

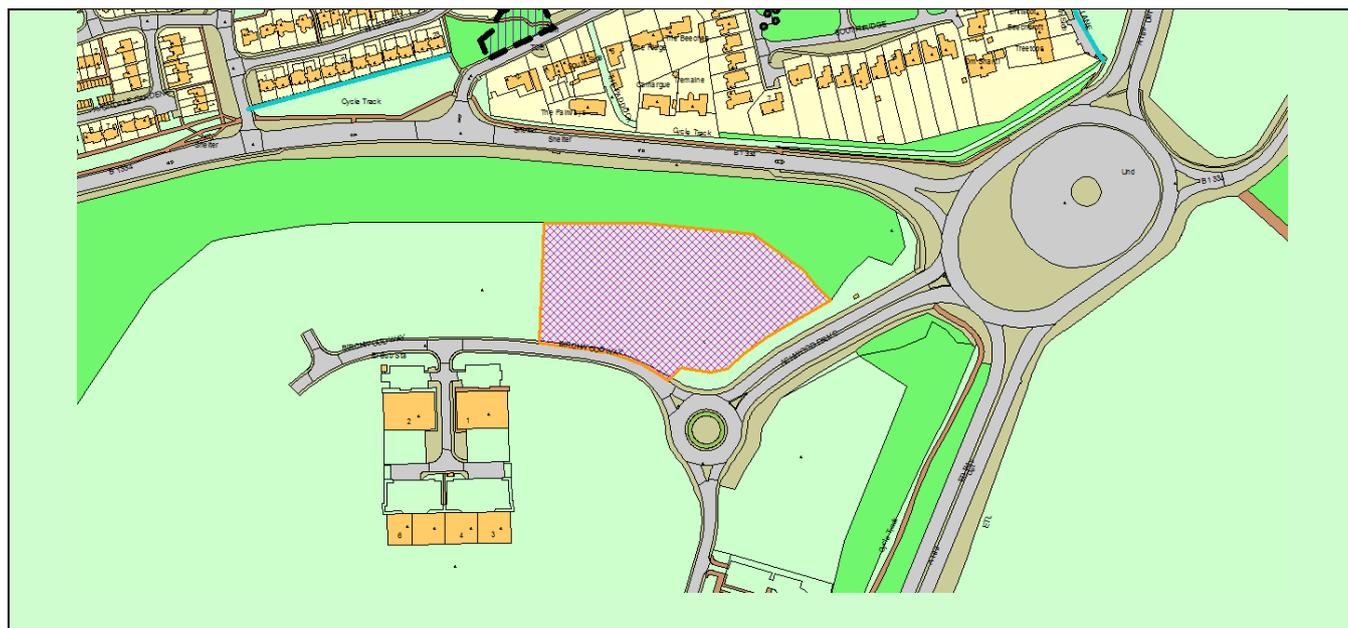


# Northumberland County Council

## Strategic Planning Committee, 2<sup>nd</sup> February 2021

|                                  |                                                                                                                                                                                                                              |                         |                                                                                                       |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------------------------------------------------------------------------------------|
| <b>Application No:</b>           | 20/03353/FUL                                                                                                                                                                                                                 |                         |                                                                                                       |
| <b>Proposal:</b>                 | Erection of unit for general industrial uses (Class B2) (5,262 square metres (Gross External Area), with parking, landscaping and two site accesses onto Birchwood Way, as well as associated infrastructure and earth works |                         |                                                                                                       |
| <b>Site Address</b>              | Land North of Birchwood Way Round About, Birchwood Way, Ashwood Business Park, Ashington, Northumberland                                                                                                                     |                         |                                                                                                       |
| <b>Applicant:</b>                | Mr Craig Muldoon<br>7 - 8 Apex Business<br>Village, Northumberland<br>Business Park,<br>Cramlington,<br>Northumberland, NE23<br>7BF                                                                                          | <b>Agent:</b>           | Mrs Lynda Newsome<br>The St Nicholas Building, St<br>Nicholas Street, Newcastle<br>Upon Tyne, NE1 1RF |
| <b>Ward</b>                      | Seaton With Newbiggin<br>West                                                                                                                                                                                                | <b>Parish</b>           | Ashington                                                                                             |
| <b>Valid Date:</b>               | 22 October 2020                                                                                                                                                                                                              | <b>Expiry<br/>Date:</b> | 03 February 2021                                                                                      |
| <b>Case Officer<br/>Details:</b> | Name: Mr Ryan Soulsby<br>Job Title: Planning Officer<br>Tel No: 01670 622627<br>Email: Ryan.Soulsby@northumberland.gov.uk                                                                                                    |                         |                                                                                                       |

