

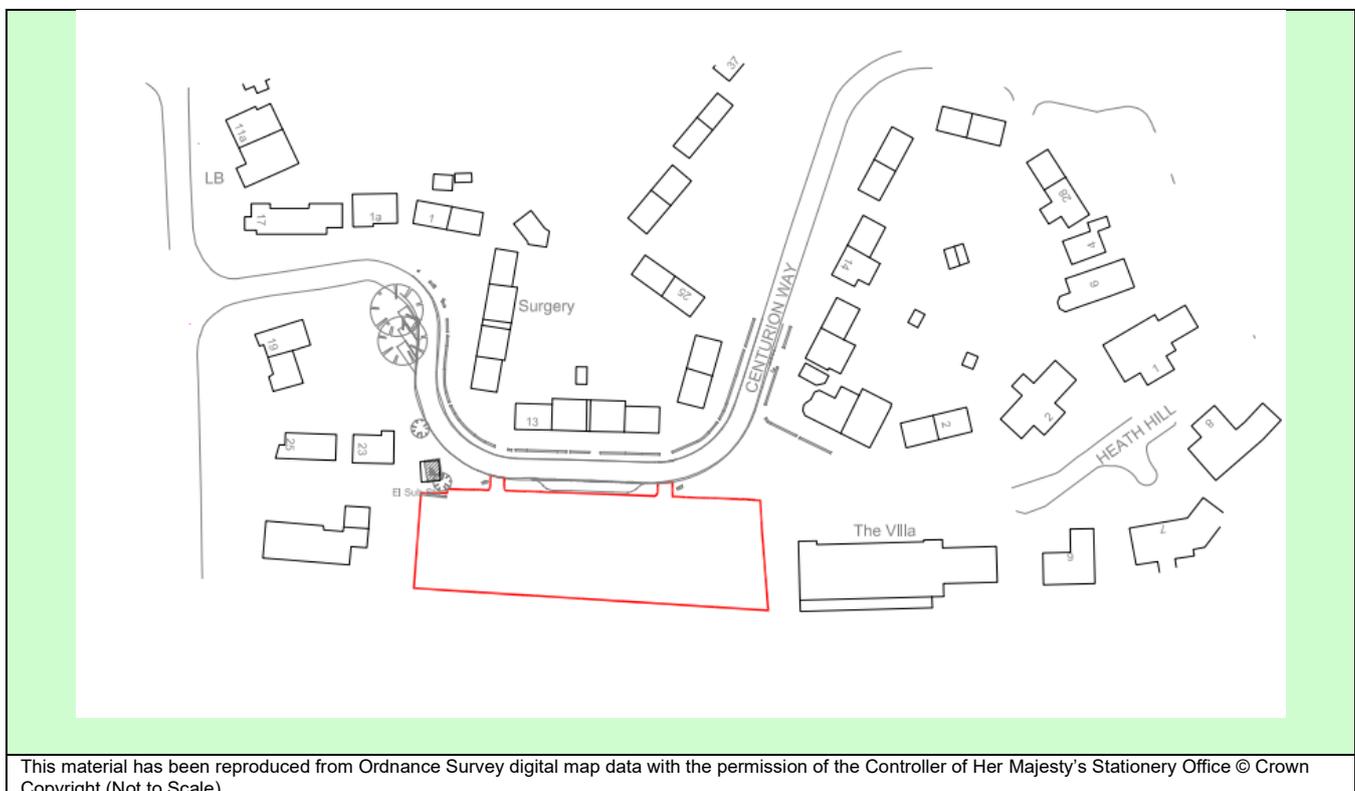


Northumberland County Council

Castle Morpeth Local Area Council 14th June 2021

Application No:	20/03389/FUL		
Proposal:	Proposed residential development of four dwellings (as amended 21.12.2020)		
Site Address	Land South Of Centurion Way , Centurion Way, Heddon-On-The-Wall, NE15 0BY		
Applicant:	Mr Aidan Hamilton St Anns Wharf , 112 Quayside, Newcastle upon Tyne, NE1 3DX	Agent:	Miss Amelia Robson Unit 3, Hexham Enterprise Hub, Burn Lane, Hexham NE46 3HY
Ward	Ponteland South With Heddon	Parish	Heddon-on-the-Wall
Valid Date:	13 October 2020	Expiry Date:	12 February 2021
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a s106 agreement.



1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Castle Morpeth Local Area Council as it raises significant planning issues.

