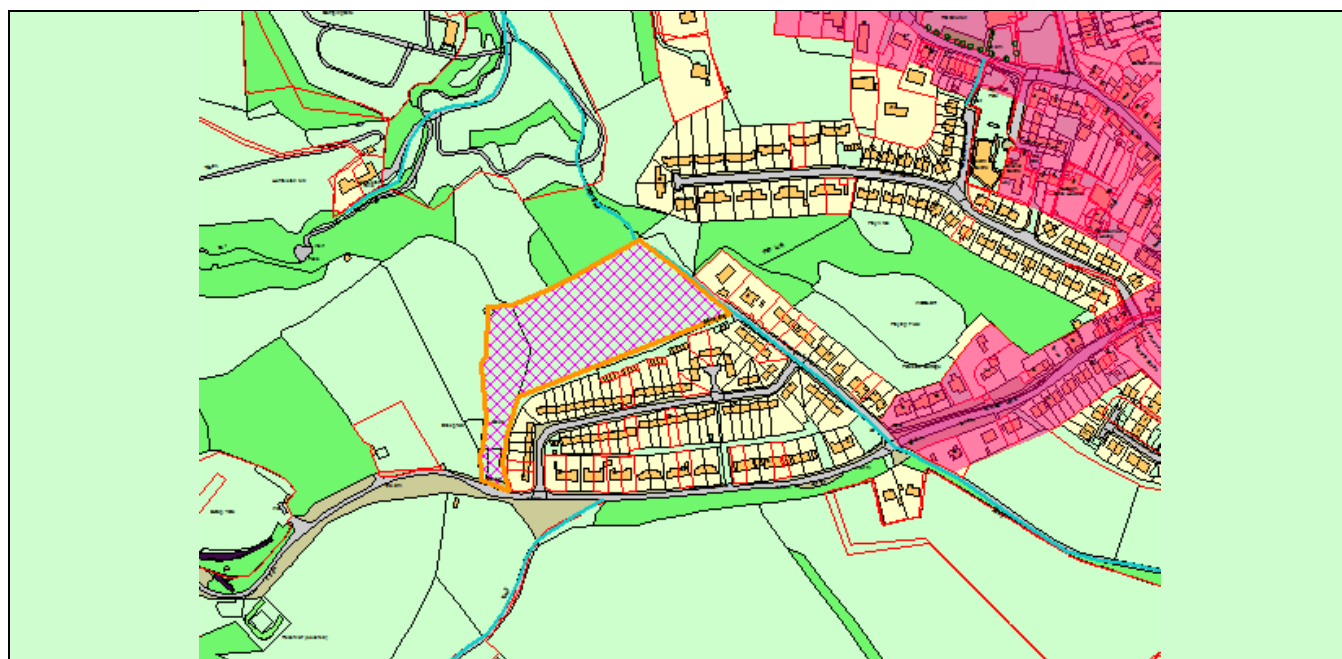




Northumberland
County Council
North Northumberland Local Area Council
21st October 2021

Application No:	21/01753/REM		
Proposal:	Reserved Matters application for approval of appearance, landscaping, layout and scale on approved application 13/00802/OUT		
Site Address	Land North Of High Fair, Wooler, Northumberland,		
Applicant:	Fergusons Blyth Limited	Agent:	Jo Evans 1-3 Oldgate, Morpeth, Northumberland, NE61 1PY
Ward	Wooler	Parish	Wooler
Valid Date:	28 April 2021	Expiry Date:	22 October 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.



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1. Introduction.

1.1 Following inclusion in the Chair Referral Process due to the quantum of representations, this application is deemed appropriate for consideration at North Northumberland Local Area Council.

1.2 The proposal to which the application relates seeks approval of the reserved matters for planning application 13/00802/OUT. The reserved matters in this instance are appearance, landscaping, layout and scale.

2. Description of the Site and the Proposal

2.1 The Site to which the application relates consists of a grassed field located to the west of Wooler Village Centre. The site is bounded to the south by residential properties on High Fair, Broomey Road to the east and fields to the west. The site slopes from North to South.

2.2 The proposal to which the application relates is for the reserved matters of layout, scale, appearance and landscaping in relation to outline permission 13/00802/OUT which gave outline permission for up to 36 no. Dwellings (15% affordable) on land north of High Fair, Wooler. Access to the site would be via an existing, improved access point that currently serves the site from Common Road. However, access is not a reserved matter as this was dealt with in the initial outline application to which this application relates.

