

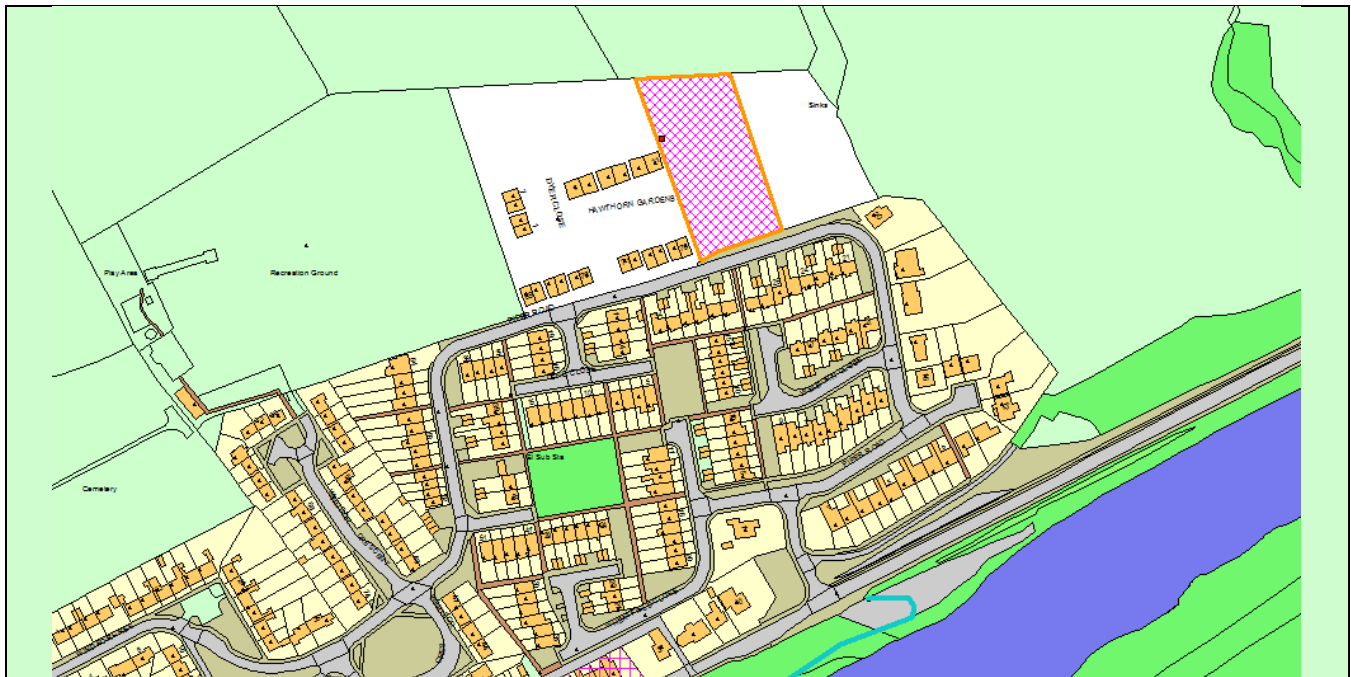


# Northumberland County Council

## Tynedale Local Area Council Planning Committee 15 February 2022

|                              |                                                                                                                                                                                   |                     |                  |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|
| <b>Application No:</b>       | 20/03425/FUL                                                                                                                                                                      |                     |                  |
| <b>Proposal:</b>             | Development of 9 no. residential dwellings (100% affordable) including associated access, car parking, landscaping and all other ancillary works (amended layout and housing mix) |                     |                  |
| <b>Site Address</b>          | Land North of Piper Road, Piper Road, Ovingham, Northumberland                                                                                                                    |                     |                  |
| <b>Applicant:</b>            | Miss Shona Ferguson,<br>Northumberland Estates,<br>Estates Office, Alnwick<br>Castle, Alnwick, NE66<br>1NQ                                                                        | <b>Agent:</b>       | None             |
| <b>Ward</b>                  | Bywell                                                                                                                                                                            | <b>Parish</b>       | Ovingham         |
| <b>Valid Date:</b>           | 15 October 2020                                                                                                                                                                   | <b>Expiry Date:</b> | 28 February 2021 |
| <b>Case Officer Details:</b> | Name: Mr Neil Armstrong<br>Job Title: Principal Planning Officer<br>Tel No: 01670 622697<br>Email: neil.armstrong@northumberland.gov.uk                                           |                     |                  |

**Recommendation:** That this application be GRANTED subject to completion of a Section 106 Agreement



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

## 1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due to objections received from Ovingham Parish Council and local residents. It was agreed that the application raises issues of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

## 2. Description of the Proposals

2.1 Full planning permission is sought for the construction of nine new affordable dwellings along with associated access and infrastructure on land to the north of Piper Road, which is located to the north of Ovingham. The submitted plans propose the following mix:

- 6 x two-bedroom bungalows
- 2 x two-bedroom dwellings
- 1 x four-bedroom dwelling

2.2 The site area is approximately 0.31 hectares and is currently in agricultural use. It is a greenfield site directly adjoining, but outside of, the built-up area of Ovingham and is within the Green Belt. The site is bound:

- to the north by agricultural land;
- to the east by agricultural land;
- to the south by residential dwellings on Piper Road and a largely built-up area of housing with the River Tyne approximately 0.25km beyond; and
- to the immediate west by recently constructed affordable housing at Piper Road, Hawthorn Gardens and Dyer Close with the recreation ground beyond.

2.3 The proposals would essentially form an extension of the existing recent housing development of 22 affordable properties that have been constructed to the west and vehicular access to the new site would be taken from this. Those properties were constructed under planning permission 15/00808/FUL, which followed the original grant of permission for 20 affordable properties permitted under 12/03579/FUL. The development was considered to be an exception to inappropriate development in the Green Belt on the basis of being a limited form of affordable housing provision, and which was secured as such through a Section 106 agreement.

2.4 The proposals have been amended during the course of the application in order to revise the proposed housing mix following discussions with officers in relation to the identified affordable housing need in the area. In terms of tenure the applicant is proposing a mix of six units for affordable rent, comprising 5 x two-bedroom bungalows and 1 x four-bedroom house, with the remaining three units being home ownership products.

