

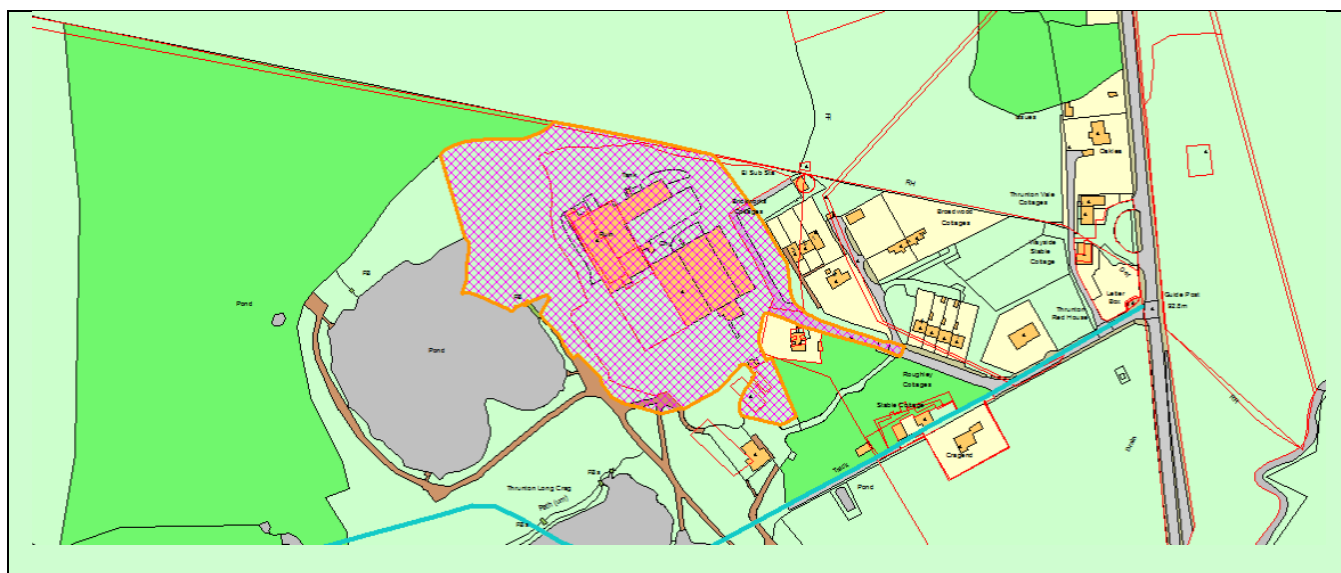


Northumberland
County Council
North Northumberland Local Area Council
19th August 2021

Application No:	21/00904/FUL		
Proposal:	Proposed redevelopment of former Brickworks, including 14no. dwellings, 3no. tourism units, car parking and amenity space.		
Site Address	Land West Of Brick Work Cottages, Brick Works, Thrunton, Northumberland NE66 4SD		
Applicant:	Mr & Mrs Blythe Land At Thrunton, Thrunton, NE66 4SD	Agent:	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Rothbury	Parish	Whittingham
Valid Date:	7 April 2021	Expiry Date:	7 July 2021
Case Officer Details:	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

Recommendation: That this application be GRANTED, subject to conditions, and a S106 Legal Agreement for:

- 3 Shared Ownership Dwellings (Affordable Housing) on-site, within the scheme, with appropriate clause for off site contribution, should these not sell within a prescribed time.
- Clause stating all dwellings no longer have use of a motor vehicle with an internal combustion engine by 2050.



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee following referral to the Director of Planning and the Chair and Vice Chair of the North Northumberland Local Area Council (NNLAC).

2. Description of the Site and the Proposal

2.1 This planning application is for the proposed redevelopment of the former Thrunton Brickworks west of Alnwick. The approximately 2.5 Hectare proposed development site is located on the previously developed Thrunton Brick Works site. The site is located approximately 11km to the west of Alnwick and 12km north of Rothbury and lies approximately 250m to the west of the strategic A697 road on the western edge of a small hamlet of residential cottages and houses, and about 700m to the east of Thrunton Woods. The development site sits low in the valley and the proposal seeks to replace the derelict industrial buildings.

2.2 It is understood that the Brickworks is no longer operational following the 2008 recession, and the interim use for a carpet disposal business is also no longer operational following a fire on site in 2013. It is understood that due to the fire at the carpet disposal business neither business is now viable at the site, as the kilns used for brick production were destroyed during the fire. The former Brickworks site has been left redundant for approximately 8 years, according to the applicant's Planning Statement.

2.3 It is proposed to redevelop the site as a mixed use residential and tourism development, comprising 14no. detached 2-storey dwellings and 3no. detached single-storey 3-bedroom tourism units, together with a small central area of 'shared green' open space and planting. It is proposed to utilise the existing access off the A697 leading to a shared access serving the development. The proposed development also seeks to provide a storage building and formal parking area to be used in association with the adjacent fishery business (Thrunton Long Crag Trout Fishery).

2.4 The applicant acknowledges that the proposal is not entirely policy-compliant (see planning history below) and makes the case that residential development of this scale is required to generate sufficient value to remediate the site. It is also stated that the tourism units would support Thrunton Fisheries, which is also owned by the applicant.

3. Planning History

Reference Number: A/90/A/430

Description: Extensions,

Status: PER

Reference Number: 12/01797/DISCON

Description: Discharge of condition 35 relating to planning permission 11/00084/MRVEIA (Periodic Review under the Environment Act 1995 of Planning Permission C/IDO/A/2 for the determination of modern working conditions)

Status: PER

Reference Number: A/92/HAZ/0003

Description: Storage of 40 tonnes of liquid petroleum gas (propane)

Status: PER

Reference Number: A/92/A/230

Description: Water Tank Storage for Sprinkler System,

Status: NOOBJ

Reference Number: C/96/CC/15

Description: Construction of clay processing plant

Status: PER

Reference Number: C/94/CC/124

Description: Single storey extension to existing office to include office, kitchen, wc an LPG tank

Status: PER

Reference Number: C/94/CC/101

Description: Installation of a septic tank and ancillary drainage

Status: PER

Reference Number: C/89/A/581

Description: Extension to industrial building

Status: NOOBJ

Reference Number: 15/01427/FUL

Description: Conversion and extension to former brickwork office to provide 1no. two bedroom residential unit for holiday and long term letting use.