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

- 1.1. This application is being referred to Strategic Planning Committee in accordance with the County Council's scheme of delegation as the applicant is Advance Northumberland.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a general industrial unit (use class B2) with associated parking, landscaping, earthworks, infrastructure and access arrangements at Land North of Birchwood Way, Ashwood Business Park.
- 2.2 The proposed unit would measure 80 metres in length by 60 metres in width with an overall height of 9.8 metres. Materials used in the construction of the building would consist of grey and blue cladding, a composite panel roof and aluminium framed windows and doors.
- 2.3 The proposed use class of the building would be B2 with operations consisting of the manufacturing of cleaning products.
- 2.4 The site is allocated as an area for general employment and forms part of a wider business park environment. The parcel of land at present is overgrown grassed land with a soft landscaping boundary to the North where existing tree planting is located.

## 3. Planning History

N/A

## 4. Consultee Responses

|                                   |                                                 |
|-----------------------------------|-------------------------------------------------|
| Lead Local Flood Authority (LLFA) | No objection subject to recommended conditions. |
| Ashington Parish Council          | No response received.                           |
| Highways                          | No objection subject to recommended conditions. |
| County Ecologist                  | No objection.                                   |
| County Archaeologist              | No objection.                                   |
| Public Protection                 | No objection subject to recommended conditions. |
| Environment Agency                | No response received.                           |
| Northumbrian Water Ltd            | No comment.                                     |
| Highways England                  | No objection.                                   |
| Natural England                   | No objection.                                   |
| Fire & Rescue Service             | No objection.                                   |

## 5. Public Responses

### Neighbour Notification

|                               |    |
|-------------------------------|----|
| Number of Neighbours Notified | 46 |
| Number of Objections          | 0  |
| Number of Support             | 0  |
| Number of General Comments    | 1  |

## Notices

General site notice, 30th October 2020

News Post Leader 5th November 2020

## Summary of Responses:

One general comment was received from a neighbouring resident querying the overall height of the building, potential noise and odour issues and the proposed use of the unit.

Discussions were held between the Planning Officer and the resident following this in which it was confirmed that there was no objection however, they would like these matters to be assessed by the relevant consultees. Material planning considerations will be addressed 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=QHXEU6QS0LP00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP) (2007)

Policy GP1 - Location of development  
 Policy GP4 - Accessibility  
 Policy GP5 - Landscape character  
 Policy GP6 – Trees and hedgerows  
 Policy GP13 - Biodiversity and wildlife networks  
 Policy GP21 – Evaluation of archaeological sites  
 Policy GP22 – Flood risk and erosion  
 Policy GP24 - Pollution  
 Policy GP29 – Land contamination  
 Policy GP30 – Visual impact of development  
 Policy GP32 - Standards of landscape treatment  
 Policy EMP1 – General employment areas  
 Policy EMP2 – Business parks  
 Policy T3 - Provision for cyclists  
 Policy T4 - Provision for walking  
 Policy T5 - Access for people with reduced mobility  
 Policy T6 - Traffic implications of new development  
 Policy CF6 - Water supply and drainage  
 Policy CF7 - Planning conditions and obligations

## 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2020)

National Design Guide

## 6.3 Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

Policy STP 1 – Spatial strategy (Strategic Policy)

Policy STP 2 – Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 – Principles of sustainable development (Strategic Policy)

Policy STP 4 – Climate change mitigation and adaptation (Strategic Policy)

Policy STP 6 – Green Infrastructure (Strategic Policy)

Policy ECN 1 – Planning strategy for the economy (Strategic Policy)

Policy ECN 4 – Round 2 Enterprise Zones (Strategic Policy)

Policy ECN 6 – General employment land allocations & safeguarding (Strategic Policy)