## 3. Planning History

**Reference Number:** 12/03579/FUL

**Description:** Proposed residential development comprising of 20 affordable dwelling units with associated landscaping and infrastructure (100% affordable housing development amended 11.07.2014)

**Status:** Permitted

**Reference Number:** 15/00808/FUL

**Description:** Erection of 22 no affordable dwellings along with necessary associated infrastructure works (Certificate B received)

**Status:** Permitted

**Reference Number:** 17/00918/DISCON

**Description:** Discharge of conditions 2 (approved plans) 3 (pre-commencement archaeology) 4-7 (drainage) 8 (adherence to ecology survey) 9 (adherence to pollution guidance) 10 (pre-commencement landscaping) 11 (pre-commencement SUDS pond) 12 (pre-commencement construction plan) 13 (pre occupation parking) 14 (details of roadworks) 15 (damage to highway) 16 (dropped kerbs) 17 (sample materials) 18 (coal mining risk assessment) and 19 (contamination) on approved planning application 15/00808/FUL.

**Status:** Partial consent/refusal

#### 4. Consultee Responses

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ovingham Parish Council           | <p><u>November 2020</u></p> <p>Objects – refers to need to address matters identified as part of previous application for housing to the west of the site (12/03579/FUL) in relation to flooding and drainage; foul sewerage; ecology; and development in the Green Belt. Queries the supporting evidence of housing needs survey Suggests conditions that will be required in the event that permission is granted.</p> <p><u>February 2021</u></p> <p>Further comments and objection provided in response to submission of the applicant's housing needs survey. The submitted documents do not support the view that the only suitable location for an additional 9 houses is in Ovingham and object on that basis. Reiterate comments made in relation to development in the Green Belt; ecology and loss of hedgerow; site compound; foul and surface water drainage; and objections raised by residents in relation to site levels and impacts on existing properties.</p> <p><u>August 2021</u></p> <p>Further comments in response to alterations to house types and site layout. Reiterate objections made in previous comments and support for objections raised by residents.</p> |
| Highways                          | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| County Ecologist                  | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Lead Local Flood Authority (LLFA) | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Public Protection                 | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| County Archaeologist              | No objection subject to condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Waste Management - West           | No response received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                        |                                     |
|------------------------|-------------------------------------|
| The Coal Authority     | No objection                        |
| Northumbrian Water Ltd | No objection subject to conditions. |

## 5. Public Responses

### Neighbour Notification

|                               |    |
|-------------------------------|----|
| Number of Neighbours Notified | 92 |
| Number of Objections          | 12 |
| Number of Support             | 0  |
| Number of General Comments    | 0  |

### Notices

General site notice: 2 November 2020  
No press notice required.

### Summary of Responses:

Objections have been received from 11 residents in the locality and also the CPRE, The Countryside Charity, that raise concerns in respect of the following matters:

- inappropriate development in the Green Belt and intrusion into countryside
- query need and evidence for further housing in this location
- proposed layout of housing and effects on visual amenity and longer-range views
- proposed materials
- loss of hedgerow and habitat, and effects on wildlife and ecological value of site
- additional traffic and effects on highway safety
- flood risk and foul and surface water drainage
- adverse effects on residential amenity and impacts during construction
- allocation of affordable housing for local needs
- potential for further development in this location and cumulative impacts
- impacts on local infrastructure and lack of amenities

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=QI75WKQSJG500>

## 6. Planning Policy

### 6.1 Development Plan Policy

Tynedale Local Plan (2000)

GD2 Design criteria  
GD4 Range of transport provision for all development  
GD6 Car parking standards outside the built-up areas  
NE7 New buildings in the Green Belt  
NE8 New dwellings in the Green Belt  
NE18 Protection of agricultural land  
NE27 Protection of Protected Species

NE33 Protection of trees, woodlands and hedgerows  
NE34 Tree felling  
NE37 Landscaping in developments  
BE28 Archaeological assessment  
H16 Community facilities and infrastructure requirements with new housing  
H23 Affordable rural housing exception sites  
H31 Public open space within housing areas  
H32 Residential design criteria  
LR11 Outdoor sports facilities for new developments  
LR14 Location and design of play areas  
LR15 Play areas in new residential developments  
CS19 Location of development either causing or adjacent to pollution sources  
CS21 Location of noise sensitive uses  
CS23 Development on contaminated land  
CS24 Development adjacent to or in vicinity of contaminated land

#### Tynedale LDF Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy  
GD2 Prioritising sites for development  
GD3 Green Belt  
GD4 Principles for transport  
GD5 Minimising flood risk  
GD6 Planning obligations  
BE1 Principles for the built environment  
NE1 Principles for the natural environment  
H1 Principles for housing  
H2 Housing land supply  
H3 Location of new housing  
H4 Housing on greenfield land  
H5 Housing density

#### 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)  
National Planning Practice Guidance (NPPG) (2018, as updated)

#### 6.3 Emerging Planning Policy

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

STP 1 Spatial strategy  
STP 2 Presumption in favour of sustainable development  
STP 3 Principles of sustainable development  
STP 4 Climate change mitigation and adaptation  
STP 5 Health and wellbeing  
STP 7 Strategic approach to the Green Belt  
HOU 2 Provision of new residential development  
HOU 5 Housing types and mix  
HOU 6 Affordable housing provision  
HOU 7 Exception sites  
HOU 8 Residential development in the open countryside  
HOU 9 Residential development management  
QOP 1 Design principles

QOP 2 Good design and amenity  
QOP 4 Landscaping and trees  
QOP 5 Sustainable design and construction  
QOP 6 Delivering well-designed places  
TRA 1 Promoting sustainable connections  
TRA 2 The effects of development on the road network  
TRA 4 Parking provision in new development  
ICT 2 New developments and infrastructure alignment  
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment  
ENV 2 Biodiversity and geodiversity  
ENV 3 Landscape  
ENV 7 Historic environment and heritage assets  
WAT 2 Water supply and sewerage  
WAT 3 Flooding  
WAT 4 Sustainable Drainage Systems  
POL 1 Unstable and contaminated land  
POL 2 Pollution and air, soil and water quality  
INF 1 Delivering development related infrastructure  
INF 2 Community services and facilities  
INF 5 Open space and facilities for sport and recreation  
INF 6 Planning obligations

