



# Northumberland

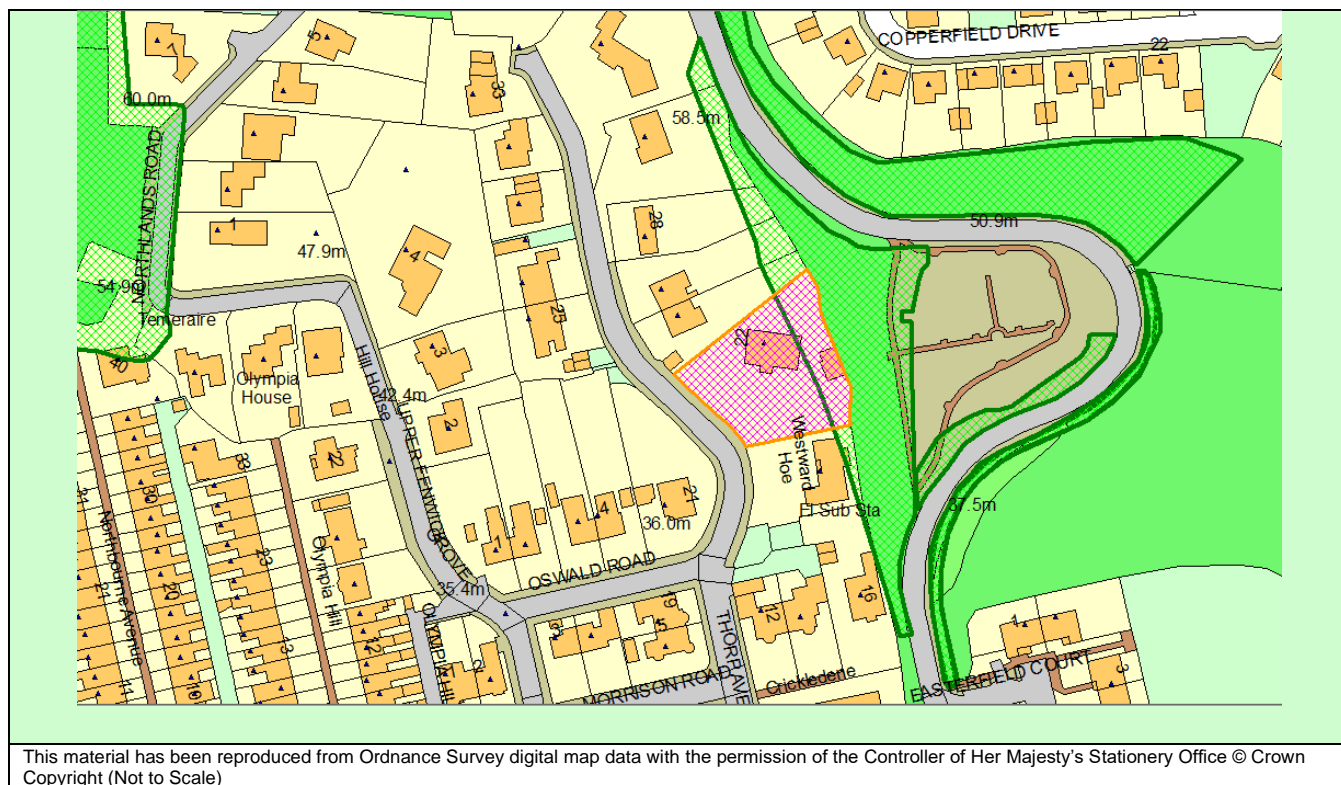
## County Council

### Castle Morpeth Local Area Council Committee

13<sup>th</sup> December 2021

<b>Application No:</b>	21/01614/FUL		
<b>Proposal:</b>	Construction of 5 residential apartments with undercroft parking and associated landscaping (amended plans received 02/09/21 - design changes, further amendments 01/11/21)		
<b>Site Address</b>	High End, 22 Thorp Avenue, Morpeth, Northumberland, NE61 1JR		
<b>Applicant:</b>	Mr and Mrs David Nicholson Ghyllheugh, Longhorsley, Northumberland, NE65 8RP	<b>Agent:</b>	Mrs Katherine Pimblott 8 Hawthorn Road, Gosforth, Newcastle Upon Tyne, NE3 4DE
<b>Ward</b>	Morpeth North	<b>Parish</b>	Morpeth
<b>Valid Date:</b>	7 June 2021	<b>Expiry Date:</b>	2 August 2021
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

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



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## **1. Introduction**

- 1.1 Under the Council's current Scheme of Delegation, as an objection was received by Morpeth Town Council and a number of residents, the application was referred to the Director of Planning and Chairs of the Castle Morpeth Local Area Council for determination as to how the application should be decided. It was confirmed the application shall be determined at Local Area Council committee.

