 10th April 2017 - 16/04129/OUT

1.3 An application for reserved matters approval for 9n. dwellings was granted subject to conditions on 26th August 2020 - 20/01196/REM

2. Description of the site and the proposals

2.1 Swarland is a small village approximately 3.9km north east of Longframlington and approximately 8.2km south of Alnwick. Swarland is identified in the Alnwick Core Strategy (ACS) as a Sustainable Village Centre and therefore suitable for appropriate new development.

2.2 The application site (site) is located on the southern boundary of Swarland and incorporates land to the south of Low Wood (Road). The site is accessed from the existing estate road of Low Wood. It is adjoined to the north by residential development with open, agricultural land to all other sides.

2.3 The site benefits from outline planning permission (16/04129/OUT) and reserved matters approval (20/01196/REM) for the construction of 9 dwellings and sustainable drainage system.

2.4 Development on the site has commenced. The access into the site including the culverting of the watercourse are under construction.

2.5 Full planning permission is now sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a plot number 10. Furthermore, an additional new plot is proposed on plot 11 resulting in two additional dwellings across the site. The effect results in an increase in the number of dwellings from 9 to 11.

3. Planning History

Reference Number: 16/04129/OUT

Description: Outline planning permission with all matters reserved except for access for the construction of up to 9No residential units

Status: Permitted 10.04.2017

Reference Number: 20/00176/OUT

Description: Outline planning permission with all matters reserved, except for access, for the construction of up to 9No residential units

Status: Withdrawn

Reference Number: 20/01196/REM

Description: Reserved matters application for layout, scale, appearance and landscaping of approved planning application 16/04129/OUT.

Status: Permitted 26.08.2020

Reference Number: 20/02085/DISCON

Description: Discharge of Conditions 5 (Construction Method Statement), 8 (Proposed Street Maintenance), 10 (Surface Water), 11 (Flood Risk), 14 (Foul Water), 15 (Mitigation Enhancement), 17 (Pollution) and 18 (Tree Landscaping) relating to planning permission 16/04129/OUT

Status: Split decision 05.10.2020

Reference Number: 20/02525/DISCON

Description: Discharge of Condition 6 (Highways) relating to planning permission 16/04129/OUT.

Status: Permitted 02.10.2021

Reference Number: 20/04028/DISCON

Description: Discharge of conditions 7 (car parking), 9 (refuse storage) and 13 (landscape planting plan) of application 16/04129/OUT

Status: Permitted 26.02.2021

Reference Number: 21/00576/NONMAT

Description: Non-material amendment relating to planning permission 20/01196/REM for revision to the width of the access road crossing the watercourse.

Status: Pending consideration

4. Planning Policy

4.1 Development Plan Policy

Alnwick Core Strategy

S1 Location and scale of new development

S3 Sustainability criteria

S4 The phased release of housing land

S11 Locating development to maximise accessibility and minimise impact from travel

S12 Protecting and enhancing biodiversity and geodiversity

S13 Landscape character

S15 Protecting the built and historic environment

S16 General design principles

Alnwick District Wide Local Plan

APPENDIX A Design and layout of new dwellings

BE8 Design in new residential developments and extensions (and Appendix A and B)

TT5 Controlling car parking provision (and Appendix E)

APPENDIX E Car parking standards for development

4.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2019, as updated)

4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19)

SPT 1 Spatial Strategy
HOU 9 Residential Development Management
QOP 1 Design Principles (Strategic Policy)
QOP 2 Good Design and Amenity
QOP 5 Sustainable design and Construction
TRA 1 Promoting Sustainable Connections (Strategic Policy)
TRA 2 Effects of Development on the Transport Network
TRA 4 Parking Provision in New Development
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 Biodiversity and geodiversity
ENV 3 Landscape
WAT 2 Water supply and sewerage
WAT 4 Sustainable Drainage Systems
POL 2 Pollution and air, soil and water quality
POL 3 Agricultural land quality

4.4 Other Documents

Northumberland Landscape Character Assessment 2011
Alnwick District Landscape Character SPD 2011
The National Design Guide

