

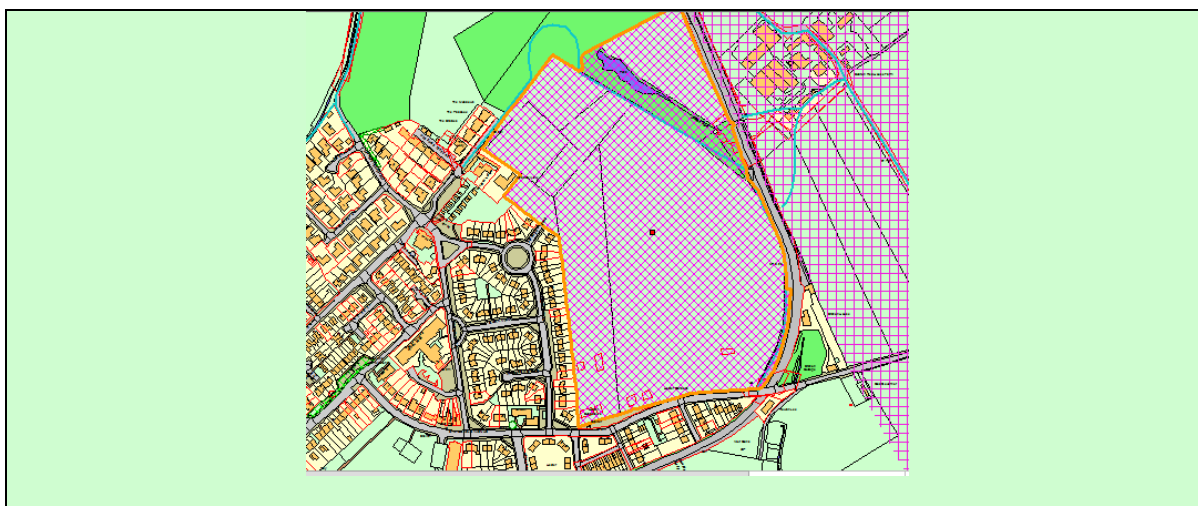


Northumberland County Council

Strategic Planning Committee, 5th April 2022

Application No:	21/04451/VARYCO		
Proposal:	Variation of Conditions 2 (Approved Plans), 3 (Phasing Details), 4 (Obscure glass/glazing), 5 (Street lighting Details), 7 (Planting Plan), 9 (Levels Details), 11 (Highway Works), 14 (Refuse Storage Facilities), 16 (Surface Water Drainage Infrastructure), 18 (Disposal of Surface Water), 23 (Noise Mitigation) and 25 (Trees) on approved application 21/02638/VARYCO - to allow changes to site layout and mix of house types		
Site Address	Land North East Of New Hartley, St Michaels Avenue, New Hartley, Northumberland		
Applicant/ Agent	Richard Morgan 23 Grey Street, Newcastle Upon Tyne, England, NE1 6EE		
Ward	Hartley	Parish	Seaton Valley
Valid Date	17 November 2021	Expiry Date	16 February 2022
Case Officer Details	Name: Mrs Tamsin Wood Job Title: Principal Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to the following conditions and completion of a Section 106 Agreement Deed of Variation requiring a Coastal Mitigation contribution of £175,275.



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1. Introduction

1.1 Given the objections to this application from Seaton Valley Council, Councillor

David Ferguson and the level of objections from local residents a view was sought from the Chair and Vice Chair of Strategic Planning Committee and the Director of Planning as to whether or not this application should be decided by Strategic Planning Committee or by a senior officer under delegated powers. It was resolved that the application should be decided by Members.

2. Description of the Proposals

2.1 The application site comprises land to the immediate north east of the village of New Hartley. The site is bounded to the north, west and south by existing dwellings within the village and to the east by the Northumberland Line and beyond lies open countryside.

2.2 Planning Permission was refused by Strategic Planning Committee in June 2016 for 285 dwellings on the site 15/01182/FUL. An appeal was lodged against this refusal and following a public inquiry the appeal was allowed and planning permission granted in September 2017. Since that time 3 further planning permissions have been granted in March 2019 and April 2021 to amend the scheme originally approved at appeal, although the number of dwellings remains unchanged at 285. Construction started on site in December 2020.

2.3 Planning permission is now sought again under Section 73 of the Town & Country Planning Act to vary conditions 2 (approved plans), 3 (Phasing Details), 4 (Obscure glass/glazing), 5 (Street lighting Details), 7 (Planting Plan), 9 (Levels Details), 11 (Highway Works), 14 (Refuse Storage Facilities), 16 (Surface Water Drainage Infrastructure), 18 (Disposal of Surface Water), 23 (Noise Mitigation) and 25 (Trees) on the most recent Section 73 revised planning approval (Permission reference: 21/02638/VARYCO).

2.4 Condition 2 relates to approved plans and reads as follows:

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:-

13.1119.02 Location Plan;
1430.01 Rev.A4 - Planning Layout including affordable housing details;
1430.01 Rev A4 - Planning Layout open space locations only (other details on plan not approved);
1430.01 Rev A4 - Planning Layout public right of way location only (other details on plan not approved);
1430.03 Rev.F - Materials Layout;
QD960-03-01 Rev O - Engineering Layout;
QD960-04-01 Rev K - External Works Sheet 1;
QD960-04-02 Rev I - External Works Sheet 2;
QD960-04-03 Rev I - External Works Sheet 3;
QD960-04-04 Rev I - External Works Sheet 4;
QD960-04-10 Rev B - External Works Sheet 5;
QD960-03-02 Rev C - Offsite Foul Sewer Route;
01 Rev E - Alderney House Type Floor Plans & Elevations;
01 - Denby House Type Floor Plans & Elevations;
01 - Denford House Type End Terrace Floor Plans & Elevations;
01 - Denford House Type Mid Terrace Floor Plans & Elevations;