1.2 This application went to Castle Morpeth Local Area Council on 21 April 2021 but was deferred for a site visit following Cllr. Jackson concerns relating to potential over-development of the site in the context of the settlement:

Councillor Jackson advised that he considered there was an issue of whether the development was compatible with the distinctive vernacular character of the locality in Policy H15 was crucial and as stated in the NPPF that it had to be sympathetic to the local character and history of the built up and landscaped setting, and overdevelopment of the site. It was a small site and suitable for 2 to 3 small bungalows, but not for 4 x 5 bedroomed houses. He thought that the buildings would have a greater impact than being stated and also questioned if sufficient car parking could be provided. He proposed that the application be deferred to allow a site visit to be undertaken due to the impact that was not shown on the photographs, car parking issues and to judge if 4 x 5 bedroomed houses was an overdevelopment of the site. This was seconded by Councillor Wearmouth, who advised that whilst he was tending to think that the proposals were acceptable, it would be useful to have a site visit.

2. Description of the Proposal

2.1 The application is seeking planning permission for the proposed residential development of four dwellings at land South of Centurion Way, Centurion Way, Heddon-On-The-Wall.

2.2 The site is an area of undeveloped land on the southern side of the U9115 Centurion Way in Heddon on the Wall but lies within the defined settlement boundary within the Castle Morpeth District Local Plan. The site is within a modern residential area on the southern edge of Heddon-on-the Wall. The site is on an embankment with elevated views of the valley looking towards the River Tyne and residential properties to the North, west and east.

2.3 The application proposes 4 large, detached properties comprising 5 bedrooms. The design adapts to the sloping land descending to the south from the street level with the appearance of a bungalow from Centurion Way and two storeys of space to the rear incorporating a modern glazed elevation and a central pitched roof. The original plans within the application have been amended in order to provide a more continuous pitched roof and sympathetic design in response to the existing residential development at Centurion Way.

2.4 The application is subject to a Section 106 agreement to ensure extant planning consent for (20/00658/AGRGDO) is not constructed/implemented following approval of the current planning application (20/03389/FUL). Application 20/00658/AGRGDO was gained prior approval for an agricultural barn immediately adjacent to the

southern boundary of the application site and the construction would impact the rear elevations of the proposed scheme.

2.5 There are historic applications for this site for smaller schemes for one, two and three dwellings on the site. The planning history is identified below.

2.6 Amended plan were received on 18th March to reduce the mass of the roof of each dwelling and provide single garage to each plot rather than double garages.

3. Planning History

Reference Number: CM/89/D/343

Description: Erection of 2 no detached bungalows with garages.

Status: Approved

Reference Number: CM/76/D/271

Description: ERECTION OF 3 DETACHED HOUSES AND DOUBLE GARAGES ON LAND (AS AMENDED BY DRAWINGS RECEIVED 16TH SEPTEMBER 1976).

Status: Approved

Reference Number: CM/94/D/425A

Description: RENEWAL OF PLANNING PERMISSION FOR ERECTION OF 2 NO DETACHED BUNGALOWS WITH GARAGES.

Status: Approved

Reference Number: CM/76/D/017

Description: ERECTION OF DETACHED DWELLINGHOUSE.

Status: Approved

Reference Number: CM/94/D/425

Description: ERECTION OF 2 NO DETACHED BUNGALOWS WITH GARAGES AS AMENDED BY PLANS RECEIVED 21 DECEMBER 1995 20 FEBRUARY 1996 AND LETTER AND PLANS OF 5 MARCH 1996.

Status: Approved

4. Consultee Responses

Highways	No objection subject to conditions
Lead Local Flood Authority (LLFA)	No objection subject to condition
Heddon On The Wall Parish Council	Objection (see below)
Highways	No objection subject to conditions
The Coal Authority	No objections
County Ecologist	No objection subject to conditions
Northumbrian Water Ltd	No objection
Public Protection	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	13
Number of Objections	41
Number of Support	0
Number of General Comments	0

Notices

General site notice 28th October 2020
No Press Notice Required.

Summary of Responses:

Heddon Parish Council – Initial comments

The Parish Council meeting held 11 November 2020 discussed the proposed planning and hereby lodges an objection to the development. In considering its position the Parish Council was made aware that over 60 signatures had been added to an online petition, strongly suggesting that the development was opposed by a large number of residents. It was also felt that the Parish Council needed to represent the views of those who less able to object on the NCC portal, through a lack of online presence or the IT skill set required to complete the process.

Height of proposed development

Despite the topography falling away sharply from Centurion Way the roofline of the proposed development will be significantly higher than the neighbouring bungalow toward the west of Heath Hill, and the bungalow to the west of the proposed development at 27 Heddon Banks. Lower rooflines were imposed by NCC planning upon the development at The Villa, Heath Hill, Heddon NE15 0DQ; higher rooflines will undoubtedly impact the views enjoyed by village residents and visitors.