Status: PER

4. Consultee Responses

Public Protection	No objection, subject to conditions.
Lead Local Flood Authority (LLFA)	No objection, subject to the inclusion of 'JCC20-233-C-02 Drainage Strategy Rev 03' within the approved plans condition.
County Ecologist	No objection, subject to conditions.
Environment Agency	No objection, advice suggested for applicant.
Highways	<p>The development is in an unsustainable location that cannot be mitigated with a 'positive' range of measures that encourage sustainable modes at this time.</p> <p>As such a range of measures that resist sustainable trips for outbound journeys are proposed to minimise single occupancy trips.</p> <p>These measures are proposed at the absolute discretion of the highway authority and should not be interpreted as a resolution in principle for areas that are not sustainable.</p>
Whittingham, Callaly And Alnham Parish Council	The Parish Council Supports this application
Northumbrian Water Ltd	We have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy Revision 1 February2021". This document proposes connection of foul flows to the combined sewer in the main highway opposite Thrunton Red House. Surface water

	<p>flows will be discharged to a local watercourse. We further note that the applicant has separately submitted the Northumbrian Water pre-planning enquiry response confirming this.</p> <p>Condition Suggested by NWL for inclusion.</p>
Fire & Rescue Service	<p>The Fire and Rescue Service have no objection in principle to the above proposals.</p> <p>More detailed comment can be given once plans of the development have been finalised.</p>
Architectural Liaison Officer - Police	<p>Northumbria Police support the principle of brownfield development and consider the site in question to be at low risk of crime, we do however have some observations.</p> <p>1. Whilst we recognise the rural setting and the desire not to create light pollution, we are sceptical about the suggestion that there will not be any street lighting in the new hamlet. The advent of LED luminaires means that lighting schemes can be designed to enhance an area and make it safer without excessive light spillage. To have no lighting would likely encourage householders to make their own arrangements and lead to a much less co-ordinated, ad hoc and inefficient arrangement. We would therefore encourage the Applicant to reconsider the street lighting at least around the shared green.</p> <p>2. Given the rural setting we consider that 1800mm horizontal slat fencing is perhaps incongruous and even perhaps unnecessary. A slat fence is easily scalable and would normally require a sacrificial topping like trellis. If the desire is for privacy we would recommend a 1500mm fence with a 300mm trellis topping, such an arrangement would be less intrusive and more efficient in terms of deterring intruders.</p> <p>3. I would also like to take this opportunity to promote the Secured by Design (SBD) scheme, which is designed to prevent crime and reduce the opportunities for crime to occur. In addition to the layout of the development, SBD also specifies what type of doors and windows should be used and also covers other security measures which will help achieve the objectives which the scheme promotes. Further information can be found on their website www.securedbydesign.com or by contacting our office.</p>
Northumbria Ambulance Service	No response received.
Open Spaces - North Area	No response received.
Waste Management - North	No response received.
Education - Schools	No response received.
County Archaeologist	There are no objections to the proposed development on archaeological grounds. No archaeological work is recommended.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	21
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

General site notice, 28th April 2021

Northumberland Gazette 15th April 2021

Summary of Responses:

2 representations forming objections have been received in relation to the application. To summarise, these relate to the following matters:

- The proposal not being in keeping with the location in which it is set e.g. out of character in terms of scale and form.
- Negative impact the proposal will have on local infrastructure.

The above is a summary of the comments. The full written text is available on our website.

6. Planning Policy

6.1 Development Plan Policy

Alnwick Core Strategy 2007 (ACS)

S1 – Location and Scale of New Development

S2 – Sequential Approach to Development

S3 - Sustainability Criteria

S4 - Phased Release of Housing Land

S5 - Housing Density

S6 - Provision of Affordable Housing

S11 - Accessibility and Minimise Impact from Travel

S12 - Protecting and Enhancing Biodiversity and Geodiversity

S13 - Landscape Character

S14 - Development in the Open Countryside

S16 - General Design Principles

S23 – Planning Obligations

Alnwick District Wide Local Plan 1997 (Policies Saved through ACS 2007) (ADWLP)

BE8 – Design Criteria for New Dwellings

TT5 – Car Parking

CD32 - Amenity or Environmental Impacts

6.2 National Planning Policy

National Planning Policy Framework (NPPF) 2021

National Planning Policy Guidance (PPG), 2014 as amended.

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021).

STP1, STP2, STP3, STP4, STP5, STP6, ECN12, ECN15, HOU2, HOU5, HOU6, HOU9, QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ICT1, ICT2, ENV1, ENV2, ENV3, ENV4, WAT1, WAT2, WAT3, WAT4, POL1, POL2, INF1, INF6.

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Alnwick District LDF Core Strategy (2017) and the Alnwick District Wide Local Plan (1997). as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF.

7.4 The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.5 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

- Principle of the Development;
- Affordable Housing (and Viability Matters)
- Landscape Impact;
- Design and Visual Impact;
- Highways and Transport Matters
- Amenity Impact;
- Drainage Matters; and,
- Ecological Matters

Principle of Development

Principle of Residential Development Element of the Scheme

7.6 Policy S1 identifies the proposal site as being in 'The Countryside', the last tier in the hierarchy as set out in the ACS. ACS policy S2 provides for a sequential test for new development, however, whilst the NPPF encourages the use of previously developed land it does not set a strict hierarchy, therefore, ACS policy S2 is afforded little weight in the determination of the application. ACS policy S3 outlines sustainability criteria that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, shops services, the transport network and modes of transport other than the private car; that there is adequate existing or planned capacity in the physical and community infrastructure and environmental needs can be mitigated; potential implications of flood risk have been assessed. It is not considered that the proposal in principle, complies with these policies as set out.

7.7 Policy S14 is also relevant to development in the open countryside. It states that "*Applications for new development in the open countryside will only be permitted where the development is likely to be sustainable in the context of policy S3 and where the development is essential to support farming and other countryside-based enterprise and activity, promote recreation and support the retention of sustainable communities or support the conservation and enhancement of the countryside. An applicant must demonstrate that they have carried out the Sequential test in Policy S2, that no other suitable site is available and that where the proposal involves significant development of the best and most versatile agricultural land, the loss of land is unavoidable.*" It is not considered that the proposal would comply with this policy, or the development plan 'in principle'. Further to this it is however recognised that this is not fully compliant with the NPPF. However, the material considerations associated with the restoration of the site may make the proposal acceptable in principle.

7.8 The NPPF (2021) and Planning Practice Guidance (PPG) are material considerations in planning decisions. The NPPF generally supports the planned provision of rural housing responsive to local needs and circumstances. Paragraph 84 of the NPPF supports the sustainable growth and expansion of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings.

Principle of Development of the Tourism Element of the Proposal

7.9 In terms of the tourism aspect of the proposal. The following is considered to be relevant. Policy S14 is relevant to development in the open countryside, such as this, including tourism uses. It states that "*Applications for new development in the open countryside will only be permitted where the development is likely to be sustainable in the context of policy S3 and where the development is essential to support farming and other countryside-based enterprise and activity, promote recreation and support the retention of sustainable communities or support the conservation and enhancement of the countryside. An applicant must demonstrate that they have carried out the Sequential test in Policy S2, that no other suitable site is available and that where the proposal involves significant development of the best and most versatile agricultural land, the loss of land is unavoidable.*" It is not considered that the proposal would comply with this policy, it is however recognised that this is not fully compliant with the NPPF, it is considered that the proposal will support the conservation and enhancement of the countryside, through the ability of the scheme to contribute to the restoration of the site, and is compliant with the elements of this policy, which are compliant with the NPPF, as it currently stands.