#### 6.4 Other Documents/Strategies

- National Design Guide (2021)
- National Model Design Code (2021)
- Strategic Housing Land Availability Assessment (SHLAA) including Five-Year Housing Land Supply of Deliverable Sites (September 2019)
- Northumberland Strategic Housing Market Assessment (SHMA - 2015)
- Partial SHMA Update (2018)
- Housing Land Supply Position (January 2021)
- Supplementary Planning Document - New Housing: Planning Obligations for Sport and Play Facilities (March 2006)
- Tynedale Open Space, Sport and Recreation Strategy – Facilities for Children’s Play, Informal Open Space and Sports Facilities (updated January 2007)
- Green Belt Review 2015 – Addendum 2018

### **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 Tynedale Core Strategy (TCS) and the saved policies of the Tynedale Local Plan (TLP) as identified above. The National Planning Policy Framework (NPPF) (July 2021) 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) dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 Having regard to the assessment of the site, its constraints and the application proposals, as well as the responses received during the consultation period, the main issues for consideration are considered to include:

- principle of development
- landscape and visual impact
- residential amenity
- sustainable transport and highway safety
- ecology
- drainage and flood risk
- archaeology
- ground conditions
- Planning Obligations

#### Principle of Development

7.5 The site is located within the open countryside outside of the 'smaller village' of Ovingham as identified within the TCS. The TCS defines open countryside as everywhere outside the built-up area of a town or village. Policy GD1 of the TCS states that development in the open countryside will be limited to the re-use of existing buildings, whilst Policies H1 and H3 direct new build housing to more sustainable locations within main towns, local centres and smaller villages. It is acknowledged that Ovingham is deemed to be a generally sustainable location as a smaller village and the site is relatively well related to existing development. It has a range of services and facilities, public transport connections and is within walking distance of the railway links at Prudhoe to Newcastle, Carlisle and beyond.

7.6 Policy H4 of the TCS seeks to maximise the proportion of new housing on previously developed land, stating that housing on green field sites will not be permitted except in a limited number of circumstances, including that all of the dwellings are affordable, they would meet an identified local need for such housing and there is a lack of alternative previously developed sites.

7.7 Policy H7 of the TCS sets out the provision for meeting affordable housing needs. This includes meeting the need in the main towns, local centres and smaller villages that have an adequate range of services (as defined in Policy H3). This need will be met as locally as possible through ways including permitting affordable housing schemes as windfalls, including those on exception sites.

7.8 The site is located within the Green Belt and Policy NE7 of the TLP states that within the Green Belt, planning permission will only be granted for the construction of new buildings for identified purposes, including limited affordable housing for local community needs within existing settlements, subject to Policy H23 being satisfied.

Policy NE8 of the TLP states that there will be a presumption against the construction of new dwellings in the Green Belt.

7.9 Following on from this, Policy H23 of the TLP sets out a rural exception policy that states *“residential development will be allowed on land within or adjoining settlements with an adequate range of services and facilities where it is clearly demonstrated that there is an overriding local need for affordable housing which cannot be met in any other way, provided that:*

- (a) appropriate legal agreements (such as Section 106 obligations) are entered into to ensure that all dwellings provided will be, and will remain, available for occupancy by eligible local people at an affordable cost either to rent or buy and that proper management is guaranteed in the long term; and*
- (b) developments do not have any adverse impact on the character and/or appearance of settlements, their setting or the surrounding countryside; and*
- (c) it does not consist of a mixture of affordable housing and general market housing”.*

7.10 The most up-to-date Green Belt policy guidance is set out within the NPPF. Paragraph 137 states *“the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”* The Green Belt serves five purposes as identified within paragraph 138 of the NPPF, which are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.11 Paragraph 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 goes on to state that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

7.12 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although exceptions to this include:

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);*

7.13 Paragraph 78 of the NPPF refers specifically to exception sites stating *“in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs”*.

7.14 The NPPF defines rural exception sites as:



*Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.*

7.15 With regard to the emerging NLP, Ovingham is identified as a Service Village within draft Policy STP 1, which will accommodate employment, housing and services that maintains and strengthens their role. The hierarchy within the draft policy can be given significant weight at this time, although the rest only has little weight. The Service Villages sit below the Main Towns and Service Centres. The policy goes on to state that sustainable development will be supported within Green Belt inset boundaries and settlement boundaries defined on the Local Plan policies map. However, given that this site is within the open countryside as also defined in the NLP, Policy STP 1 criterion g. states that development will only be permitted if it can be demonstrated that it provides for residential development in accordance with draft Policies HOU 7 (exception sites) or HOU 8 (isolated residential development in the open countryside). At this time only limited and little weight can be given to Policies HOU 7 and HOU 8 respectively.

7.16 The emerging NLP makes provision for rural exception sites. These are intended to help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. In the context of the NPPF's definition of major development, small sites are considered to be less than 0.5 hectares in size or comprise less than 10 dwellings, which would apply in this case. Such sites are specifically for the purposes of providing affordable housing in perpetuity for households who are either current local residents or have an existing family or employment connection (e.g. essential local workers) to the particular area.

7.17 Part 2 of Policy HOU 7 in the NLP states that:

*The development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:*

- a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;*
- b. The affordable housing is secured in perpetuity through a Section 106 agreement;*
- c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and*
- d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.*

7.18 The emerging NLP does not propose to alter the Green Belt boundary in this location, and therefore the application site would remain within this designation if the Plan were subsequently adopted. Draft Policy STP 8 of the NLP currently has little weight but sets out the approach to development within the Green Belt, which includes that development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly

outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal. Furthermore, development that is not inappropriate in the Green Belt, as defined in national planning policy, will be supported.