## **2. Description of the Proposals**

- 2.1 Planning permission is sought for the construction of a detached building to provide 5no residential apartments with associated parking provision and landscaping at High End, 22 Thorp Avenue, Morpeth.
- 2.2 The proposed building would measure 22.6 metres in width, including external balconies, by 27.3 metres in length. A pitched roof would be incorporated upon the structure that would measure 14.1 metres to the ridge from the lowest level of the land however, the sloping topography of the land ensures a ridge height of 12.4 metres from ground level towards the Northern boundary.
- 2.3 Internally, the 5no residential apartments would be situated across 3no floors with 2no at ground floor level, 2no at first floor level and 1no at second floor level. Parking provision and ancillary storage for the apartments will be provided at basement level below the building. Access will remain off the Thorp Avenue public highway albeit with a widened access allowing for appropriate ingress and egress at the application site.
- 2.4 Existing soft landscaping will be retained within the site where possible with additional soft and hard landscaping to be incorporated within the curtilage of the application site. Apartments 1-4 will have outdoor garden areas within the site whilst communal areas are also identified upon the submitted plans.
- 2.5 Materials used within the construction of the apartment block would consist of multi red brickwork, ashlar cut stone, off white render, slate roof tiles and grey aluminium window frames. Timber fencing and stone walling would represent the boundary treatments within the site along with the provision of hedging and shrubbery.
- 2.6 The application site is located within the settlement of Morpeth. A detached dwelling previously occupied the site but was demolished prior to submission of this planning application.
- 2.7 A pre application was submitted by the applicant prior submission of this full planning application. Within the pre application response, the LPA confirmed the principle of development as acceptable however, careful consideration was needed in relation to the design, scale and massing of the building and potential impacts upon the amenity of neighbouring residents.
- 2.8 Amended plans were provided by the applicant following comments from the Planning Officer. It is these amended details that will be assessed within the below appraisal.

### 3. Planning History

**Reference Number:** CM/94/D/476

**Description:** Conservatory

**Status:** Permitted

**Reference Number:** CM/98/D/078

**Description:** PROPOSED NEW EXTERNAL LEAF TO GABLE END

**Status:** Permitted

**Reference Number:** CM/84/D/363

**Description:** EXTENSION TO DININGROOM AND KITCHEN ERECTION OF ENTRANCE PORCH AND CONSERVATORY TOGETHER WITH OUTBUILDING COMPRISING GARAGE GARDEN STORE GENERAL STORE AND KENNEL (AS AMENDED BY LETTER RECEIVED 3RD AUGUST 1984)

**Status:** Permitted

**Reference Number:** CM/90/D/607

**Description:** EXTENSION TO LOUNGE, DININGROOM AND KITCHEN AND ERECTION OF UTILITY ROOM, LOBBY AND BATHROOM WITH BEDROOM ABOVE

**Status:** Permitted

**Reference Number:** CM/00/D/559

**Description:** ERECTION OF FRONT PORCH

**Status:** Permitted

### 4. Consultee Responses

Morpeth Town Council	Object. Concerns regarding overdevelopment, use of the site, impact on visual character, highway safety issues and land stability.
Highways	No objection subject to recommended conditions.
Northumbrian Water Ltd	No objection. Promote sustainable surface water management.
The Coal Authority	No objection subject to recommended conditions.
Forestry Commission	No response received.
County Ecologist	No objection subject to recommended condition.
West Tree And Woodland Officer	No response received.
Public Protection	No objection subject to recommended conditions.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	51
Number of Support	0
Number of General Comments	0

#### Notices

General site notice, 17th June 2021  
No Press Notice Required.