5. Consultee Responses

<p>Newton on The Moor And Swarland PC</p>	<p>The Parish Council objects to this application for additional dwellings:</p> <p>1)The application and site: although the applicant portrays this as a minor application for 3 dwellings on part of the site, we consider it to be a significant amendment to the existing consent, and that the impact of the amended proposals should be considered in the context of the site as a whole. The Low Wood development consists of well spaced large houses. The proposed additional dwellings will form a high density housing area in the corner of the development which will spoil the overall look of the development. Plot sizes will be significantly decreased. The Parish Council challenges the need for houses of this size when we need more affordable housing in the village, and also object to 3 large houses being shoe-horned into a site originally allocated for two. This destroys the original spacious design, and increases mass and density to an unacceptable degree. At 2.2 of the Design and Access Statement, it is stated that access is to be "from the adopted highway of Studley Drive". The Parish Council would point out that not all of Studley Drive is adopted.</p> <p>2) Drainage: The site is well-known locally to be subject to poor drainage, and flooding. We do not believe that adequate provision was made in the original permitted application to accommodate surface water run-off, and</p>
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	<p>recent flooding of the Mere Burn in this area has already demonstrated this inadequacy. We therefore request that the County Council, in its role as the LLFA, conducts its own independent assessment of the drainage problems in this area, to assess the impact of building 2 net additional houses on this site, and to determine what appropriate mitigation measures would be required.</p> <p>3) Ecology and trees: we question the validity of the proposal 'Proposed Mere Burn buffer zone to be left undisturbed and managed to conserve the scrub and grassland mosaic', in view of the works which have already been carried out to clear this area. A stretch of this area alongside the burn has already been stripped bare of vegetation as part of the ongoing culvert works. There has been scant regard so far for riparian habitat and wildlife, and we still have some concerns about the installation of a culvert which was not in the original application and does not seem to have been adequately assessed by the Planning Dept or the LLFA.</p> <p>The Parish Council suggests that NCC ecology and flooding staff should work to arrive at a solution for this buffer zone which achieves an appropriate drainage and ecological solution. We also ask that extra care is taken to protect the roots of established trees on the site during the construction work. If this application is permitted, the Parish Council would prefer a bridge instead of the current culvert access. Flow issues with the burn caused by the culvert must be agreed before further development is allowed.</p> <p>4) Affordable housing: if this application is permitted, this will be a 11-dwelling development. We therefore request and expect that the developer will make provision for affordable housing within our parish.</p> <p><u>Additional comments (summary)</u> Following a meeting with the applicant and after considering all factors the Parish council does not support the inclusion of two extra houses into the ongoing Low Wood development. We remain concerned about a degradation of the layout and density of this executive development, as well as drainage, the lack of certainty that the use of plastic erosion matting along the burn will be avoided, culvert design, and public opinion.</p>
Lead Local Flood Authority (LLFA)	No objection, subject to conditions
North Trees And Woodland Officer	No response received.
Highways	No objection, subject to conditions
County Ecologist	No objection subject to conditions
Education	No contribution sought
Housing Enabling Team	Financial contribution towards Affordable Housing is required
Northumbrian Water Ltd	NWL confirm they have no comments to make
Environment Agency	No objections
Fire and Rescue	No objections
Northumbria Police	No response received
Northumbria Ambulance	No response received

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	8
Number of Support	0
Number of General Comments	0

Notices

General site notice, 25th February 2021
No Press Notice Required.

Summary of Responses:

6.1 Eight letters of objection have been received from local residents objecting to the application on the following grounds:

- amenity impacts
- design and layout
- no need for more housing
- highway safety
- heavy goods vehicles are damaging roads and wildlife
- additional dwellings will prolong the build and nuisance
- the site is a muddy mess
- where is the affordable housing
- ecology and landscaping
- drainage

In addition to the above a petition objecting to the application has been received consisting of 69no. signatures. The petition objects to the application primarily on highway safety grounds.

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>

7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a

proposal requires an Appropriate Assessment to be undertaken this presumption does not apply.

7.2 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS).

7.3 Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, was submitted for examination on 29 May 2019 (NLP). In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration.