7.19 Having regard to the above policy context, in order to be able to support the principle of development in such a location it will need to be clearly demonstrated that the proposals would deliver limited affordable housing for local community needs, and in the context of Policy H23 of the TLP, where it is clearly demonstrated that there is an overriding local need for affordable housing which cannot be met in any other way. The policy also requires that the development is on land within or adjoining the settlement and that it would not have any adverse impacts on the character and/or appearance of settlements, their setting or the surrounding countryside.

7.20 The case of *Robb v South Cambridgeshire District Council* [2017] addressed the issue of limited affordable housing within the Green Belt and a requirement to comply with local plan policies. Ouseley J accepted the claimant's interpretation of Paragraph 89 of the NPPF that was relevant at the time (albeit with similar wording to paragraph 149 of the current 2021 NPPF), stating "*When the NPPF refers to an exception treating as appropriate development limited affordable housing for local community needs under policies set out in the Local Plan it plainly intended that the relevant Policy should be properly complied with*". In this context, in order for development to be considered an exception to inappropriate development in the Green Belt under paragraph 149 f), it must comply with the aims of a development plan policy – in this instance Policies NE7 and H23 of the TLP. If the application does not comply with the relevant policy, it is not appropriate development and planning permission can only be granted where very special circumstances exist.

7.21 The site would be in accordance with the relevant requirements of Policy H23 of the TLP in the context of its location immediately adjacent to and adjoining the settlement of Ovingham. As referred to above the village benefits from local services and facilities, including first and middle schools, and is also located in close proximity to public transport connections as well as the main town of Prudhoe, which lies to the south side of the River Tyne. Further detailed consideration will be given later in this report to the impacts upon the character of the settlement, its setting and the surrounding countryside in order to cover that aspect of Policy H23. However, it is acknowledged that the proposals would result in a relatively small-scale form of development that would be well related to and located immediately adjacent to existing housing development.

7.22 With regard to the requirement to demonstrate a local affordable housing need, and in the context of Policy H23 of the TLP an overriding local need for affordable housing which cannot be met in any other way, officers have been in discussion with the Council's Housing Enabling Officers (HEO) on the proposals as submitted. Officers have also given consideration to additional information provided by the applicant that indicates that there are constraints to development on other sites in and around the settlement.

7.23 Although limited weight can be given to it at this stage it should also be noted that draft Policy HOU 7 of the emerging NLP refers to support for rural exception sites where "*the local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place*".

7.24 Although it was not formally submitted as part of the planning application when first submitted, the applicant has since provided a supporting Housing Needs Survey from July 2019 (HNS) that covers the Parish of Horsely including the parishes of Bywell, Ovington, Ovingham and Prudhoe. The HNS has been prepared using census data, population projections, data from the local authority, including the Strategic Housing Market Assessment (SHMA), evidence from estate and letting agents and a household survey.

7.25 Following consultation with the HEO on the submitted HNS their comments noted that the survey includes the larger settlement of Prudhoe, which seems to be where the majority of the housing need is evidenced, and with the committed sites already within the town it could be argued that this need is being met. The HNS also does not take into account sites with permission granted and those which are providing affordable housing. The survey findings identified that two and three-bedroom houses were the biggest priority for the area, but it has not taken into consideration the 60+ two-bedroom houses on the Prudhoe Hospital site, which is currently under development and that will meet the local need for this house type in the local area for the foreseeable future. However, the HEO notes that the above will have limited effect on this application as the application is proposing two-bedroom bungalows that are needed in the area.

7.26 The HEO notes that Northumberland Homefinder data suggests there is a local need for 2 x one-bedroom units, 1 x two-bedroom unit and 1 x four-bedroom unit within Ovingham itself. This increases to 7 x one-bedroom units, 2 x two-bedroom units and 1 x four-bedroom unit when also taking into account Ovingham and the adjoining parishes of Ovington and Horsely. Following discussions with the HEO, the applicant has submitted the current amended layout and housing mix, which the HEO states will meet the demand for Ovingham and the surrounding villages of Ovington and Horsely. The HEO has advised that a proposed tenure mix of six units for affordable rent comprising 5 x two-bedroom bungalows and 1 x four-bedroom house with the remaining three units being home ownership products would be acceptable in this instance. This would need to be secured through a Section 106 Agreement.

### *Summary*

7.27 The NPPF makes clear at Paragraph 149 f) that only limited affordable housing for local community needs will be considered as an exception to inappropriate development in the Green Belt. Furthermore, Policy H23 of the Tynedale District Local Plan only allows for affordable housing where there is an overriding local need for affordable housing which cannot be met in any other way and that satisfies other criteria. In order to meet the exception to inappropriate development in the Green Belt the relevant rural exception policy will need to be satisfied in full.

7.28 In addition, although more limited weight can be applied to it at this stage, draft Policy HOU 7 of the emerging NLP sets out the proposed approach to such proposals and any application would need to clearly demonstrate that the local need for affordable housing is clearly justified and evidenced. Similar to Policy H23 of the TLP, Policy HOU 7 includes other criteria that needs to be satisfied, including that the development is well-related to local services and facilities and does not unjustifiably adversely impact on the natural, built and historic environment.

7.29 In light of the above, and having regard to the advice received from the HEO, the amended proposed housing mix could now be said to meet the identified affordable housing need for the area and result in limited affordable housing for local

community needs. The Strategic Housing Land Availability Assessment (SHLAA - 2019) does not identify any other suitable or available sites other than that covered by the application site and the adjoining development to the west (site 2643), whilst no housing sites are allocated in Ovingham, Horsley or Ovington as part of the emerging NLP. Having regard to the supporting information provided by the applicant, and given the Green Belt constraints within and around the settlements of Ovingham, Ovington and Horsely, it is acknowledged that it would not appear likely that the provision could be provided on other more suitable sites without releasing Green Belt land.

7.30 On this basis, and subject to further detailed consideration of the effects on the character of the site and surrounding area in the following sections of this report, the general principle of the development as a rural exception site for limited affordable housing could be said to be in accordance with Policies NE7 and H23 of the TLP, and result in an exception to inappropriate development in the Green Belt having regard to paragraph 149 f) of the NPPF. On this basis the principle of development could also be said to be acceptable having regard to draft Policies HOU 7 and STP 8 of the emerging NLP. The following sections of this report will consider other matters and consideration will be given to any other harm, along with the overall planning balance within the conclusion of the report.