7.10 T5 of the ADWLP states “*applications for new chalet developments will be determined against the following criteria: 1. The extent to which the siting of the development minimises its visual and environmental impact; 2. The capability of the local road network to support the potential traffic generated; 3. The suitability of the colouring of the proposed units and the landscaping of the site; 4. Whether the proposed development adversely affects the amenity or services enjoyed by neighbouring residents; 5. whether water supply, sewerage and refuse disposal can satisfactorily be provided for.*” It is considered that the tourism unit element of this proposal complies with this policy and is therefore deemed to be compliant with the development plan, as far as a ‘chalet’ development is considered. Further to this, the proposal has been sensitively designed with its setting in mind. Appropriate materials conditions have been appended to control the appearance of the units (and the residential housing) within the scheme.

7.11 Paragraph 84 of the NPPF supports the sustainable growth and expansion of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 83 further supports sustainable rural tourism and leisure development which respects the character of the countryside.

Planning Balance in relation to the principle of development.

7.12 The proposal as a whole is not considered to ‘in principle’ be in conformity with the development plan, with only the tourism element considered to be in compliance with the development plan. It is however considered that the sensitively designed proposal as put forward would allow the remediation of the site to proceed, and therefore enhance the countryside given the previous uses on the site. The proposal is potentially able ‘in principle’ to enhance the landscape in the vicinity of the site, through the securing of a long term, viable use for the currently disused site. Whilst it is considered that it would be difficult to assimilate the proposal into the landscape entirely, given its relatively open setting, it is considered that the restoration of the site would be of a large benefit to the local landscape.

7.13 The tourism element is supported by ECN12 which encourages the growth of the rural economy, Policy ECN13 and policy ECN15 given the proposed development’s proximity to the existing settlement and the tourism development at the Trout Fishery. Policy STP 3 seeks to build a strong, responsive and competitive economy across Northumberland, however it seeks to protect and enhance the vitality and viability of Northumberland’s town centres and other important economic sectors and could therefore be deemed to be compliant with this in principle. It is however noted that neither full nor significant weight can be given to the emerging Local Plan at this stage. With regards to the housing element of the scheme this is not deemed to be fully compliant with the policies in the emerging Northumberland Local Plan, however full or significant weight cannot be given to the policies within this plan at present.

7.14 Whilst the proposal is not deemed to be compliant with the development plan, it is considered that the material consideration of remediating the former Brickworks Site outweighs these factors, and it is therefore considered that the proposal is acceptable in principle.

Affordable Housing (and Viability Matters)

7.15 Northumberland County Council's Corporate Plan and Housing Strategy both identify the delivery of affordable housing as a key strategic priority. This application as 'major development' is deemed appropriate to contribute to the affordable housing delivered in the county. Policy in relation to this is set by the ACS (policy S6) and the NPPF, with evidence about up to date requirements taken from the evidence base of the emerging Local Plan. The current requirement, based on evidence from the most recent SHMA is that a contribution equivalent to 17% of the site should be provided.

7.16 Policy S6 of the ACS seeks an appropriate level of affordable housing provision on all sites of 10 units or more or with an area of 0.33 hectares or in Alnwick; the proportion of affordable housing and its type sought on each site will depend on the assessment of affordable housing need in the housing market area and in the local area.

7.17 Chapter 5 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.

7.18 Following this, although the proposal does not propose the level of affordable housing set out in the ACS policy S6, this is satisfactory given current national policy in the NPPF, and the up to date evidence considered at the point of preparing this report. It is deemed that the proposal is in compliance with the appropriate elements of the development plan and the relevant elements of the NPPF.

7.19 The appropriate policy in the emerging NLP in relation to this matter is Policy HOU6. In line with paragraph 48 of the NPPF only some weight can be given to this policy, however, the evidence which backs this policy up can be given weight in the decision making process, this is where the 17% request for Affordable Housing is sought from.

7.20 The SHMA for the county-wide strategic housing market area is generally reviewed and updated every 3-5 years. The latest Northumberland SHMA Update (June 2018) identified the county's strategic housing mix and affordable housing needs, as reflected in the draft Local Plan (see above).

7.21 As regards the SHMA Update's housing market sub-areas, this site is within the North Delivery Area and is in the Alnwick and the tourist coast sub-area. Within this sub-area it was highlighted by local estate agents that older people are relocating from the villages into the towns for access to services. The estate agents suggest that this in part along with the retiring age population returning the area are putting very specific demands on the sub-area with premiums on bungalows and other single storey dwellings.

7.22 Unlike the other sub-areas the estate agents have suggested a large increase in the holiday let market which is pricing out some of the permanent residents of the area with the reliance on social housing providers to keep up with the rented demand in the area.

7.23 Local assessments of housing needs have been carried out for various parts of the county, albeit it is impractical to undertake and keep up-to-date locally-specific housing needs studies for every part of the county. There is no recent local housing needs assessment covering the location of this planning application.

7.24 Northumberland Homefinder is the Council's choice-based lettings policy for allocating the majority of affordable rented properties in the county in partnership with other local affordable housing providers. While providing a reasonably up-to-date indication of the scale of affordable rented housing needs only in different parts of the county to help supplement the housing needs information set out above, it should not be regarded as a definitive register for identifying local housing needs at the parish or neighbourhood area level. Applicants can live both within and beyond the county, with a local connection determined on a countywide basis (including employment/business in the county) and additional rural allocations criteria prioritisation applying for parishes with less than 3,000 population, while it is also known that some households in housing need may only register when they see that a development of affordable rented homes in their local area is nearing completion. Once registered, applicants can then bid on up to three properties a week all across the county. However, there are no affordable rented units in the area to allow the affordable housing team to gauge the need for affordable homes within Thrunton.

7.25 Information from the Registered Providers (RPs) managing affordable housing stock in the area additionally provides a useful indication of the level of demand for affordable homes in the area, including affordable/social rented as well as intermediate shared ownership tenures. RPs will only seek to take on additional affordable housing stock if they consider there to be a sufficient demand for them in the area in question, avoiding an oversupply. As above, some stock may also be restricted for occupation by older people over a certain age or by households with someone with disabilities or adaptation needs, and thus not available to all applicants.

7.26 With the viability of the site showing it is able to sustain affordable units the Affordable Housing Enablers have contacted RP's to get an indication of interest in the area. There has been some potential interest in shared ownership units if there was no obligation to purchase them after a period of time if they did not sell. It has therefore been discussed with the agent whether they would be amenable to this, in the context of discussions on this site. They have confirmed they would be amenable to a legal agreement to provide 3 of the dwellings within the scheme as Shared Ownership Properties, subject to a satisfactory clause to convert this to an off site contribution, should no parties be interested in the properties.

7.27 It would be proposed that there is a set time period to allow the applicant to explore the option with interested parties. If evidence can be provided that the applicant has explored all options, a clause within the section 106 can be added which would allow them to convert the shared ownership into open sales units.

7.28 It is suggested that the time period be 6-12 months to allow productive discussions but will not hinder the development of the site. To assist in the build out no trigger for affordable units to be provided should be added.