01 - Ellerton House Type End Terrace Floor Plans & Elevations;
01 - Ellerton House Type Mid Terrace Floor Plans & Elevations;
01 - Kenley House Type End Terrace Floor Plans & Elevations;
01 Rev.E - Kenley House Type Mid Terrace Floor Plans & Elevations;
01 - Kingsley House Type Floor Plans & Elevations;
01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;
01 Rev F - Maidstone House Type Mid Terrace Floor Plans & Elevations;
01 Rev D - Moresby House Type Floor Plans & Elevations;
01 - Radleigh House Type Floor Plans & Elevations;
01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;
01 to 08 - Beadle House Type Plans;
01 Rev A - Windermere House Type Floor Plans & Elevations;
Noise Survey & Impact Assessment Ref: 3933.4 Version C dated 14/09/2020;
Aboricultural Impact Assessment Rev.C dated September 2020;
Arboricultural Method Statement Rev C (development layout not approved);

Reason: For the avoidance of doubt, and in the interests of proper planning.

2.5 It is proposed that the wording of condition 2 is amended to read as follows:

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:-

Overall site layout 2148.100.D

13.1119.02 Location Plan;

2148.01. Rev.M - Planning Layout (including affordable housing details, open space and public right of way location)

2148.03 Rev.G - Materials and Boundary Layout

QD960-03-01 Rev V - Engineering Layout;

QD960-04-01 Rev P - External Works Sheet 1;

QD960-04-02 Rev N - External Works Sheet 2;

QD960-04-03 Rev M- External Works Sheet 3;

QD960-04-04 Rev O - External Works Sheet 4;

QD960-03-03 Rev.F Offsite Foul Sewer Route

01 Rev E - Alderney House Type Floor Plans & Elevations;

01 - Denby House Type Floor Plans & Elevations;

01 - Denford House Type End Terrace Floor Plans & Elevations;

01 - Denford House Type Mid Terrace Floor Plans & Elevations;

01 - Ellerton House Type End Terrace Floor Plans & Elevations;

01 - Ellerton House Type Mid Terrace Floor Plans & Elevations;

01 - Kenley House Type End Terrace Floor Plans & Elevations;

01 Rev.E - Kenley House Type Mid Terrace Floor Plans & Elevations;

01 - Kingsley House Type Floor Plans & Elevations;

01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;

01 Rev F - Maidstone House Type Mid Terrace Floor Plans & Elevations;
01 Rev D - Moresby House Type Floor Plans & Elevations;
01 - Radleigh House Type Floor Plans & Elevations;
01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;
01 to 08 - Beadle House Type Plans;
01 Rev A - Windermere House Type Floor Plans & Elevations;
Noise Survey & Impact Assessment Ref: 3933.4 Version E dated 30/09/2021;
Aboriginal Impact Assessment Rev.D dated 5th October 2021 (development layout not approved)
Aboriginal Method Statement Rev.D dated 5th October 2021 (development layout not approved)

2.6 The changes in terms of the approved plans relate to an amended site layout and changes to the house type mix. A revised layout has been produced, relating to 184 plots, with the other 101 units remaining fixed 'as approved', which includes those houses that have already been built. The proposed mix of the revised area is as follows:

- 28no. 2-bedroom dwellings (15.2 %); (a reduction by 14 units from 19%)
- 83no. 3-bedroom dwellings (45.1 %); (an increase by 3 units)
- 73no. 4-bedroom dwellings (39.7 %). (an increase by 11 units)

2.7 This mix includes 29 affordable dwellings as part of the commitment to deliver a total of 43 affordable dwellings (15%) across the full scheme secured in the original Section 106 Agreement and subsequent Deed of Variation.

2.8 The applicant states the reason for the change is the 'development is performing well in terms of sales and plot reservations. However, there is now a clearer understanding of market demand in this location, and this has led to a reconsideration of the proposed house types across the future phase of the approved scheme. The redesign process has also allowed improvements to the structure of the proposed development and offers a better interaction with greenspaces and the existing Public Right of Way along the eastern boundary, as well as a reconsideration of the interface between existing houses and the proposal to the northern edge of the site to create further set back.'

2.9 Although the revised layout covers a large area of the site, the revisions do not change the total number of units which remains at 285 dwellings and they do not introduce any new house types. The layout is designed to the same net development area and follows the same development cells. It is therefore considered that the amendments do not amount to a fundamental change, do not diverge from the original description of development and can be dealt with by way of an application for a minor material amendment under Section 73 of the Act. The main changes relate to an amended road layout on this part of the site covering 184 dwellings and some re positioning of dwellings, although many are still very similar. The design of the public open space has also changed. The amendments has also meant that updated drainage scheme has been submitted and updated Ecological Appraisal.

2.10 In order to update the details approved under the previous discharge of conditions application 19/00674/DISCON, a number of other conditions require variation to reflect the layout changes now proposed. To address this, the applicant proposes that these conditions are reworded in accordance with the below:

3

The development shall be carried out in full accordance with the Estate Street Phasing and Completion Plan and overall phasing ~~details approved by the Local Planning Authority on the 23 March 2021 under planning application 19/00674/DISCON.~~ contained within the following approved documents:
Site Execution Strategy Rev K QD960-03-01 Rev.V
Engineering Layout QD960-04-01 Rev.P
External Works Sheet 1 QD960-04-02 Rev.N
External Works Sheet 2 QD960-04-03 Rev.M
External Works Sheet 3 QD960-04-04 Rev.O
External Works Sheet 4