2.2 The current reserved matters application is for a development within the site of 14 dwellings. These are for 4 x 4 Bed Houses (all detached) (151m²), 10 x 3 Bed Houses including one row of terraces (6 dwellings, 87m² each), and two pairs of semi-detached properties (4 dwellings, 122m² each). The row of terraced properties are two storey, with the remaining properties being three storey (with the third storey predominantly within the pitch of the roof). Three of these are to be provided as affordable houses as discount market value (DMV) properties as per the original s106 agreement, which accompanies 13/00802/OUT.

3. Planning History

Reference Number: 13/00802/OUT

Description: Outline Application for construction of residential development of up to 36 dwellings.

Status: PER

Reference Number: 20/04369/REM

Description: Reserved Matters application in accordance with condition 1, 2 and 5 - seeking approval of layout, scale, appearance and landscaping, including details of materials/finishes (residential development of up to 6 dwellings) pursuant to planning permission 13/00802/OUT.

Status: REF

Reference Number: 20/04370/S106A

Description: Variation of S106 Agreement pursuant to planning application 13/00802/OUT dated 5th December 2017

Status: WDN

4. Consultee Responses

Wooler Parish Council	No response received.
Highways	No objection, subject to conditions.

	<p>Highways Development Management have been reconsulted on the proposed Reserved Matters application.</p> <ul style="list-style-type: none"> • Issues regarding car parking, cycle parking and surface water mitigation in relation to the highway have been addressed with the submission of revised plans/documents along with discussions with the Planning Agent. • Conditions will be attached securing provisions that have either not been considered as part of the Outline application or have changed from provision of details to implementation.
Countryside/ Rights Of Way	I have no objection to the proposed development on the condition that Public Footpath No. 16 is protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
County Ecologist	<p>The County Ecologist notes that there is now a drainage strategy with details of SUDs (including a basin and a swale and permeable driveways. We are reasonably happy with this scheme. However the SUDs basin takes up much of the area of grassland habitat which was proposed as mitigation and enhancement for ecology. There is potential however for the basin and the swale to become wildlife features.</p> <p>The County Ecologist can support this planning application subject to the condition suggested.</p>
Public Protection	Public Protection have no comments to make on this Reserved Matters Application.
Northumbrian Water Ltd	The original outline planning application of 2013 pre-dates responses held on the NWL system. Therefore, the current Reserved Matters application does not contain sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. NWL has requested a condition relating to further drainage details
County Archaeologist	The County Archaeologist has no observations to make in respect of archaeology in relation to these reserved matters.
Lead Local Flood Authority (LLFA)	<p>After reviewing this information, the LLFA have no objection to the development.</p> <p>The LLFA recommend that the following are added to the list of approved documents/drawings</p> <p>21086-01, Drainage Strategy, Rev B – 16.09.21</p> <p>Conditions suggested.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	135
Number of Objections	29
Number of Support	0
Number of General Comments	0

Notices

Stat Pub & PROW 13th May 2021

Berwick Advertiser 13th May 2021

Summary of Responses:

29 Representations have been received which object to the proposal. To summarise, the objections relate to the following matters.

- Negative Impact the proposal would have on local infrastructure capacity
- Highway Safety Impacts
- Potential Refuse Collection Issues and amenity issues associated with the proposed location of the Bin Store for the scheme
- Existing Condition of the Local Road Network
- Negative Impacts of Increased Traffic from the proposal particularly on Ramseys Road and Common Road e.g. additional traffic, parking, and delivery vehicles.
- Potential for local roads to become blocked and cause parts of Wooler to not be accessible to emergency services
- Negative Impacts on Local Surface Water Drainage
- Negative Impacts during Construction Phase e.g. Construction Vehicle and impacts on amenity
- Negative Impacts on Local Landscape
- Design of the proposal is 'out of character' with its locality
- Potential Loss of View for nearby occupiers and impact on property values
- Potential amenity impact on nearby occupiers
- Potential for the new build properties to become holiday lets/second homes or not help to satisfy local demand
- Affordability of the proposed dwellings existing local residents
- Potential for the granting of this application to set a precedent locally for other 'greenfield sites'
- Negative Impact of the proposal on local ecology and biodiversity
- Covenant Issues
- s106A application relating to amendment of the AH provision is still outstanding

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QS9NBXQS0MD00>

6. Planning Policy

6.1 Development Plan Policy

Berwick upon Tweed Local Plan 1999 (BLP) (Saved Policies 2007)

F1 Environmental Wealth
F3 Tweed Valley, Kylee Hills, Glendale Areas of High Landscape Value
F9 Wildlife
F10 Protected Species
F13 Trees, Hedgerows and Woodlands
F30 Planning Obligations
S2 Five Year Housing Land Supply
S6 Affordable Housing
M9 Pedal Cyclists Policy
M14 Car Parking Standards
C13 Water

6.2 National Planning Policy

National Planning Policy Framework (2021)
National Planning Practice Guidance (2019, as updated)

6.3 Other Documents/Strategies

National Design Guide 2019
Northumberland Landscape Character Assessment 2011

6.4 Emerging Planning Policy

Northumberland Local Plan Regulation 19 Version including minor modifications as submitted for examination (May 2019) (NLP)

STP1, STP2, STP3, STP4, STP5, STP6, HOU2, HOU5, HOU6, HOU8, HOU9,
QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ICT2, ENV1, ENV2,
ENV3, ENV4, ENV7, WAT1, WAT2, WAT3, POL1, POL2, POL3, INF1, INF6.