7.29 The applicant has submitted a viability appraisal suggesting that it would not be viable to deliver affordable housing provision as part of the development. This has been independently reviewed by CP Viability on behalf of the Council. Officers

have since been advised that a scheme fully compliant with planning policy is viable on this site. Following this advice and further discussions, the applicant has agreed to provide the required affordable housing contribution. Based on the relevant policy and the latest evidence base, in this instance the affordable housing enablers at NCC have advised that 3 shared ownership dwelling units, should be provided on the site, with a clause for an off site contribution in line with the AH protocol, should these not sell.

7.30 The S106 agreement should include a requirement for an Affordable Housing Statement to be submitted to the Council for approval before development commences. This should set out the agreed tenure mix and plots for affordable homes (house types and sizes), any alternative tenure options, the timing of their delivery in the context of the overall housing development, arrangements for their transfer to a Registered Provider and for them to remain as affordable housing in perpetuity (where applicable), any arrangements for the marketing of affordable home ownership products, and the basis on which the affordable homes will be occupied.

7.31 Subject to completion of such a legal agreement the proposal is considered to be policy compliant, after taking into account relevant material considerations and the provisions and intentions of the NPPF; where these can be given weight. The applicant has agreed to this contribution.

7.32 Subject to the provision of this, the proposal, as amended and including this affordable housing contribution, is deemed to be compliant with the relevant policy and material considerations.

Landscape Impact

7.33 This section seeks to appraise the landscape impact of the proposal against the wider landscape and its landscape character.

7.34 With regard to landscape, the proposal sits in a 'bowl', nestled between the A679 and Thrunton Woods. The existing Brickworks site has long been a significant feature in this local landscape, during its period as an operational brickworks, carpet recycling business, and post this following the fire which is understood to have started circa 2013.

7.35 The proposal seeks to retain existing landscape features, where possible, with new landscape features, e.g. trees and hedgerows being installed as part of the proposed scheme. The proposed development site sits low in the valley and seeks to replace the unsightly and dilapidated industrial buildings. The old clay pits of the brickworks have been landscaped and repurposed as a trout fishery, and there are mature wooded areas and planting to the west of the lakes and to the east of the site.

7.36 Due to the site sitting low in the valley with a gentle rise immediately to the north, the site is not readily visible from the north on the A697. From the south the site is visible from the A697, although as you move closer the site is screened by the existing mature trees which densely cover the area immediately to the east. The proposal for substantial planting to the southern edge of the houses would completely screen them as the greenery matures. From the unclassified road/ track to the west; due to the undulations of the fields, the site can be seen from the south,

and becomes visible further up as the road climbs to the point of being due west (at the car parking area for the woods), then for approximately 500m along this road to the north, although the site is distant and sits lower in the valley.

7.37 Policy S16 is also relevant in terms of landscape. This specifies *"proposals should take full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping and new development must apply the principles of: Provision and maintenance of high quality designed open space for recreation, amenity and environmental enhancement."* It is considered that the proposal is in compliance with this policy in terms of the elements considered appropriate to landscape and landscaping on the site, given the plans submitted with the application.

7.38 Specifically with regards to landscaping BE8 of the ADWLP is relevant and links through to Appendix A of the ADWLP, this specifies the following: *"A scheme for landscaping, incorporating existing features and proposed soft and hard landscaping, should accompany the detailed submission; Existing trees and hedgerows should normally be incorporated in the scheme to give the site a mature appearance; and, any tree or other planting should normally be carried out in the first planting season following the completion of the development"* .

7.39 It is considered that the proposed development will offer a significant improvement to the overall views and landscape in several ways; by replacing the large scale industrial blocks with smaller and lower volumes; by using high quality natural materials (predominantly stone, timber and slate) instead of inappropriate industrial materials; and, by providing substantial new planting which will screen the development edges, along with substantial new planting through the development. The applicant has sought to improve the scheme adding additional planting on the site to improve the amount of vegetation within the site. This in turn will allow the landscape impact of the site to lessen over time.

7.40 Whilst not directly related to landscaping and landscape matters, the County Ecologist has raised no objection to the proposal, providing the inclusion of any conditions as included in the conditions list below relating to this being applied upon any approval.

7.41 Therefore, further to the above, the proposal, will appear as an improvement in terms of landscape impact from the disused Brickworks, which at present would appear as a 'scar' on the landscape. Whilst the appearance of the site as a housing development would initially appear alien in this landscape, this would lessen overtime as the vegetation and arboricultural assets of the proposal mature. It is considered that over time this will then be viewed in the context of the other residential properties near the site and eventually be viewed as part of the settlement of Thrunton.

7.42 The proposal is therefore deemed to be compliant with the relevant development plan policy and the relevant elements of the NPPF, and the emerging NLP where these can be given weight.

Design and Visual Impact

7.43 This section seeks to appraise the design and visual of the proposal against the impact this may have on the character and appearance of the local area.

7.44 The application proposes a development close to the existing settlement of Thrunton, the proposed layout comprises of 14 detached 2-storey dwellings and 3no. detached single-storey 3-bedroom tourism units, together with a small central area of 'shared green' open space and planting. The Chimney of the Brickworks is to be retained within the development, as a design feature, and to demonstrate the site's previous use. It is understood that a structural survey has confirmed that the chimney is suitable to be retained, and so can serve as a marker in the development and wider context. The green space around the chimney will provide an area which residents can use for recreation and will engender a sense of community and to encourage community spirit and activities. The proposal is of a low density, which would be expected in a rural location such as this, with provision made for this within Policy S5 of the ACS, which relates to density matters.

7.45 A combination of boundary treatments are proposed to help to maintain privacy between dwellings whilst also preserving the feel of a small rural hamlet. Natural stone walls are kept low and predominantly to the frontages of the 'cottage' types to create the feel of a village. Natural timber fences will be used to separate neighbouring gardens, and hedges will be planted to maintain the natural feel of the site and enhance sustainability and biodiversity. Street lighting is not proposed in order to maintain the rural feel of the site.

7.46 In terms of scale, the details submitted show dwellings situated upon large plots of land. It is considered that the types of dwellings shown within the submitted details are compatible with this location and the general area. The scale of the dwellings is considered appropriate within the overall scheme and in the locality. With regards to appearance, the dwellings proposed would be of a traditional design constructed of traditional housebuilding materials and roof tiles. It is therefore considered that the design and use of the materials included within the submitted details is considered acceptable in this location. The development site sits low in the valley and seeks to replace the unsightly and dilapidated industrial buildings. The old clay pits of the brickworks have been landscaped and repurposed as a trout fishery, and there are mature wooded areas and planting to the west of the lakes and to the east of the site, which have helped to improve the local setting.

7.47 Policy S16 of the ACS is a General Design Principles Policy *'All development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials. Proposals should take full account of the need to protect and enhance the local environment having regard to their layout, scale, appearance, access and landscaping AND new development must apply the principles of: Sustainable design and construction; Energy efficiency in construction; Designing to reduce crime and the fear of crime; Effective waste reduction and management; Sustainable urban drainage and sustainable water supply; Provision and maintenance of high quality designed open space for recreation, amenity and environmental enhancement.'* As a general policy it is considered that the proposal follows these principles and complies with this policy due to the design and layout approach employed as well as the materials proposed in the scheme.

