

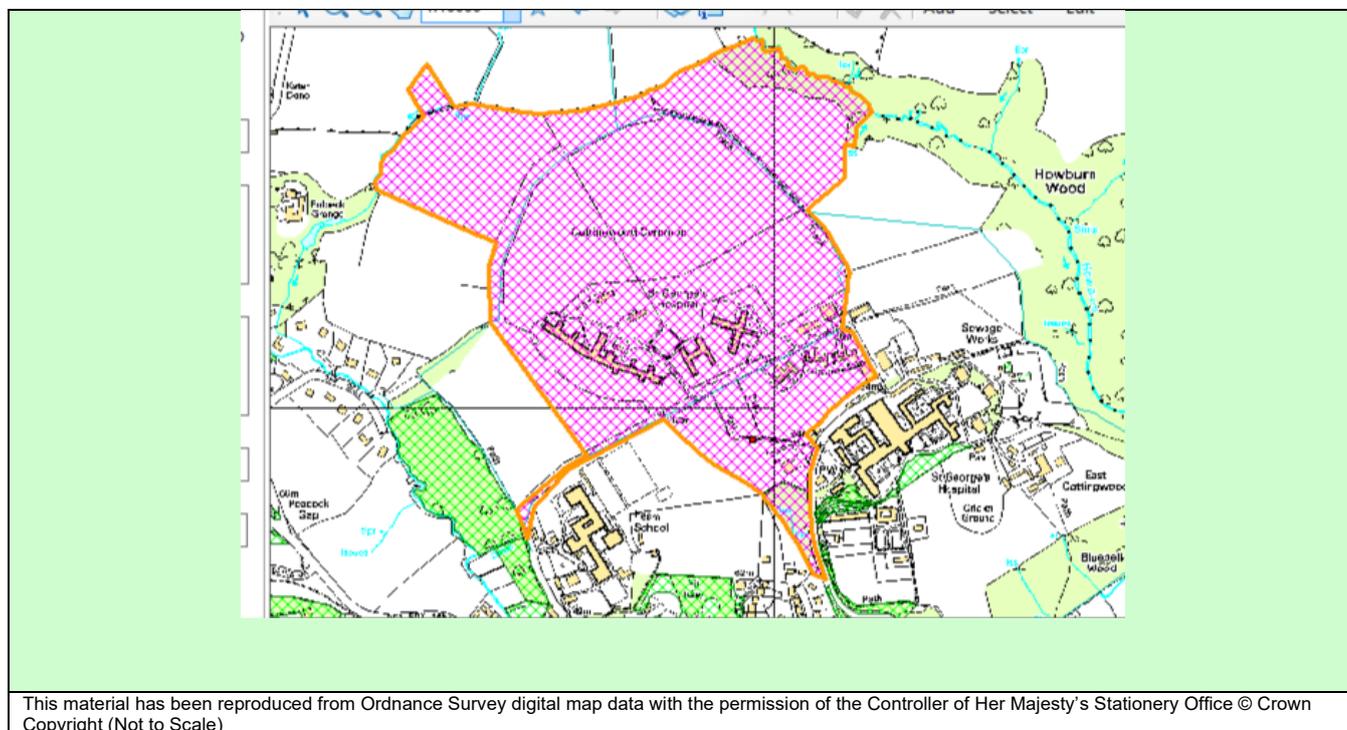


Northumberland County Council

Strategic Planning Committee 4th January 2022

Application No:	21/01625/REM		
Proposal:	Reserved Matters application for site wide infrastructure only, for approval of access, appearance, landscaping, layout and scale on approved application 16/00994/FULES, as amended by application 21/01619/VARYCO		
Site Address	Land West Of St Georges Hospital, Morpeth, Northumberland,		
Applicant:	Homes England C/O Agent , , ,	Agent:	Mr Ian Cansfield Cundall, Partnership House, Regent Farm Road, Gosforth Newcastle Upon Tyne NE3 3AF
Ward	Morpeth North	Parish	Morpeth
Valid Date:	21 April 2021	Expiry Date:	15 November 2021
Case Officer Details:	Name: Mrs Tamsin Wood Job Title: Senior Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application is to be determined at Strategic Planning committee as it forms a reserved matters application to an outline application for more than 100 dwellings.

2. Background

2.1 A 'Hybrid planning application, under reference 16/00994/FULES which comprised a detailed application for the construction of a link road and junction to connect to Morpeth Northern Bypass and outline application for development of up to 875no. dwellings (C3), local centre (A1, A2, A3, A4, A5, D1, D2, B1), restaurant/public house (A3, A4) and associated open space, with all matters reserved except for site access,' was approved on the 4/5/18. This was subject to conditions and a section 106 agreement. Condition 1 of the planning consent requires that the submission of the first reserved matters application be made before the expiration of 3 years of the date permission was granted. As the consent was granted on 4th May 2018, this requires a reserved matters application to be submitted by 4th May 2021. The first reserved matters application has been submitted prior to this date and as such the original permission is extant.

2.2 The applicant, Homes England, have submitted a suite of planning applications relating to the extant consent (16/00994/FULES), of which this application forms one of. Homes England is the Government's national housing agency with the aim of unlocking land for development, accelerating delivery and promoting better design and higher quality homes.

2.3 The planning statement sets out that 'with a renewed focus on place making and design quality, the agency has undertaken a review of the planning permission granted under 16/00994/FULES. This concluded that there are opportunities to increase the quality of design and create a stronger sense of place drawing upon the local character of Northumberland's towns and villages.' The statement goes on to further state that the 'Applicant has a growing focus on place-making and design quality and, since planning permission was granted for the abovementioned scheme, a review of the masterplan and delivery strategy for the site has been undertaken to ensure that design quality and opportunities for the acceleration of delivery are maximised from the outset. This review concluded that although the approved scheme remains an acceptable form of development in planning terms, the masterplan for Cottingwood does not fully meet the applicant's aspirations for the site. As such, a revised masterplan for the site is required to create a stronger sense of place rooted in the site's distinct landscape setting and drawing upon the local character of the Northumberland towns and villages.'

2.4 The main change in emphasis is that rather than infrastructure being delivered in phases by residential developers as previously planned, Homes England will now seek to drive both the pace of delivery and design quality by forward funding and delivering the spine road along with its associated landscaping and SuDS infrastructure. As a result, a significant proportion of onsite infrastructure will now be designed under the direct control of the applicant, rather than being delegated to third parties. In particular, the design of the site's highways infrastructure has been revisited giving greater priority to pedestrians and cyclists along with the integration of sustainable drainage and public open spaces creating green streets and shared spaces. Advantage has been taken of the existing public right of way along the former racecourse to create a recreational route linking the neighbourhood and connecting it to the surrounding area.

2.5 Therefore for Homes England to achieve its joint aim of maximising the quality of development in Morpeth, and bringing the existing Masterplan proposals into line with its renewed focus on place making and design quality, various planning applications are required, which can be summarised as follows:

- a) A Section 73 application to replace a number of approved plans and documents to ensure they align with the revised delivery strategy and development aspirations for the site and update the proposals for the original spine road (primary road) that was approved in detail within the original consent- 21/01619/varyco.
- b) A further Section 73 Application to vary a number of condition wordings from the original consent to ensure they align with the revised approach to scheme delivery and reflect the correct phasing or to simply update the documents to which they refer.- 21/01623/varyco
- c)An application to discharge Condition 13 (phasing plan)- 21/01618/discon
- d) A reserved matters application covering site wide infrastructure, including primary and secondary roads as an integrated infrastructure phase – 21/01625/rem
- e)Full application for link from spine road to Morpeth Bypass- 21/01769/ful

2.6 These applications do not change the number of dwellings proposed.

3. Description of the Proposals

3.1 This particular application is that set out under d) above. It is the reserved matters application for the site wide infrastructure only. It seeks approval of access, appearance, landscaping, layout and scale, of the infrastructure works pursuant to the outline part of the application 16/00994/fules and subsequent 21/01619/varyco approval. It consists of the advanced Infrastructure Phase, which includes the SuDs infrastructure, public open space, landscaping, primary and secondary road network. These reserved matters proposals have been developed in tandem with the revised details relating to the detailed primary road which is submitted as a separate s73 application, under 21/01619/varyco.