Traffic movement through construction

The Parish Council agreed that NCC planners should be invited to conduct a local survey to properly understand the very challenging logistics of a large number of HGV's moving along Centurion Way in either direction. Access is tight anyway, but given the homes on Centurion Way were built prior to consideration being needed for family cars this has resulted with parked cars lining the road creating further complications for logistics.

Safety

Access to the proposed site is at the corners of Centurion Way these are already obstructed by parked cars, further traffic movements from new residents will exacerbate safety concerns.

Heddon Parish Council - Additional comments following revised scheme

Heddon on the Wall Parish council raised objections to the development ref 20/03389/Ful on 13th November 2020. Subsequent to that date revised plans have been submitted which we do not believe address any of the concerns raised in that objection, indeed the roof line is more likely to block views now than in the original submission.

In addition we note that a hedge line that is currently running alongside the plot is no longer shown in the plans and that seating provided for residents and visitors alike has been moved to accommodate access to the properties. As the owners of that seating we would make it clear from the outset that we would object to that seating being moved, it was positioned for residents and visitors to enjoy the panoramic views and that seating should remain where it is.

We would hope that NCC have been in contact with Karbon Homes, who own the strip of land over which access is being assumed and which currently houses that mature hedge line, in order that their views are being considered. We would hope that their view would also be sought on the loss of use of the layby alongside the development which currently accommodates parking for up to 3 cars, that being lost would undoubtedly put pressure on parking around their estate but also on to surrounding areas, on that basis we would also raise our objections.

In the meantime we also wish to reiterate our objections of 13th November as few if any of the concerns raised there have been addressed in the revised submission

Local Residents

41 objections have been received in total from local residents with also the receipt of a petition on both the original plans and amended plans. The concerns received by residents have been noted on the Parish comments but in summary include:

- Loss of view for existing residents
- Loss of communal views
- Detrimental impact to character of area
- Inappropriate design is not in keeping with street in terms of design and scale
- Previous schemes were smaller scale
- Highway safety issues - poor access and limited parking & air, noise pollution
- Surface water drainage issues
- Loss of habitats and impact to ecology
- Impact to quality of life and loss of tranquillity
- Impact to house prices
- Not stated if carbon neutral buildings
- Loss of light and privacy

An e-petition with 84 signatures was submitted to the council -

“We wish to register our objection to plans that have been submitted to Northumberland County Council (Application no.20/03389/FUL) for four dwellings to be built in an area with “Outstanding long range views” on land South of Centurion Way. Heddon on the Wall. We ask NCC not to grant permission to build. These views are enjoyed by the whole village community and would no longer be visible to the public if built. This ‘view’ and the benches provided by the mining institute to enjoy it, are part of our mining, cultural and village heritage. The roads leading to the development would increase traffic and air pollution to a road system which was not designed for the current amount of traffic or parking and further endanger children playing outside and increase likelihood of damage to vehicles”.

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=QI3GLQQSJE200>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

C1 – Settlement boundaries

H15 – New housing developments

HWC1 – Heddon-on-the-Wall settlement boundary

6.2 National Planning Policy

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2019

6.3 Emerging Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19), are considered of relevance to this proposal:

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy STP7 – Design principles;

Policy HOU2 – Provision of New Residential Development;

Policy HOU5 – House Types and Mix;

Policy HOU 2 - Provision of new residential development

Policy HOU 3 - Housing requirements for neighbourhood plan areas

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well designed places

Policy TRA 4 - Parking provision in new development

Policy ENV 2 - Biodiversity and geodiversity

Policy ENV 3 - Landscape

Policy WAT 4 - Sustainable drainage systems

7. Appraisal

7.1 The main issues for consideration include:

- Principle of development
- Design
- Amenity
- Highway Safety
- Coal Risk and Land Contamination
- Ecology
- Drainage

Appraisal

Principle of development

7.2 Policy C1 and HWC1 of the local plan identifies the limits to settlements and restricts development to within the settlements unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by other policies. As the site is located within the settlement of Heddon on the Wall and within the identified settlement boundary as shown on inset map no 10 of the local plan the principle of the proposal would accord with Local Plan Policy C1.

7.3 The definition within the glossary of the Castle Morpeth Local Plan states infill development is '*Infilling of small gaps within an otherwise continuously built up frontage*'. The application is a small gap in between properties and positioned within a continuous building line fronting a highway and would fit the definition of 'infill development'.

7.4 The site is also within walking distance of a range of facilities and services, including schools, public houses and shops which are considered to make a settlement sustainable. In this respect the creation of the new dwellings would therefore accord with the NPPF in the context of promoting sustainable development and thus the application site is therefore considered to be an appropriate location for the siting new dwellings, in accordance with the NPPF and the Local Plan.