7.48 The most relevant policy in relation to this BE8 of the ADWLP which provides a hook to Appendix A *'Design and Layout of New Dwellings'*, the design section is the most relevant to this section, This specifies that *'New Dwellings should be designed to take account of traditional vernacular architectural style which may*

predominate in the locality. In general these should exhibit a single robust shape and have a clear predominance of wall surface over openings. The importance of architectural detail should not be underestimated in achieving an acceptable solution. New dwellings should take full account of the overall heights of surrounding dwellings and must take account of site levels.

7.49 Chapter 12 of the NPPF sets the context from a national policy perspective. This identifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that 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. Paragraph 127 specifically refers to how planning applications should be determined in relation to design, this specifies 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 (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."* In line with that mentioned elsewhere in this section of the report it is considered the proposal would comply with this element of the NPPF.

7.50 Many of the villages and settlements in Northumberland's rural areas have historically developed through traditional agricultural development and evolution of that industry. The proposal site at Thrunton is unusual because it stems from a recent industrial use, associated with the clay pits. This has resulted in a current series of buildings and hard landscaping elements which are out of place and have a negative impact on the physical environment and also now offer no contribution to the area in terms of economy or community in their present condition. The proposal has been developed to create a positive sense of place and has appeared to have stemmed from analysis and understanding of the local context, both current and historic. It offers the opportunity to add to an existing community on the site and to serve as an example of how difficult sites can be positively developed to enhance their immediate surroundings and the wider context. The buildings are therefore integrated into their surroundings and respond positively to local history, culture and heritage to integrate the development into the context and enhances the surroundings.

7.51 The proposal is considered attractive and appropriate to the context whilst also being distinctive, drawing on local influences to create a place which fits in with its surroundings, contributing to creating a sense of community which integrates with the existing houses adjacent to the site to help inclusion and social cohesion. Further to this, the design builds on this approach and develops some more contemporary features. This creates a distinctive identity to the development; the design is

influenced by the past but does not seek to be a 'pastiche' it but rather build on the site's history.

7.52 The buildings have been designed together with the overall site to create an appropriate and coherent pattern of development within the site. The roads and spaces within the development have edges which are clearly defined by buildings, particularly around the shared green space where the chimney is located. This aids navigation, promotes safety and accessibility and helps to create the distinctive identity of place.

7.53 The quality of spaces between and around the buildings are as important as the buildings themselves, and this has been considered throughout the layout of the development. The green space at the heart of the scheme provides a safe, social and inclusive destination where people can come together as families and as a community, and of course also adds to the gain in biodiversity. Physically the chimney adds to this sense of place which further enhances community and the distinctiveness of the development, whilst the position of the houses creates a sense of enclosure and security with active frontages and natural surveillance.

7.54 Materials have been chosen and carefully integrated into the design. The houses are intended to use a combination of high-quality natural materials. Natural stone sourced from local Northumberland quarries will be used in all of the proposed buildings, along with brick which picks up on the warm natural tones of the stone as well as referencing the former use of the site. All roofs are understood to be natural slate which is a hard-wearing material found on the majority of the buildings in the area. A materials condition is appended to this report to ensure that the LPA retains control over the materials used within the scheme.

7.55 Comments have been made by the Police Architectural Liaison Team suggesting an approach in terms of lighting the green. It is not considered that this would be appropriate in this rural location, whilst the comments are understood, the comments regarding lighting can be controlled by condition. An appropriate condition to control any future external lighting of the proposal is appended to this report; and is recommended for inclusion in any future grant of permission.

7.56 Comments have also been made by the Police Architectural Liaison Team suggesting an alternative approach to fencing, it is not considered that the approach suggested by the applicant is sufficiently detrimental to the scheme as to warrant withholding permission on these grounds. It is also deemed appropriate to condition the boundary treatments used, as full details of these have not been provided at this stage. It is considered important to note that the site is considered to be classed by the Police Architectural Liaison Team to be 'low risk'.

7.57 The proposal strongly aligns to the QOP Policies in the emerging local plan. The proposal is designed to make a positive contribution to local character, it would create a strong sense of place and it seeks to incorporate high quality aesthetics which will replace a current scar on the landscape, which is caused by the condition of the former Brickworks site.

7.58 To conclude in design and visual impact matters, it is considered that the proposal adds to the existing community and provides a positive contextual enhancement. The preservation of the of historic chimney forms associated with the brickworks provides a sensitive reminder of the history of the site and helps retain

identity. Local vernacular typologies (cottage, barn, lodge), materials (stone, brick, slate, timber) and details (proportions, material uses, etc.) create harmony with the context and it is therefore considered that a satisfactory design solution has been provided for this site.

7.59 Comments have been received from nearby occupiers in relation to the proposal appearing out of character with the nearby settlement, whilst these comments are understood, it is considered that the proposal provides a satisfactory design solution for the site.

7.60 The proposal is therefore deemed to be compliant with policy S16 of the ACS, Saved Policy BE8 of the ADWLP, Appendix A of the ADWLP, the NPPF and the emerging NLP, where these can be afforded appropriate weight.

Highways and Transport Matters

7.61 This section seeks to appraise the impacts that the proposal may have on the surrounding Highways and Transport Network. Typically, the key issues around Highways and Transport matters in relation to Rural Residential and Tourism Developments, such as this, are Highway Safety, Access, Car Parking and Sustainable Transport Options. Consultation has been undertaken with the Highways Development Management Team and their comments are considered below.

7.62 Paragraph 110 of the NPPF states *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

7.63 Paragraph 111 of the NPPF states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

7.64 Paragraph 112 of the NPPF adds to this and states *“Within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and, e) be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.”*

7.65 Highways Development Management have commented on the Sustainability of the Site and have stated *“The development is in an unsustainable location that*

cannot be mitigated with a 'positive' range of measures that encourage sustainable modes at this time. As such a range of measures that resist sustainable trips for outbound journeys are proposed to minimise single occupancy trips. These measures are proposed at the absolute discretion of the highway authority and should not be interpreted as a resolution in principle for areas that are not sustainable”

7.66 When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets. The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, however, it is an unsustainable location for a residential development.

7.67 The Transport Statement, Technical Note and Appendices have all been assessed and it should be noted some of the distances set out do not truly reflect the travelling distance to local amenities, i.e. shops, schools and medical facilities. The correct distances fall out with the accepted walking and cycling distances which could make the development sustainable. As the development will require the residents to be reliant on car borne journeys, it is considered that the proposal is not sustainable and is not in accordance with Chapter 9 of the NPPF in highways terms.

7.68 Residential development in an area such as this causes a level of concern that conflicts with a number of ambitions that have been clearly outlined on a road map for greener travel. By 2030 no new petrol or diesel vehicles will be available for sale and by 2035 new hybrids will be available. All of which coincides with 'The Road to Zero' which seeks that by 2050 it wants almost all cars to be zero emission. Development in rural locations is likely to be one of the last bastions of the internal combustion engine, for a number of factors including confidence, cost and access to high quality / rapid EV infrastructure.