3.2 The applicant sets out that this reserved matters proposal aligns fully with all requirements of the outline element of the Hybrid planning permission ref 16/00994/FULES (as amended by the s73 applications which accompany this reserved matters application). The site to which the reserved matters application relates is shown on the location plan submitted as part of this application.

3.3 The application therefore includes plans and reports which are relevant to the infrastructure proposed. These include engineering layouts, long sections, existing and proposed water catchments, foul strategy, vehicle tracking, grading plans, proposed drainage plans, layout plans, ecological impact assessment , flood risk assessment, drainage strategy report, AIA, typical highways sections, cross sections, long sections, landscape layout plans. Other plans have been submitted for information such as the master plan, phasing plan, street sections, It provides the following items and details:

- SuDs ponds-Pond Plans and profiles, including engineering details show these would be located to the northwest, east, west and south of the site.
- Open space
- Landscaping
- Primary and secondary road network

3.4 The submitted plans show details of the spine road which runs from the north western edge of the site, through the centre of the site and to the south eastern edge of the site where it reaches Dark Lane next to the St Georges hospital site. This will be 6.75m wide and have a 30mph speed limit with a bus route. A 3m wide shared cycle and pedestrian path will also be provided to both sides. The plans also show the secondary roads coming off the spine road in loops, which will be 4.8m wide, have a 20mph speed limit. A swale / rain garden will run along one side of this street capturing rainwater run off from the roads and they will incorporate naturalistic play areas. Adjacent to this will be a wide shared cycle / footpath and separate wide footpath. The plans also include details of the 6 Suds basins located around the site and areas of landscaping to the western and southern sides, which incorporates tree planting and open space in the form of the village green.

3.5 The application site is located to the north of Morpeth town centre, in the administrative boundary of Northumberland County Council. The site is bounded to the north by open countryside consisting of agricultural fields and the Morpeth Bypass, to the east by the new St George's hospital, to the south east by the old hospital site and to the south by the King Edward VI (KEVI) school and wider low-density residential development. The site is bounded to the west by further open countryside beyond and then housing. Cotting Wood runs along the west of KEVI playing fields and Howburn Woods run around the east of St George's Hospital and bounding the site to the north east. Both are Semi Natural Ancient Woodlands. Cotting Burn and How Burn run through these woodlands feeding into the River Wansbeck.

Morpeth town centre lies to the south with the bus station and local amenities. Morpeth train station is location towards the south of the town, 1.6m south of the Cottingwood site. The northern half of the site is currently used as farmland with the majority of the southern half being formerly part of the St George's Hospital site. KEVI is located to the south west with its playing fields abutting the red line boundary. The route of the former racecourse is evident within the landscape with the exception of where it crosses the playing fields. The site is elevated above Morpeth town centre with steep hills up Cottingwood Lane and St George's Lane from Dark Lane. The site falls from a high point in the north to the south east and west steepening at the woodlands to the east and west. A small valley falls away the south adjacent KEVI School boundary.

3. Planning History

Reference Number: 15/01620/DEMGDO

Description: Prior notification of demolition for 12 remaining buildings currently located within the Site (Phase 2)

Status: PANR

Reference Number: 15/02673/SCREEN

Description: Screening request for approximately 650 dwellings

Status: PCO

Reference Number: 16/00994/FULES

Description: Hybrid planning application comprising: Detailed application for construction of link road and junction to connect to Morpeth Northern Bypass. Outline application for development of up to 875no. dwellings (C3), local centre

(A1, A2, A3, A4, A5, D1, D2, B1), restaurant/public house (A3, A4) and associated open space, with all matters reserved except for site access.

Status: PER

Reference Number: 21/00087/NONMAT

Description: Non-material amendment to allow re-wording of Condition 15 (reserved matters) on approved planning application 16/00994/FULES in order to deliver a revised masterplan and delivery strategy

Status: PER

Reference Number: 21/01618/DISCON

Description: Discharge of Condition 13(phasing plan) on approved application 16/00994/FULES.

Status: PDE

Reference Number: 21/01623/VARYCO

Description: Variation of conditions 7,24 (FRA/Drainage), 13 (plan), 18 (Materials), 19, 41 (landscaping), 32 (Scheme of works), 33, 34, 35, 36,(noise) 37 (odour), 38 (strategy), on approved planning application 16/00994/FULES in order to ensure the key infrastructure required is in place to accelerate the delivery of residential development.

Status: PCO

Reference Number: 21/01619/VARYCO

Description: Variation of conditions : 3 (approved plans) pursuant to planning approval 16/00994/FULES

Status: PCO

Reference Number: 21/01767/FUL

Description: A minor Full (Detailed) Planning Application to facilitate a drainage connection to Cottingburn. Proposing to replace the existing pipework leading to the outfall over a total length of approximately 275 m. Also proposing a new headwall at the outlet.

Status: INV

Reference Number: 21/01768/FUL

Description: Works to facilitate a number of utilities connections in the South East of the site boundary of the Hybrid Planning Consent (ref: 16/00994/FULES)

Status: INV

Reference Number: 21/01769/Ful

Proposal to facilitate access between the existing Morpeth Northern Bypass and the Primary Vehicular Route proposed as part of the Hybrid Planning Consent (ref: 16/00994/FULES)

Status: PCO

4. Consultee Responses

Environment Agency	No objections. Provide informative.
The Coal Authority	On the basis that the layout (i.e. the site wide infrastructure, including primary and secondary roads) is not affected by the recorded mine entries and that meeting the requirements of Condition 3 of the permission will ensure the stability of the

	future development, the Coal Authority has no objections to the proposed layout (specific to this phase) and this planning application.
Northumbrian Water Ltd	No comments to make.
Historic England	Seek views of specialist.
Natural England	No objection.
Highways England	No objections.
Waste Management - North	No response received.
Education - Schools	Subject to there being no variation to the terms of the S106 agreement relating to the Education contribution, the Education and Skills group has no comments or objections in relation to this requested variation.
Architectural Liaison Officer - Police	No comments
Fire & Rescue Service	No response received.
Northumbria Ambulance Service	No response received.
Forestry Commission	We provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.
Strategic Estates	No response received.
Morpeth Town Council	<p>These planning applications (with, we understand more to follow) relate to a significant urban extension to Morpeth providing the first long-awaited detail on the 2016 outline consent for 875 houses. The town council notes that the original consent was in line with the Morpeth Neighbourhood Plan (MNP) and that the site is designated in the Plan. So, this series of applications impacts both on the new community being built and on the town as a whole and needs thorough review and comment from MTC, as the statutory consultees drawing on local knowledge. We therefore regret that the timing of these very important applications coincide with a predictable once-in-four-years election period which has meant town councillors were unavailable to take advantage of offered pre-app discussion. We also deeply regret NCCs position that a planning delivery agreement with Homes England means there is no time for them to come to MTC planning committee for discussion. MTC welcomes Homes Englands plan to install main site infrastructure before handing over to private sector developers and the production of a masterplan to provide a framework for the private sector developers to work to.</p> <p>However, we have a number of concerns that we would like to see addressed before these applications are approved: i) Road network: We note that the access point from the Linden Homes development to the south was designated as a bus gate with no car access, but that the new masterplan states that access to the south (Dark Lane) may be possible. MTC feels that having two road access points to a development of this size is</p>