Policy ECN 7 – Key general employment areas for B-class uses

Policy ECN 9 – Additional flexibility in general employment areas

Policy ECN 15 -Tourism and visitor development

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 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 3 – Landscape

Policy WAT 2 – Water supply and sewerage

Policy WAT 3 – Flooding

Policy WAT 4 – Sustainable Drainage Systems

Policy POL 1 – Unstable and contaminated land

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Wansbeck District Local Plan (WDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;

- Ecological impacts;
- Public protection;
- Water management.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLP (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

### **Principle of development**

- 7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The development plan comprises the Wansbeck District Local Plan (2007). This document is the starting point for determining applications as set out in the NPPF. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with the NPPF weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019 and the examination in public into the Plan has recently concluded. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 For the purposes of WDLP Policy GP1 the site lies within the defined settlement boundary of Ashington in a location where development generally is supported on greenfield sites if the site is allocated for development. In this regard the site forms part of a wider site allocated under Policy EMP1 as a site for employment development, with Policy EMP2 stating that the allocated site is to be developed as a business park. The employment status of the Ashwood Business Park site is carried over into the Council's emerging Local Plan and further strengthened with the business park site now having Enterprise Zone status which is supported by NLP Policy ECN 4.
- 7.5 Such policy reflects NPPF paragraph 80 which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 7.6 The proposal therefore represents an acceptable form of development in accordance with both local and national planning policy.

### **Design and visual character**

- 7.7 The wider site of which the application site forms part of has been developed as a business park in accordance with WDLP Policy EMP2. That policy makes reference to the distinguishing feature which differentiates business park sites such as this from other employment sites as being a high quality environment and in this regard specific reference is made to significant amounts of planting and other forms of landscaping. WDLP Policy GP5 states that development must respect the character of the District's landscape. Proposals will be assessed in terms of the siting, scale and design of buildings and materials and the effect on distant views. Development which would have an adverse effect on the character or appearance of those areas which contribute most to the quality and distinctiveness of the local landscape will not be permitted.
- 7.8 Policy GP30 further states that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character and quality of the surrounding environment will be refused.
- 7.9 Moving onto national planning policy, NPPF paragraph 170 further advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. NLP Policy ENV3 reflects the above Local Plan and NPPF policy.
- 7.10 In terms of the Wansbeck Design Guide, this document's Core Design Policy CD1 states that development proposals will be expected to contribute to the creation of high quality sustainable environments which enhance and complement the natural and built assets of Wansbeck. This will be achieved in a number of ways including through the protection and enhancement of rural open spaces. The Guide then offers advice in respect of a number of defined character areas. The application site lies within the 'Shed environment' Character Area. In respect of this character area the Guide states that Ashwood Business Park does provide a higher quality environment. However, in general the former District's shed environments are not visually pleasing with the public realm not being sensitive to its location. Design guidance for these areas recommends enriching the environment with landscape, although no specific guidance is provided in relation to Ashwood Business Park itself.
- 7.11 As part of the application submission, detailed plans and elevations have been submitted to the local planning authority for assessment. The proposed scale and massing of the unit, whilst large, is acceptable within a designated business park location with it noted by the Planning Officer when visiting the site that there are existing units of a considerably larger scale already located to the South. The use of grey and blue cladding upon the external walls is appropriate and would respect the character of the area with the existing AkzoNobel unit to the South benefitting from a similar colour scheme and material palette.
- 7.12 Existing soft landscaping in terms of tree planting to the North would be retained as part of the application proposals with additional soft landscaping also proposed within the site consisting of tree planting, hedging and grassed areas that would negate any potential harm caused by additional built form

upon the surrounding landscape. Due to the topography of the land and existing boundary treatments, the building would not be readily visible outside the curtilage of the Business Park with existing tree planting assisting in providing a partial screen.

- 7.13 The proposal therefore accords with relevant local and national planning policy and represents good design.