7.69 It is considered that this location does not offer a genuine choice for accessing local amenities, by walking, due to a lack of dedicated infrastructure, cycling by road, or dedicated cycleway, both due to a lack of infrastructure and design guidance that puts cycling on high speed routes as high risk or public transport due to a lack of frequency of service and travel location.

7.70 The predominant mode of travel from this location will be the private motor car until such time that the proposed initiatives come into effect. The NCC HDM position on a sustainable location accords with the exact wording of the NPPF which is 'encouraging a genuine choice of transport modes'. We see no genuine choice in walking or cycling on the carriageway in high speed locations as it does not fulfil the criteria of being attractive or well-designed.

7.71 However, the planning process is considerate of sustainability and the NPPF states *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

7.72 It is clearly identified that this type of development in this location is not a repeatable pattern. The site can also not be made sustainable by a traditional suite of mitigation or planning conditions. However, the sustainable transport solutions can be maximised, albeit with some non-standard provisions. There are some clear opportunities to address the car nature of the development as follows: Ensure all private trips are zero emission as soon as practicable and reasonable; Reduce the need for all trips as far as possible; Education & support. A Transport Statement has been provided which is not considered acceptable, as the information does not truly reflect the travel distances to amenities in Rothbury and Alnwick. The location of the development is not considered sustainable for residential dwellings as there are no amenities, i.e. shops, schools or medical services within a reasonable distance of the site, and it is likely that all trips to the site will be by vehicle.

7.73 It is important to note the following travel distances to amenities: Whittingham C of E Primary (Escorted Trips) 4.8km - It is likely that all children under 8 would be entitled to travel assistance due to the nature of the walking route; Duchess's Community High School 15km – It is likely that all children over the age of 11 will be entitled to travel assistance due to the nature of the walking route; Alnwick Town Centre 15km – nearest urban location providing range of supermarkets, retail and leisure.

7.74 The proposed development is located at Land West of Brick Work Cottages Brick Works Thrunton. There is an existing substandard footway on one side of road along the U4092 for approximately 155m from the A697, beyond this there are no footpaths, there are also no amenities within the accepted thresholds for walking. There are transport links in place along the A697, which provide services to Kelso to the North and Newcastle via Morpeth to the South, however these are only twice a day on a Wednesday and once on a Saturday. As for cycling there are no amenities within the accepted cycle distance thresholds. Thus, it is likely that all trips to the site will be car borne, further reinforcing the unsustainability of the location.

7.75 The size of the development would not usually warrant a Travel Plan. However, the goal of a travel plan is to encourage education in relation to modal shift. This site has an opportunity to minimise outbound car trips, by promoting a range of services that can be brought to site and also ensuring all households have the appropriate safety information should they intend to walk or cycle. We would encourage each dwelling to be delivered with working from home in mind.

7.76 Amendments to the internal layout of the scheme have been made following officer requests and car parking for the development shall be provided in accordance with the Parking Standards contained within the Northumberland Local Plan Publication Draft Plan (Regulation 19). All parking places in curtilage and on-street must be provided with EV infrastructure and each dwelling must provide at least 1 rapid charge facility.

7.77 Cycling by road from this location to access local amenities is currently not supported, however the development may in future benefit from a better level of local infrastructure. Details of cycle parking should be clearly indicated.

7.78 Given the rural nature of the location the internal arrangement can remain unlit and still be considered safe in highways terms subject to a 20-mph design speed. Further to this, the applicant will need to provide a detailed design for the

provision of street trees to enhance the rural character of this development. This will be secured by condition, with a suitable condition appended to this report.

7.79 Whilst it is understood that Highways Development Management are not supportive of the scheme, and it is not considered acceptable when assessed against paragraph 110-112 of the NPPF or the sustainable transport elements of the Development Plan, the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and it is not considered that there would be an unacceptable impact on highway safety in this instance.

7.80 Comment has been received from nearby interested parties in relation to highway safety regarding the access to the proposal, however an appropriate condition is recommended for inclusion, it is therefore considered that this can be made acceptable, though the compliance with this condition. Concerns have also been raised around the provision of access to bus services on the A697 and the distance to nearby amenities. It is recognised that the proposal site, does not have good access to sustainable transport links, and nearby amenities, however given the other merits of the proposal, it is not considered a suitable reason for withholding planning permission in this instance.

Amenity Impacts

7.81 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Issues raised over the consultation period in respect of this have been considered in this section.

7.82 Paragraph 130 of the NPPF states that planning decisions should; *“f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

7.83 Given the position, size and orientation of the proposed dwellings and their distance from neighbouring properties, it is considered there would not be any significant issues regarding overshadowing, overbearing, loss of light, outlook or privacy as a result of the proposed works and that an adequate level of amenity would be provided for future residents. As such the proposal is considered to be in accordance with the relevant development plan policy and the NPPF in this respect

7.84 Some elements of disturbance due to noise, dust and vehicle movements etc. is considered an inevitable part of the development process. Highways Development Management (HDM) have been consulted on the application. HDM have requested a planning condition for the submission of a construction method statement, that secures details of onsite operations during the construction period. This enables a level of control during the construction phase, having regard to amenity issues for nearby occupants and prior to completion of the development.

7.85 Subject to the requested conditions the proposal is considered to be acceptable and will accord with the development plan, the provisions and intentions of the NPPF where appropriate, and with the emerging NLP, where this can be given weight.

Drainage Matters

7.86 Chapter 14 of the NPPF forming the national planning policy context, and Chapter 11 'Water Environment' of the emerging Northumberland Local Plan also being relevant to this section.

7.87 The NDG is also relevant to this element of the report. In terms of the Ten Characteristics most relevant to Drainage and Water Matters, these would be '*Resilience*', and '*Resources*'.

7.88 Consultation has taken place in relation to drainage and foul sewage with Northumbrian Water (NWL) and the council's Lead Local Flood Authority Officer (LLFA).

7.89 Initially the LLFA raised some concerns over the proposed development from a flood risk and drainage perspective. However, following the submission of further information these concerns have been overcome, subject to the conditions appended to this report. There are no other objections from the relevant bodies in relation to this matter. NWL have requested that revision 1 of the drainage strategy is included in the 'approved plans' condition, however following amendments made at the request of the LLFA it is deemed more appropriate to condition the later, revision 3 of the drainage strategy. This is now included in the recommended approved plans condition.

7.90 The appropriate policy in the emerging NLP in relation to this matter is Policy WAT3 and WAT4. These have been given appropriate weight with regards to paragraph 48 of the NPPF.

7.91 The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, and other material considerations in relation to drainage, where these can be apportioned weight.

Ecological Matters

7.92 NPPF, Chapter 15, Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 180 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.

7.93 Further to the above, the proposal has been submitted with appropriate ecology surveys, the County Ecologist and Natural England have been consulted

7.94 Therefore, the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance Policy S12 and the NPPF, subject to compliance with the conditions suggested.

7.95 The appropriate policy in the emerging NLP in relation to this matter is Policies ENV1 and ENV2 weight has been apportioned with regards to these policies in line with paragraph 48 of the NPPF.