7.5 The latest version of the NLP was published in May 2019. Relevant policies in this document are a material consideration in determining this application but it is not considered that such policies can be afforded significant weight at this time due to the stage that this plan is at in its journey towards adoption. It is worth noting that the spatial strategy of Policy STP1 seeks to direct most new development to existing towns within the County.

7.6 Overall, the application site is considered to be an appropriate location for the siting of a new dwelling and is in accordance with Policy C1 and HWC1 of the Castle Morpeth District Local Plan and the NPPF.

Design and residential amenity

Design

7.7 Castle Morpeth District Local Plan policy H15 states that proposals must be compatible with any distinctive vernacular character present in the locality, in respect of layout, design and materials. This reflects the NPPF within paragraph 127 which in summary states that new development should function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to the local character and history, including the surrounding built environment and landscape setting.

7.8 Emerging policy QOP1 of the draft Local Plan states that proposals will be supported where design contributes to, or enhances, the positive aspects of local character and distinctiveness and incorporates high quality aesthetics.

7.9 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.10 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

7.11 The site is located on the southern boundary of the settlement that will restrict views over the valley for those properties located directly to the north on Centurion Way. The loss of views for those occupying neighbouring properties however, is not a material planning consideration but the scale, layout, density and design should still be appropriate to its surroundings.

7.12 The new dwelling is situated in between two properties and would follow the existing building line and not interrupt or detract from the continuous frontage of the street. There is no consistent style of housing in Heddon in general and near the site are large detached properties of varying design to the east and west and a terrace of four two storey properties to the north. The site presents an opportunity to provide a high quality design that would enhance its surroundings but recognise its location within an existing built-up residential area and position overlooking the open countryside.

7.13 The proposal would be consistent with those properties along the southern boundary in terms of being low density and of one-and-a half storey dwellings. In terms of the proposed elevations at street level, the original plans within the application have been amended from a more adventurous modern design to provide a more subtle bungalow appearance that sympathetically responds to the established residential form on Centurion Way. The rear of the property uses the sloping topography to provide an additional floor of habitable space and a modern design with floor to ceiling glazing.

7.14 Whilst the assessment of design is subjective, it is acknowledged that there is no distinctive vernacular in the general area and the proposed development has been designed to mitigate the presence of the new dwellings by creating a single storey height at street level but with a more modern approach to the rear. In terms of the NPPF, it is considered that the proposal satisfies paragraph 127 due to proposal providing a design that is sympathetic to local character but not discouraging innovation or change. The scheme will add to the overall quality of the area with a bespoke design that will provide attractive dwellings in both short and long range views within an infill plot of an existing settlement. Whilst the general loss of an open plot and views beyond may impact the visual amenity of the street, it is not considered that this would be significant reason to refuse the application as the dwelling would follow the existing pattern of development in an established residential area.

7.15 The proposed plans demonstrate that the northern boundary hedge will be retained with the exception for the new access points into the site. There will also be additional tree planting but a condition will be imposed to secure further details of boundary treatment.

Density

7.16 The applicant has submitted a density analysis of Heddon-on-the-Wall that states averages 29.03 dwellings per hectare. The proposed development is 18.03 dwellings per hectare.

7.17 In policy terms, Castle Morpeth District Local Plan notes that previous national PPG3 Housing (March 2000) advised a minimum density of 30 dwellings/ha in making the best use of available land. The latest revised NPPF (2019) takes a less prescriptive approach to achieving appropriate housing densities as part of making effective use of land (chapter 11):

“122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.*

7.18 The emerging new Northumberland Local Plan therefore simply sets out in draft Policy HOU2(1.c.) *“Making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations...”*. The draft Local Plan does not set a minimum housing requirement for Heddon-on-the-Wall as there is not considered to be a shortage of land in that part of the county to meet the area’s distributed housing requirements, so the provisions of NPPF para.123 are not so relevant in this particular case.

7.19 The 2019 SHLAA in general, pointed to lower densities for sites located in the more rural parts of the county (normally 15-20 dwellings/ha in rural towns and villages, but falling to 5-10 dwellings/ha outside of settlements and in the most isolated locations), with higher densities of 30-40 dwellings/ha being more appropriate within the urban areas of existing main towns. The application’s proposed development scheme’s density of just over 18 dwellings/ha would therefore be broadly in line with the guideline approach used in the SHLAA for calculating the potential indicative capacity of sites in such rural village locations.

7.20 It is noted from the submitted density analysis by the applicant that there are various sample blocks of residential development in Heddon-on-the-Wall, that the block of 4 terraced dwellings immediately opposite the application site on Centurion Way is 0.09ha (0.22 acres) with a density of 44.4 dwellings/ha (18.2/acre), which is significantly higher than the application site (18.2/ha or 7.3/acre). The residential area around Centurion Way nevertheless has a mix of terraced housing blocks and larger semi-detached and detached dwellings within larger curtilage plots, plus some incidental amenity open spaces, with the terraced housing blocks immediately opposite the application site being some of the highest density housing in the village. The application site’s proposed scheme of 4 dwellings would not seem to appear to be out of character with the mix of housing densities in this part of the village and would actually be similar to some of the lowest density parts of the village.