### **Residential amenity**

- 7.14 Paragraph 127, part f) seeks for developments to ensure that there would be no adverse impact upon amenity when it states proposals should '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'.
- 7.15 Whilst the application site is located within a designated business park area, it is noted that existing residential properties are located to the North of the site, albeit separated by the existing B1334 public highway and the existing boundary treatments as referenced earlier in the appraisal. A separation distance of approximately 95 metres would exist between the rear elevation of these residential properties and the North facing elevation of the proposed unit.
- 7.16 Consultation was undertaken with the local authority's Public Protection team who noted within their consultation response that as the proposed use of the premises would be for the manufacturing of cleaning products, with a limited plant area, it is unlikely that there would be any detrimental impacts in terms of additional noise or odour caused to existing residents. It is recognised by the LPA that the proposed use class of B2 covers a wide range of industrial processes therefore it would be considered appropriate for a condition to restrict future B2 use classes unless an application were to be submitted and approved in writing by the local authority prior to any change.
- 7.17 The proposal in its current form accords with relevant local and national planning policy in relation to residential amenity.

### **Highway safety**

- 7.18 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including buses, walking and cycling. Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.
- 7.19 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be

carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.

- 7.20 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.
- 7.21 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLP Policies.
- 7.22 Consultation was undertaken with Highways Development Management who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. Access to the site would be created off the Birchwood Way public highway whilst parking provision would be located to the East of the proposed building. Cycle parking is proposed within the curtilage of the site whilst a new cycle link to Ashwood Drive is to be created, promoting sustainable transport methods.
- 7.23 To ensure highway safety throughout the development phase, a condition is recommended for a construction method statement to be submitted to and approved in writing by the LPA prior to the commencement of development. Subject to recommended conditions, the proposal accords with relevant local and national planning policy in regards to highway safety.

### **Ecological impacts**

- 7.24 WDLP Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined whether or not they are designated sites. Particular importance will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.
- 7.25 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. It states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined. Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.
- 7.26 Consultation was undertaken with the local authority's ecologist who, following the submission of additional information, raised no objection to the proposals. The site is dominated by semi-improved natural grassland with scattered

blackthorn scrub present in one area to the North. The grassland is not considered to be a priority habitat and would be considered to have a moderate species diversity. The soft landscaping proposals for the site, coupled with the securing of biodiversity enhancements through relevant planning conditions, ensures accordance with relevant local and national planning policy and represents net gains for biodiversity on site and within the wider area.

### **Public Protection**

- 7.27 Policy GP22a of the Wansbeck District Local Plan states that development on unstable land will not be permitted unless satisfactory measures to stabilise the site are carried out and done so at the expense of the developer. If risk from unstable ground conditions is suspected, developers will be required to submit a stability report with their planning applications to demonstrate that the site is stable or can be made so and that the development will not affect land stability beyond the site.
- 7.28 Policy GP29 advises that where there is reason to suspect that land is affected by contamination, applicants for planning permission will be required to submit a report of a desk study of previous uses of the site and their potential for contamination. Unless the study clearly demonstrates that the risk to the proposed uses from contamination is acceptable, furthermore detailed investigations will be required before the application is determined to assess the risks and identify and appraise the options for remediation. Development will only be permitted if sustainable and feasible remediation solutions are adopted to secure the removal of unacceptable risk and make the site suitable for its new use. Contaminated materials should be decontaminated and re-used on site if this can be achieved economically and without unacceptable adverse impacts upon the environment or the health and safety of the community.
- 7.29 Consultation was undertaken with the local authority's Public Protection team who raised no objection to the proposals, subject to recommended conditions. A phase 2 contaminated land assessment has been submitted and whilst this has identified asbestos in one of the trials, a remediation statement can be dealt with through condition due to the proposals being for a commercial operation. As the site is located within a coal risk advice area, conditions relating to ground gas protection are also required to ensure a level of protection to end users of the building.

### **Water management**

- 7.30 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and to consider any possible effect of their development on flood risk elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.

- 7.31 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply, surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.
- 7.32 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA).
- 7.33 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.34 The application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high. There is already an existing surface water drainage system for the business park and the site as re-profiled would continue to connect into that system.
- 7.35 Consultation was undertaken with the Lead Local Flood Authority team who raised no objection to the proposals subject to recommended conditions. A flood risk assessment and drainage strategy has been submitted and assessed with the contents considered acceptable.
- 7.36 Overall, it is considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage subject to conditions and would be in accordance with the Wansbeck District Local Plan, the emerging Local Plan and the NPPF.