7.4 The main issues for consideration include:

- Principle of development
- Impact on character of the area
- Impact on residential amenity
- Ecology and landscaping
- Flood risk and drainage
- Highways
- Obligations

Principle of development

7.5 The NPPF seeks to promote sustainable development with paragraph 11 providing the starting point against which the sustainability of a development proposal should be assessed. NPPF paragraph 8 identifies three objectives to sustainable development - an economic element, a social element and an environmental element.

7.6 The NPPF Paragraph 78 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.7 Policy S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District, it identifies Swarland as a Sustainable Village Centre. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement.

7.6 Policy S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However, limited weight can be attached to this policy as the NPPF, whilst encouraging the reuse of previously developed land, does not require a sequential test for this development type.

7.7 Policy S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/ legal agreement but also states that it may be necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and

modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts.

7.8 The principle for residential development of the site has been firmly established under planning approval reference 16/04129/OUT and subsequently 20/01196/REM. It has been established that the principle of residential development in this location is acceptable having regards to ACS Policies S1, S2, S3 and the provisions of the NPPF set out above.

In the emerging Local Plan, Policy STP 1 regards Swarland as a service village where a proportionate level of housing will be provided and be the focus for investment in rural areas to support the provision and retention of local retail, services and facilities. The Emerging Local Plan has a settlement boundary for Swarland and the application site is located inside the settlement boundary and is therefore in accordance with Policy STP1. Whilst the plan is at an advanced stage, there are a number of unresolved objections to Policy STP 1 that are currently being considered through the examination process and this reduces the weight that can be given to this policy at the present time.

Impact on character of the area

7.9 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance, the natural and local environment.

7.10 Policy S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district. S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.

7.11 The site benefits from outline planning permission (16/04129/OUT) and reserved matters approval (20/01196/REM) for the construction of 9 dwellings and sustainable drainage system.

7.12 Development on the site has commenced. The access into the site including the culverting of the watercourse are under construction. The character of the site is changing from open land to residential development.

7.14 Full planning permission is now sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11 resulting in two additional dwellings across the site. The effect results in an increase in the number of dwellings from 9 to 11.

7.15 The applicant has submitted a Design and Access Statement to support the application. The house types proposed are traditional in appearance but would appear complementary to the development already approved and the existing properties on Low Wood. Existing housing to the north on Low Wood is characterised by modern large detached two storey properties on generous plots.

7.16 The new dwellings would be two storey, detached comprising stone, brick and traditional architectural detailing such as bay windows, chimneys, door surrounds and dormer windows. The concerns raised by the Parish Council and local residents

regarding the size of the plots are noted. However, all plots maintain an ample size boasting generous rear gardens. The new dwellings also maintain the broad layout of the development by fronting the main spine road. It is considered that the density of development remains appropriate to the character of the area.

7.17 In pure design terms having regards the design and layout and immediate surroundings it is considered the development respects the character of the immediate area.

7.18 Moving outwards and considering the wider character of the area, impacts will be limited as the proposals are contained within the existing development site. The additional two dwellings align with the approved development. The additional dwellings are set back from all boundaries and respect and maintain the landscape setting with the retention of trees to the boundaries and the 10m buffer to the Mere Burn. This point is discussed further in the report.

7.19 In the context above and the fact the site will be viewed in the immediate context of existing development, it is considered the proposal will not have a significant impact on the rural character and is considered to be in accord with policies S5, S13 and S16 of the ACS and the provisions of the NPPF.

Residential amenity

7.20 Paragraph 127 of the NPPF states that planning decisions should f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.21 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.

7.21 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally. This policy is consistent with the NPPF.

7.22 The nearest residents to be directly affected by this development are located to the north on Low Wood, on the other side of the Mere Burn. Objections from local residents are noted with many raising concerns regarding impact on their amenity.

7.33 The site benefits from planning permission for housing. It is accepted that the approved development would fundamentally impact on residents' general visual amenity because the site would change in character from a green field site to a housing development. However, it is important to consider the impact of the additional plots and revisions now proposed on the amenity of Low Wood.