safer, but that access to Dark Lane should be secondary. We also feel strongly that a condition should be placed that no houses should be occupied until the planned roundabout at the St George Lane/Dark Lane junction is constructed. We would like to see bus operators consulted on the road layout through the development to ensure that is suitable for bus routes, which depend both on access and critical mass of population. This would then enable layout of the pedestrian routes across the site to link up with the notional positioning of bus stops. The site pedestrian route and cycle route layouts should ideally also facilitate link up with existing or potential town-wide pedestrian and cycle routes, enabling amongst other things, safe car-free routes to the various town schools. It would also be useful if the on-site pedestrian and cycle route networks allowed potential for future access to the two employment sites at Northgate, designated in the Neighbourhood Plan. We would like to see an analysis of the impact of the development on traffic flows down Pottery Bank into Morpeth, taking into account the developments already under construction at Fulbeck and Northgate. This should also take note of the proposed roundabout or traffic lights at Fulbeck/Lancaster Park. We note that the road layout facilitates access to parcels of land adjacent to the site which are safeguarded in the draft Local Plan. While we can appreciate the forethought in this, we are concerned that their existence may encourage premature or unnecessary development on these sites, since the premise of safeguarding land does not presume eventual development. We would prefer to see merely the line of access protected rather than actually road construction. We welcome early installation of the road network giving northern access to King Edward VI School (KEVI) enabling the school to expand alongside the development. ii) Community Facilities: This urban extension is, in fact, very likely to become a free-standing settlement apart from Morpeth, given access direct onto the A1 and east and south-east Northumberland, and the likely congested access into Morpeth on Pottery Bank. There is therefore a real need for full community facilities including shops, pub (as in original masterplan), play areas, community centre - which will probably need to serve the Linden Homes estate to the south and the recently built housing estates around Northgate and Fulbeck. The popularity of the Co-op shop on Collingwood Manor estate with residents from the surrounding area is evidence for this sort of need. However, we would not wish to see anything resembling an out of town shopping centre in competition with Morpeth town centre which would be contrary to MNP. We welcome the retention of the St George Bowling Club greens. It is important that Homes England talk to MTC about the provision of community facilities if the town council is expected or wanted to take these on. This is an assets matter relating to ongoing usage and maintenance costs rather than a planning matter. iii) Education Provision: MTC is aware that there is an S106 agreement linked to the outline planning permission for a contribution towards

education provision in the town. At the time of that consent, NCC were not clear whether this would fund a new First School on the site or fund the expansion of existing schools in the town. There was an indicative site for a First School in the Arup Masterplan, but not in the new Ryder Masterplan. Since school capacity is a key issue both for the town council and local residents alike, could NCC confirm their plans for spending this funding and that they align with what is proposed in the current (and ongoing series of) applications.

iv) Infrastructure MTC notes that the sewage infrastructure will feed into the Northern Connector running along the line of the Northern Bypass, and that this currently feeds, along a temporary pipe along Dark Lane, into the town centre mixed effluent system at Staithes Lane. We strongly recommend a threshold condition to restrict development until a direct pipeline across the river to the sewage treatment works at Parish Haugh is in place. We understand that there is enough land available to extend the sewage treatment works to meet expected increased demand. MTC argues that the site infrastructure should include fibre optic broadband

v) Surface Water Drainage We welcome the plans and modelling for swales and SuDS and trust that (unlike Newcastle Great Park), the Masterplan will survive development sufficiently intact to retain these measures. However, we note that these surface water drainage measures will strengthen existing and activate the intermittent springs on the northern slopes above the town centre. We wish to be reassured that increased flow in the Cotting Burn below the newly installed dam, increased flow in the How Burn and increased surface run-off from other springs along the bank below the site will not overwhelm the recently installed surface water anti-flooding measures in the town centre.

vi) How Burn Woods, Cotting Woods, and Cotting Burn buffer zone The Arup Masterplan allowed wide buffer zones to protect the How Burn woods, the Cotting Woods and the Cotting Burn. The Ryder Masterplan does not but allows housing much closer to the ancient woodlands, local wildlife sites and the wildlife corridors and incorporates some of the remaining buffer zone into private gardens. The How Burn woods are not only ancient woodland but a Local Wildlife Site (MNP Policy Env5). They require significant buffer zones not only to protect them from obvious damage, but also to protect them from contamination from non-native or invasive species. Therefore, private gardens cannot be included as part of the buffer zone, as there is no control over what might be planted in them. The Cotting Woods are also ancient woodland while the Cotting Burn is designated wildlife corridor. The whole site is currently open to wildlife including deer, badgers and foxes as well as numerous smaller animals and it is also a significant feeding habitat for a wide range of birds. We accept that this character will be lost as the site is developed but we look to Homes England to plan for greater protection of wildlife and nature than is indicated in the Ryder Masterplan, in line with their Strategic Plan 2018/19-2022/23 Key Performance Indicators. MTC recommends that

no houses at all are permitted east of the roads bordering the How Burn wood or north west of the roads bordering the Cotting Wood, and that the wide buffer zones are planted up as a wildflower meadow with suitable native species. vii)

Greenways: MTC notes that existing routes and rights of way across the site, especially along the Racecourse are extremely popular with walkers and dog exercisers, We welcome the proposals to retain extensive greenways and groups of trees throughout the site. We ask that pedestrian access to these greenways from outside the site is retained, and that the greenways are more than grassed roads. We would wish to see these pedestrian routes also allowing access off-site to town-wide pedestrian networks giving routes to schools, employment locations and town centre facilities. They should also harmonise with the layout of likely bus routes through viii)

Landscape The green infrastructure needs to be of a scale that provides informal wildlife corridors and refuges: The tree belt along the northern edge of the site is a welcome landscape feature which complies with the Neighbourhood Plan aim to ensure that Morpeth should appear to sit within a wooded area, but it is narrow and insubstantial and would be ineffective as a wildlife refuge. The retention of hedges is welcome but these need to be wide enough to be effective wildlife corridors and joined up to create a continuous corridor across the site from How Burn Woods to Cotting Wood. The avenues of trees along the new main distributor road and the principal loop roads could be more than street trees and, together with creative interpretation of the grass verges, could be more effective as green infrastructure. ix)

Housing Design and Infrastructure Although current national planning policy or building regs do not specify measures to promote carbon neutral housing, both the County Councils commitment to reducing carbon emissions and the likely changes in national policy over the expected build timescale strongly suggest that such measures should be encouraged on this site. Home England have an opportunity through the Masterplan for this site to make the development a carbon neutral exemplar. x)

Affordable Housing Provision There will be a need for a proportion of affordable and also social (rent from housing association of council) on the site. This is indicated in the outline planning permission, but division of the site into many small parcels may make delivery difficult if separate planning permissions are submitted for each parcel or even character zone. It would be helpful if the Masterplan specified the proportion and mix of affordable and social housing expected. xi)

Ongoing Construction MTC notes that the division of the site into small parcels permitting relatively piecemeal development within the Masterplan, and we are reminded on Newcastle Great Park. The experience there was that various developers were granted multiple small-scale variations on the original permissions resulting in fragmentation of the Masterplan, loss of the community identity of the development and loss of much of the surface water management systems. We note that early installation of site

	infrastructure will help resist this, but we wish to know what measures can be put in place to safeguard an adopted Masterplan. Current experience of multiple developments around Morpeth not to mention the experience of the Great Park suggest that the duration of development on this site will be extended, likely lasting more than a decade. We therefore suggest that stringent construction management measures are put in place which will be valid for all development across the site that will protect not only the integrity of green spaces and wildlife but also residents over the whole duration of construction
Highways	Whilst in principle there are no issues with discharging the reserved matters at this time, they would still be subject to securing a technical approval.
Public Protection	No comments.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
County Ecologist	1) The plans as submitted do not show a clear 15m buffer to ancient woodland habitats (not including gardens) and the Land Use Plan implies a garden boundary will immediately abut the ancient woodland to the west of the site. This must be amended so that it is clear from the start of the phased works how ancient woodland will be protected both during construction and occupation. The overall landscaping is acceptable at high level with more detail required by condition 2) No objection subject to conditions.
County Archaeologist	No objections to the proposed development on archaeological grounds. No archaeological work is recommended.
Countryside/ Rights Of Way	No objection subject to condition.
North Trees And Woodland Officer	No response received.
Affordable Housing	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	163
Number of Objections	12
Number of Support	0
Number of General Comments	2

Notices

Departure & PROW 30/4/21

Morpeth Herald 29th April 2021

Summary of Responses:

12 letters of objection have been received:

4 have been received from the same household which in summary set out the following concerns:

-The Environmental Impact Assessment for the Morpeth Northern bypass carried out in 2007 highlighted that "the Cotting Wood is a SNCI (site of nature conservation importance) as is the Howburn Wood". "The Cotting Wood is recorded as an ancient, semi natural woodland with a good field layer" and "Cotting Burn is a wildlife corridor in the Castle Morpeth Plan. A number of policies are listed which seek to protect biodiversity and ecological networks.