### Design and Visual Impact

7.31 In addition to Policy GD1 of the TCS, which requires the scale and nature of development to respect the character of the town or village concerned, Policies GD2 and H32 of the TLP seek to ensure that development is appropriate for its location in terms of matters such as layout, scale, design and impact upon the amenity of residents. Reference has also been made above to Policy H23 of the TLP in relation to assessment as a rural exception site.

7.32 Policy BE1 of the TCS seeks to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas. Policy NE1 of the TCS sets out principles for the natural environment, including protecting and enhancing the character and quality of the landscape and avoiding the urbanisation of the countryside. The NPPF seeks to conserve and enhance the natural environment and looks to ensure that good design in new development is appropriate for its location.

7.33 The NPPF at paragraph 126 states that *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* and recognises that *"good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. Officers note the added emphasis to design in the revised version of the NPPF published in July 2021, and that this is a key aspect of achieving sustainable development. In effect, design has been given greater weight in the decision making process and the National Design Guide and National Model Design Code are material considerations.

7.34 Paragraph 134 of the NPPF states that *"development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design"* and references the National Design Guide and National Model Design Code in this respect. Conversely, significant weight should be given to design that reflects local design policies and government guidance on design and/or outstanding or innovative designs that promote high levels of sustainability or

help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.35 The 10 characteristics in the National Design Guide that can be used to appraise a development are:

1. *Context – enhances the surroundings.*
2. *Identity – attractive and distinctive.*
3. *Built form – a coherent pattern of development.*
4. *Movement – accessible and easy to move around.*
5. *Nature – enhanced and optimised.*
6. *Public spaces – safe, social and inclusive.*
7. *Uses – mixed and integrated.*
8. *Homes and buildings – functional, healthy and sustainable.*
9. *Resources – efficient and resilient.*
10. *Lifespan – made to last.*

7.36 In terms of emerging planning policies, draft Policies QOP 1, QOP 2, QOP 3, QOP 4, QOP 5 and QOP 6 of the NLP are relevant in relation to achieving high quality sustainable design and well-designed places in accordance with the NPPF, but have little weight at this time.

7.37 The proposal would result in the expansion of the existing housing development to the west, and although not as large as that scheme, would result in further encroachment into the open countryside and Green Belt to the north of Piper Road and the more established built-up area of Ovingham. This would result in some further harm to the openness of the Green Belt and the open countryside, as well as the character of the site and surrounding area.

7.38 Notwithstanding the above, and in considering the scheme in the context of an exception to inappropriate development in the Green Belt based on the NPPF, the layout, scale and design of the proposed dwellings as submitted are considered to be generally acceptable and are similar in character to the recent development to the west. The application proposes to predominantly use brick with some render, which is considered to be acceptable in the context of the existing development surrounding the site and the wider Ovingham area.

7.39 As with the adjacent development it is considered important to ensure there is an appropriate frontage onto Piper Road, which is noted in the plans and submitted layout. This would result in the loss of some of the existing hedgerow to the southern boundary of the site where unavoidable to accommodate the development, including for pedestrian access points from Piper Road. However, the submitted plans look to retain sections of this where possible and also supplement with new hedgerow planting.

7.40 The proposed house types within the development, including bungalows and two-storey dwellings, would result in a mixed but acceptable form of development in terms of scale and design. As with the adjacent development to the west, the provision of a footpath along the northern side of Piper Road for the length of the site frontage, together with pedestrian access gates would ensure that the frontage of the site would not “turn its back” on Piper Road. Landscaping and boundary treatments, as well as details of the proposed materials for development can be secured by condition to ensure that the development would be of an appropriate appearance to reflect the mixed character and appearance of development in the immediate and wider area.

7.41 Subject therefore to the imposition of such conditions, the proposal would accord with the general provisions of Policies BE1 and NE1 of the TCS, Policies GD2, H23 and H32 of the TLP and with the wider aims of the NPPF in terms of matters of layout, scale design and effects on the character of the site and wider area and achieving good quality design. It is noted that there are concerns in relation to the potential for further development in this area, however any future applications would be assessed on their own merits and an approval for this site would not establish a precedent for future housing.

### Residential Amenity

7.42 As well as looking to achieve a good quality of design in new residential development, Policies GD2 and H32 of the TLP set out the requirements for developments to ensure there would be no adverse effects upon residential amenity, and future occupants would also achieve acceptable standards of amenity. Draft Policy QOP 2 of the emerging NLP also states that 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 the local area. These policies are consistent with the aims of the NPPF with paragraphs 130 and 185 relating to considering the effects on amenity, both in terms of impacts on existing residents as well as future occupiers of development.

7.43 In this instance the proposal has the potential to impact upon the amenity of properties to the south and west on Piper Road, Hawthorn Gardens and Dyer Close. Such impacts could be in relation to the introduction of new housing on the site with associated new activity and disturbance, as well as impacts on visual amenity, outlook, light and privacy.

7.44 Having regard to the scale and layout of the development, which is much smaller than the previously approved scheme to the west, it is not felt that the proposals would result in significant or harmful impacts upon the amenity of the adjacent residents, either on its own or in combination with the adjoining scheme. As was noted at the time of the 2012 application, the existing houses on Piper Road to the south tend to have long 'rear' gardens, almost all of which have detached garages and driveways to the northern end of their gardens accessed from Piper Road.

7.45 The five proposed dwellings at plots 5 – 9, two of which are bungalows and three are two-storey, would have their front elevations facing towards the rear of the properties opposite and, whilst some change in outlook and longer-range views may be experienced, this would not be at the expense of significant or adverse impacts on privacy in the context of the separation distances set out within Policy H32 of the TLP. The north facing elevations of the existing properties on Piper Road are set around 15 – 19 metres from Piper Road and having regard to the submitted site layout plans and section drawings, there would be a separation distance to the front elevations of the new dwellings of around 28.8 metres – 31.3 metres.