7.34 Full planning permission is sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11. New plot number 10 moves the development closer to residents on Low Wood. Plot 10 would sit gable on, with the rear elevations of properties on Low Wood. However, acceptable standards of separation are maintained. Usually, a separation distance of approximately 12 metres

is expected between gable and rear facing elevations. The development far exceeds this distance.

7.35 Furthermore, the development does not encroach into the approved landscaping buffer of the Burn. It is noted that landscaping in this location will assist in screening to the benefit of residents.

7.36 The additional plot on number 11 is located to the far north eastern corner of the site, where there will be limited impact on the residents of Low Wood in terms of loss of amenity.

7.37 Having regard to the above and while objections are noted, it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours.

7.38 In the context of the above, the proposals are in accordance with Policies CD32 of the Local Plan and the NPPF in relation to amenity.

Ecology and landscaping

7.39 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.40 Policy S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity. Policy S12 stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.

7.41 NLP policy ENV2 and ENV3 seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity and the character of the landscape. Policy QOP4(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development.

7.42 The application site carries no statutory or, non-statutory ecological designations however, it does abut the Mere Burn. An Ecological Assessment and Protected Species Survey has been submitted with this application. This reiterates that the key ecological issue relates to the Mere Burn and concludes the need for the following avoidance, mitigation and enhancement measures:-

- the retention of a 10m wide buffer to the south side of the watercourse
- the management of the retained tree groups in the north east and south east corners of the site
- the provision of bat and bird boxes
- ecological checking before development commences

7.43 The County Ecologist has no objection to the proposal because the proposals do not undermine the key measures identified above. He recommends conditions relating to the submission of a detailed landscaping proposals and compliance with the avoidance, mitigation and enhancement measures set out in the Ecological report.

7.44 Significant objection has been raised by residents and the Parish Council expressing concerns regarding the ecological impact of working practices currently on site associated with the approved development under construction – planning references 16/04129/OUT and reserved matters approval 20/01196/REM.

7.45 A number of concerns have been raised. Concerns have been raised regarding the compliance with the approved plans, adequacy of tree protection measures, silt trapping, proposed landscaping and erosion to the Mere Burn. All of these matters are subject to a separate investigation by the Planning Enforcement Team and the Council as Lead Local Flood Authority. These issues do not carry weight in the determination of the current application.

7.46 Therefore, in the context of the above, subject to conditions, the proposal will accord with policies S3 and S12 of the ACS and the provisions and intentions of the NPPF

Flood Risk and drainage

7.47 Paragraph 163 of the NPPF states that when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and paragraph 165 requires that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

7.48 NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure proposals provide appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively.

7.49 Flood risk and drainage principles were considered through the outline planning application and reserved matters approval. A Drainage Statement has been submitted with this current application which concludes there is no need to make any alterations to the main drainage network or SUDS Basin based on micro drainage calculations to include the additional plots.

7.50 Consultation has taken place with the Council as Lead Local Flood Authority (LLFA), Northumbrian Water (NWL) and the Environment Agency (The EA).

7.51 In respect of surface water drainage issues, the Council as Lead Local Flood Authority have withdrawn their objection to the proposals. Following the submission of a raft of technical details to demonstrate the acceptability of the proposals the LLFA offer no objections to the application subject to conditions relating to verification of SUDS; installation of erosion protection measures and maintenance scheme for the watercourse.

7.52 Northumbrian Water have been consulted in respect of foul water drainage. They have confirmed they have no comments to make.

7.53 The Environment Agency have also raised no formal objection to this current application.

7.54 Significant objection has been raised by residents and the Parish Council expressing concerns regarding the flood risk and drainage and the impact of the proposals. Furthermore, concerns have also been raised regarding the impact on

development currently under construction on the site. Specific issues regarding the physical construction of the culvert and impact on the Mere Burn have been raised. Also, the impact of silt deposition; landscaping and erosion concerns have been raised.

7.55 The current application does not propose any alterations to the proposed culvert construction or SUDS basin. These are subject to the original approvals. The objections are noted and are subject to a separate investigation by the Planning Enforcement Team; the Council as Lead Local Flood Authority and The Environment Agency at this time.