### Summary of Responses:

51no objections were received against the application from neighbouring residents and members of the public across 3no consultation periods. Concerns were raised regarding:

- Overdevelopment;
- Impact on visual character;
- Impact on street scene;
- Concerns relating to residential amenity (overlooking, privacy, overbearing);
- Highway safety issues;
- Land stability concerns;
- Setting of a precedent;
- Flooding and drainage;

Material planning considerations shall be assessed within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QRTGL0QSFUH00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan (Made version, May 2016) (MNP)

Policy Sus1 Sustainable Development Principles

Policy Des1 Design Principles

Policy Set1 Settlement Boundaries

Policy Hou3 Housing Mix

Policy Tra2 Traffic Congestion

Policy Tra3 Transport Requirements for New Developments

Policy Tra 4 Development of Footpath and Cycleway Networks

Policy Inf1 Flooding and Sustainable Drainage

Castle Morpeth District Local Plan (2003) (Saved Policies 2007) (CMDLP)

Policy RE5 Surface Water Runoff and Flood Defences

Policy RE6 Service Infrastructure

Policy RE8 Contaminated land

Policy RE9 Ground stability

Policy C1 Settlement boundaries

Policy C11 Protected species

Policy H15 New housing developments

Policy MC1 Settlement Boundary

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)  
National Planning Practice Guidance (2020) (NPPG)

### 6.3 Other documents/strategies

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

Policy STP 1 Spatial strategy (Strategic Policy)  
Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)  
Policy STP 3 Principles of sustainable development (Strategic Policy)  
Policy STP 4 Climate change mitigation and adaption (Strategic Policy)  
Policy STP 5 Health and wellbeing (Strategic Policy)  
Policy HOU 2 Provision of new residential development (Strategic Policy)  
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)  
Policy HOU 5 Housing types and mix  
Policy HOU 9 Residential development management  
Policy QOP 1 Design principles (Strategic Policy)  
Policy QOP 2 Good design and amenity  
Policy QOP 3 Public realm design principles  
Policy QOP 4 Landscaping and trees  
Policy QOP 5 Sustainable design and construction  
Policy QOP 6 Delivering well-designed places  
Policy TRA 2 The effects of development on the transport network  
Policy TRA 4 Parking provision in new development  
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 2 Biodiversity and geodiversity 1  
Policy WAT 1 Water quality  
Policy WAT 2 Water supply and sewerage  
Policy WAT 4 Sustainable drainage systems  
Policy POL 1 Unstable and contaminated land  
Policy POL 2 Pollution and air, soil and water quality

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Morpeth Neighbourhood Plan (Made version, 2016) (MNP) and Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). The main considerations in the assessment of this application are:

- Principle of development
- Design and visual character;
- Residential amenity;
- Highways safety;
- Ecological impacts;
- Contaminated land;

- Water management.

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.

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. 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.

### **Principle of development**

- 7.2 Paragraph 12 of the NPPF outlines that development plans form the starting point for decision making by local planning authorities. Taking this into consideration, policies from the Morpeth Neighbourhood Plan (MNP) (made version) are given weight in so far that they accord with the provisions of the NPPF. Weight is also given to Castle Morpeth District Local Plan (CMDLP) which was made in 2003, with saved policies in 2007.
- 7.3 Policy Set1 of the MNP, read in conjunction with the Proposals Map which accompanies the plan, seeks to direct development within existing settlements. These provisions are mirrored within policy C1 of the CMDLP.
- 7.4 The application site is located within the settlement of Morpeth, situated within a densely populated residential area with good links to Morpeth town centre. The site previously accommodated a detached residential dwelling which was demolished prior to the submission of this planning application.
- 7.5 The application proposes the construction of a detached structure to accommodate 5no apartments. The use class will therefore remain C3 as per the existing use on site. The site is clearly sustainable owing to its proximity to Morpeth Town Centre with everyday shops and amenities accessible via public footpaths or sustainable modes of transport. The principle of development is therefore acceptable in accordance with both local and national planning policy.

### **Design and visual character**

- 7.6 Policy Des1 of the MNP seeks to achieve good design within developments stating that *'the design and layout of the development achieves a sense of place by protecting and enhancing the quality, distinctiveness and character*

*of settlements'* and that application proposals should respect or enhance the character of the site and its surroundings in terms of *'proportion, form, massing, density, height, size, scale, materials and detailed design features'*.