7.21 Baseline monitoring for the new Local Plan shows that the average densities of new completed major housing developments (ie. 10 dwellings or more) in Northumberland between 2016-2020 has averaged about 21.3 dwellings/ha, including an average of 24.4 dwellings/ha in the Central Delivery within which Heddon-on-the-Wall is located.

7.22 There is no national or local plan policy to suggest that the proposed development of 4 dwellings on this site would be regarded as over-development of the site. The scheme would not represent over-development of the site and would not be unduly out of character with the village as a whole or that part of the village in terms of the density of development which is visually evident on the proposed plans showing the site in context with the surrounding development in Heddon-on-the Wall.

Amenity

7.23 Paragraph 127 of the NPPF highlights that development 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. Policy H15 of the Castle Morpeth District Local Plan also provides guidance for separation distances between proposed and existing properties.

7.24 The scheme would obstruct current views to the south from Centurion Way, although the design has offset this impact with a single storey height at street level

and subsequent amendments which provide hipped roofs to reduce the mass of the ridge line and a reduction in garage size. The separation distances between proposed and existing primary elevations exceed 20m which satisfies the requirements within Policy H15 of the Castle Morpeth Local Plan.

7.25 No individual has a right to a view and this issue is not a material planning consideration. Whilst the development will impact the open aspect of this section of Centurion Way, the site itself is not an area of protected open space and the character of the area is also residential. There is some sympathy towards those residents that will lose the unrestricted views of the valley however, the site is an infill plot within a recognised settlement boundary with no land use restrictions and a previous history of planning permission for residential use. It is therefore suitable for development. The impact to the amenity of existing residents is not to a level that would render the area an unattractive place to live nor would the proposed development be to a scale that is too overbearing to become unacceptably harmful and warrant the refusal of the application.

7.26 In terms of the impact to future occupants, there would be no windows looking onto each other and there is sufficient outdoor garden space and surrounding curtilage. The existing south facing park benches on the highway verge will be retained although it accepted their location will have been to capture the open views which will now be permanently restricted in between properties. The views from the park benches have up until recently been limited due to the boundary hedging although sections have now been removed. Due to the proximity of the park benches to the proposed dwellings it has been agreed with the applicant to provide obscure glazing to those windows on the front elevation to protect privacy with the most habitable space and outlook to the rear.

Legal agreement

7.27 There is permission for the construction of a large agricultural barn directly adjacent to the southern boundary of the application site under a prior approval application (Ref: 20/00658/AGRGDO). The permission allows for the erection of a new portal framed steel and wood building measuring 75m x 10m up to a height of 9m for the storage of hay and straw. Whilst the intentions of constructing the building are unknown, the permission remains extant and the applicant wishes to ensure this cannot be implemented as its location would not offer adequate separation distances to the new rear elevations. The removal of the permission for the barn is being secured via a Section 106 agreement between the applicant and the landowner and will be legally bound to any approval granted.

7.28 Notwithstanding this, extant planning permission can form a material planning consideration in the overall planning balance. In this instance, should the current application for housing be refused, the barn can be built in close proximity to the proposed site which would offer similar visual impacts by restricting views to the south from Centurion Way.

7.29 Overall, the proposed design has sought to seek a suitable compromise between remaining sympathetic to the exiting street scene but offering a modern high quality design. The scale has also offset the impact to existing residents at street level but a right to a view is not a planning material consideration. The proposed height and scale of the dwellings therefore, would not provide a significant level of impact to loss of light, loss of privacy or an overbearing impact. The proposal

will retain the character of the residential area and infill a plot in between existing residential development. As such, the application is considered to be in accordance with Policy C1, HWC1 and H15 of the Castle Morpeth District Local Plan and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) in this respect the proposal would also accord with NLP Policy POL 2, QOP 1 and QOP2.

Highways

7.30 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.31 Policy H15 of the CMDLP states that proposals for new housing development must be able to demonstrate that the space around dwellings is adequate to allow for appropriate off street parking provision to meet the requirements of the local planning authority in consultation with the local highway authority.

7.32 For all sites, developers are expected to provide the minimum level of car parking in accordance with Appendix D of the Northumberland Local Plan Publication Draft Plan (Regulation 19).

7.33 Highways Development Management has been consulted and consider that the submitted site layout demonstrates that the site can accommodate the necessary access and parking arrangements.