4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re enacting that Order with or without modification), all first floor side elevation windows within the dwellings hereby permitted shall be constructed with obscure glass and shall remain obscure glazed at all times thereafter and no additional window or other opening shall be made at first floor level in the following elevations of the dwellings/plots specified unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority - ~~4 West, 5 South, 7 East, 8 West, 9 West, 10 East, 15 East, 16 West, 17 South, 40 East, 43 North, 47 North East, 53 South West, 55 East, 60 East, 63 West, 69 South, 70 East, 81 South, 90 East, 93 South East, 97 North West, 98 South West or North East, 99 North West, 103 South East, 107 North West, 109 South East, 114 North East, 115 South East, 121 North West, 122 South West, 135 South East, 142 South East, 159 North East, 161 North West, 164 North West, 165 North East, 167 West, 175 South, 184 West, 187 South, 195 North, 196 West, 206 East, 212 East, 214 West, 215 South, 224 North, 226 East, 227 South, 234 East, 237 North, 243 South, 250 South, 256 North or South, 264 East, 267 South, 280 North or South.~~—

1 West, 5 South, 7 East, 8 West, 9 West, 10 East, 15 East, 16 West, 17 South, 40 East, 43 North, 47 North East, 53 South West, 55 East, 60 South, 61 East or West, 62 West, 68 East, 69 North, 81 South, 90 East, 91 South West, 94 South East, 96 North West, 97 North East, 99 South West, 100 South West, 108 South West, 109 North East, 125 South East, 133 North West, 134 North East, 142 South West, 143 North West, 144 South East, 152 North East, 165 North East, 171 North West, 176 North East, 177 North, 182 South, 183 North, 187 North, 212 South, 220 South, 223 South, 224 West, 227 South, 232 North, 233 East, 235 West, 238 South, 239 South, 241 West or East, 242 East, 250 North, 251 West, 256 North or South, 264 East, 267 South, 280 North or South.

5

The development hereby permitted shall be constructed in full accordance with the ~~streetlighting details approved by the Local Planning Authority on the 23 March 2021 under planning application 19/00674/DISCO.~~ All street lighting should be baffled so as not to direct lighting up into the atmosphere.

Prior to the installation of any external lighting on the scheme, full details of all such lighting shall be submitted to and approved in writing by the Local Planning Authority. All street lighting should be baffled so as not to direct lighting up into the atmosphere.

7

~~The approved planting plans for each phase as approved by the Local Planning Authority on the 23 March 2021 under planning application 19/00674/DISCON~~ c-1084-101F Planting Plan Sheet 1 of 6, c-1084-102E Planting Plan Sheet 2 of 6, c-1084-103E Planting Plan Sheet 3 of 6, c-1084-104E Planting Plan Sheet 4 of 6, c-1084-105E Planting Plan Sheet 5 of 6 and c-1084-106E Planting Plan Sheet 6 of 6, c-1084-107F Masterplan shall be fully implemented during the first full planting season (November to March inclusive) following the first occupation of any dwelling in that phase.

9

The development shall be constructed in full accordance with the levels details ~~approved by the Local Planning Authority on the 23 March 2021 under planning application 19/00674/DISCON.~~ contained within the following approved documents:
Site Execution Strategy Rev K
QD960-03-01 Rev.V Engineering Layout
QD960-04-01 Rev.P External Works Sheet 1
QD960-04-02 Rev.N External Works Sheet 2
QD960-04-03 Rev.M External Works Sheet 3
QD960-04-04 Rev.O External Works Sheet 4

11

~~No dwellings in a phase shall be occupied until the highway works for that phase approved by the Local Planning Authority on the 23 March 2021 under planning application 19/00674/DISCON have been constructed in accordance with those approved details and those streets shall thereafter be maintained in accordance with the management and maintenance details also approved by the Local Planning Authority under planning application 19/00674/DISCON.~~ details of the proposed highway works in that phase, and the arrangements for the future management and maintenance of the proposed streets within that phase, shall be submitted to and approved in writing by the Local Planning Authority. No dwellings in that phase shall be occupied until the highway works approved by the Local Planning Authority for that phase have been constructed in accordance with the approved plans and those streets shall thereafter be maintained in accordance with the management and maintenance details approved by the Local Planning Authority.

14

~~The refuse storage facilities in respect of any dwelling approved on the 23 March 2021 under planning application 19/00674/DISCON~~ as shown on 2148.01 Rev.M Planning Layout shall be provided and implemented in full prior to first occupation of that dwelling and shall remain in place at all times thereafter.

16

Construction of the development hereby permitted shall incorporate surface water drainage infrastructure in full accordance with the details ~~approved on the 23 March 2021 under planning application 19/00674/DISCON.~~ contained within the following approved documents:
Site Execution Strategy Rev K

QD960-03-01 Rev.V Engineering Layout
QD960-04-01 Rev.P External Works Sheet 1
QD960-04-02 Rev.N External Works Sheet 2
QD960-04-03 Rev.M External Works Sheet 3
QD960-04-04 Rev.O External Works Sheet 4

Any new drains in a phase next to network rail operational land shall be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. The approved scheme shall be implemented in full prior to the first occupation of any dwelling in the phase to which it relates.

18

The disposal of surface water from the development throughout the construction of the development hereby permitted shall be undertaken in full accordance with the details ~~approved on the 23 March 2021 under planning application 19/00674/DISCON.~~ contained within the following approved documents:
Site Execution Strategy Rev K
6443-EES-001 Rev.B Environmental Execution Strategy PROW & SUDS
Silt Management Plan 350285-R5 (00)

23

No dwelling shall be first occupied unless and until those noise mitigation measures ~~approved on the 23 March 2021 under planning application 19/00674/DISCON~~ contained within the approved document 'Noise Survey & Impact Assessment 3933.4 Rev.E' have been provided in full in respect of that dwelling and those measures shall remain in place at all times thereafter.

25

No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institute, 2012 and Arboricultural Method Statement ~~Rev.C.~~ Rev D.

2.11 The application site comprises land to the immediate north east of the village of New Hartley in South East Northumberland and covers an area of 11.41 hectares, although a proportion of this has now been developed. The site is bounded to the north, west and south by existing dwellings within the village and to the east by the Northumberland Line and a watercourse known as the Lysdon Burn. Beyond these lie a complex of farm buildings and open countryside which lies within the Green Belt and the Seaton Delaval Conservation Area. To the south lies the vehicle highway on St.Michael's Avenue. On the opposite side of St.Michael's Avenue from the appealsite are dwellings and a memorial garden which commemorates the Hartley Colliery disaster of 1862. To the west are dwellings on Seaburn View which back onto the site.