- A comparison of the original Arup master plan and the new proposed Ryder master plan leads to concerns-- The proposed Ryder plan shows a much narrower band of woodland and fails to respect the SNCI to the northwest boundary linking the woods and biodiversity area to the west along the northern tributary of the Cotting Burn to the land to the north and to the Howe Dene to the east.

-Similarly the Arup plan commits to a "green infrastructure circuit" across the northern boundary which would help connect the Howe Dene and Cotting Burn woodland areas from an ecological perspective. Critically the Arup plan shows this green edge in public open space on the opposite side of the roadway to the dwellings. The Ryder plan shows a much reduced band of woodland again with the drawing misleadingly indicating planting beyond the red line on third party land. It also has sections where the landscaping is contained within rear gardens which may well be removed by residents and ecological connectivity will be lost

-In the southern boundary, a key area of woodland is to be lost to SUDS ponds on the Ryder and Cundall proposals. Numerous houses are also to be built in an area that is recognised on the DEFRA plan as being of biodiversity importance.

-The Ryder proposal should not be showing a worsening of the environmental damage already approved on the Arup proposals.

-The Cundall Environmental Statement Addendum Revision C attached to the 21/01625 fails to recognise that since the Arup Environment Statement was produced in 2016, new developments have been completed in Fulbeck - notably Fulbeck Grange and Oaklands Park which now add further noise and dust sensitive uses close to the western boundary of the site.

-Paragraph 3.5.2 of the Cundall report notes that the Arup ES report recognised that "during construction dust and vehicle emissions may be a concern". Worryingly the Cundall Addendum report makes no attempt whatsoever to reassess the potential for noise and vibration impact on the changing context since 2016. No assessment of the impact on the new housing to the west has been undertaken and no assessment on other changes in traffic in the general area has been considered. -----There is no Construction Method Statement. Recommend that conditions are applied to any consent to control noise, vibration and dust mitigation measures and that construction hours are restricted to 8am-6pm Monday to Friday and no working on weekends or Bank Holidays to protect wildlife movement and residential amenity.

-There is also no recognition of the growing importance of health and well being within all planning policy.

-That conditions are attached-1)requiring the north western and northern landscape areas to be fenced off and planted prior to any works being commenced. 2)

Requiring a regular inspection of the fencing to the wildlife corridor to ensure that it is adequately maintained during the course of the construction of the whole site. 3)

That before any works are commenced, appropriate noise mitigation fences are erected along the western and southern edges of the site to offer protection to

neighbouring residents. 4) That the route of the proposed access road into the site from the northern bypass follows the natural dip in the landscape as indicated on the original Arup master plan so that noise from traffic accessing the site for the many years to come, is contained and does not unduly impact on the surrounding residential and landscaped areas.

In addition to the above objections the remaining 8 letters, which include a duplication of 1, in summary also raise the additional concerns:

-A number of recent housing developments has provided a large deal of noise and dust to the local area, and further developments will only add to this disruption.

-A wildlife corridor must be established prior to any construction works being undertaken.

Impact on trees and hedges

-Impact on wildlife.

-Impact on air pollution

-Link roads are included as part of the proposal. Z1 Road 1 and Z1 Road 2 which are clearly designed to give access to fields to the east and west of the Homes England site. To construct these roads is premature at best, as the Northumberland Local Plan prohibits the development of these sites until the next plan review (at the earliest).

-Provision of bus stops

- No direct links between housing and shop

-Masterplan does not contain design details, houses should be fitted for a low carbon future

- If however these links are to be created at this premature stage, it would be more appropriate if the Z1 Road 1 serving the land to the east of the SUDS pond came in from a route south of the SUDS pond or along the western edge of the pond so that the wide belt of landscaping on the north western edge of the overall site proposed in the Arup Master Plan can be retained. Homes England can readily afford to adapt their plans a little for the sake of wildlife and biodiversity. They could pay more respect to the green infrastructure proposals that were contained in the original Arup master plan.

-The Z1 Road 1, if it is to proceed, ought to be re-aligned to remain as far as possible from the wide belt of landscaping on the north western edge of the overall site as proposed in the Arup Master Plan.

1 letter with general comments has been submitted which raises comments regarding construction traffic and if the following can be taken into account:

-Construction of the road and housing commences at the Northern Bypass end of the site and all heavy wagons and workers vehicles access the site via this entrance and not via St Georges Drive.

- Construction hours should be not earlier than 8.00 am and not after 5.00 pm Monday to Friday with no weekend or evening working. This should include wagons delivering to the site. No delivery wagons should arrive or depart outside working hours.

-All adjacent residents should be issued with working hours details and also a Council Contact number so that breaches of delivery/working hours can be reported.

-The site should be hosed regularly in dry weather to minimise dust and dirt travelling to neighbouring properties.

-The depots for this site should be away from existing properties and sited near the northern bypass.

1 further letter with general comments has been received;

The King Edward VI School is located on the southern boundary of this development; the main access route for vehicles to the school is currently through the middle of Morpeth via narrow, busy streets that are often overloaded with young people walking to and from school. The school has requested that the council and developers take this opportunity to link the transport connection for the housing estate to the rear of the school. This would remove traffic congestion and road safety risks from the town and create a safer alternate entrance to the school. This improves safety and congestion within the town also making it a more attractive place to live.

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=QRUOY2QSFV700>

6. Planning Policy

6.1 Development Plan Policy

Morpeth Neighbourhood Plan (May 2016)

Policy Sus1 Sustainable Development Principles

Policy Des1 Design Principles

Policy Set1 Settlement Boundaries

Policy Env1 Landscape and Wildlife Corridors

Policy Her1 Safeguarding Heritage Assets

Policy Emp 1 Morpeth Town Centre Strategy

Policy Emp2 Development within Morpeth Town Centre

Policy Hou1 Housing Development

Policy Hou2 St. George's Hospital , Morpeth

Policy Hou3 Housing Mix

Policy Hou4 Delivering Affordable Housing

Policy Hou5 Infrastructure Serving Housing Developments

Policy Tra2 Traffic Congestion

Policy Tra3 Transport Requirement for New Developments

Policy Tra4 Development of Footpath and Cycleway Networks

Policy Tra5 Public Transport

Policy Inf1 Flooding and Sustainable Drainage

Policy Edu1 Expansion of Schools

Castle Morpeth District Local Plan (2003)

C1 Settlement boundaries

C11 Protected Species

C15 Trees in the countryside and urban areas

H1 Housing land supply

H2 Phasing

H15 New housing developments

RE5 Surface water run-off and flood defences

RE6 Service infrastructure

RE8 Contaminated Land

MC1 Settlement boundary

MH1 Housing: land supply
MT1 A1/South East Northumberland Link Road

6.2 National Planning Policy

National Planning Policy Framework 2021
National Planning Policy Guidance (updated 2014)
National Design Guide

6.3 Emerging Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)

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 6 Green Infrastructure
Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)
Policy STP 8 Development in the Green Belt (Strategic Policy)
Policy HOU 1 Making the best use of existing buildings (Strategic Policy)
Policy HOU 2 Provision of new residential development (Strategic Policy)
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
Policy HOU4 Housing development site allocations
Policy HOU 5 Housing types and mix
Policy HOU 6 Affordable Housing provision
Policy HOU 8 Residential Development in the open countryside
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ICT 2 New developments and infrastructure alignment
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity
Policy ENV 3 Landscape
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 3 Flooding
Policy WAT 4 Sustainable Drainage Systems
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality
Policy INF1 Delivering development related infrastructure (Strategic Policy)
Policy INF6 Planning Obligations

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the [neighbourhood plan, core strategy, Local Plan, Structure Plan S5] as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 The main issues for consideration in the determination of this application are:

Principle of the development and other considerations
Scale, Layout, appearance and landscaping
Highways
Drainage and Flood Risk
Archaeology
Impact on Ecology
Residential Amenity
Other

Principle of the development and other considerations

7.5 A 'Hybrid planning application comprising: Detailed application for construction of link road and junction to connect to Morpeth Northern Bypass. Outline application for development of up to 875no. dwellings (C3), local centre (A1, A2, A3, A4, A5, D1, D2, B1), restaurant/public house (A3, A4) and associated open space, with all matters reserved except for site access,' (16/00994/fules) was approved on the 4/5/18. This was subject to conditions and a section 106 agreement. Condition 1 of the planning consent requires that the submission of the first reserved matters application be made before the expiration of 3 years of the date permission was granted. As the consent was granted on 4th May 2018, this requires a reserved matters application to be submitted by 4th May 2021. This reserved matters application has been submitted prior to this date and as such the original permission is extant. As such, the matters to be considered in respect of this

current reserved Matters application are the detailed matters of layout, appearance, scale, landscaping and access, in regard to the infrastructure phase of the development comprising the • SuDs ponds-Pond Plans and profiles, including engineering details show these would be located to the northwest, east, west and south of the site • Open space • Landscaping • Primary and secondary road network.