Wooler Neighbourhood Plan Referendum Version (June 2020) (WNP)

Policy 1, Policy 2, Policy 4, Policy 5, Policy 14, Policy 17, Policy 19.

7. Appraisal

7.1 The application seeks the approval of the reserved matters details:- layout, appearance, scale and landscaping for the residential development of the application site, pursuant to planning permission 13/00802/OUT.

7.2 Planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The adopted development plan in relation to this application is formed by the Berwick upon Tweed Local Plan 1999 (Saved Policies 2007). The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposals submitted for consideration and the following policies are considered important to establishing whether the principle of development is acceptable in the case of this application.

7.3 The emerging Northumberland Local Plan, together with its up-to-date evidence, is a material consideration in the determination of planning applications. As per Para 48 of the NPPF the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF.

7.4 Wooler Neighbourhood Plan (WNP) should now be given significant weight in decision-making as this has now reached Reg 18 stage (Referendum) of the NP

General Regulations. The referendum has now taken place. Whilst the NP has not yet been published, it is considered appropriate and in accordance with current PPG to treat the Plan as a post-examination plan and give it significant weight in decision making so far as its policies are relevant to the decision being made

7.5 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of Development;
- Affordable Housing;
- Impact on Local Character, Landscape, Townscape and Design;
- Highways Matters;
- Drainage;
- Landscaping (including ecological matters); and,
- Procedural Matters.

Principle of Development

7.6 The principle of development for the site has been established through application 13/00802/OUT. This is the Outline permission linked to this Reserved Matters application. A number of the issues raised by objectors relate to the principle of development which have already been assessed through the outline application and are therefore out with the purview of the assessment of this reserved matters application, which solely deals with layout, appearance, scale and landscaping in relation to the proposed development. It is therefore not appropriate to assess comments in relation to the principle of development in this report.

Affordable Housing Matters

7.7 The principle of Affordable Housing was set out in the outline planning application to which this reserved matters application relate (13/00802/OUT). Following dialogue with the applicant, the proposal seeks to provide 'on-site' affordable housing provision. This is in the form of 3 Discount Market Value (DMV) dwellings, should this proposal be implemented. The proposed Affordable Housing units are not marked on a plan associated with this application but will need to be identified on the plan associated with the affordable housing statement as required by the S106 agreement associated with 13/00802/OUT.

Impact on Local Character, Landscape, Townscape and Design

7.8 This section seeks to assess the scale and appearance of the proposal, for which the key considerations are the impact the proposal would have on Local Character, Landscape, Townscape and Design, these are all intrinsically linked and in this instance it is deemed these should be considered together. The layout and landscaping are also important matters in terms of this section.

7.9 Policies F1 and F3 are relevant policies to assess the townscape impact of the proposals, as well as the impact of the proposal on local character and the landscape in which the proposals sit.

7.10 Policy F1 of the BLP states "*Having regard to the provisions for development made in the Plan, and of Policy F31, primary importance will be given to sustaining*

and enhancing the Borough's environmental wealth, including its landscape and coast, its native biodiversity and its human heritage.”

7.11 Policy F3 of the BLP states *“Within the boundaries identified on the Proposals Map, the Tweed Valley and Kyloe Hills and Glendale are designated as Areas of High Landscape Value within which special policies to protect the countryside will apply. Development will be permitted where it is compatible with the principal objective of conserving or enhancing the natural beauty of these areas, and, in particular: i)(a) it is located within or immediately adjoining an existing settlement; and/or, i)(b) it will expand the Borough's infrastructure for tourism, compatible with the area's existing tourism role and its primary attractions of the natural and built environments; i)(c) it relates to and accords with Policies C12, C14, C23, C24, C26 or C27 and provided that the developer can satisfy the Borough Council of the need for such a development to be located outwith an existing settlement, ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access; iii) it relates to and accords with Policies S4, W2, W4, W8 or C5, associated with agricultural developments, or Policies R7 or R9; and iv) it accords with Policies elsewhere in the Plan.”*

7.12 Chapter 12 of the NPPF relates to Design Matters, with paragraph 127 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in developments. Paragraph 130 also adds to this by stating the circumstances whereby permission should be refused on design grounds. This also states that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*