2.12 A public footpath crosses the site north to south running adjacent to its eastern boundary. This amendment does not propose any further changes to any public rights of way.

3. Planning History

Reference Number: 14/01223/FUL

Description: Proposed development of 286 residential dwellings with associated infrastructure and landscaping

Status: WDN

Reference Number: 14/01224/ADE

Description: Advertisement Consent: A range of fascia signs and elevated flags on entrance to the development

Status: APPRET

Reference Number: 15/01182/FUL

Description: Proposed development of 285 residential dwellings with associated infrastructure and landscaping (amended details received 12/02/16)

Status: Allowed at appeal

Reference Number: 15/01183/ADE

Description: Advertisement consent for a range of fascia signs and elevated flags on entrance to the development

Status: APPRET

Reference Number: 18/02368/VARYCO

Description: Variation of Condition 2 (approved plans) pursuant to planning permission 15/01182/FUL in order to alter the layout and replace Folkstone house type with Maidstone house type.

Status: PER

Reference Number: 19/00674/DISCON

Description: Discharge of Conditions Condition 3: (Site Phasing Plan) Condition 5: (External Lighting) Condition 7 (Landscaping) Condition 9 (Site levels) Condition 11 (Highway maintenance) (Condition 14 (Refuse Storage Statement) 15 (Construction Method Statement) 16 (Surface Water drainage); Condition 17 (drainage feature maintenance), Condition 18: (Construction Phase Drainage Plan), Condition 19 (Lysdon Burn & pond works), Condition 21 (Ground contamination/remediation) Condition 24: (Noise Mitigation Statement) Condition 27 (Biodiversity Management Plan) Condition 28 (Renewables Statement) on approved Planning application (18/02368/VARYCO) (as amended 18/03/2019)

Status: PER

Reference Number: 20/00003/DISCON

Description: Discharge of conditions 17 (surface water drainage), 19 (surface water connection), 30 (highway mitigation) and 31 (highway works) of application 18/02368/VARYCO

Status: CONREF

Reference Number: 20/03342/VARYCO

Description: Variation of conditions 2 (plans), 8 (boundary treatment) and 26 (tree protection) pursuant to planning permission 18/02368/VARYCO In connection with amendment of layout and house types including provision of hipped roofs to all dwellings

Status: PER

Appeals

Reference Number: 16/00062/REFUSE

Description: Proposed development of 285 residential dwellings with associated infrastructure and landscaping (amended details received 12/02/16)

Status: ALLOW

Reference Number: 21/02457/DISCON

Description: Discharge of conditions 12 (Framework Travel plan) and 20 (Public Right of Way) on approved application 21/02638/VARYCO

Status: PER

Reference Number: 21/02638/VARYCO

Description: Variation of condition 15 of planning permission 20/03342/VARYCO to amend construction delivery hours in respect of development for 285 dwellings with associated infrastructure and landscaping.

Status: PER

Reference Number: 21/04137/DISCON

Description: Partial Discharge in respect of plots 276-285 only of condition 21 (full closure report) on approved application 21/02638/VARYCO.

Status: PER

4. Consultee Responses

County Ecologist	1)Objection – withdraw/refuse; the following information is required to support any resubmission: Revised landscape plans and a written justification of proposed wildlife habitats and features. 2)No objection- subject to conditions and a section 106 requiring a contribution towards Coastal Mitigation
Lead Local Flood Authority (LLFA)	No objections subject to conditions.
Education - Schools	No contributions required. No further comments or objections in relation to this request subject to their being no changes to the S106 agreement in place.
Health Care CG	£122,700 required for 184 and £191,100 required for 285.
South SE Tree And Woodland Officer	No response received.
Seaton Valley Parish Council	OBJECTION The Council is concerned that the new proposed mix of house types and changes to the layout of the estate will be detrimental to the quality of the development for the following reasons: Recent housing needs surveys have shown that New Hartley is in need of smaller house types the new proposals replace 14 two bedroom house types with 3 and 4 bedroom house types, and the new proposals eat into the open public and green spaces that were a feature of the original plans, indeed the main public space feature, the Belvedere, has been completely removed from

	<p>the new plans.</p> <p>This development was only granted planning permission after going through a long and arduous Public Inquiry and was sold by the developers on the basis of the quality of its design and its generous inclusion of public open spaces. The Council feels that both of these qualities will be severely reduced if the proposals included in this new application are approved.</p>
Highways	<p>1) Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.</p> <p>2) Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.</p> <p>3) All issues raised in the previous HDM comments regarding condition 2 have been addressed.</p>
Network Rail	No response received.
Public Protection	No objection.
Northumbrian Water Ltd	The drainage layouts submitted to this application correspond with our agreed drainage connection points, i.e. that surface water will discharge to the Lysdon Pond at a restricted rate of 15.7l/s (as shown on QD960-03-01 Rev S dated 1/10/21) and the foul flows will connect downstream of manhole 7005 (as shown on QD960-03-02 Rev F dated 4/10/21).
Affordable Housing	A plan is needed for the AH scheme, but it doesn't have to be with another DoV. The approval can be done via an AH scheme submission. We are satisfied that the overall AH offer is in line with expectations and requirements.
County Archaeologist	The application seeks variations to a number of conditions attached to the existing permission. The conditions in question do not relate to matters of archaeology. I therefore have no observations to make on this application.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	113
Number of Objections	16
Number of Support	0
Number of General Comments	0

Notices

Stat Pub & PROW 10/1/22
 News Post Leader 26th November 2021

Summary of Responses:

16 letters of objection have been received (including 2 letters from 4 households (8 in total, and 3 from 1 household) which raise the following concerns:

- The design philosophy as described in the original Design and Access Statement of this estate has been destroyed in favour maximising property footprint. With no defined character and removes what should have been the feature area of the Belvedere
- The housing needs identified by Northumberland County Council were for 1 and 2 bedroomed housing, yet this change has reduced this further with the removal of 14 2-bedroomed properties in favour of more 3- and 4-bedroom properties. So, no mixed or balanced community being created, which will be unaffordable to the local population
- The revised road layout is both featureless and circuitous.
- Residents in the northern part of the site will find it more attractive to access their properties via Seaburn Avenue rather than St Michael's Avenue. Whilst Seaburn Avenue is intended only for emergency use, the likelihood of this being successfully retained is difficult to envisage.
- Public Open Space within the development has been reduced, roads have been increased, and building footprints have increased by a further. All this results in an increase in impermeable area with no submitted evidence that the impact on the surface water drainage system has been evaluated. There were three substantial areas of PoS within the development that were characterised as 'designated areas' to 'promote informal recreation'
- (extract from Design and Access Statement Core Document 2.3 2016 Planning Appeal) These three 'designated areas' consisted oftwo traditional open spaces that provide areas that are characteristic of village greens. The third, The Belvedere.. provides a strong, unique focal point to the scheme, giving instant character
- Concerns over design of public open space.
- Parking standards are not met.
- Change in boundary treatment opposite Plots 104 - 108 on the northern boundary of the site, with Hastings Terrace. This is now a simple close boarded fence whereas originally it was a wall, later modified to a wall and fence.
- The Site Execution Strategy still does not reflect the current programme of work being undertaken and many key timescales are still TBC.
- Current works are not being undertaken in complete accordance with the submitted plans.
- No details have been submitted in terms of proposed changes to the conditions.
- Variations of the plans greatly reduce green space – reduces character, fewer places to play, and reduced areas for socialising,
- Removal of most of the green space in the central parts of the development will impact both the amenity of the new residents and increase surface water runoff. Impermeable area has now been increased by 17% (nearly 1/5th) and yet astonishingly there has been no new flood risk assessment.
- The removal of a full stretch of swales at the north eastern boundary will have an impact on water runoff and potential pollution into the adjacent pond/Lysdon burn.
- Impermeable area now requiring storage for additional runoff is well in excess of the originally assessed 4.82 ha and no amendments have been made to the approved drainage strategy to confirm that this storage is still provided
- The new layout appears to introduce additional houses that will overlook the small plot of bungalows at the northern boundary (Hastings Terrace-addressed bungalows)

- This will increase the number of cars on the site. Which in turn will make parking even worse in the village
- The off site sewage still is not connected to the main sewer system
- There needs to be bollards etc to stop people driving over the path onto St Michael's Ave. from the site which has been witnessed.
- the range of housing needs identified at the onset of the planning phase of this development did seem to consider the needs of the village. Certainly affordability was key in approving this planning application.
- There will be no 'balanced community' no safe places for children to play and interact with friends and certainly no unique character to the development with the loss of it's main focal point; The Belvedere.
- Its incorrect to increase the building footprint which not only adds to the flood risk but also contributes to the contaminants f
- The increase the population of the village and add additional strain on its poor amenities which are already bursting at the seams.
- In the run up to the planning appeal in June 2017, considerable time and effort was put into formulating the response to Barratts from Seaton Valley Community Council and the New Hartley Residents Group.
- Having identified a need for a specific mix of affordable and DMV house types backed by robust evidence from NCC, Barratts now seek to alter this mix of houses without having supplied any facts or figures to support the need for changing them, other than to create more profit- This new variation seeks to reduce the number of 2 bed properties by 14 and replace them with 3 and 4 bed properties. This is not what is needed in New Hartley as the evidence proves. I am also shocked and concerned that there has been no comment from Housing on these quite dramatic changes.
- Northumberland County Council are in danger of being shown as inept in their ability to manage new developments and leave themselves vulnerable to subsequent claims
- No one seems to have considered the need for school places which these larger houses are likely to need
- Pumping station not installed. .

Cllr David Ferguson also objects stating:

These changes would see additional 3 & 4 bedroom houses built in place of 14 2 bedroom houses. As the site has almost 300 houses there is no need to replace much needed 2 bedroom houses.

The proposals also remove much of the public space which will remove the character from this development. Not only would this negatively affect appearance it could remove natural drainage.

6. Planning Policy

6.1 Development Plan Policy

Seaton Valley Neighbourhood Plan 2021

Blyth Valley District Local Plan 1999 (BVDLP)

G9 – Development in countryside beyond Green Belt

G10 – Development criteria in the countryside generally

H25 – Housing in countryside beyond Green Belt
E3 – Landscape: General approach
M10 – Road construction outside settlement limits

Blyth Valley Core Strategy 2007 (BVCS)

SS1 – Regeneration and spatial strategy
SS2 Sequential Approach and Phasing
SS3 – Sustainability criteria
H1 – Housing provision
H3 Mix of Housing Development
ENV1 Natural Environment and Resources
ENV2 – Historic and built environment
A3 – Ashington Tyne and Blyth rail line

Blyth Valley Development Control policies DPD 2007 (BVDPD)

DC1 - General Development
DC2 – Planning Obligations
DC5 - Housing Windfall Sites
DC11 - Planning for Sustainable Travel
DC16 - Biodiversity
DC17 - Landscape: General Protection & Restoration
DC19 - Drainage and Flood Risk
DC21 - Pollution Control
DC22 - Noise Pollution
DC23 – Conservation Area
DC27 Design of New Developments

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance

6.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by Main Modifications recommended in the Inspectors' Report (January 2022)

STP1 – Spatial Strategy
STP2 – Presumption in favour of sustainable development
STP3 – Principles of sustainable development
STP4 – Climate change mitigation and adaptation
HOU2 – Provision of new residential development
HOU4 – Housing development site allocations
HOU5 – Housing types and mix
HOU6 – Affordable housing provision
HOU9 – Residential development management
QOP1 – Design principles
QOP2 – Good design and amenity
QOP4 – Landscaping and trees