- 7.7 Policy Hou3 is also relevant within this assessment and seeks to create a housing mix within residential areas. A range of housing assists in achieving a balanced housing market.
- 7.8 Policy H15 of the CMDLP states that proposals for new housing developments *'must be compatible with any distinctive vernacular character present in the locality in respect of layout, design and materials'*. At national planning policy level, paragraph 126 of the NPPF recognises *'good design as a key aspect of sustainable development'* whilst paragraph 130, part a) expects developments to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'*.
- 7.9 Whilst little weight can be given to policy QOP 1 of the emerging NLP at this stage, the aims of this policy mirror design policies within both local and national planning policy outlined above.
- 7.10 As part of the pre application enquiry assessment, and the assessment of this planning file, a site visit was undertaken by the Planning Officer consisting of a site walk around whilst also taking in views of the site from the wider surrounding area. The curtilage of the site is significantly larger than adjacent plots and has a significant sloping topography to the South. Residential properties bound the application site to the North and South and also to the West beyond the adjacent public highway. To the East, a mature tree belt provides a buffer between the site and a parcel of open space. Due to the topography of the application site, it is readily visible from neighbouring viewpoints and partially visible from areas further afield.
- 7.11 There is an evident housing mix within Thorp Avenue consisting of large detached properties, 1.5 storey dwellings and single storey bungalows. To the West of the site, terraced properties are prevalent whilst to the North East, new residential development is currently under construction. As well as a housing mix, there is a wide range of materials used within the construction of these dwellings which contributes to the visual character of the street scene and the wider area. The submitted details indicate materials used upon the proposed apartment block would mirror those incorporated upon existing dwellings.
- 7.12 The scale, form and massing of the proposed building is clearly large however, the footprint of the site, coupled with the sloping topography of the land allows the incorporation of a structure of this scale without representing harm to the street scene or the wider area. As part of the submitted details, the applicant has provided details plans which show the scale, massing and ridge height of the proposed building compared with existing dwellings. Discussions have been held between the Local Planning Authority and applicant as part of the application process following which the applicant agreed to reduce the ridge height of the building. The ridge is now viewed in line with the existing chimney upon the roof of 24 Thorp Avenue ensuring that the overall height of the structure would not represent an incongruous addition upon the immediate or surrounding landscape.

- 7.13 Fenestration has been appropriately sited in a uniform design upon the external elevations of the building whilst ensuring that habitable rooms within the building would benefit from appropriate levels of light. Whilst a large portion of glazing is incorporated upon the second floor of the West and South facing elevations, this is not unusual upon upper levels of apartment blocks and represents a modern design approach from the applicant as do the external balconies upon these elevations.
- 7.14 The design and access statement that forms part of the application submission references that design cues and material choices have been carefully considered, taking into consideration existing residential properties and the nearby Greystoke apartment block. Following the submission of amended plans to address initial concerns from the LPA, the proposed development now represents good design in accordance with both local and national planning policy referred to above. It would be appropriate for a condition to be attached upon the granting of any planning approval to ensure that precise material details and samples be submitted to the LPA for written approval prior to construction of the development above damp proof course level.

### **Residential amenity**

- 7.15 Policy Des1, part H of the MNP seeks to protect the amenity of residents stating development must *'not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties'*. Policy H15 of the CMDLP can also be given weight within this section and states that *'the distance, between primary elevations of new and existing dwellings, particularly at first floor level or above should not fall below 20 metres unless it can be demonstrated by the development that allowances should be made because of the site specific circumstances'*.
- 7.16 At national planning policy level, paragraph 130, part f) states developments should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 7.17 Policy QOP 2 of the emerging NLP, which can only be given little weight at this stage, states *'Development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area'*.
- 7.18 As part of the site visit, an assessment was undertaken regarding the separation distances of the proposals to existing dwellings and how the development may impact upon the amenity of neighbouring residents, most notably the immediate dwellings to the North and South and also to the West beyond the Thorp Avenue public highway. Various alterations have been undertaken to the plans by the applicant following comments from the Local Planning Authority relating to design and amenity.
- 7.19 The proposed building would be located centrally within the application site, ensuring a buffer zone of soft landscaping to all boundaries. As outlined



earlier in the appraisal, the site has a significant slope Southwards therefore careful consideration must be given to the amenity of residents within the neighbouring two storey dwelling to the South, 20 Thorp Avenue. This dwelling is set across 2no floors however, the topography of the site ensures one level at ground floor with another level viewed as lower ground floor. A separation distance of 8 metres would be retained from the outdoor terrace area located towards the Southern boundary with a separation of 11.3 metres between the built form of the apartment block and the North facing gable of 20 Thorp Avenue. Due to the orientation of the 2no properties, there would be no direct facing primary elevations.