### **Equality Duty**

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

### **Crime and Disorder Act Implications**

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

### **Human Rights Act Implications**

- 7.39 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.40 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.41 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 The proposal represents an acceptable form of development in accordance with both local and national planning policy. The application is recommended for approval subject to recommended conditions as set out below.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

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

- 1) Location plan drawing no. 000-01 Rev. P3 (received 22<sup>nd</sup> October 2020)
- 2) Proposed elevations drawing no. 135-00 Rev. P5 (received 22<sup>nd</sup> October 2020)
- 3) Proposed floor plan level 00 drawing no. 121-00 Rev. P4 (received 22<sup>nd</sup> October 2020)
- 4) Proposed floor plan level 01 drawing no. 121-01 Rev. P4 (received 22<sup>nd</sup> October 2020)
- 5) Proposed roof plan drawing no. 121-04 Rev. P2 (received 22<sup>nd</sup> October 2020)
- 6) Proposed sections drawing no. 140-00 Rev. P5 (received 22<sup>nd</sup> October 2020)
- 7) Proposed site plan drawing no. 112-00 Rev. P14 (received 13<sup>th</sup> January 2021)
- 8) Soft landscape proposals drawing no. 112.01 Rev. E (received 13<sup>th</sup> January 2021)
- 9) Flood risk and drainage impact assessment ref no. 2020043-FRA-001 Rev. B (received 15<sup>th</sup> January 2021)
- 10) Drainage layout drawing no. 2020043 Rev. C (received 15<sup>th</sup> January 2021)

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

03. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) and the Town & Country Planning Use Classes Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification) the premises subject of this permission shall not be used other than for operations outlined within the approved details e.g. manufacturing of cleaning products without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure that the use remains compatible with surrounding land uses in the area and in accordance with policy GP24 of the Wansbeck District Local Plan and the National Planning Policy Framework.

04. The development hereby permitted shall not be commenced until a, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants

05. The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post

remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

06. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

07. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

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

08. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 7, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

09. No ground clearance or other vegetation removal shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law.

10. All works on site shall be carried out in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.'

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

11. Prior to first occupation or use of the development hereby approved three long-lasting features providing nesting habitat for birds must be provided on the north and east aspect of the building.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the National Planning Policy Framework to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

12. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall
  - i. Provide long and cross sectional drawings of the basin and swale side slopes shall be no greater than 1:4 unless agreed with the LLFA
  - ii. Incorporate source control techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development.

13. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

14. 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);
  - \* Health and Safety file; and
  - \* Details of ownership organisation/adoption details.

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

15. 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.

16. The development shall not be brought into use until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein has been hard surfaced, sealed and marked out in parking bays 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.

17. Development shall not commence until details of the proposed highways works to facilitate the main access 4 junction and servicing yard access junction from Birchwood Way and the pedestrian/cyclist connection to Ashwood Drive along with all associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the highways 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

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

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

19. Prior to the development being brought into use, details of surface water drainage to manage run off from the development site towards Birchwood Way and Ashwood Drive shall be 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 the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

20. Twelve months after the development is first brought into use details of a Full Travel Plan shall be submitted to and approved in writing by the Local

Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include: i. details of and results from an initial staff travel to work survey; ii. clearly specified ongoing targets for staff travel mode shares; iii. a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and iv. a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

21. Prior to the development being brought into use 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.

22. 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

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

### **Informatives**

- 1) 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.

In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

- 2) You are advised that offsite highways works required in connection with the permission impact upon previously approved adoptable highway details secured under a S38 Agreement. These works will be controlled as if a S278 Agreement was required for works in the highway and shall 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](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter

- 3) You are advised to contact the Council's Lighting Section on [HighwaysStreetLighting@northumberland.gov.uk](mailto:HighwaysStreetLighting@northumberland.gov.uk) before and during the construction period with respect of street lighting to ensure sufficient illumination levels around the development site.
- 4) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 5) You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) or 01670 622979.
- 6) Travel Plan monitoring should be reported through the Go Smarter Travel Plan database. You can contact the Travel Plan Officer at [gosmarter@northumberland.gov.uk](mailto:gosmarter@northumberland.gov.uk)

**Date of Report:** 20<sup>th</sup> January 2021

**Background Papers:** Planning application file(s) 20/03353/FUL