7.13 The National Design Guide States *“High quality design supports the creation of good places and has a positive impact on health, wellbeing and happiness. The highest standards of design can be achieved to create new vibrant places which are distinctive, safe and pleasant, easy to move around, welcoming, adaptable and sustainable. Good design should: demonstrate an understanding of the unique characteristics of a place and the context within which it is located; demonstrate an understanding of the historical development of the site reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape; provide appropriate densities depending on their existing characteristics; and, incorporate and use features worthy of retention, including natural features, buildings and views.”*

7.14 Policies 2 (Locally Distinctive and High Quality Design), 5 (New Housing Development Design Principles), and 19 (Development on the Western and South Western edge of Wooler Town) from the emerging WNP are relevant to this proposal.

7.15 Policy 2 of the WNP states *“Development proposals should demonstrate how they have taken account of their setting and the local vernacular in order to create a high quality and locally distinctive design that will enhance the character and quality of the area. Proposals should demonstrate: a) how they respond positively to, and enhance, local character and are sympathetic to local character and history through the use of locally distinctive materials; paying attention to local architectural detail; achieving visually attractive design; having careful regard to orientation, form, layout, height, scale, massing and density of development, ensuring suitability of the*

location and design of any means of access; and through the appropriate use of hard and soft landscaping; and b) how the height, form and external appearance of new development gives full consideration to important views into and out of the town, particularly to its context within Glendale and the Northumberland National Park and to views into and out of the Park; and c) where relevant, how they make a positive contribution to the significance of designated and non-designated heritage assets (including that generated by their setting); and d) how measures have been incorporated to limit the impact of light pollution from artificial light on local amenity and the Northumberland International Dark Sky Park; and e) how measures have been incorporated to promote sustainable and low carbon design including where appropriate, measures to encourage energy conservation, embedded renewables and water conservation; and f) that the massing, height, scale and proximity of the proposed development does not result in an unacceptable loss of light or overshadowing, or other unacceptable adverse amenity impacts on neighbouring properties including those of existing or future residents; and g) that the proposal will achieve a net-gain for biodiversity, through mitigation, restoration and/or compensation measures demonstrated in a measurable way. Schemes which incorporate innovative design will be supported providing they adhere to the design principles contained in this policy. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

7.16 Policy 5 of the WNP states “*All new housing proposals on allocated and windfall sites will be required to demonstrate how the development: a) incorporates landscaping to soften the impact of the development on the wider landscape, particularly on the western and south-western edge of Wooler; b) ensures the retention of existing trees, hedgerows and natural features wherever possible, and incorporates them into the design of the scheme; c) provides for safe vehicular access to any site and safe cycle and pedestrian access (recognising the needs of people with wheelchairs or buggies), both within the housing development itself and, where appropriate, into the centre of Wooler; d) achieves high quality design which respects the design and character of surrounding properties and the setting of the development as set out in Policy 2; e) ensures a Sustainable Drainage System has been incorporated or demonstrates why such a system would not be practicable in accordance with the relevant policies of the development plan; f) provides sufficient car parking space within the curtilage of each proposed dwelling in accordance with the Local Planning Authority approved parking standards thereby limiting any impact on highway safety arising from on-street car parking; g) provides sufficient open space and children’s play areas to meet the reasonable needs of future occupants of the dwellings; and h) demonstrates that the local highways, drainage and sewerage systems can accommodate the development, or that any necessary improvements to such infrastructure will be secured as part of any planning permission and will be available to serve the development before it is first required. All housing developments are encouraged to incorporate the principles outlined in Building for Life 12. Planning applications should be accompanied by evidence demonstrating the use of those principles in the evolution of the design of a scheme, where applicable.”*

7.17 Policy 19 of the WNP states “*The western and south-western edges of Wooler are designated as a sensitive settlement edge. This is defined on the Policies Map. On this sensitive settlement edge of Wooler, small scale proposals including housing development, will be supported only where they can be sensitively accommodated in the landscape. Any proposal to develop land in this area must be accompanied by a*

Landscape and Visual Impact Assessment. If landscape impacts are harmful and cannot be adequately mitigated through design and landscaping, then development will not be supported."

7.18 Policies STP3, HOU9, QOP1, QOP2, QOP6, ENV1, ENV3, ENV7, ENV9 from the emerging NLP are relevant to matters relating to townscape and the context in which a proposal will be viewed, which includes landscape and local character.