- 7.20 The submitted plans indicate the provision of outdoor terraces upon the South facing elevation of the proposed building that would serve apartments 3, 4 and 5. Whilst these outdoor areas will be South facing, it was noted by the Planning Officer when visiting the site that there would be no direct views from these balconies area into fenestration incorporated upon the front elevation of 20 Thorp Avenue. Whilst there would ultimately be some overlooking to the front garden area of this neighbouring property, outdoor space to the front of dwellings is not afforded the same level of protection as rear garden areas with it noted the front garden of 20 Thorp Avenue is readily visible when travelling along Thorp Avenue. The dwelling appears to have minimal outdoor amenity space to the rear with the property situated in proximity to the rear boundary. The provision of balconies upon this elevation would be to afford residents of the apartments views towards Morpeth and not to contribute to direct overlooking of properties to the South.
- 7.21 To the North of the application site is 24 Thorp Avenue which is a semi-detached two storey dwelling with outdoor amenity space located to the rear. A separation distance of 12 metres would exist between the nearest Northern building line of the apartment block and the South facing gable of no.24. A minimum separation distance of 5 metres would be retained between proposed building and the shared boundary. Whilst first floor windows are incorporated upon the South facing gable of no.24, appropriate separation would exist to ensure there would be no significant overshadowing caused with it noted these windows do not serve habitable rooms. The orientation of the proposed apartment block would ensure that windows upon the North facing elevation which aren't to be obscure glazed would not directly overlook the private outdoor amenity space of this neighbouring dwelling.
- 7.22 To prevent overlooking to no.24, a privacy screen would be incorporated upon the flat roof offshoot whilst a condition can secure that this area is not used as a raised platform and is only accessible for maintenance purposes. Use of this flat roof as a raised platform would result in overlooking of the neighbouring rear patio area along with partial views of fenestration incorporated upon the rear elevation of no.24.
- 7.23 Whilst objections have been raised from residents located to the South West upon Thorp Avenue and Oswald Road relating to overlooking, considerable separation distances exist between the proposed building and shared boundary to ensure that there would not be significant overlooking that may adversely impact upon amenity. A minimum separation distance of 24 metres would exist between the nearest first floor terrace and shared boundary with this increasing to the properties located upon Oswald Road.

- 7.24 As part of the landscape proposals for the site, the applicant has proposed retention of existing boundary treatments such as fencing along with additional soft landscaping which will provide further screening upon the site. An appropriately worded condition can secure landscaping be implemented on site within the first planting season following any approval of the application. Conditions have also been recommended by the Public Protection team restricting noisy working hours and construction/delivery collection hours.
- 7.25 Following alterations to the initial scheme in line with recommendations made by the Local Planning Authority, and subject to planning conditions, the proposal accords with both local and national planning policy in relation to protecting residential amenity.

### **Highway safety**

- 7.26 Paragraph 111 of the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.27 Consultation was undertaken with Highways Development Management who, following the submission of amended details, raised no objection to the application proposals subject to recommended conditions. Access to the site would be sought off the Thorp Avenue public highway with a widened access allowing 2no vehicles to pass at the entrance therefore preventing vehicles stopping upon the public highway and causing obstruction issues. Adequate visibility splays have been demonstrated allowing for safe ingress and egress at the site.
- 7.28 Within the site, appropriate levels of parking provision would be provided that adhere with NCC parking standards. Cycle parking and refuse storage have also been indicated within the basement level of the development. To ensure highway safety during the construction phase of the development on site, a condition is recommended for a construction method statement to be provided prior to the commencement of development. Subject to appropriate conditions, and the applicant entering into a S184 agreement with the Highways team regarding the access works, the proposal accords with relevant highway policy.

### **Ecological impacts**

- 7.29 Policy C11 of the CMDLP outlines that *'the council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse affect on the species or their habitat'*.
- 7.30 Paragraph 174, part d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*.

- 7.31 Consultation was undertaken with the local authority's ecologist who raised no objection to the application proposals subject to a recommended condition. The condition recommends appropriate mitigation on site to ensure there shall be no adverse impacts upon protected species or their habitats whilst also requesting the installation of 5no integrated bat/bird boxes into the development to represent biodiversity net gains in accordance with the NPPF.