QOP5 – Sustainable design and construction
TRA1 – Promoting sustainable connections
TRA2 – The effects of development on the transport network
TRA4 – Parking provision in new development
ENV2 – Biodiversity and geodiversity
ENV3 – Landscape
ENV7 – Historic environment and heritage assets
WAT2 – Water supply and sewerage
WAT3 – Flooding
WAT4 – Sustainable Drainage Systems
POL1 – Unstable and contaminated land
POL2 – Pollution and air, soil and water quality
INF1 – Delivering development related infrastructure
INF5 – Open space and facilities for sport and recreation
INF6 – Planning obligations

7. Appraisal

7.1 In respect of Section 73 applications such as this the planning legislation states that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

7.2 If a Section 73 application is approved the end result is that a new planning permission is granted in respect of the development in its entirety albeit subject to differently worded conditions.

7.3 In assessing applications such as this regard must also be had once again to the merits or otherwise of the proposed development as a whole in planning terms.

7.4 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 plan comprises the policies as set out above. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.5 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 independent examination of the Northumberland Local Plan (NLP) has concluded, and the Inspectors' report is published on the Council's website. The Inspectors consider that subject to a number of recommended Main Modifications, the NLP is 'sound' and provides an appropriate basis for the planning of the County. The Plan is in the final stage of preparation, there are no unresolved objections, and the Plan is consistent with national policy, and therefore significant weight can be given to the policies in the NLP.

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

- Principle of development
- Section 106 agreement
- Housing Mix and Affordable Housing
- Design, layout and residential impact
- Layout and Impact on Character and Appearance of the Area
- Residential Amenity
- Highway impact
- Drainage and flooding
- Biodiversity

Principle of development

7.7 The site already has full planning permission for up to 285 dwellings. This is an extant permission and works have commenced. There are 29 completions as of today and 6 more houses are programmed to be completed in the next 2 weeks. Having regard to the above planning policy considerations it is not considered that circumstances have changed regarding the acceptability in principle of the proposed development. For the purposes of the Seaton Valley Neighbourhood Plan, the application site does not impinge either upon any areas of protected open space either and therefore there is no conflict with this plan. In addition the site already has extant permission and thus contributes to the county's supply of committed housing sites summarised in Table 7.2 of the new Local Plan, and thus already contributes towards meeting the county's minimum housing requirement in Policy HOU2 and the Seaton Valley neighbourhood area requirement in Policy HOU3. Overall, the principle of development on the site is therefore considered to be acceptable and the site is a suitable location for new development, subject to other elements of the development being acceptable as discussed later in this report.

Section 106 agreement

7.8 Planning Permission reference 20/03342/VARYCO, which the previous application varied, was accompanied by a deed of variation to the original Section 106 Agreement which included a clause that results in any future Section 73 applications such as this being bound by the terms of that existing agreement. As such the original section 106 remains in force which secures affordable housing provision and off-site highway improvement works. Whilst Education and Healthcare have asked for contributions under this application, in this case as works have clearly started and the earlier permissions could be implemented, that there is no increase in housing number and that the policy requirement for these contributions has not changed since the original application was considered and the principle of development has already been agreed with the original application, it would be unreasonable to ask for these contributions. In addition only those changes proposed under a section 73 application need to be reconsidered.

Coastal Mitigation

7.9 Whilst other contributions have not been sought under this application, since the original planning application, circumstances regarding the impact of the development to the nearby protected sites have changed. Case law has altered the way we undertake Habitat regulations Assessments and Natural England advice about recreational disturbance to SSSI and SPA birds (interest features and qualifying features) has changed. Our former HRA and SSSI assessments are no longer legally sound and therefore the following will apply: As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.

7.10 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.11 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast and £307 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £615 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements. In this case £615 is required for each dwelling (285) which amount to £175,275 and the applicant has agreed to this payment by either a unilateral undertaking or section 106.

7.12 A class Habitat Regulations Assessment has been agreed with Natural England and applies to all developments where a contribution to the Coastal Mitigation Service has been agreed. Consequently there is no need to complete an individual HRA for each scheme, unless additional impacts to recreational disturbance are likely.

Housing Mix and Affordable Housing

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

7.14 Policy H3 of the Blyth Valley Core Strategy likewise seeks to promote a mix of unit types and tenures on new housing developments. This is reflected also by emerging Local Plan Policy HOU5. A mix of dwelling types and sizes continue to be proposed in respect of this amended scheme.

7.15 This planning application does not propose any changes to the dwelling numbers or house types but it does propose a change to the mix of dwellings. A revised layout has been produced, relating to 184 plots, with the other 101 units remaining fixed 'as approved', which includes those houses that have already been built. The proposed mix of the revised area is as follows:

- 28no. 2-bedroom dwellings (15.2 %); (a reduction by 14 units from 19%)
- 83no. 3-bedroom dwellings (45.1 %); (an increase by 3 units)
- 73no. 4-bedroom dwellings (39.7 %). (an increase by 11 units)

7.16 In terms of the new mix a number of objections have been received regarding the reduction in the amount of 2 bedroom dwellings and that the amount of larger homes has been increased, citing that there will be less affordable dwellings for local people and the aim is to increase the profits of the developer. In response to this the applicant has confirmed that 'construction started on site in December 2020 and the development is performing well in terms of sales and plot reservations. However, there is now a clearer understanding of market demand in this location, and this has led to a reconsideration of the proposed house types across the future phase of the approved scheme.' The impact of the COVID-19 pandemic has also had a significant influence. The applicant states the demand has never been higher for larger properties with private gardens and this is demonstrated by reports from the sales team on site at the development, known as 'Church Fields', where there is a high demand for larger family homes and it is also very notable that many prospective purchasers are now looking for additional space to allow for home working office space. As such the local housing market has changed since 2015 when the scheme was initially designed.