7.46 There have been some concerns raised in relation to the raising of ground levels of in order to achieve satisfactory drainage from the site and how this may impact upon the properties to the south. However, having regard to the proposed layout and the separation from these properties it is not considered that there would be significant or harmful effects on amenity as a result. A condition to secure final details of the finished ground and floor levels could be attached with any recommendation to approve in order to further consider this aspect if required. Reference has also been made to having bungalows to the road frontage instead of two-storey properties. However, the proposed mix along the frontage is considered to

be acceptable and would not result in significant or harmful impacts on amenity and reflects the form of development to the west of the site, which is also deemed to be acceptable.

7.47 Whilst there would be changes to the character of the area, given the layout and scale of development and the relationship between existing and proposed properties, the proposals are not felt to result in significant or harmful impacts upon the amenity of existing residents, whilst an acceptable level of amenity could be achieved for future occupants of the new dwellings. The proposal would therefore be in accordance with Policies GD2 and H32 of the TLP and the NPPF in this respect.

#### Sustainable Transport and Highway Safety

7.48 New housing development needs to be assessed in terms of matters of sustainable transport and highway safety having regard to Policies GD4 and GD6 of the TLP, Policy GD4 of the TCS and the NPPF. Paragraph 110 of the NPPF looks to ensure that safe and suitable access to a site can be achieved by all users. Paragraph 111 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.

7.49 With regard to the emerging NLP, draft Policies TRA 1, TRA 2 and TRA 4 currently have limited weight but refer to promoting sustainable connections, considering effects on the transport network and parking provision.

7.50 Consultation has taken place with Highways Development Management (HDM) and following the submission of revised plans to address matters in relation to pedestrian connectivity and maintenance of land within the layout, HDM raise no objection subject to conditions. Proposed conditions include the provision of a new footway along the site frontage with Piper Road, car/cycle parking provision, drainage, construction method statement and a refuse strategy.

7.51 Whilst concerns have been raised in relation to increased traffic and matters of highway safety, on the basis that HDM have raised no objection to the proposals, there are not considered to be any grounds to prevent development of the site with regard to matters of access and highway safety. Subject to recommended conditions, the proposals would therefore be in accordance with Policy GD4 of the TCS, Policies GD4 and GD6 of the TLP and the NPPF.

#### Ecology

7.53 The development plan and NPPF highlight the importance of considering potential effects upon the biodiversity and geodiversity of an area. In this instance the proposal will also impact upon an existing hedgerow to the southern boundary of the site, although the scheme proposes to retain sections of this and provide new planting. Policies NE27, NE33, NE34 and NE37 of the TLP and Policy NE1 of the TCS are therefore relevant. Section 15 of the NPPF relates specifically to the conservation and enhancement of the natural environment, including impacts on habitats and biodiversity.

7.54 The application is accompanied by an ecological assessment and the proposals have been considered by the Council's Ecologists. They note that improved grassland/arable land and a section of mature hedgerow will be lost as part of the development, together with an area of bare ground and ruderal vegetation. In addition, they note that the area may support foraging badger and the hedgerows may be used

by breeding birds. However, an appropriate package of measures to mitigate these impacts have been suggested in the submitted ecology and arboricultural reports. These conditions include protection measures during construction for the existing hedgerow and details of new landscaping, including not less than 80 metres of new hedgerow to compensate for that lost.

7.55 In light of the above, whilst there are ecological impacts arising from the proposed development of the site, it is considered that these can be mitigated by the recommended conditions. Having regard to the comments of the Council's Ecologists it is considered that the proposal would be acceptable in terms of ecological impacts, subject to conditions, having regard to the relevant development plan policies above and the NPPF.

### Drainage and Flood Risk

7.56 The application has been assessed against Policy GD5 of the TCS and the NPPF in relation to ensuring development is directed to areas at a lower risk of flooding and that it would not increase flood risk elsewhere. In addition, Policy CS27 of the TLP relates to matters of sewerage and ensuring there is adequate capacity to serve development.

7.57 The application is accompanied by a surface water drainage statement that has been considered by Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA). Objections have also been received from interested parties in relation to drainage and flood risk and the capacity of the existing network.

7.58 NWL have responded advising that the application does not provide sufficient detail with regards to the management of foul and surface water from the development to be able to assess their capacity to treat the flows from the development. However, no objection is raised and NWL recommend that a condition is attached should permission be granted to secure further details of the foul and surface water drainage proposals.

7.59 The LLFA raised an initial objection and sought further information to demonstrate that the development will not impact on a newly installed flood alleviation scheme, and that the foul water pipe would not impact a culverted watercourse or surface water sewer. Following the submission of further information, the LLFA has withdrawn its objection, subject to conditions to be attached to any grant of permission. These relate to surface water drainage during construction, inspection and survey of an existing filter trench and culverted watercourse, and the invert level of the foul water sewer in relation to the culverted watercourse.

7.60 On this basis, subject to the recommended conditions it is considered that an acceptable form of development can be achieved in respect of matters of drainage and flood risk, in accordance with Policy CS27 of the TLP, Policy GD5 of the TCS and the NPPF.

### Archaeology

7.61 Policy BE28 of the TLP requires appropriate archaeological assessment of sites where this may be a material consideration in its development. Paragraph 194 of the NPPF also requires an assessment and, where necessary, field evaluation where sites include, or have the potential to include, heritage assets with archaeological interest.



7.62 Consultation has taken place with the Assistant County Archaeologist (ACA) on the submitted archaeological assessments and further survey work that has been undertaken on site. The ACA highlights that the proposed development is located in a wider archaeological landscape containing known sites from the prehistoric period onwards. The evaluation has demonstrated the presence of a continuation of the prehistoric site revealed in the housing development to the immediate west. While the new evaluation has identified remains in the northern part of the site, evaluation of the southern extent was hampered by the presence of a large spoil heap.

7.63 Looking at the extent and spread of archaeological remains in the southern extent of the development site to the immediate west, there remains the possibility that comparable or associated remains could actually spread across much of the proposed housing development site. Based on the information gained to date, the archaeology on this site does not appear to be of such significance that it requires preservation in situ. It is, however, still likely to be of local to regional significance and as a result it is important that preservation by record is carried out to an appropriate level.