7.19 The National Design Guide (September 2019) is relevant to this proposal. The NDG refers to ten characteristics are relevant to this proposal. These include: 'Context', 'Identity', 'Built Form', 'Movement', 'Nature', 'Public Spaces', 'Uses', 'Homes and Buildings', 'Resources', and 'Lifespan'. It is considered that context and 'Identity', 'Built Form', 'Homes and Buildings' are the key matters in relation to this proposal as a reserved matters application, when assessing the proposal in terms of this section of the report. The 'use' of the proposal is deemed to be appropriate in this setting, given the outline permission previously issued in relation to this site.

7.20 The principle of development for this proposal has already been assessed under the outline application. The application proposes a development close to the existing settlement of Wooler, located on its periphery. The proposed layout is not similar to that shown in the illustrative masterplan submitted at outline stage (the illustrative masterplan submitted in support of the outline application was for 36 dwellings, with this revised proposal for 14 dwellings). The proposed dwellings are to be largely of a two-storey and three-storey nature (third storey locations within the roof pitches of 8 of the dwellings). Differing from the indicative masterplan itself is not an appropriate reason for refusal itself, as this is not an approved plan of the outline permission. The proposed dwellings provide a mixture of dwelling types and housing mix to the local housing market, meeting a range of needs, this is reflective of this area of Wooler, which is typified by a range of house types and a broad housing mix. The properties proposed seek to provide family sized homes with both 3 and 4 bedroom properties, with 8 of the properties having separate study rooms in addition to the bedroom provision. 6 of the properties have garage provision.

7.21 In terms of scale, the details submitted show dwellings situated upon moderate plots of land. The scale of the dwellings is considered to be similar to others within the locality in which it would sit and are therefore compatible with this location and the general area, which is typified by smaller and medium sized properties, similar to other parts of Wooler, particularly those along its rural/urban fringe.

7.22 In terms of the characteristics in the NDG. The first of the relevant characteristics is 'Context'. The NDG clarifies that "*Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones*". It is considered that this proposal enhances the positive qualities of the landscape/townscape, topography, the context, in proximity to the site.

7.23 'Identity' is also a key characteristic. It is considered that well designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents; the characteristics of the existing built form; the element of a place or local places that make it distinctive; and other features of the context that are particular to the area. Further to this the NDG states "*well designed places are*

visually attractive and aim to delight their occupants and passers by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well" and goes further to state "Well designed places appeal to all our senses. The way a place looks, feels, sounds and even smells, affects its enduring distinctiveness, attractiveness and beauty"

7.24 'Built Form' is a further key characteristic relevant to this section. The NDG states "*Well designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context. Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context accessibility, the proposed building types, form and character of the development.*"

7.25 The proposal is considered to fit within the landscape character in principle, being in an edge of urban location on the rural fringe, and unlikely to be visible beyond the local Wooler area in long range views towards the site. Further to this, it is also considered that the design of the proposal would complement the existing built environment in proximity to the site and would not appear jarring with its surroundings. It is therefore considered that this proposal will appear congruous with its surroundings or '*in keeping*' with its character or fitting with the context of the locality. It is not considered that this proposal responds well to the site or its surroundings (its context). It is therefore considered that the proposal grasps the 'identity' of its locality, with the 'built form' complementing its surroundings, providing family sized houses set into the topography of the site. The proposal is considered to have a significantly lower impact in landscape, townscape and character terms, than a scheme for 36 units would have, or a scheme with fewer dwellings of a greater massing would have.

7.26 It is therefore considered that the proposal would be inappropriate in townscape terms and would not fully comply with policies F1 and F3 of the BLP, Chapter 12 of the NPPF, the guidance set out in the National Design Guide 2019, emerging NLP and the emerging WNP in respect of how the proposal responds to its context, the identity of the proposal and the built form of the proposal and the surrounding townscape.

7.27 On this basis the design and visual impact is considered acceptable, it therefore is considered to be in accordance with relevant policies from the development plan, the relevant sections of the NPPF and the relevant policies from the emerging NLP, emerging WNP and other material considerations e.g. National Design Guide, where these can be given weight.

7.28 With regards explicitly to appearance, and particularly materials proposed, although the dwellings proposed would be of a traditional design constructed with the use of traditional housebuilding materials and roof tiles, it is considered that the design has been chosen to respond well to the location in which they are proposed to sit. Details of the materials to be used is to be controlled using an appropriate condition. An appropriate condition has been appended to this report.

7.29 Further to the above, comments from nearby occupiers, have also been received in regard to the proposal's potential to impact negatively on the local character, landscape and townscape, its compliance with the emerging WNP. These have been taken into account, however, it is considered that the proposal as

presented is acceptable in terms of this application, and how this should be considered in planning terms.

Highways Matters

7.30 The means of access to the site was considered and established as part of the outline planning application and deemed to be acceptable. The plan of the access was approved as part of the outline permission. The current application requires further consideration to be given to matters of highway safety in respect of the proposed layout of the housing development, including the internal highway layout and parking provision.