### **Contaminated land**

- 7.32 Policy RE8 of the CMDLP stipulates that *'The Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings, to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the council may assess any direct threat to health, safety or the environment'*.
- 7.33 The application site is located within an area subject to former coal mining workings therefore, consultation was undertaken with The Coal Authority (TCA) for their comments. A Phase I desktop study & coal mining risk assessment and phase 2 site investigation report form part of the application documents. Within the consultation response provided by TCA, they concur with the recommendation of these reports that coal mining legacy poses a risk to the proposed development and remedial measures are required in order to ensure the safety and stability of the development. Appropriate conditions are therefore recommended upon the file to ensure the safety of the site for neighbouring residents and future occupiers of the proposed development.
- 7.34 Due to the site's location within a former coal mining working area, the development will also require ground gas protection to protect the health of any end user. Consultation was undertaken with Public Protection who raised no objection to the application proposals, subject to the submission of additional information, with conditions relating to ground gas protection, contamination and remediation works on site.
- 7.35 Subject to relevant conditions recommended by both internal and external consultees, the proposal accords with both local and national planning policy with regards to land contamination and site safety.

### **Water management**

- 7.36 The submitted details indicate that both foul sewage and surface water will be disposed of via existing mains. Consultation was undertaken with Northumbrian Water who raised no objection to this arrangement. The applicant will be required to agree discharge rates and connection points with NWL, out with the planning process.

### **Equality Duty**

- 7.37 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the

responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

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

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

### **Human Rights Act Implications**

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

## **8. Conclusion**

- 8.1 The proposal represents an acceptable form of development which subject to recommended conditions, accords with both local and national planning policy referred to above. The submission of amended details has overcome the Local Planning Authority's initial concerns regarding impacts upon residential amenity.
- 8.2 The application is therefore recommended for approval, subject to conditions.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

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

- 1) Proposed first floor plan drawing no. 3030-5 011 L (received 1<sup>st</sup> November 2021)
- 2) Proposed roof plan drawing no. 3030-5 013 E (received 1<sup>st</sup> November 2021)
- 3) Proposed second floor plan drawing no. 3030-5 012 K (received 1<sup>st</sup> November 2021)
- 4) Proposed West and South elevations drawing no. 3030-5 015 E (received 1<sup>st</sup> November 2021)
- 5) Proposed site plan drawing no. 3030.05.005C (received 8<sup>th</sup> September 2021)
- 6) Basement plan drawing no. 3030-5 009 H (received 2<sup>nd</sup> September 2021)
- 7) Block plan as proposed drawing no. 3030.05.004A (received 2<sup>nd</sup> September 2021)
- 8) Proposed ground floor plan drawing no. 3030-5 010 J (received 2<sup>nd</sup> September 2021)
- 9) North and East elevations drawing no. 3030-5 016 B (received 2<sup>nd</sup> September 2021)
- 10) Ground gas protection statement (received 23<sup>rd</sup> July 2021)
- 11) Visqueen gas barrier datasheet (received 23<sup>rd</sup> July 2021)
- 12) Visqueen gas resident self adhesive membrane overview (received 23<sup>rd</sup> July 2021)
- 13) Visqueen high performance damp proof membrane overview (received 23<sup>rd</sup> July 2021)
- 14) Drainage strategy JC Consulting JCC21-095-C-02 (received 7<sup>th</sup> June 2021)
- 15) Flood risk assessment JC Consulting JCC21-095-C-01 (received 7<sup>th</sup> June 2021)
- 16) Phase 2 Site investigation JC Consulting JCCGEO20-029-02-SI (received 7<sup>th</sup> June 2021)
- 17) Phase 1 Desktop study and CMRA JCCGEO20-029-01-DTS (received 7<sup>th</sup> June 2021)
- 18) Landscape proposal drawing no. TAML1 Rev. A (received 7<sup>th</sup> May 2021)
- 19) Tree protection plan (received 7<sup>th</sup> May 2021)
- 20) Ecological impact assessment February 2021 (received 19<sup>th</sup> April 2021)
- 21) Arboricultural implications assessment (received 19<sup>th</sup> April 2021)

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

03. Notwithstanding any description of the materials in the application, prior to construction above damp proof course level, precise details of the materials to be used in the construction of the external walls, roof and fenestration of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Development must not be undertaken above damp proof course level until approval from the Local Planning Authority has been provided in writing. 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 from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

04. Prior to occupation of the development hereby approved, details of the privacy screen as shown on drawing no. 3030-5 012 K must be submitted to and approved in writing by the Local Planning Authority. The approved screen shall therefore be retained and appropriately maintained for the lifetime of the development.