Pedestrian routes

7.34 The most recent revised plan incorporates the requested section of 2.0m wide footway extending between the vehicular accesses to tie into the existing footways to the north east, with a section of footway extending to the substation footway to the western side. A section of private footway will be retained to the rear of the existing visitor parking spaces along the northern side of the dwellings which is considered to be acceptable given constraints which will prevent the delivery of an adoptable section of footway through this area.

Road Safety and car parking

7.35 Whilst no amendments were sought to the vehicular accesses from Centurion Way as part of the previous consultee response, the recent plans amend the access arrangement for Plots 1/2 with a reduced access width which is considered acceptable to serve 2 No. Dwellings in accordance with NCC access specifications. The access for Plots 3/4 has also been combined into a single access point and is acceptable as per Plot 1/2. The above revised access arrangements are considered to be acceptable and a condition is recommended to secure this.

7.36 The properties comprise 5 No. Bedrooms with integral garage space. The application of Appendix D car parking standard there requires 3 No. residents parking spaces per dwelling for residents and a minimum of 1 No. visitor parking spaces based in 1 visitor space per 4 dwellings. The garages internal dimensions are in accordance with the minimum internal dimensions (3.0m x 6.0m internally for single garages and 6.0m x 6.0m internally for double garages). Each plot provides suitable space to enable manoeuvrability and the in-curtilage parking areas are

sufficient to accommodate parking demand for residents in accordance with Appendix D Car Parking Standards. The scheme also provides visitor car parking bays which is not required to facilitate the demand for these dwellings who have sufficient resident parking within each individual drive to accommodate any visitor parking requirements.

7.37 Following the previous request for further parking details, the applicant has submitted revised plans showing the vehicle tracking for garage and driveway. The submitted plans are acceptable in terms of demonstrating in curtilage car parking facilities for each dwelling, however it must be noted that in order to successfully access/egress each individual plot drivers must utilise the neighbouring dwellings driveway space. Whilst this is a private issue, it does reduce the available space within the development site to provide appropriate additional visitor car parking provision.

7.38 The applicant is requested, and an appropriate highway works condition recommended, to provide sufficient utility and capacity on Centurion Way to accommodate the additional visitor car parking as a result of this development. It is considered that in relation to the scale of the proposed development, an additional visitor parking space is to be provided to the frontage of the site, and this can be accommodated by extending the existing visitor parking area to four spaces.

7.39 Centurion Way is a street lit adopted road with a 30mph speed limit and footways on the northern side serving the adjoining dwellings with no parking restrictions in place. With consideration of the above and as previously indicated, the development and any trip generation is not expected to lead to increased capacity or road safety issues on the surrounding road network and are acceptable in principle. The application is therefore in accordance with the NPPF and would not present a severe impact to the existing highway network.

7.40 The submission of a Construction Method Statement and accompanying plans (as required) are required outlining details of any traffic management measures, accesses, suitable parking, storage and vehicle cleaning facilities. A pre-commencement condition will be recommended to secure this requirement. It is advised that, in the interests of highway safety and the amenity of the surrounding area, that no building materials or equipment shall be stored on the highway and no mud, debris or rubbish shall be deposited on the highway as outlined in the conditions.

Highway Works

7.41 Offsite Section 278 Agreement works are required to provide sections of 2.0m wide adoptable standard footway extending between the vehicular accesses as indicated on the revised plans. As part of any agreement formed, this would be subject to a technical approval process which is out with any planning permission granted, with conditions recommended to secure these works.

7.42 Subject to condition securing a parking provision, highway works, a construction method statement, and Details of boundary treatments, there is no objection from Highway Development Management. The application is considered to be in accordance with the NPPF.

Ecology

7.43 The application documents and ecological survey report indicate that the site is small, approximately 0.23ha in size and comprises a paddock dominated by scrub and ruderal vegetation of generally low ecological value with intact hedgerow boundaries.

7.44 The submitted plans show that the existing hedgerow will be retained with the exception of a section for the access and new landscaping and trees are proposed. There are no objections to the proposals on ecological grounds from the County Ecologist subject to conditions being imposed securing the avoidance, mitigation and enhancement measures detailed in the report are carried out in full. As such the application is in accordance with the NPPF.

Public Protection

Legacy Coal Mining Gas

7.45 Due to the history of coal mining in the area, this is a location where gas protection is expected to be designed and fitted new dwellings. Public Protection has been consulted and it would be expected that a gas membrane would be installed following current British Standards with either a suspended floor with a ventilated sub-floor void or a reinforced cast *in situ* raft/slab. This form of mitigation can be secured with conditions which have been recommended to the Local Planning Authority to address the required gas protection.