7.17 This change is therefore in response to the market demand at the site. Notwithstanding this the reduction just relates to this part of the site the application is covering, not the whole site where there are also other two bedroomed properties. In total there are still 40 two bedroomed properties across the whole site. 33 of these will be affordable. Therefore taking this reduction in terms of the total 285 dwellings, this does not amount to a significant decrease.

7.18 In addition whilst concerns have been received regarding a reduction in the number of affordable housing, this is not the case. No changes are proposed to the total number, size or tenure of the proposed affordable housing which remains at 43no. units including 33no. 2-bed homes and 10no. 3-bed homes as per the latest approved scheme. Housing have also been consulted and have no objections to this proposal, stating they are happy with the statement and the schedule as they have clarified there is no change to the Affordable Housing offer in terms of numbers and tenures.

7.19 Overall it is still considered that the mix of dwelling types and sizes continues to be acceptable in respect of this amended scheme.

Layout and Impact on Character and Appearance of the Area

7.20 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. The NPPF stresses 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.' It is stated that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.' It also states that 'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.' Such NPPF Principles are carried through into Policy DC27 of the Blyth Valley Development Control Policies DPD whilst Policy E3 of the BVDLP and Policy DC17 of the BVDPD seek to safeguard and enhance landscape character. Emerging Local Plan Policies QOP1 and QOP2 also seek to promote high quality design which are now given significant weight.

7.21 The changes proposed include a revised road layout. Whilst this does mean a number of plots have changed position notably, many of the plots are also in very similar positions. Whilst house types have also changed on some plots too the scheme does not actually introduce new house types to those already approved.

7.22 Notwithstanding this objections have been received regarding the revised layout. One of the major changes has been to the design of the open space and objections have been received in this regard stating the open space has been reduced from the previously approved scheme and reference is made to the original appeal and that this feature removes what should have been the feature area of the Belvedere- a circular conical landscaped area. The applicant was notified of these concerns and they have provided some clarification. This sets out the 'public open space on the proposed revised layout covers an area of 2.91ha across the full site, compared to the last approved layout (1430.01 Rev.A4) which included 3.0ha of POS or the original layout (1430.01 Rev.R) which included 2.92ha and as such there is effectively no change against the original layout and only a very minor reduction from the last approved layout.'

7.23 Upon entering New Hartley from the south, the scheme does still retain the previously approved areas of open space to the southern and western boundaries which are currently under construction. The revised layout provides a near continuous green corridor linking the site together with a pedestrian link meandering along the north/south line from the crescent public open space (POS) near the entrance.

7.24 In addition, in terms of the changes to the open space, whilst it does appear different, the applicant has improved the quality of the POS, and plans have been prepared to supersede those included in the initial submission. Improvements have been made both in terms of biodiversity gains and its recreational value, over and above that which formed part of the approved scheme, including -enhanced wildlife friendly landscape features have been added and large areas of wildflower meadow, 13no. additional native species trees and 522m of native hedges are now proposed, where previously there was none. Additional street trees have been added, responding to the Councils concerns in relation to the NPPF guidance on the

character and quality of urban environments and tree lined streets. Outside of plots 148-152 and 130, a sensory planting mix, trees, hedgerows, footpaths and benches are proposed to support meaningful use of the POS, creating a feeling of enclosure and provide a pleasant landscaped walk through the development and supporting the health and well-being the local community. Outside of plots 130-133 natural play facilities are also now proposed to encourage physical activity for a range of users, where no play facilities were previously proposed. The revision thus now creates areas of open space along footpath corridors, which are enclosed by houses rather than roads making them more user friendly and attractive and they have greater ecological benefits. The further tree planting will also help to enhance the appearance of the site and the play area will provide a feature for children to play where none was proposed before.

7.25 In terms of the emerging plan and Appendix H which sets out open space requirements the proposal would also exceed the amount of on site amenity space required significantly, as across the overall site only 7200 sq m is required compared to the 2.91 ha provided. A play area which would consist of a trim trail would be provided too, although whilst this may not be 1389 sq m in area, as required on this part of the site covered by 184 dwellings, it is considered that the open space provision which exceeds the requirement considerably would compensate for any short fall. It has been confirmed that in line with Appendix H for parks and gardens the off site contribution would be £143,067 for the cost of provision per sq m plus 5 years maintenance per sq m. This is based on only that part of the site this application seeks to amend which covers 184 of the 285 dwellings. However for the same reasons that Education and Health contributions have not been sought and in particular as there is an extant permission for this site for the same amount of houses that could be implemented it is considered it would be unreasonable to ask for this in this instance.

7.26 Whilst objections have also been received regarding the proposed boundary treatment, specifically in the northwest corner of the site adjacent to Hastings Terrace, as a timber fence was shown on the submitted plan instead of the previously approved wall topped with fence, the applicant has acknowledged this discrepancy and updated the plans to now show a 1200mm high close boarded fence on top of 600mm wall in this location as per the previously approved boundary details (please see attached Drawing No. 2148.03.B).

7.27 Overall, it is considered the changes proposed to the layout would therefore, although be different, would not reduce the quality of what was originally proposed. The changes to the site layout and house types are considered acceptable in design terms and will not impact adversely in terms of the development as viewed from the surrounding area including the Conservation Area to the east. The proposal would therefore in this respect continue to be acceptable and in accordance with the NPPF, National Design Code and local plan policies.

Residential Amenity Impact

7.28 There are residential properties sited immediately adjacent to the site. Having regard to the proposed layout and scale of development, it is considered that, a suitable form of development is achieved on the site that would not have unacceptable effects upon the privacy or amenity of adjacent residents. It is considered that whilst concern has been raised over impact on privacy on some

neighbours, particularly to the north of the site, adequate separation distances are achieved, which will ensure that neighbours residential amenity will not be impacted upon detrimentally. The amendments proposed to Condition 24 will also further help to protect neighbours privacy.