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

05. The flat roof located at second floor level upon the West facing elevation, as shown on drawing no. 3030-5 012 K, must not be used as a raised platform with access only permitted for maintenance of this area.

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

06. During the construction period, there should be no noisy activity, i.e. noise from the construction activities which is audible at or beyond the site boundary, on Saturdays, Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800,

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

07. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00

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

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

08. No building 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 for a Type B building specified in Table 4 of 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 must include cross-sectional drawings showing the proposed incorporation of a gas protection system including any active ventilation systems and gas resistant membranes. 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.

09. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 8, which has been approved in writing by the LPA.

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

10. No development shall be commenced until a verification report detailing the position of all boreholes installed for the investigation of soils, ground gases, groundwater or geotechnical purposes (including grouting), shall be submitted to the Local planning authority. The verification report shall detail on how redundant boreholes have been decommissioned and how any borehole that needs to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

Reason: To ensure that redundant boreholes do not form part of a source-pathway receptor linkage which could cause harm to human health by exposing future residents to harmful concentrations of hydrocarbon ground gases.

11. 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. The land contamination was identified at this site within the Phase 2 – Site Investigation report – JC Consulting Rev 01, June 2021.

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.

12. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. 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 Page 4 of 4 included in the closure report to demonstrate that the required remediation has been fully met. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

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

13. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition. “Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9

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

14. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

15. The development shall not be occupied until constructional details of the vehicular access, including surface water drainage measures, 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.



16. The development shall not 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.

17. Notwithstanding details submitted, development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

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

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

18. The development hereby permitted shall be undertaken in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- i. No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- ii. All work to be undertaken in accordance with the Tree Protection Plan by Woodsman Arboricultural Consultancy (DWG. TPP.HighEnd.No2) and guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.
- iii. All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.
- iv. Prior to first occupation or use of the development, a minimum of five integrated bird box and/or bat boxes must have been constructed within the fabric of the new building positioned following best practice guidance.
- v. All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the National Planning Policy Framework.

19. No development shall commence (excluding the demolition of existing structures) until remedial stabilisation works to address land instability arising from unrecorded shallow coal mining legacy has been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the development is not at risk from previous coal mining activity.

20. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: To ensure the development is not at risk from previous coal mining activity.

21. The landscaping of the site shall be carried out in accordance with the approved plans within the first planting season following the commencement of development or within such other time as may be approved with the Local Planning Authority in writing beforehand. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of policy Des1 of the Morpeth Neighbourhood Plan, Policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

22. Fenestration serving the en-suite, utility room and WC at first floor level upon the North East facing elevation along with fenestration serving the dressing room and en-suite at second floor level must be obscurely glazed and hereby retained in this condition for the lifetime of the development. These areas are identified upon drawing no's. 3030-5 011 L and 3030-5 012 K

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

### **Informatives**

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

- 2) 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.
- 3) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 4) Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes. A list of plant species native to Northumberland can be found online <https://www.northumberlandcoastalnb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

A list of suitable trees is available online from Northumberland Wildlife Trust <https://www.nwt.org.uk/what-we-donews-and-publications/publications> Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara). A species-rich grassland mix is now produced in Northumberland from seed harvested within grassland SSSIs in the Northumberland National Park, which can be bought through British Wildflower Seeds. It has a high proportion of yellow rattle, which is helpful to its establishment in existing grasslands. <https://britishwildflowermeadowseeds.co.uk/collections/wildflower-meadowseeds/products/northumberland-meadow-seed-mix> The Royal Horticultural Society's

Plants for Pollinators is also a useful reference for landscaping schemes. <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

- 5) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)
- 6) NWL encourage the developer to produce a surface water drainage solution by working through the following, listed in order of priority: Discharge into ground (infiltration) Discharge to a surface water body Discharge to a surface water sewer, highway drain, or another drainage system As a last resort, discharge to a combined sewer If sewer is the only option then the developer is encouraged to contact Northumbrian Water to agree allowable discharge rates and connection points into the public sewer

network. Further advice can be found at  
<https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx>

**Date of Report:** 24<sup>th</sup> November 2021

**Background Papers:** Planning application file(s) 21/01614/FUL