Land Contamination

7.46 The Phase I Site Investigation Report has been submitted and identified further site investigations to include:

- Assess the load bearing capabilities of the upper strata at the site it would be prudent to undertake an intrusive ground investigation to allow for the collection of geotechnical data to be used to inform future foundation design.
- Obtain environmental samples, including ground gas monitoring, to confirm the absence of a significant risk to human health or sensitive receptors.
- Extend the scope of any future site works to allow for the identification of the location of coal sub crops below the site as this could affect where future foundations or service runs are to be developed.
- Construction and maintenance work Should be subject to risk assessment. Workers should use appropriate procedures and to manage residual risk from exposure to materials on site.

7.47 Given the limited historic uses of the site, these investigations are acceptable. The Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated conditions securing further investigations in relation to land contamination and for gas membrane installation. As such the application is in accordance with the NPPF.

Drainage

7.48 There have been localised surface water flooding issues identified by residents during an event of heavy rainfall. The site is not located within a high flood risk zone and the submitted drainage report has identified that there is an overland surface

water flow path through the site. This provides a low risk of flooding from surface water. The flow path will be considered and incorporated into any design works completed. The discharge of surface water will be to the existing NWL system to the south east of the site with a reduced 5 litres/second discharge into their public surface water system.

7.49 Although not a statutory consultee for an application of this nature and scale, the Lead Local Flood Authority (LLFA) has been consulted and have no objections to the scheme subject to a condition securing further details for a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible. As such the application is in accordance with the NPPF as the development will ensure the effective disposal of surface water from the development.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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 application is acceptable in principle due to its sustainable location with Heddon-on the-Wall settlement boundary. The concerns raised by residents have been taken into consideration, however, as there is no right to a view it is not considered the proposed development would have a harmful impact to amenity. Despite the views of the Tyne Valley from Centurian Way, the infill plot is continuing the built form on the southern boundary of the village in an area characterised by residential development. On balance, it is considered the proposed design and scale of the proposal would provide an innovate design yet seek to remain sympathetic to the existing street scene. As such, the application is in accordance with National and Local Planning Policy.

9. Recommendation

That this application be GRANTED permission subject to a s106 and the following 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. The approved plans for this development are:-

Plots 01-04 Proposed Floor Plans SD-20.01 Rev C
Proposed Elevations SD –30.01 Rev B
Indicative Street Scene SD-30.03 Rev C
Proposed Site Plan SD-10.02 Rev K
Proposed Boundary Treatment Plan SD-10.03 Rev I
Landscape and Surface Treatment Plan SD-10.04 Rev E
Proposed Site Sections SD-40.01 Rev B
Location Plan SD-00.01 Rev B

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

03. Prior to the occupation of the dwellings hereby permitted, the north facing windows as identified in the submitted plans shall be fitted with obscure glazing and be retained for the length of time the existing park benches as identified in the submitted plans are in situ.

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy which may otherwise have resulted, in accordance with the provisions of the NPPF.

04. The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

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

05. The development shall not be occupied until details of the materials to be used in the construction of the external surfaces of the vehicular access and in-curtilage driveway areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

06. 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.

07. Notwithstanding the details submitted, the development shall not be brought into use until details of the vehicular accesses, new footway connections, dropped kerb crossing points, extended visitor parking bays and all associated works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of highway and pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

08. 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.

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

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

10. 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 amenity of the occupants of the respective properties.

11. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in 10, which has been approved in writing by the Local Planning Authority.

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

12. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters as recommended by the Phase 1 report (Phase 1 Ge-Environmental Risk Assessment produced by Roberts Environmental Limited, Reference: 200816.R.001 (Version 1.0) dated September 2020). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, 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 any contaminants within the site are dealt with in an appropriate manner to afford protection to the public, the buildings and the environment.

13. 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.

14. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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.

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.

15. During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or

Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800

Saturday 0800 to 1300

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

16. Deliveries to and collections from the construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

17. Prior to the construction, a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

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

18. Notwithstanding the description of materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, roof and windows have been submitted to and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity in accordance with Policy C29 of the Castle Morpeth Local Plan.

19. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Appraisal - Land off Centurion Way, Heddon on the Wall October 2020', OS Ecology Ltd., Version V2 (Final), 9.10.20) including, but not restricted to, inclusion of 'in built' bat roost and bird nesting features in the new buildings with numbers, types and locations to be agreed in writing with the LPA before construction progresses beyond foundation level; adherence to timing restrictions; adherence to precautionary working methods; adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018; 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 terrestrial animals that might otherwise become entrapped; an updating in season (April to September inclusive) ecological survey to be carried out in the event that works do not commence before the end of August 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 LPA before works commence.'

Reason: To maintain the favourable conservation status of protected species.

20. No removal of vegetation or hedges shall be undertaken between 1 March and 31 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.