7.56 Having regard for the above and the evidence submitted as part of the current application it is considered that the proposals are acceptable in planning terms and would accord with the NPPF Part 10.

Highways

7.57 Paragraph 109 of the NPPF sets out 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. ACS policy TT5 sets out the minimum parking standards required in developments.

7.58 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA4 requiring and appropriate level of off street parking to be provided.

7.59 Fundamental objections have been raised regarding access to the site, highways safety and traffic congestion. This application does not propose to alter the access arrangements to the site. The access remains as approved.

7.60 Full planning permission is sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11. The proposal has been examined by Highways Development Management Team (HDM) which, following the submission of revised details has no objection, subject to the conditions set out in the report.

7.61 Subject to conditions the proposal is considered acceptable in highway terms and will accord with ACS policy S16, ADLP policy TT5 and the provisions of the NPPF.

Obligations

7.62 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Obligations should be kept to a minimum and must meet all of the following tests:-

- 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.

7.63 Where a planning obligation is necessary an application acceptable in planning terms, policy S23 of the ACS seeks to ensure developers are requested to sign a legal

agreement to provide in kind/ or make contribution towards the provision or improvement of physical or social infrastructure.

Affordable Housing

7.64 The site area of 0.67 hectares and is therefore major development as defined by the NPPF (2019). Having regards to the NPPF paragraph 63 the proposal triggers affordable housing provision. Notably the original approval pre-dated the current NPPF and did not require the provision of affordable housing. The comments from the Parish Council in respect of affordable housing are noted.

7.65 Policy S6 of the ACS seeks to ensure that an appropriate level of Affordable Housing (AH) is provided, to meet identified community needs.

7.66 To meet this identified need, Policy HOU6 of the NLP sets out the emerging policy position, with different affordable housing requirements based on housing viability value areas.

7.67 Evidence prepared to inform the emerging Northumberland Local Plan is a material consideration in the determination of planning applications. The Northumberland Strategic Housing Market Assessment Update (June 2018) (SHMA) provides detailed market analysis of housing needs at the County level, and across local Housing market sub-areas. It also provides up-to-date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that, overall, 50% of affordable homes are provided for rent, and 50% provided as affordable home ownership products. In particular, the SHMA indicates a residual countywide affordable housing need for the period 2017-22. In the context of the evidence-based housing requirement in the emerging Northumberland Local Plan for the plan period 2016-2036, this equates to a residual need for 17% of homes on new permissions to be affordable.

7.68 The Affordable Housing Officer has advised that a financial contribution towards affordable housing provision would be appropriate in this case. Having regard to the Council's Affordable Housing Protocol and based on the valuation of the proposed four properties subject to the current application, a financial contribution to the sum of £40,800 is required. This has been agreed with the applicant. The contribution will be secured by way of S106 Legal Agreement.

Education

7.69 In respect of major housing applications, issues of school capacity and the impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements based on capacity. Issues raised during consultation are addressed in this section. Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities going on to;

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

7.70 Education Services have been consulted and advise that a financial contribution is not required in this case.

Equality Duty

7.71 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

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

Human Rights Act Implications

7.73 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.

7.74 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 main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan and Emerging Plan policy.

8.2 The proposals are considered to be acceptable in principle and acceptable in planning terms having regards to all technical matters including impact on residential

amenity, character, ecology and landscaping, highway safety and flood risk management.

8.3 The representations received in response to the publicity of the application are noted and have been taken into account.

9. Recommendation

Recommendation: That this application be GRANTED permission subject to a S106 Legal Agreement to secure the following obligation

- A financial contribution towards affordable housing provision off site to the sum of £40,800