Scale, Layout, appearance and landscaping

7.6 The infrastructure proposed under this reserved matters will comprise the advanced primary infrastructure which will provide the spine road to enable access to the main development plots. This will have a length of approximately $\frac{3}{4}$ km. This will also include the Duck Pond and arrival landscape at the north comprising planted woodland covering a length of approximately 120m and of various depths given the irregularity of the boundary. It will also comprise 2 suds basins to the east of the site, the new Cotting Green attenuation basin landscape to the west of the site, and St George's Dene with its attenuation basins to the south. The suds basins will be of irregular shapes and different sizes. The primary infrastructure will be developed by the applicant. The phase one and phase three developers will provide the secondary infrastructure which includes the secondary roads which will create loops from the spine road and 2 suds ponds to the east of the site. No residential dwellings are proposed as part of this infrastructure phase.

7.7 The layout aligns with the revised masterplan closely to achieve a less heavily engineered and more organic character than the original hybrid masterplan scheme. The new spine road which will run through the centre of the site will be 6.75m wide and have a 30mph speed limit with a bus route. A 3m wide shared cycle and pedestrian path will be provided to both sides. The secondary roads will be 4.8m wide, have a 20mph speed limit and will have access off this to private drives and tertiary streets. A swale / rain garden will run along one side of this street capturing rainwater run off from the roads and they will incorporate naturalistic play areas. Adjacent to this will be a 3m wide shared cycle / footpath and separate 2.7m wide footpath. Whilst not included as part of these plans the pedestrian and cycle routes provided around the primary and secondary routes will connect to the greenways to provide safe off-road routes connecting homes to the local amenities. In terms of materiality, the primary spine road and shared pedestrian/cycle infrastructure will be designed to adoptable standards comprising asphalt with areas of differing materials to provide design interest and to contribute to traffic calming. Secondary streets will follow a similar approach and will also be to adoptable standards.

7.8 The application also includes a significant area of drainage infrastructure, which includes the swales and suds areas. Since the application was first submitted revisions have been made to improve basin shapes for better amenity space, enhanced biodiversity value and an improved sense of place. A revised Drainage Strategy and Flood Risk Assessment has also been submitted which removes the need to connect into the existing drainage connection within the Cottingburn and the design to the southern ponds has also been improved to reduce the impact on higher quality trees. The proposed duck pond and wider attenuation basins have been designed to create an attractive landscape in addition to providing functional rainwater attenuation capacities. Significant tree, hedge, and shrub planting is proposed as part of a network of greenways and green spaces with the layouts of

the suds basins show landscaping and planting around these areas and footpath/ cycle ways.

7.9 This application also includes the landscaped village green area and landscaped area to the north of the site comprising planted wood land, which will help balance against any biodiversity loss. It also includes a small part of the former Racecourse to the western part of the site, which will be kept as green space. It is also considered that these areas will contribute towards the visual amenity of the area and help towards creating the rural and village green character areas. This will conform to the aims of the revised master plan.

7.10 In terms of impact on landscaping and trees there are a number of grade A trees and high quality hedgerows on the Cottingwood site that are to be retained and form an important component of the site masterplan. These will be protected in line with BS 5837: 2012 Trees in relation to construction. Revisions have also been made to the road embankment in order to avoid a mature hedgerow to the western side of the site and based on feedback from local residents and consultees further work has been undertaken on the masterplan in terms of refinements to the landscape, ecology and connectivity including a buffer to the ancient woodland. The main difference however between this application and that approved is that now the the AIA now includes some tree removal for the SUDS ponds to the south east of the site. The County Ecologist has confirmed however that this area is not a habitat of principal importance and there are no objections to this removal. The AIA also sets out that tree loss will be mitigated against throughout the site, by the planting of approximately 2,000 trees. Planting is also proposed in this SUDS area and further tree planting and other landscape enhancing is dealt with via conditions attached to the outline permission.

7.11 Overall, it is considered that the scale, layout, appearance and landscaping is considered to be acceptable. The layout adheres to the revised masterplan closely and helps achieve a less heavily engineered and more organic character. The design draws upon the character of the site and the context of its surroundings and location within Northumberland. The proposal respects the rural and green character of the site and responds to the landscape context of the site by protecting and maintaining substantial landscaped areas and greenways and incorporating new greenways such as green swales and new areas of planting. Where there is any loss of habitat this is also mitigated against. It is therefore considered that with mitigation, the proposal would also have an acceptable impact on the landscape. In this respect the proposal is therefore considered to be in line with Morpeth Neighbourhood Plan (MNP) Policies Des 1 and ENV1, Policies MC2 and C15 of the Castle Morpeth District Local Plan and the NPPF. It will also accord with the National Design Code and emerging plan policies QOP1 and QOP2 (little weight given), STP6 (can be given little weight) and QOP4 (can be given significant weight), ENV1 (little weight can be given) and ENV 3 (significant weight can be given).

Highways

7.12 Whilst this application duplicates details of the spine road which full consent is sought under the 21/01619/varyco application, this reserved matters also includes details of the secondary roads with adjacent paths/ cycle ways and swales, as described in the previous section. In essence this again aligns with the revised

masterplan, under 21/01619/varyco very closely to achieve a less heavily engineered and more organic character than the original hybrid masterplan scheme.

7.13 The Highway Authority have assessed the application and state that 'The applicant has submitted for reserved matters relating to access, appearance, landscaping, layout and scale. However, at this time the applicant has not submitted for technical approval of the highway access and associated internal roads. As such, whilst in principle there are no issues with discharging the reserved matters at this time, they would still be subject to securing a technical approval.' They further state 'For the avoidance of doubt, the discharge of the reserved matters provides no surety on a technical approval being granted for highways matters with the current suite of drawing submissions. It is though, possible to foresee that the applicant will be able to deliver, with the scale of the site available, a satisfactory scheme that can secure technical approval.' Given these comments it is therefore considered that the proposal would be acceptable in highways terms, in accordance with in accordance with MNP Policies Tra 2,3,4,5, the NPPF and emerging plan policies Tra 1 (limited weight can be given), 2 (little weight can be given),4 (limited weight can be given).

Drainage and Flood Risk

7.14 This reserved matters includes details of the primary surface water drainage infrastructure. A revised Drainage Strategy and Flood Risk Assessment has been submitted which removes the need to connect into the existing drainage connection within the Cottingburn. As such various details have been submitted with this application including engineering plans, SuDs Pond Plans and profiles, which would be located to the northwest, east, west and southern end of the site, details of swales, cross sections, and flood risk assessment. The LLFA have therefore been consulted as part of this application and after the submission of further information, now raise no objections to this current application subject to the drainage documents listed in the approved plans being replaced. As such the proposal continues to be in acceptable in terms of surface water drainage and flood risk, in accordance with MNP Policy Inf 1, Local Plan Policy RE5, the NPPF and emerging plan policies Wat 3 (limited weight) and Wat 4 (significant weight).

Archaeology

7.15 The County Archaeologist has been reconsulted and has stated that 'The preceding application on this site (16/00994/FULES) was supported by a phased programme of archaeological work comprising desk-based assessment, geophysical survey and evaluation trenches. The present application includes copies of the geophysical survey and archaeological evaluation reports. The evaluation report notes that archaeological remains were identified in a minority of trenches. Of those trenches that were found to contain archaeological remains, none were considered to be significant. Most were interpreted as the remains of previous agricultural activity. Noting the results of the evaluation exercise, the potential for significant archaeological remains to be damaged or disturbed by the proposed development is considered to be low. There are therefore no objections to the proposed development on archaeological grounds.' Given these comments it is therefore considered that the proposed works would not have any detrimental impact on archaeological remains, in accordance with the NPPF in this respect and with MNP Policy HER1 and emerging plan policy ENV1 (little weight can be given).