21. All new garden boundary fences or walls will include a 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.

22. No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012 with a hedge protection plan to be submitted to the LPA for approval in writing prior to the commencement of development and fully implemented as approved.'

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

23. A detailed landscape planting plan, including the planting of locally native hedging and trees of local provenance, shall be submitted to and agreed in writing with the LPA with the planting 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.

24. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework.

25. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no fences, walls, gates or other means of enclosure shall be erected around the curtilage of any dwelling house hereby permitted in a position forward of any wall of that dwelling house which fronts onto a road, private drive, footway or open space area without the prior grant of planning permission from the Local Planning Authority.

Reason: To protect the open fronted nature of the development in the interests of visual amenity and in accordance with the NPPF.

Informatives

Ground Gas Protection

The first recommended gas protection condition sets out why gas protection is needed and what is proposed to meet this requirement submitted in the form of a "report":

The gas protection proposed should meet a minimum of Characteristic Situation 2 (CS2) to the level required in BS 8485:2015+A1:2019. Building type is Type A - residential dwelling.

The British Standard requires achieving a score of 3.5 for Building Type A.

This can be met by a:

- A gas membrane meeting the requirements of Table 7 of BS 8485:2015+A1:2019 (achieving 2.0 points) and a passively-ventilated, sub-floor void of at least good performance (1.5 points).
- Where a suspended floor is not possible and a cast *in situ* raft/slab is proposed then this should be "well reinforced" (achieving 1.5 points)
- A technical brochure for the gas membrane to be used and any manufacturer's installation guidance (if available) and that the membrane will be installed following manufacturer guidance (if available).

- That the installation will be carried out by a suitably qualified and experienced installer.
- Proposing what verification of the installation will be; independent verifier, main contractor inspection etc..

SEE APPENDIX 2 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE FIRST CONDITION (see link below)

For the second gas protection condition this demonstrates that the installation has met what was proposed in the submission for the first one and should be a "report" which should:

- Demonstrate that the floor was of the type required and sufficient air bricks (and telescopic vents if required) were included demonstration of at least good ventilation performance.
- Membrane was installed to a standard following manufacturer's instructions (if available).
- Membrane was installed by a suitably qualified and experienced installer (include any documentation which shows this is the case).
- Installer logs/records (proforma in Appendix 5 of our adopted guidance below).
- Verifier logs/records (proforma in Appendix 5 of our adopted guidance below).
- Any third party inspection(s) to verify installation.
- Details of Building Control inspections
- Photographs
- Plans showing location and number of ventilation bricks to meet very good ventilation performance.

SEE APPENDIX 3 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO

ADDRESS THE SECOND CONDITION (see link below)

Our adopted guidance YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation).

The British Geomembrane Association website is:

<http://www.britishgeomembraneassociation.co.uk/>

Sub-Floor Void Ventilation Performance

The specification for a good performance is partly contained within B.6 of BS 8485:2015+A1:2019 and specifies:

"The volume flow-through rate is governed by the size and number of side vents; for small to medium width buildings (up to 15 m wide), the minimum area of side ventilation should be 1500 mm²/m run of wall on at least two opposite sides".

Very good performance would equate to side ventilation should be 2000 mm²/m run of wall on at least two opposite sides.

Also, the void should be at least 150mm deep and internal supporting walls or sleeper walls in the sub-floor area should be adequately cross-ventilated.

Sealing and Verification of Service Ducts

The applicant should ensure that as well as the top-hat being secured to the membrane (tape or weld) that the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) should be filled with a closed cell expanding foam such as FILOseal+ or FILOseal+HD produced by Filoform UK Ltd:

The applicant should submit additional verification of how the annulus in the dwellings have been sealed, with what method and with photographic evidence.

Statutory Nuisance

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

Burning Materials Onsite

There shall be no burning of any material associated with the construction phase on the site.

Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

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

Reminder to not store building material or equipment on the highway

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

Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979

Ecology

Enhancement in buildings is expected at a minimum ratio of 1 bat roost and/or bird nesting feature per dwelling. Externally mounted or tree-mounted nesting or roosting features are not considered to be permanent mitigation or enhancement as they can be removed. In-built nesting or roosting features are encouraged. Swift/bat bricks or

tiles in particular are cost effective enhancement measures and should be included in the top course of bricks below the eaves or at the top of a vertical/gable wall, to the north elevation, and sited away from doors and windows.

There is an opportunity in this case to include native hedging between the proposed plots that would bring a modest biodiversity gain which would, in part, compensate for the minor loss of parts of the existing hedge along the northern boundary required for the creation of the new accesses from Centurion Way. Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

List of Plant Species Native to Northumberland

List of Tree Species Native to Northumberland

Date of Report: 22.02.2021

Background Papers: Planning application file(s) 20/03389/FUL