7.64 The ACA states that features of this type and date need to be investigated and recorded in plan to gain a sufficient understanding of the site before the archaeological site is built on. Archaeological monitoring of strip foundations and service trenches is not appropriate on a site of this date and nature, as it neither results in effective preservation by record nor preservation in situ. Having considered the archaeological potential of the site and nature of the proposed development, the ACA recommends that an archaeological mitigation condition is attached to this application in line with paragraph 205 of the NPPF.

7.65 Having assessed the potential archaeological impact of the proposed development on below ground archaeological remains, and based on the available information, the ACA raises no objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological work. Subject to this condition, the proposal would be in accordance with Policy BE28 of the TLP and the NPPF.

#### Ground Conditions

7.66 Parts of the application site fall within the higher risk Coal Authority referral area with others falling within the lower risk Coal Authority standing advice area. A coal mining risk assessment has been submitted along with land contamination assessments and consultation has taken place with the Coal Authority and the Council's Public Health Protection team (PHP).

7.67 The Coal Authority has advised that the submitted information is sufficient to demonstrate that the application site is safe and stable for the proposed development and no objection is raised.

7.68 PHP have also raised no objection and recommend that conditions are attached to any approval to protect surrounding residential amenity from construction noise and dust. In addition, conditions are recommended to protect the new properties from gases of mining origin as well as in relation to any unexpected contamination.

7.69 On this basis, and subject to recommended conditions, the proposal would be in accordance with Policy CS23 of the TLP and the NPPF.

#### Planning Obligations

7.70 Policy GD6 of the TCS sets out that planning obligations will be sought where necessary to prescribe the nature of development; or secure compensation from the developer for loss or damage caused by the development; or mitigate the impact of a development. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

7.71 Draft Policies INF 1 and INF 6 of the emerging NLP also set out the requirements for providing supporting infrastructure, including through the use of planning obligations, although these currently have limited and little weight respectively.

7.72 In this case it is considered that should planning permission be granted then planning obligations will need to be secured through a Section 106 legal agreement in respect of the affordable housing provision given that this is proposed as an exception site and would only be acceptable in the Green Belt on that basis, as well as a sport and play contribution.

7.73 In terms of the affordable housing provision, the Section 106 Agreement will need to be agreed with the HEO as well as the applicant in order to secure the 100% affordable housing provision and the relevant tenures. This will require the submission of an Affordable Housing Statement to include agreed house types and tenure mix, arrangements for transfer to a Registered Provider and for them to remain as affordable housing in perpetuity, any arrangements for the marketing of affordable home ownership products and the basis on which the affordable homes will be occupied.

7.74 At present there is a deficiency in the amount of children's play provision and outdoor sports facilities in Tynedale. The former Tynedale Council adopted its Supplementary Planning Document (SPD) *Planning Obligations for Sports and Play Facilities* on 7 March 2006 which seeks financial contributions for sport and play facilities, and provision of outdoor sport from all new housing developments.

7.75 The total contribution sought is dependent upon the number of bedrooms proposed at a rate of £1,088 per 1-bedroomed dwelling to a total of £4,352 for dwellings providing 4 or more bedrooms. In this instance, the proposal would incur a total contribution towards sports and play provision of £17,408. The applicant has been made aware of this and has indicated that they would accept the requirement, which can be secured through the Section 106 Agreement.

#### Equality Duty

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

#### Crime and Disorder Act Implications

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

## Human Rights Act Implications

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

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

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

## 8. Conclusion

8.1. Ovingham is considered to be an acceptable and sustainable location for new residential development in principle having regard to the current development plan and the NPPF, as well as the draft policies of the emerging NLP. However, the application site is within the Green Belt where the construction of new buildings is considered to be inappropriate development, unless satisfying an exception listed at paragraphs 149 and 150 of the NPPF.

8.2 Paragraph 149 f) sets out an exception to inappropriate development with regard to "*limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*". In this instance Policy H23 of the TLP would be applicable for the purposes of this assessment, and only limited weight can be given to draft Policy HOU 7 of the emerging NLP at this time. The site adjoins existing development on Piper Road to the south and west and is reasonably well related to the built form of the village. On this basis the proposal would satisfy the relevant requirements of Policy H23 of the TLP, as well as draft Policy HOU 7 of the emerging NLP.

8.3 Given the scale of the development, it is felt that the proposals would result in a 'limited' form of affordable housing provision. Having regard to the assessment set out within this report, including consideration of the applicant's supporting information and consultation with the HEO, the proposal is considered to satisfy Policy H23 of the TLP as a rural exception site, and therefore also the exception to inappropriate

development in the Green Belt set out at paragraph 149 f) of the NPPF as limited affordable housing.

8.4 The proposed layout, scale and design of the new housing is considered to be acceptable in this location in the context of its relationship with existing housing and having regard to the character and appearance of the settlement and the surrounding countryside. Furthermore, on the basis of the layout and scale of the development, the proposals are not felt to result in any significant or adverse impacts upon the amenity of existing residents in the area. Impacts on the character of the area in terms of the loss of hedgerow can be mitigated through new planting proposals.

8.5 Following consultation with relevant consultees, and subject to conditions where required, it is considered that an acceptable form of development can be achieved in relation to matters such as access and highway safety; drainage and flood risk; ecological impacts; archaeology; and ground conditions.

## **9. Recommendation**

That this application be GRANTED permission subject to the completion of a Section 106 Agreement to secure 100% affordable housing provision on the site and a financial contribution to sport and play provision and 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 and documents. The approved plans and documents for this development are:-

3964 10 02 J – Proposed Site Plan  
3964 20 01 B – 2 Bed Bungalow – Plot 1 & 2  
3964 20 02 A – 2 Bed Bungalow – Plot 3-4 & 5-6  
3964 20 06 B - 2 Bed House – Plot 8 & 9  
3964 20 09 A – 4 Bed House – Plot 7

C-GA-005 P6 - Proposed Drainage Strategy  
Surface Water Drainage Strategy – CK21 Ltd ref: Project 9133 Rev C (July 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, no construction of the dwellings above damp proof course level shall be undertaken until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the dwellings have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2, H23 and H32 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Notwithstanding the details submitted with the application, a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. This shall include the planting of not less than 80 metres of locally native hedging of local provenance, including a planting schedule setting out species, numbers, densities and locations, the provision of all new boundary treatments, the creation of areas of hardstanding, pathways, etc., areas to be seeded with grass, and other works or proposals for improving the appearance of the development.