Impact on Ecology

7.16 The County Ecologist has been consulted given the potential for the proposed infrastructure to impact on biodiversity. Whilst the County Ecologist originally objected to the proposal further information has been submitted in the form of an AIA and revisions have also been made to the embankment layout next to the spine road close to the northern entrance from the by pass, which now demonstrates that the impact on the high quality habitat in the form of the main hedgerow have been reduced significantly. In addition, mammal tunnels and fencing have been added to the design to facilitate unimpeded mammal access under the road and into existing and new habitat features.

7.17 The County Ecologist now comments 'The applicant has provided further detail in the plans Northern Arrival (COTT-RYD_00_XX-DRL-2129 revision P1) All Zones Engineering Layout GA (COT-CDL-Z0-00-DR-C-0006) and Zone 1 Engineering Layout (COT-CDL-z1-00-DR-C-001) which demonstrate that impacts on this habitat have been reduced significantly.' The requirements for protective measures for retained trees and hedgerows are clearly annotated on the plan Northern Arrival (COTT-RYD_00_XX-DR-L-2129 revision P1) and adequate mitigation measures are described in the Ecological Impact Assessment Report. For part of the site the report St George's Hospital (Former Boilerhouse Area) Morpeth Arboricultural Impact Assessment July 2021 (The Environment Partnership, October 2021) provides detailed measures to protect trees. The E3 report updates those submitted in 2016 namely Environmental Statement Biodiversity Appendix 6 , Ornithology Environmental Statement Addendum (ref: HCA/Rep/ES/Add Issue, September 2016, Arup), St Georges Hospital Morpeth Bat Activity Report 2016 – ES Addendum HCS_St.G_Bats 2016, Arup). Mitigation measures detailed in those reports are relevant to the whole site and must be included where they are not superseded by the E3 report. A Tree Protection Plan which may be presented via a CEMP is required by condition.' The County Ecologist concludes that she has no objection to the proposal subject to conditions that secure mitigation and enhance the development for biodiversity. These conditions are however proposed to be attached to permission 21/01619/varyco and as such do not need to be repeated under this permission. Given these comments it is considered that the proposal is considered to be acceptable in terms of impact upon biodiversity and is in accordance with Local Plan Policy C15, the NPPF and emerging policy ENV2 (little weight can be given).

Impact on residential amenity

7.18 In terms of impact on existing neighbouring residents whilst some concern has been raised with regard to impact from noise and dust which would mainly be from the construction period this was considered at the time of the original application and appropriate conditions were attached then. In addition further conditions are proposed to be attached to the 21/01619/vary co application which will further help protect the amenity of residents to the west and south. The proposed development is therefore considered to still be in accordance with NPPF, Policy H15 of the Castle Morpeth Local Plan, Policy Sus1 of the Morpeth Neighbourhood Plan and emerging plan policy Pol 2 (significant weight can be given) in this regard.

Other

7.19 Whilst a number of comments do not directly relate to this application, as the same comments have been duplicated by some objectors for all the applications submitted, the comments from neighbours have all nonetheless still been taken into

consideration in the determination of this application and the others, and where agreed necessary the plans have been revised. This includes a revision to include further tree planting and to the north of the site and further green infrastructure links. In addition comments refer to the addition of conditions that have already been attached to the outline permission and will not therefore need to be repeated on this permission which include the requirement for a construction method statement to be submitted that deals with dust control. A condition was also attached to the original consent and will be reattached to the 21/01619/varyco permission, which restricts working hours and so noise. Other conditions were considered, however, were not considered to pass the five tests of a condition which include being necessary to make the application acceptable. Under the 21/01619/varyco application conditions are also proposed to be attached which ask for details of screening along the western and southern boundary, in order to help reduce impact on residents to this side of the development. The impact on wildlife and their habitats was also considered under the original application and again as part of this application.

7.20 In terms of the comments about Link Roads Z1 Road 1 and Z1 Road 2, the revisions to the Master Plan do not now show these potential links and only access to dwellings on the site. With regard to comments regarding vehicular access to the High School, this has deliberately not been considered so to promote Green / sustainable modes of transport such as walking and cycling to the school. This would also encourage car use and create highway capacity issues, on Cottingwood Lane, especially if people use the spine road to cut through into Morpeth Town Centre. In addition further to Morpeth Town Councils comments the plans show that there will be a bus gate entrance from the eastern end of the spine road to Dark lane which will prevent cars using this access. Details of this will be agreed through the Highways technical drawings application stage. As such there is then no requirement for a condition which prevents houses from being occupied until a roundabout is constructed (signalised junction instead). In addition at the technical approval stage carriage ways are checked to ensure that they are suitable for buses and as such bus operators do not need to be consulted. There are design standards for carriageway widths and published guidance from bus operators that Highways would adhere to. Plans also show there will be green links to the school and pedestrian / cycle access and coming out of the site to the north which will be addressed within the delivery of the proposals. As the principle has already been established and housing figures have not changed from the original permission which is extant there is no need to carry out an analysis of traffic too. Regarding the road network giving northern access to King Edward VI School (KEVI) enabling the school to expand alongside the development whilst the comments are noted, they fall outside the scope of this application.

7.21 The comments regarding community facilities by the Town Council, are noted, however full details of facilities will be submitted under the reserved matters application. In terms of Education contributions, the section 106 contribution is to be used towards the provision of primary and secondary school education in the parish of Morpeth. Whilst the Master Plan doesn't show an indicative site for a first school now as it did previously, the applicant has stated given the way the site has been parcelled, there are a number of zones around the centre of the site that could accommodate a school if this is required, so the revised masterplan does not preclude the development of a school on the site.

7.22 Regarding the Town Councils request for a condition to restrict development until a direct pipeline across the river to the sewage treatment works at Parish Haugh

is in place, this would not pass the tests of a condition as it's not required to make the application acceptable and is not requested by the LLFA who have considered flood risk. The applicants agent expects fibre optic broadband will also be installed. In response to the Town Councils comments on surface water, the LLFA have commented that 'proposals for surface water drainage seek to mimic existing natural surface water catchments. The catchment which currently flows to the Cotting Burn, will remain. As such, no additional areas post-development will flow into this catchment. Within this catchment, the existing greenfield runoff rate has been calculated and post-development this rate will be discharged back into the Cotting Burn and its tributaries. On site attenuation and sustainable drainage systems (SuDS) will ensure that this occurs. We are aware of the recent flood alleviation schemes within Morpeth and the proposed measures will ensure that the risk of flooding to these areas does not increase as a result of development.'

7.23 Regarding How Burn Woods, Cotting Woods, and Cotting Burn buffer zone the County Ecologist has also been consulted under this application and revisions have been made to provide wider buffer zones to protect Howburn Woods and further tree planting around the site. The County Ecologist is now satisfied with these works proposed. Private gardens will also not be included as part of the buffer zone. Final details of layout will also be submitted under the reserved matters applications, although from the Master Plan it does not appear that houses are proposed east of the roads bordering the How Burn wood or north west of the roads bordering the Cotting Wood. The Town Council will also have the opportunity to comment on the reserved matters application. Pedestrian access will also be maintained to the greenways from outside the site. The applicant also proposes paths and cycle ways through or next to greenways. Detailed design of the racecourse area will also be submitted as part of later reserved matters, the majority of the racecourse area that falls within the boundary will be kept as a green space allowing the feel of the racecourse to be maintained and the presence of a cycle / pedestrian route through part of it helps to retain the understanding of this as a feature on the site. The reserved matters applications will seek to balance need for pedestrian / cycle access and some homezones.

7.24 In terms of the Town Councils commitment to reducing carbon emissions, the NPPF refers the reader to the National Design Code which outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. This includes reference to the three tier energy hierarchy under Resources, which developers should follow to help towards the reduction in carbon emissions. It would be reasonable to add an informative to remind the applicant to follow this guidance in the preparation of reserved matters plans. This will be added to the 21/01619/varyco permission.