7.31 In addressing highway safety, on and off-site issues are considered in consultation with Highways Development Management (HDM). There are on-site issues in terms of the highways requirements for the properties and off-site impacts through the provision of a safe means of access for vehicles, pedestrians and the delivery of appropriate off-site works.

7.32 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."*

7.33 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."*

7.34 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."*

7.35 Policy 5 (New Housing Development - Design Principles) from the emerging Wooler Neighbourhood Plan is relevant to this proposal.

7.36 The Highways Authority have been consulted on the application and raise no objections to the proposed development, concluding that the development would not have a severe impact on the road network. This is in line with policy in the NPPF, which states that *"Development should only be prevented or refused on highways*

grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.”

7.37 Amended drawings and details have been provided during the gestation period of this application, which have enabled Highways Development Management to lift their initial objection to this reserved matters scheme. Although the emerging WNP requires each dwelling to have its own ‘in curtilage’ parking, it is considered that the solution provided here is appropriate given the topography and challenges of this site.

7.38 Further to the above, the proposed development is considered to be acceptable in respect of the impact on the highway network, insofar as this can be assessed in a reserved matters application, subject to a condition to secure the implementation of the parking area, in accordance with the aims of relevant policies of the BLP, Emerging Wooler Neighbourhood Plan and Emerging NLP, and the NPPF where these can be given weight in relation to highways matters.

7.39 Comments have been received from nearby occupiers in relation to highways matters, with particular reference to Access concerns (including emergency vehicle access), Highway Congestion and Associated Issue, Parking Issues, Location of Refuse Storage. The principle of development and the principle of accessing the site was dealt with as part of 13/00802/OUT, and it is not appropriate to revisit this as part of this reserved matters application. Concerns have been raised regarding refuse collection and it is deemed that an appropriate solution to this aspect has been put forward from the applicant and agreed with HDM. Following discussion with the HDM team and a review of the comments, and the submission of amended/updated details, it is deemed that it would not be appropriate to withhold permission for the reserved matters on the basis of the concerns raised by interested parties.

Drainage Matters

7.40 There will be on-site impacts through the introduction of built form and off site impacts in terms of water displacement. The proposal would dispose of surface water to existing watercourses to the north and south of the site, but would also propose Sustainable Drainage Systems.

7.41 The relevant local plan policy is policy CD37 of the ADWLP and S3 and S16 of the ACS, with 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.

7.42 Policy ENV9 of the ADNP also states *“All proposals for major development should incorporate Sustainable Drainage Systems (SuDS), unless it is clearly demonstrated the SuDS are not appropriate. Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.”*

7.43 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’.

7.44 Matters of flood risk and drainage have also previously been considered

through the outline planning application and consultation with both the Lead Local Flood Authority (LLFA) and Northumbrian Water (NWL) as statutory consultees. Following consultation with the LLFA and NWL, and on the basis of their responses, the development is considered to be acceptable. Conditions are attached to the outline planning permission that apply restrictions and would secure further details for foul and surface water drainage arrangements that will need to be satisfied.

7.45 Conditions on the outline permission, as well as conditions in respect of the reserved matters as recommended by the LLFA, can ensure that appropriate arrangements are in place. The additional conditions recommended for the current application include the need for details of the adoption and maintenance of all SuDS features; a verification report to demonstrate that all SuDS systems have been constructed as approved; and full details of the infiltration basin, including a health and safety assessment of the basin and the location/design of the adjacent play area.

7.46 The application proposes to connect to the mains for foul drainage. NWL have raised no objection to the proposal but has recommended a condition due to further information being required to ascertain capacity to treat flows from the development.

7.47 On that basis the development would therefore accord from a flood risk and drainage perspective, subject to conditions, and is considered compliant with the relevant policies in the Development Plan, relevant sections of the NPPF and those in the emerging Northumberland Local Plan, where these can be given weight.

7.48 Concerns have been raised by members of the public and nearby occupiers regarding drainage details as originally submitted with this reserved matters application. Further details and information have been requested by the Local Lead Flood Authority, these now meet the requirements of the LLFA and it would therefore no longer be deemed appropriate to withhold permission on the basis of these objections.

Landscaping (including relevant Ecological Matters)

7.49 The application is located on the edge of a built area bordering onto open countryside beyond. Consultation on this reserved matters has been undertaken with the County Ecologist. This section refers to landscaping and ecological matters as far as these are appropriate within the context of a reserved matters application.

7.50 NPPF, Chapter 15, Paragraph 170 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 175 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.