7.96 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

Contaminated Land

7.97 This site is a former Brickworks, which has also had a former life as a 'Carpet Recycling Plant'. It is understood that there was a fire at the Site circa 2013, and that this business is therefore no longer viable. This has been problematic for the site in terms of finding a future use for the site. It is understood that remediation will need to occur to bring the site forward for the proposed use.

7.98 Paragraph 183 of the NPPF states *"Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation) b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."*

7.99 Policy S3 of the ACS is relevant to this area as this explains that a number of sustainability criteria must be met, some of these relate to Land Contamination and Land Stability matters.

7.100 Policies POL1 are POL2 from the emerging NLP are relevant to this element of the report.

7.101 Public Protection have provided comment on the proposal and have advised they do not object to the proposal, subject to conditions as suggested. These have been appended to this report. The Environment Agency have also commented in relation to these matters and have no objection to the proposal and have provided some information for the applicant.

7.102 Therefore, from a Contamination perspective, the proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, and other material considerations where these can be apportioned weight.

Water Provision

7.103 Outside of urban areas, some dwellings are not connected to the 'mains' water supply, this section seeks to appraise the proposal about the impacts it may have on the private water supply of nearby occupiers and land users. Public Health Protection are the relevant consultee in relation to matters regarding the quality of water supply. Concerns have been raised by the nearby occupiers in relation to this matter.

7.104 Public Protection are a main consultee in relation to these matters, they have stated they *"are aware that the proposed dwellings are to be on an existing private water supply line. We have concerns regard the sufficient and wholesome supply of*

water to the proposed development, however the applicant has provided a statement via an email transmission which reads as follows:

In terms of PPs comments on the water supply. The applicant has confirmed the site will be served by the existing private supply at Thrunton which is within their land ownership. At present only ¼ of the water supply is used by the existing properties with the pump active for 5 hours a day.

As such the capacity can be increased to serve the development. The supply is regularly inspected by NCC and EA in line with the relevant legislation. An Infrared filter system is also in place to kill any potential bacteria.”

7.105 Public Protection are of the opinion that that the risk of no supply provisions of a sufficient and wholesome supply of water to the proposed development is low, therefore we will recommend the appropriate PWS condition to the LPA. This is appended to this report.

7.106 It is therefore considered that the proposal would be appropriate in respect of private water supply matters and would comply with relevant policies of the ACS, relevant sections of the NPPF in respect of how the proposal responds to its context.

7.107 Further to this, due to the aforementioned issues, the proposal is deemed to be compliant with relevant policies from the emerging NLP in relation to the impact the proposal would have on the private water supplies in the immediate vicinity of the site.

7.108 Comments have been received from an interested party regarding the impact of the aquifer, from which nearby dwellings source their water. It is important to note the comments above from Public Protection, and that Public Protection have no objection to the proposal, subject to conditions (including a condition detailing water provision to the proposal). It is therefore not considered appropriate to withhold permission for the proposal on this basis.

Other Matters

7.109 A condition has been suggested by the Public Protection Team in relation to potential construction amenity impacts, however it is not considered these are appropriate given these are covered by other areas of legislation or the construction method statement requested by other consultees.

Equality Duty

7.110 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

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

Human Rights Act Implications

7.112 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.

7.113 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.

7.114 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 would replace an unattractive redundant industrial site with a small scale, innovatively designed scheme which prioritises sensitivity to the landscape and the community. The scale, position, materiality and form of the development have all been carefully considered to be appropriate within the wider context, and care has been taken to design the buildings to minimise the impact on the site physically and visually, the buildings draw on influences from the historic context whilst remaining sensitive to it in order to enhance and continue the character of the area. The application represents a rare opportunity to make a dramatic improvement to the Northumberland landscape.

8.2 The main planning considerations in determining this application have been set out and considered above stating the level of accordance with relevant Development Plan Policy (ACS and saved ADWLP policies). The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF), and those of the emerging Northumberland Local Plan.

8.3 In terms of the development plan, the proposal is not in compliance with the development strategy as set out within this report, however, the scheme as proposed would provide a range of benefits e.g. Regeneration of the Former Brickworks, Remediation of the Site, a landscape and design sensitive long-term use for the site, affordable housing (in the form of on-site shared ownership units).

8.3 The technical issues affecting the proposal have been suitably addressed subject to conditions set out in the recommendation.

8.4 The application has addressed the main considerations and it is considered appropriate to recommend the approval of the application. The proposal is therefore supported and approval is requested from the committee.

9. Recommendation

That this application be GRANTED, subject to conditions, and a S106 Legal Agreement for:

- 3 Shared Ownership Dwellings (Affordable Housing) on-site, within the scheme, with appropriate clause for off site contribution, should these not sell within a prescribed time.
- Clause stating all dwellings no longer have use of a motor vehicle with an internal combustion engine by 2050.

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. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. 04 Dated 30.04.21

Proposed Site Layout Project No. 333 Sheet Number 1002 Rev C Dated 05.08.2021

Proposed Plans Unit A - Project No. 333 Sheet Number 1003 Rev B Dated 04.05.2021

Proposed Elevations – Unit A Project No. 333 Sheet Number 2003 Rev B Dated 04.05.2021

Proposed Plans - Unit A.1 Project No. 333 Sheet Number 1004 Rev B Dated 04.05.2021

Proposed Elevations - Unit A.1 Project No. 333 Sheet Number 2004 Rev B 04.05.2021

Proposed Plans – Unit B Project No. 333 Sheet Number 1005 Rev B Dated 04.05.2021

Proposed Elevations – Unit B Project No. 333 Sheet Number 2005 Rev B Dated 04.05.2021

Proposed Plans – Unit B.1 Project No. 333 Sheet Number 1006 Rev B Dated 04.05.2021

Proposed Elevations B.1 Project No. 333 Sheet Number 2006 Rev B Dated 04.05.2021

Proposed Plans – Unit C Project No. 333 Sheet Number 1007 Rev A Dated 22.03.2021

Proposed Elevations – Unit C Project No. 333 Sheet Number 2007 Rev B Dated 22.03.2021

Proposed Plans – Unit D Project No. 333 Sheet Number 1008 Rev B Dated 22.03.2021

Proposed Elevations – Unit D Project No. 333 Sheet Number 2008 Dated 22.03.2021
Proposed Plans – Unit D.1 Project No. 333 Sheet Number 1009 Rev Rev B 22.03.2021
Proposed Elevations – Unit D.1 Project No. 333 Sheet Number 2009 Rev B Dated 22.03.2021
Proposed Plans Unit E Project No. 333 Sheet Number 1010 Rev B Dated 01.04.2021
Proposed Elevations Unit E Project No. 333 Sheet Number 2010 Rev B Dated 01.04.2021
Proposed Plans – Double Garage Project No. 333 Sheet Number 1011 Rev A Dated 04.03.2021
Proposed Elevations – Double Garage Project No. 333 Sheet Number 2011 Rev A 04.05.2021
JCC20-233-C-02 Drainage Strategy Rev 03

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. 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 and a homeowner guide on private soakaway management and maintenance 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.

04. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
* As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
* Construction details (component drawings, materials, vegetation);
* Health and Safety file; and * Details of ownership organisation/adoption details.

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

05. 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.