Conditions

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

1. SITE LOCATION PLAN
2. HOUSE TYPE - LAVENDER FLOOR PLANS AND ELEVATIONS - PROPOSED
3. HOUSE TYPE - ROSE ELEVATIONS - PROPOSED
4. HOUSE TYPE - ROSE FLOOR PLANS - PROPOSED
5. HOUSE TYPE - ROSE (V 1) FLOOR PLANS AND ELEVATIONS - PROPOSED
6. DETAILS (EXTERNAL FINISHES) - PROPOSED
7. FLOOR PLANS AND ELEVATIONS (GARAGE) - PROPOSED
8. PLANTING AND ECOLOGY MITIGATION PLAN
9. SITE (UNIT OVERLAY)
10. SITE LAYOUT - PROPOSED
11. TREE IMPACT ASSESSMENT AND PROTECTION PLAN
12. ECOLOGICAL ASSESSMENT LOW WOOD SWARLAND
13. Drainage Arrangement LW_CK_XX_XX_DR_52_01 C2 Produced by CK21 dated 06/08/2020
14. Microdrainage calculations dated 21/01/2021 produced by CK21
15. Technical Report Ref: 2020s0832 date July 2020 Low Wood Swarland - Hydraulic Model Produced by JBA consulting (on application 20/01196/REM)
16. External Culvert Plan And Sections Sheet 1 LW-XX-XX-DR-S-65_52-001 Rev C4 Produced by CK021 dated 04/08/2020 (on application 20/01196/REM)
17. External Culvert Plan And Sections Sheet 2 LW-XX-XX-DR-S-65_52-002 Rev C4 Produced by CK021 dated 04/08/2020 (on application 20/01196/REM)

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

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

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Alnwick Core Strategy Policy S16.

04. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer 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);

- * Health and Safety file;

- * Details of ownership organisation/adoption details.

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

05. Prior to completion of the watercourse culvert, erosion prevention measures to the upstream banks of the watercourse shall be installed. Details of the installed works shall be submitted to and signed off by the local planning authority.

Reason: To provide adequate protection for riverbank erosion.

06. Prior to first occupation, maintenance regimes and adoption details of the watercourse shall be submitted to and signed off by the local planning authority.

Reason: To ensure that the watercourse will be maintained.

07. No dwellings shall be occupied until the applicant has submitted a detailed landscape planting plan including the planting of locally native trees, shrubs, grasses and wildflowers of local provenance to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

08. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Ecological Assessment & Protected Species Survey - Land to the South of Low Wood, Swarland', Budhaig Environmental, Final 01/03/20) including, but not restricted to:-

- o Establishment of a buffer zone at least 10m wide to the south of the watercourse along the northern site boundary to be protected from damage or disturbance during development and excluded from the curtilage of the new houses and gardens in perpetuity, with the precise extent of the buffer zone and means of protection (i.e. location and type of fencing) to be agreed in writing with the Local Planning Authority before development begins. The buffer zone will be managed in accordance with a management plan approved by the LPA thereafter.

- o retention of wooded areas in the north east and south east corners of the site with long term management plans for these areas to be submitted to and agreed in writing with the Local Planning Authority before development commences.

o provision of 'built in' features for bats and swifts (i.e. bat and swift boxes/bricks/tiles) in the new buildings with types, numbers and locations to be agreed in writing with the Local Planning Authority before development begins.

o adherence to timing restrictions; adherence to precautionary working methods and Method Statement with a copy of the ecological method statement to be given to the contractors, along with an ecological induction talk by the project ecologist, before works begin.

o any trees requiring arboricultural works (e.g. pruning) to be inspected to assess any potential bat and nesting bird risk by a suitably qualified ecologist with the results of any such assessments together with any avoidance, mitigation or enhancement measures as may be required to be submitted to and agreed in writing with the Local Planning Authority before any arboricultural works begin.

o adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2008.

o any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.

o an updating ecological survey to be carried out in the event that development works do not commence before the end of February 2022 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.

Reason: To maintain the favourable conservation status of protected species in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

09. All garden boundary fences or walls will include at least one gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

10. Notwithstanding the details submitted, the development shall not be brought into use until the means of vehicular access secured by planning permission reference 20/02085/DISCON has been constructed in accordance with the approved details alongside the internal estate road. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

11. The development shall not 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.

12. The development shall not be occupied until details of refuse management (collection) strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The details shall include the arrangements for

the provision of the bins and collection of waste. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

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

Informatives

INFO33 - Reminder to not store building materials or equipment on the highway
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

INFO40 - Reminder to not deposit mud/ debris/rubbish on the highway
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

Background Papers: Planning application file(s) 20/03622/FUL