7.51 Policy F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species protection provisions which apply.

7.52 In terms of NLP Policies, Policy ENV7 is relevant to landscape impact and landscaping. The proposal includes detailed landscaping proposal and these have been considered suitable by the County Ecologist. Policy ENV8 also provides some relevance to assessing landscaping. The proposal seeks to maintain existing

vegetation within the site where possible and will provide additional vegetation within the site as part of the proposal.

7.53 Policies 17 (Landscaping, Hedgerows and Trees), 19 (Development on the Western and South Western edges of Wooler Town from the emerging WNP) are relevant to this proposal.

7.54 Policy 17 of the WNP states the following which is relevant to this proposal *“New development sites should incorporate tree planting and landscaping where possible to ensure that the impact in the wider landscape is kept to a minimum. Development proposals should be designed and laid out to avoid the loss of trees and hedgerows. Any loss of trees or hedgerows must be clearly justified by evidence demonstrating why they cannot be incorporated into the development as part of the development proposal.”*

7.55 The NDG is also relevant to this element of the report. In terms of the Ten Characteristics most relevant to Ecological Matters, these would be 'Nature' and 'Context'.

7.56 With regard to landscaping (a separate matter from 'landscape impact' considered earlier), existing boundaries benefit from mixed hedgerows with sporadic trees interspersed, of which most are indicated as being remaining within the submitted details, the applicant is largely retaining the trees on the site, designing the proposal to take existing trees into account where possible. Where trees and vegetation are proposed to be removed, other opportunities are taken elsewhere within the scheme to encourage biodiversity within the scheme, with the proposal seeking to use native plants or those with a proven biodiversity benefit. The proposal seeks to retain existing landscaping features, where possible.

7.57 Whilst not directly related to landscaping and landscape matters, the County Ecologist has commented with the following *“We note that there is now a drainage strategy with details of SUDs (including a basin and a swale and permeable driveways. We are reasonably happy with this scheme. However the SUDs basin takes up much of the area of grassland habitat which was proposed as mitigation and enhancement for ecology. There is potential however for the basin and the swale to become wildlife features.”* the County Ecologist no longer have an objection to the proposal and the planting to be used on the site, providing the inclusion of conditions to secure the delivery of this landscaping relating to this being applied upon any approval. These are appended to this report.

7.58 The proposal is therefore deemed to be compliant with relevant policy in ecological terms, however the landscaping proposed does not appear to be considered acceptable. The proposal is therefore considered to be in conflict with policies F1 and F3 of the BLP, as well as Policies 17 and 19 of the emerging WNP.

Amenity

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

7.60 NPPF Chapter 12 requires that planning should always seek to secure high quality design and a seek to secure better places in which to live and work. NPPF

Paragraph 127 requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 180 requires that planning decisions should aim to avoid impacts on health and quality of life. Paragraph 91 of the NPPF stresses the importance of aiming to achieve healthy, inclusive and safe places.

7.61 Policies 2 (Locally Distinctive and High Quality Design) and 5 (New Housing Development Design Principles), from the emerging Wooler Neighbourhood Plan are relevant to this proposal.

7.62 Policy QOP2 from the emerging Northumberland Local Plan is also relevant to this application, and it is considered that the proposal can be considered to be in general conformity with these.

7.63 The National Design Guide (September 2019) is also relevant to this element of the report. In terms of the Ten Characteristics most relevant to amenity matters, these would be 'Built Form', 'Homes and Building'.

7.64 The 'Built Form' section of the NDG states that "well-designed places have: compact forms of development that are walkable, contributing positively to well-being and placemaking"

7.65 The proposed density of the development would be in keeping with the locality, and due to the large plots, adequate separation distances would be retained to ensure no adverse impacts upon privacy.

7.66 The 'Homes & Buildings' section of the NDG states that "Well-designed homes and buildings: provide good quality internal and external environments for their users, promoting health and well-being; relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods."

7.67 An assessment on the amenity of occupiers and nearby occupiers has been undertaken as part of this reserved matters application. Given the proximity of neighbouring properties to the application site relative to the layout, it is considered that the development would not have a significant adverse impact on amenity in terms of privacy, mass and land use.

7.68 On this basis the impact on amenity is considered acceptable and in accordance with the relevant elements of the Development Plan, the relevant sections of the NPPF and the relevant policies from the emerging NLP, and emerging WNP where these can be given weight and in relation to amenity matters.

7.69 Comments regarding amenity concerns have been received from nearby occupiers and whilst the concerns raised have been taken into consideration in this recommendation, it is not considered they represent an appropriate reason for refusal in this instance. In addition to potential longer term amenity impacts concerns have been raised regarding amenity impacts during construction, however this is a matter which is relevant to an outline application rather than a 'reserved matters' application such as this.

7.70 It is therefore considered that due to the factors and policies outlined in this report the scheme proposed, would result in a scheme which would not impact sufficiently on neighbouring occupiers as to warrant refusal in terms of impact on amenity.