7.25 In terms of Affordable Housing the section 106 drawn up under the original application remains in force for this application, as the number of dwellings has not changed. The phase plan attached to the section 106 is different to the phase plan submitted. The applicant has been made aware of this although currently does not wish to change this but expects they may do in future through a deed of variation on the s106 so that the correct phasing plan is tied into that.

7.26 In terms of ongoing construction the Council can not prevent developers submitting variations to applications but if they wanted to do anything contrary to the master plan then they would need to submit a variation to change this. This current application gives developers more stringent guidelines to follow which help give it

more identity than before. The applicants agent has also confirmed that land sales will be managed by Homes England who will be looking at a combination of financial return, compliance with the master plan framework and the design code which will be put forward for approval before any residential reserved matters in line with the conditions. The Council will also have the Masterplan framework and the design code to assess applications upon and will be able to use this for any that are not considered to satisfy the requirements to negotiate improvements or if needs be refuse the approval of reserved matters.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

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

8. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

1) The development hereby permitted shall not be carried out other than in complete accordance with the detail contained within the application form, and the following approved plans unless alternative details are approved as a non-material amendment or in accordance with other conditions attached to this permission:

- Design Log COT-CDL-Z0-00-DC-C-0001 P01
- · Scheme and Zonal Layout COT-CDL-Z0-00-DR-C-0001 P05
- · Location Plan COT-CDL-Z0-00-DR-C-0002 P05
- · Typical Highway Sections COT-CDL-Z0-00-DR-C-0003 P01
- · Typical Highway Sections COT-CDL-Z0-00-DR-C-0004 P01
- · Engineering Layout GA COT-CDL-Z0-00-DR-C-0006 P07
- · Cross-Sections Plan COT-CDL-Z0-01-DR-C-0103 P01
- · Cross-Sections Sheet 1 of 37 COT-CDL-Z0-01-DR-C-0104 P01
- · Cross-Sections Sheet 2 of 37 COT-CDL-Z0-01-DR-C-0105 P01
- · Cross-Sections Sheet 3 of 37 COT-CDL-Z0-01-DR-C-0106 P01
- · Cross-Sections Sheet 4 of 37 COT-CDL-Z0-01-DR-C-0107 P01
- · Cross-Sections Sheet 5 of 37 COT-CDL-Z0-01-DR-C-0108 P01
- · Cross-Sections Sheet 6 of 37 COT-CDL-Z0-01-DR-C-0109 P01
- · Cross-Sections Sheet 7 of 37 COT-CDL-Z0-01-DR-C-0110 P01
- · Cross-Sections Sheet 8 of 37 COT-CDL-Z0-01-DR-C-0111 P01
- · Cross-Sections Sheet 9 of 37 COT-CDL-Z0-01-DR-C-0112 P01
- · Cross-Sections Sheet 10 of 37 COT-CDL-Z0-01-DR-C-0113 P01
- · Cross-Sections Sheet 11 of 37 COT-CDL-Z0-01-DR-C-0114 P01
- · Cross-Sections Sheet 12 of 37 COT-CDL-Z0-01-DR-C-0115 P01
- · Cross-Sections Sheet 13 of 37 COT-CDL-Z0-01-DR-C-0116 P01
- · Cross-Sections Sheet 14 of 37 COT-CDL-Z0-01-DR-C-0117 P01
- · Cross-Sections Sheet 15 of 37 COT-CDL-Z0-01-DR-C-0118 P01
- · Cross-Sections Sheet 16 of 37 COT-CDL-Z0-01-DR-C-0119 P01
- · Cross-Sections Sheet 17 of 37 COT-CDL-Z0-01-DR-C-0120 P01
- · Cross-Sections Sheet 18 of 37 COT-CDL-Z0-01-DR-C-0121 P01
- · Cross-Sections Sheet 19 of 37 COT-CDL-Z0-01-DR-C-0122 P01
- · Cross-Sections Sheet 20 of 37 COT-CDL-Z0-01-DR-C-0123 P01
- · Cross-Sections Sheet 21 of 37 COT-CDL-Z0-01-DR-C-0124 P01
- · Cross-Sections Sheet 22 of 37 COT-CDL-Z0-01-DR-C-0125 P01
- · Cross-Sections Sheet 23 of 37 COT-CDL-Z0-01-DR-C-0126 P01
- · Cross-Sections Sheet 24 of 37 COT-CDL-Z0-01-DR-C-0127 P01
- · Cross-Sections Sheet 25 of 37 COT-CDL-Z0-01-DR-C-0128 P01
- · Cross-Sections Sheet 26 of 37 COT-CDL-Z0-01-DR-C-0129 P01
- · Cross-Sections Sheet 27 of 37 COT-CDL-Z0-01-DR-C-0130 P01
- · Cross-Sections Sheet 28 of 37 COT-CDL-Z0-01-DR-C-0131 P01
- · Cross-Sections Sheet 29 of 37 COT-CDL-Z0-01-DR-C-0132 P01
- · Cross-Sections Sheet 30 of 37 COT-CDL-Z0-01-DR-C-0133 P01
- · Cross-Sections Sheet 31 of 37 COT-CDL-Z0-01-DR-C-0134 P01

- · Cross-Sections Sheet 32 of 37 COT-CDL-Z0-01-DR-C-0135 P01
- · Cross-Sections Sheet 33 of 37 COT-CDL-Z0-01-DR-C-0136 P01
- · Cross-Sections Sheet 34 of 37 COT-CDL-Z0-01-DR-C-0137 P01
- · Cross-Sections Sheet 35 of 37 COT-CDL-Z0-01-DR-C-0138 P01
- · Cross-Sections Sheet 36 of 37 COT-CDL-Z0-01-DR-C-0139 P01
- · Cross-Sections Sheet 37 of 37 COT-CDL-Z0-01-DR-C-0140 P01
- · Longsections Sheet 1 COT-CDL-Z0-01-DR-C-0141 P01
- · Longsections Sheet 2 COT-CDL-Z0-01-DR-C-0142 P01
- · Longsections Sheet 3 COT-CDL-Z0-01-DR-C-0143 P02
- · Longsections Sheet 4 COT-CDL-Z0-01-DR-C-0144 P01
- · Longsections Sheet 5 COT-CDL-Z0-01-DR-C-0145 P01
- · Longsections Sheet 6 COT-CDL-Z0-01-DR-C-0146 P01
- · Foul Strategy COT-CDL-Z0-05-DR-C-0530 P02
- · Flood Risk Assessment COT-CDL-Z0-05-RT-C-0502 P02
- · Drainage Strategy COT-CDL-Z0-05-RT-C-0503 P04
- · Z1 Engineering Layout Sheet 1 of 2 COT-CDL-Z1-00-DR-C-0001 P04
- · Z1 Engineering Layout Sheet 2 of 2 COT-CDL-Z1-00-DR-C-0002 P03
- · Z1 Vehicle Tracking Sheet 1 COT-CDL-Z1-00-DR-C-0005 P02
- · Z1 Grading Sheet 1 of 2 COT-CDL-Z1-01-DR-C-0101 P03
- · Z1 Grading Sheet 2 of 2 COT-CDL-Z1-01-DR-C-0102 P03
- · Z1 Proposed Drainage Sheet 1 of 2 COT-CDL-Z1-05-DR-C-0501 P04
- · Z1 Proposed Drainage Sheet 2 of 2 COT-CDL-Z1-05-DR-C-0502 P03
- · Zone 1 & 3 Combined Microdrainage Model COT-CDL-Z13-05-MD-C-0501 P02
- · Z2 Engineering Layout Sheet 1 of 2 COT-CDL-Z2-00-DR-C-0001 P04
- · Z2 Engineering Layout Sheet 2 of 2 COT-CDL-Z2-00-DR-C-0002 P01
- · Z2 Vehicle Tracking Sheet 1 COT-CDL-Z2-00-DR-C-0005 P01
- · Z2 Grading Sheet 1 of 2 COT-CDL-Z2-01-DR-C-0101 P04
- · Z2 Grading Sheet 2 of 2 COT-CDL-Z2-01-DR-C-0102 P01
- · Z2 Proposed Drainage Sheet 1 of 2 COT-CDL-Z2-05-DR-C-0501 P04
- · Z2 Proposed Drainage Sheet 2 of 2 COT-CDL-Z2-05-DR-C-0502 P03
- · Zone 2 MicroDrainage Model COT-CDL-Z2-05-MD-C-0501 P01
- · Z3 Engineering Layout Sheet 1 of 2 COT-CDL-Z3-00-DR-C-0001 P03
- · Z3 Engineering Layout Sheet 2 of 2 COT-CDL-Z3-00-DR-C-0002 P01
- · Z3 Vehicle Tracking Sheet 1 of 2 COT-CDL-Z3-00-DR-C-0005 P01
- · Z3 Vehicle Tracking Sheet 2 of 2 COT-CDL-Z3-00-DR-C-0006 P01
- · Z3 Grading Sheet 1 of 2 COT-CDL-Z3-01-DR-C-0101 P03
- · Z3 Grading Sheet 2 of 2 COT-CDL-Z3-01-DR-C-0102 P01
- · Temporary Bowling Club Access COT-CDL-Z3-01-DR-C-0110 P01
- · Z3 Proposed Drainage Sheet 1 of 2 COT-CDL-Z3-05-DR-C-0501 P04
- · Z3 Proposed Drainage Sheet 2 of 2 COT-CDL-Z3-05-DR-C-0502 P03
- · Z4 Engineering Layout Sheet 1 of 2 COT-CDL-Z4-00-DR-C-0001 P04
- · Z4 Engineering Layout Sheet 2 of 2 COT-CDL-Z4-00-DR-C-0002 P01
- · Z4 Vehicle Tracking Sheet 1 of 2 COT-CDL-Z4-00-DR-C-0005 P01
- · Z4 Vehicle Tracking Sheet 2 of 2 COT-CDL-Z4-00-DR-C-0006 P01
- · Z4 Grading Sheet 1 of 2 COT-CDL-Z4-01-DR-C-0101 P03
- · Z4 Grading Sheet 2 of 2 COT-CDL-Z4-01-DR-C-0102 P01
- · Z4 Proposed Drainage Sheet 1 of 2 COT-CDL-Z4-05-DR-C-0501 P03
- · Z4 Proposed Drainage Sheet 2 of 2 COT-CDL-Z4-05-DR-C-0502 P03
- · Zone 4 MicroDrainage Model COT-CDL-Z4-05-MD-C-0501 P01