06. No part of the development shall be occupied until details of all car parking areas in curtilage and on-street and including carparks have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking areas shall be retained in accordance with the approved details

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

07. No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework

08. No part of the development shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development/ each dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

09. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water runoff 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.

10. The development shall not be occupied until details of a Framework Travel Plan in respect of each of the occupiers of any building on the application site have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan shall be implemented in accordance with the approved details. This Framework Travel Plan must include: i. the contact details of a suitably qualified Travel Plan Co-ordinator; ii. an implementation programme; iii. an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems; iv. Assistance with escorted school trips
v. Provision of safety information and livery
vi. Details relating to all activities that can be brought onto site & access to high speed broadband information services
vii. Working from Home support

Reason: In the interests of safe and sustainable Development, in accordance with the National Planning Policy Framework

11. No part of the development shall be occupied until details of street trees have been submitted to and approved in writing by the Local Planning Authority. The

approved street trees shall be implemented prior to first occupation. Thereafter, the street trees shall be incorporated to the management strategy.

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

12. No part of the development shall be brought into use until such time that a parking strategy has been submitted and approved in writing by the Local Planning Authority. The approved parking strategy shall be implemented prior to first occupation.

Reason: To ensure the design quality and residential amenity of the development are delivered in accordance with the NPPF

13. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority for all residential parking spaces including visitor parking. The approved electric vehicle charging points shall be implemented before the development is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details 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

14. The development shall not be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

15. Development shall not commence until a Construction Method Statement 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 shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt;

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

16. No dwelling or tourism unit shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development

is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

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

17. The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the reports by E3 Ecology

- o Great Crested Newt Survey, Swarland Brick Works, February 2021

- o Bat Survey, Swarland Brickworks, August 2020

- o Ecological Impact Assessment, Swarland Brickworks, August 2020

which detail the methods for maintaining the conservation status of great crested newts and bats unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

Reason: to maintain the favourable conservation status of European Protected Species in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

18. No development will take place unless in accordance with the avoidance, mitigation and enhancement measures detailed in the report Ecological Impact Assessment, Swarland Brickworks, August 2020, E3 Ecology, with the measures implemented in full as approved, as shown on the plan Proposed Site Layout (submitted as Site Ecology Mitigation - Proposed dated 15th June 2021) including:

- o Highest value open mosaic habitats will be retained

- o Habitat creation and enhancement works associated with the newt licence will be undertaken prior to the start of development.

- o Demolition of buildings will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

- o Prior to works commencing a site induction meeting will be held, attended by the project ecologist and lead contractors. This may involve two inductions for both the GCN licence and the bat licence.

- o Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

- o The roots and crowns of retained and adjacent trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

- o A pre-works badger check will be undertaken 1 month prior to the start of works of the site and a 30m buffer maintained to any active sett.

- o All works will be undertaken to a small mammal, badger and reptile method statements

- o in order to address the residual risk of works causing harm or disturbance to these species. This could be included within a detailed CEMP to be conditioned.

- o Close boarded fences between gardens will be avoided, or gaps 13cm x 13cm will be provided in fences between each garden to allow hedgehog to forage across the site.

- o 6 crevice roosting bat boxes will be provided on trees elsewhere within the land ownership prior to works commencing to provide roosting opportunities during the works. At least some of these will be suitable for hibernation usage.

- o Crevice roost sites will be created on 20% of the buildings post development. These will be in the form of Bird Brick House-Bat Box internal incorporated designs or similar. These will be sited within the properties at the west and north of the site adjacent to neighbouring waterbodies and scrub habitats.
- o Barn swallow nest boxes will be incorporated onto the new residential housing. The number of boxes installed will be approximately 20% of the number of new houses.
- o Site design will incorporate areas of coarse grassland strips in order to create/enhance terrestrial newt habitat and create additional connectivity. These could be created by allowing amenity grassland areas to succeed to coarse grassland.
- o Three new amphibian pools/ponds will be created in the core habitat for great crested newt to the west of the development site to deliver net gain.

Reason: to maintain and enhance the biodiversity value of the site in accordance with the NPPF.

19. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP must include measures to restrict public access to the countryside to the north west of the development area.

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

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including all pollution prevention measures
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) details of temporary traffic management measures, temporary access, routes and vehicles;
 - j) vehicle cleaning facilities;
 - k) the parking of vehicles of site operatives and visitors;
 - l) the loading and unloading of plant and materials;
 - m) storage of plant and materials used in constructing the development
 - n) measures to control the emission of dust and dirt;
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to conserve and enhance the natural environment in accordance with the NPPF, and to prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

21. Prior to first use, a sensitive lighting scheme for all areas of the site (e.g. car parking, footpath, buildings) shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall:

Be designed in consultation with the project ecologist and follow guidance set out in Institution of Lighting Professionals (2018) Advice note 08/18 (<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>).

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory (e.g. for foraging and commuting) or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications agreed. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

22. No development shall take place until an emergency contact telephone numbers in the event of a dust complaint being received and a scheme specifying (Dust Management Plan) the provision to control/mitigate dust emanating from the site, shall be submitted to the Local Planning Authority. The agreed scheme shall be implemented in full and maintained until the construction process has been completed.

(Guidance on the assessment of dust from demolition and construction can be found at the following: www.iaqm.co.uk).

Reason: To Safeguard the amenity of neighbouring residential properties.

23. No flood lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To retain control over floodlighting in the interests of visual amenity.

24. No development shall take place 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 supplementary site investigation as stated in the Phase II Environmental Site Investigation and Risk Assessment, dated Feb 2021, Ref: 200918.02.R.001, shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters.

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.

5) Verification Report

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.

25. If during development 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.

[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 any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user.

26. 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

27. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 26, which has been approved in writing by the LPA (Local Planning Authority).

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to health of the future occupiers.

28. No development shall be commenced until a scheme for the provision of a sufficient and wholesome supply of water to the development has been submitted to and agreed in writing by the local planning authority.

The scheme shall specify the provisions to be made to ensure that there will be a sufficient quantity and quality of water to serve both the new development and existing consumers already on the supply (based on an average household consumption of 200 litres per person per day or such other quantity as may be required by any non-domestic water usage).

Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: In the interest of public health and to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirement of the development.

29. No dwelling or tourism unit shall be occupied until a scheme of boundary treatments have been approved in writing by the Local Planning Authority.

Reason: in the interest of visual amenity and security.

30. Notwithstanding any description of the materials in the application, no development shall be commenced above damp course level until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or 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 and in accordance with the provisions of Policy S16 of the Alnwick Core Strategy.

31 Notwithstanding details contained within the approved documents, prior to commencement of development hereby approved, details to include;

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of good design, good planning, visual amenity and to preserve the local landscape setting in accordance with the NPPF, Policy S15 and S16 of the Alnwick LDF Core Strategy.

32. Plot 15, 16, and 17 must only be occupied as 'holiday let' properties and must not be occupied as 'principle residence' dwellings, whereby they are the occupant's primary residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of proper planning and to ensure the implementation of the proposal as described in this application.

Background Papers: Planning application file(s) 21/00904/FUL