7.71 The layout of the proposal is therefore acceptable in relation to how this has been assessed in this section in relation to amenity matters.

7.72 It is therefore considered that the proposal, subject to conditions, is compliant with the relevant policies in the Development Plan, relevant sections of the NPPF and those in the emerging Northumberland Local Plan and Wooler Neighbourhood Plan; where these can be given weight.

Other Matters

7.73 As mentioned elsewhere in this report, comments have been received from nearby occupiers in terms of matters, which relate to the principle of the development. It is not appropriate to re-examine these during this reserved matters application as this relates to solely the approval of the matters of Scale, Appearance, Layout and Landscaping.

7.74 Some of the consultees have requested that conditions from the Outline application are carried over to this reserved matters application. This is not necessary as the conditions from the outline continue to apply to the proposal as a whole. The conditions as set out on the outline application continue to apply to this development/proposal.

7.75 Further to the above, some consultees have also requested additional conditions to be appended to this reserved matters application, which they would like to have added to the 'parent' outline permission. This is not considered appropriate as the conditions on the reserved matters should solely refer to issues relevant to the approval of the reserve matters.

Equality Duty

7.76 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

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

Human Rights Act Implications

7.78 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.

7.79 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.

7.80 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this application.

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

8.3 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 subject to conditions is recommended.

9. Recommendation

That this application be GRANTED, subject to the following conditions:

Conditions/Reason

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

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

02. The development hereby permitted shall, except where modified by conditions elsewhere in this permission, not be carried out other than in complete accordance with the following approved plans:

Proposed Site Layout Dwg No. 202913-B Dated April 2021 [uploaded to DMS 15th July 2021]

Units 7 and 8 Dwg No. 202913-2-F Dated April 2021 [uploaded to DMS 29th April 2021]

Bin Store (For Units 7-14) Dwg No. 202913-2-H Dated April 2021 [Uploaded to DMS 28th April 2021]

Units 1 and 2 (units 3 and 4 matching) Dwg No. 202913-2-D Dated April 2021 [Uploaded to DMS 28th April 2021]

Units 5 and 6 Dwg No. 202913-2-E Dated April 2021 [Uploaded to DMS 28th April 2021]

Units 9-14 Dwg No. 202913-2-G Dated April 2021 [Uploaded to DMS 28th April 2021]

Location Plan - Land North of High Fair, Broomey Road, Wooler Dwg No. 2467/LOC Dated 05.02.2013 [Uploaded to DMS 28th April 2021]

21086-01, Drainage Strategy, Rev B – 16.09.21

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

03. Notwithstanding any description of the materials in the application, no development shall be commenced above damp proof course levels until samples of the materials to be used in the construction of the external walls and roof(s) of the building(s) have been submitted to and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development

04. The development will be built according to the Proposed Drainage Layout (ref 21086 01 P1) within the drainage strategy (Coast Consultancy Engineers, July 2021)

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 for the duration of the development. This includes details of the SUDs basin and the swale which will ensure these features become wildlife habitats as well as locations and types of integrated wildlife features to be built within the fabric of the buildings (at a rate of 1 per house) and the hedgerows.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

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

05. 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

06. 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.

07. No dwelling shall be occupied until the car parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

08. No dwelling shall be occupied 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

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

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

10. Prior to the commencement of development full details showing the proposed finished ground and floor levels of the hereby approved development and the existing ground levels, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in complete accordance with the agreed details.

Reason: In the interests of visual amenity and the satisfactory appearance of the dwellings upon completion, and in accordance with the provisions of the NPPF and BLP.

11. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict discharge from the development to 2.8 l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from Drainage Strategy reference 21086-01 revision B.
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.
- vi. Provide cross-sectional drawing of the detention basin and protection bund.

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

12. Prior to first occupation details of the onsite pumping for surface water including emergency provisions shall be submitted to and approved by the LPA.

Reason: To ensure the continuous effective drainage from the development. The development shall thereafter be carried out in accordance with the approved details.

13. 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

14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details

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

Informatives

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

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

03. The applicant is advised that to discharge condition HWD11 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk

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

05. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979 (In relation to off-site works including site access which was not included on the Outline permission)

06. A section of the watercourse is proposed to be re-profiled and culverted to create an access road. This will require a land drainage consent. It is essential that anyone who intends to carry out works in, under or near a watercourse or flood defence contacts the relevant authority to obtain any necessary consents before starting the work. For any work both permanent and temporary that are to be within the cross-sectional area of any ordinary watercourse. Please contact the FCERM team on fcerm@northumberland.gov.uk for further details.

Background Papers: Planning application file(s) 21/01753/REM