- · Land Use Plan COTT-RYD-00-XX-DR-L-1100-S2 P3
- · Character Area Plan COTT-RYD-00-XX-DR-L-1101-S2 P3
- · Movement and Access Strategy Plan COTT-RYD-00-XX-DR-L-1102-S2 P3
- · Phasing Plan COTT-RYD-00-XX-DR-L-1102-S2 P3
- · Site_Masterplan COTT-RYD-00-XX-DR-L-2100-S2 P11
- · Arrival Landscape Layout Plan1 COTT-RYD-00-XX-DR-L-2110-S2 P1
- · Arrival Landscape Layout Plan2 COTT-RYD-00-XX-DR-L-2111-S2 P1
- · Village Green Layout Plan COTT-RYD-00-XX-DR-L-2113-S2 P1
- · How Green Layout Plan1 COTT-RYD-00-XX-DR-L-2115-S2 P1
- · How Green Layout Plan2 COTT-RYD-00-XX-DR-L-2116-S2 P2
- · Cotting Green Layout Plan COTT-RYD-00-XX-DR-L-2117-S2 P1
- · Southern Green Layout COTT-RYD-00-XX-DR-L-2118-S2 P4
- · Tree Protection Plan COTT-RYD-00-XX-DR-L-2900-S2 P1
- · Masterplan_Framework_Document COTT-RYD-00-XX-RP-A-0002-S2 P10
- · Ecological Impact Assessment 6594 Ecol R03
- · Environmental Impact Assessment (Addendum) 1025963-PG01-RPT-ES Addendum Rev D
- · Planning Statement 1025963-PG01-RPT-Planning statement Rev E
- · Arboricultural Impact Assessment 7500.Arb.StG.002 Version 1.0
- Secondary Street Swale Layout1 COTT-RYD-00-XX-DR-L-2121-S2 P1
- Secondary Street Swale Layout 2 COTT-RYD-00-XX-DR-L-2122-S2P1
- Secondary Street Swale Layout 3 COTT-RYD-00-XX-DR-L-2123-S2 P1
- Western Secondary Street Swale Layout 1 COTT-RYD-00-XX-DR-L-2125-S2 P1
- Western Secondary Street Swale Layout 2 COTT-RYD-00-XX-DR-L-2126-S2 P1

- Sections sheet 1 COTT-RYD-00-XX-DR-L-2700-S2 P3
- Sections sheet 2 COTT-RYD-00-XX-DR-L-2701-S2 P3
- Sections sheet 3 COTT-RYD-00-XX-DR-L-2702-S2 P3
- Sections Sheet 4 COTT-RYD-00-XX-DR-L-2703-S2 P3
- Sections Sheet 5 COTT-RYD-00-XX-DR-L- 2704-S2 P2

- COT-CDL-Z0-05-RT-C-0502-P02 - FLOOD RISK ASSESSMENT
- COT-CDL-Z0-05-RT-C-0503-P04 - DRAINAGE STRATEGY
- COT-CDL-Z0-05-DR-C-0501-P02 - EXISTING & PROPOSED SW CATCHMENTS COT-CDL-Z1-05-DR-C-0501-P04 - Z1 PROPOSED DRAINAGE
- COT-CDL-Z1-05-DR-C-0502-P03 - Z1 PROPOSED DRAINAGE
- COT-CDL-Z0-05-DR-C-0541-P02-POND PLAN AND PROFILES Z1 CAT 1
- COT-CDL-Z0-05-DR-C-0542-P03-POND PLAN AND PROFILES Z2 CAT 3 1OF2 COT-CDL-Z0-05-DR-C-0543-P03-POND PLAN AND PROFILES Z2 CAT 3 2OF2 COT-CDL-Z2-05-DR-C-0501-P04-Z2 PROPOSED DRAINAGE SHEET 1 OF 2 2 COT-CDL-Z2-05-DR-C-0502-P03-Z2 PROPOSED DRAINAGE 2OF2
- COT-CDL-Z0-05-DR-C-0544-P03-POND PLAN AND PROFILES Z3 CAT 2
- COT-CDL-Z3-05-DR-C-0501-P04-Z3 PROPOSED DRAINAGE 1OF2
- COT-CDL-Z3-05-DR-C-0502-P03-Z3 PROPOSED DRAINAGE 2OF2
- COT-CDL-Z0-05-DR-C-0545-P03-POND PLAN AND PROFILES Z4 CAT 4 1OF2 COT-CDL-Z0-05-DR-C-0546-P03-POND PLAN AND PROFILES Z4

CAT 4 2OF2 COT-CDL-Z4-05-DR-C-0501-P03-Z4 PROPOSED DRAINAGE 1OF2

- COT-CDL-Z4-05-DR-C-0502-P03-Z4 PROPOSED DRAINAGE 2OF2
- A. ROAD DESIGN TO MINIMISE HEDGE LOSS
- ZONE 1 PROPOSED CULVERT AND MAMMAL TUNNEL LOCATIONS COT-CDL-Z0-00-SK-C-0005
- Northern Arrival (COTT-RYD_00_XX-DRL-2129 revision P1
- All Zones Engineering Layout GA (COT-CDL-Z0-00-DR-C-0006) P07
- Zone 1 Engineering Layout (COT-CDL-z1-00-DR-C-001) rev P04
- Proposed culvert- COT-CDL-Z0-05-DR-C-0540 P01

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

2) Prior to the instalment of any play equipment, full details and location of any play areas and play equipment including naturalistic play equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be developed in accordance with these approved details before first use/of the phase

Reason: In the interests of protecting the visual amenity of the site. In accordance with the NPPF.

3)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. ii)Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: to conserve and enhance the local population of a UK priority species. In accordance with Local Plan Policy C11.

Informative:

1) The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

Date of Report:

Authorised by:

Date:

Background Papers: Planning application file(s) 21/01625/REM