The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season (November – March inclusive) following commencement of the development, or as otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with the provisions of Policies GD2, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Notwithstanding the details submitted with the application, all trees and hedges within, and to the boundaries, of the site identified for retention on the approved plans shall be retained and protected throughout the course of development in accordance with updated details that shall first have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This shall include measures for minimising the impact of groundworks in close proximity to the existing trees and hedges to be retained and shall be prepared in accordance with guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012. These measures shall be implemented in complete accordance with the approved scheme and shall be provided and remain in place throughout the course of the construction of the development.

Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

Reason: To maintain and protect the existing landscape and biodiversity value of the site, in accordance with the provisions of Policies GD2, NE33, NE37 and H32 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Piper Road, Ovingham Ecological Survey Report', BSG Ecology Ltd., 17.9.19) including, but not restricted to:

- inclusion of 'in built' bat roost and nesting bird features in the new houses and/or hedgehog boxes in garden areas at a rate of not less than 1 feature per dwelling with types, numbers and locations to be agreed in writing with the Local Planning Authority before the development progresses above foundation level;
- adherence to timing restrictions; adherence to precautionary working methods;
- adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018;
- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;
- an updating in season ecological survey to be carried out in the event that works do not commence before the end of August 2022, with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with the provisions of Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. No removal of vegetation shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of any netting shall first be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with the provisions of Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. All new garden boundary fences or walls shall include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species, in accordance with the provisions of Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. No dwelling shall be occupied until the car parking areas indicated on the approved plans, have been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking areas 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 Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework.

10. No development shall commence until details of the proposed new footway running along the site frontage on Piper Road have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

11. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

12. No dwelling shall be occupied until the 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 Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

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

Reason: In order to prevent surface water run-off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

14. No development shall commence until a Construction Method Statement, together with 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 Policy GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

15. No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

16. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

17. Prior to any works on the northern perimeter of the development, an inspection and survey of the existing filter trench and culverted watercourse shall be undertaken. Post development a further inspection of this trench and culvert shall be undertaken. Any damages, defects and debris caused by the development shall be put right to the satisfaction of the Local Planning Authority in accordance with a scheme of details that shall first be submitted for approval in writing.

Reason: To ensure adequate protection from flood risk on and off site, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

18. The invert level of the proposed foul water sewer shall be no greater than 300mm to the base of the culverted watercourse.

Reason: To provide adequate protection to the culverted watercourse, in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

19. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources, in accordance with Policy GD5 of the Tynedale Core Strategy, Policy CS27 of the Tynedale Local Plan and the National Planning Policy Framework.



20. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

21. 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, unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

22. No development shall commence until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall thereafter be carried out in accordance with the plan so agreed at all times.

Reason: To ensure a commensurate level of protection against windblown dust and debris in accordance with Policies GD2, CS19 and CS22 of the Tynedale Local Plan and the National Planning Policy Framework.

23. If during redevelopment contamination not previously considered within the approved plan: "Phase I Contaminated Land Desk Study – DBS Environmental Ltd May 2020 Ref: 1354R001i2 REV A FINAL" 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/developer 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).

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, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

24. No dwelling shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2

standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. Furthermore, 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 and amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

25. No dwelling shall be brought into use or occupied until the applicant/developer has submitted a validation and verification report to the approved methodology in Condition 24 which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

26. Prior to the installation of any external lighting in association with the development hereby permitted, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- the specific location of all external lighting units;
- design of all lighting units;
- details of beam orientation and lux levels; and
- any proposed measures such as motion sensors and timers that will be used on lighting units

The approved lighting scheme for shall be installed in accordance with the approved details and shall be maintained as such thereafter, unless removed entirely.

Reason: In the interests of the satisfactory appearance of the development upon completion and the character and appearance of the site and surrounding environment, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

27. A programme of archaeological work is required in accordance with NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 12/11/21). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCEDT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason The site is of archaeological interest, in accordance with Policy BE28 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

28. Notwithstanding the details submitted with the application, prior to the construction of groundworks of the new dwellings hereby approved, details to be shown on annotated site plans to include:

- a) existing site levels;
- b) proposed site levels; and
- c) proposed finished floor levels of the dwellings

shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved levels.

Reason: In the interests of visual and residential amenity, in accordance with the provisions of Policies GD2 and H32 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

29. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, dormer windows and curtilage buildings shall be added to or constructed within the curtilage of the dwellinghouses hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact of any additions on the appearance of the dwellinghouses, the Green Belt and the affordability of the properties may be properly assessed, in accordance with Policies GD2, H23 and H32 of the Tynedale Local Plan and the National Planning Policy Framework.

#### Informatives

01. Your attention is drawn to the Agreement under Section 106 of the Town and Country Planning Act 1990 affecting this site.

02. You are advised to contact the Council's Highway Development Management team at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

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

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

05. 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.

06. You are advised to contact the Councils Lighting Section on [HighwaysStreetLighting@northumberland.gov.uk](mailto:HighwaysStreetLighting@northumberland.gov.uk) before and during the construction period with respect to street lighting to ensure sufficient illumination levels of the public highway.

07. The applicant/developer is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition 11 of this permission. You can contact the Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)

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

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

10. The risk of encountering nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). All wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Accordingly, any vegetation removal or soil stripping undertaken between 1 March – 31 August carried out as part of the proposal should be preceded by checks to confirm that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078. Further information about protected species and the law can be found on the Natural England website at [www.naturalengland.org.uk](http://www.naturalengland.org.uk).

11. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

12. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Background Papers:** Planning application file(s) 20/03425/FUL