7.29 With regard to noise pollution matters Policy DC22 of the Blyth Valley Development Control Policies DPD and emerging Local Plan Policy POL2 seeks to ensure that noise sensitive developments are adequately separated from noise generating uses and that generally development is suitably mitigated from noise pollution.

7.30 A Noise Assessment has been submitted with an earlier application which concluded that a satisfactory residential environment can be achieved subject to suitably specified glazing and ventilation. Public Protection advise that they have no objection to the amendment to the wording of Condition 23 proposed under this application which will continue to ensure that adequate noise mitigation measures are installed.

Highways

7.31 NPPF paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. It also sets out the governments transport objectives and how the planning system should actively manage patterns of growth in support of these objectives. Policies TRA1 and 2 of the emerging Local Plan reflect the above Policy.

7.32 The Council's Highway Authority have assessed the proposal based on information submitted, as well as on-site observations, local and national policy requirements and other material considerations.

7.33 Whilst some objections have been made regarding the impact of having 14 larger houses on site and that this could lead to parking issues in the area, the level and siting of car parking proposed is considered to be acceptable by Highways. They have reviewed the information provided in terms of layout and parking and considered that the proposals are acceptable in terms of highways matters. They have also confirmed the changes proposed to conditions 11 and 14 are acceptable.

7.34 In addition in regard to a concern raised, Highways have confirmed that, there are bollards proposed to prevent vehicular access, at the entrance from Seaton Avenue.

7.35 Overall the proposals are considered acceptable on highways grounds.

Drainage and Flooding

7.36 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and therefore is considered to be at low risk of flooding. Policy DC19 of the Blyth Valley Development Control Policies DPD and emerging Local Plan Policies WAT3 and WAT4 which should be give significant weight also seek to ensure that drainage and flood risk matters are satisfactorily addressed.

7.37 In terms of concerns raised regarding increased impermeable areas, impact on flood risk and that the LLFA have not seen all necessary information, the LLFA have been consulted and are fully aware of the increase in impermeable area and they have seen revised flood risk calculations. These have been formally submitted and after reviewing the submitted information and having received further information, the Council's LLFA team raise no objections to surface water drainage subject to the conditions 16-19 being repeated (16 and 18 as amended) on this permission and plans approved. In particular they state 'the amended development will see the total impermeable area slightly increase. Revised calculations with the new impermeable area have been undertaken and these demonstrate that the development can contain the 1 in 100 year plus climate change flood event on site, without increasing the risk of flooding elsewhere.'

7.38 It is not proposed to connect foul sewerage to the Northumbrian Water network via the woodland to the north but through the village to the north west.

7.39 Overall it is therefore considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage.

Biodiversity

7.40 BVCS Policy ENV1, BVDPD Policy DC16 and emerging Local Plan Policy ENV2 seek to safeguard existing features of ecological interest and promote biodiversity.

7.41 The Council's ecologist has been consulted and after the submission of further revised plans now raises no objections to the landscaping details and mitigation proposed, subject to conditions. A Biodiversity Management Plan for the site has already been agreed through discharges of conditions on application 19/00674/DISCON. As such the proposal is considered to be acceptable in this regard and in accordance with the above policies.

Other Matters

7.42 In addition to variation to the wording of condition 2, it is also considered that the changes to the wording of the other conditions, namely 3,4,5,7 9,11,14,16, 18, 23 and 25 are acceptable.

7.43 In terms of the concern over build time and the Site Execution Strategy the applicant has confirmed that the build strategy is sequential in nature and has not changed to date on what was approved through planning. It is also not usual to put fixed dates on build routes, given that a number of external influences can impact programmes. Regarding the pumping station they acknowledge that a number of houses within the development require the pumping station to be installed to positively drain, however they are awaiting a programme of works for the pumping station and have been hit by the material shortages that are currently plaguing the entire sector. In the meantime, the applicant has a temporary pumping system

operational on the development, that was installed by the appointed specialist pumping contractor.

8. Conclusion

8.1 Overall, the scheme as revised is considered acceptable and it is considered that planning permission should be granted subject to amended conditions that reflect the revised drawings/documentation provided and recent discharges of conditions under applications 19/00674/DISCON and 20/0003/DISCON and completion of a Section 106 Agreement Deed of Variation or Unilateral Undertaking requiring contributions towards Coastal Mitigation.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.

Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and completion of a Section 106 Agreement Deed of Variation requiring a Coastal Mitigation contribution of £175,275.

Conditions/Reason

01. The development hereby permitted shall commence before the expiration of three years from the 20 September 2017.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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:-

Affordable Housing Statement

Overall site layout 2148.100.D

13.1119.02 Location Plan;

2148.01. Rev.M - Planning Layout (including affordable housing details, open space and public right of way location)

2148.03 Rev.G - Materials and Boundary Layout

QD960-03-01 Rev V - Engineering Layout;

QD960-04-01 Rev P - External Works Sheet 1;

QD960-04-02 Rev N - External Works Sheet 2;

QD960-04-03 Rev M- External Works Sheet 3;

QD960-04-04 Rev O - External Works Sheet 4;

QD960-03-03 Rev.F Offsite Foul Sewer Route

01 Rev E - Alderney House Type Floor Plans & Elevations;

01 - Denby House Type Floor Plans & Elevations;

01 - Denford House Type End Terrace Floor Plans & Elevations;

01 - Denford House Type Mid Terrace Floor Plans & Elevations;

01 - Ellerton House Type End Terrace Floor Plans & Elevations;

01 - Ellerton House Type Mid Terrace Floor Plans & Elevations;

01 - Kenley House Type End Terrace Floor Plans & Elevations;

01 Rev.E - Kenley House Type Mid Terrace Floor Plans & Elevations;

01 - Kingsley House Type Floor Plans & Elevations;

01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;
01 Rev F - Maidstone House Type Mid Terrace Floor Plans & Elevations;
01 Rev D - Moresby House Type Floor Plans & Elevations;
01 - Radleigh House Type Floor Plans & Elevations;
01 Rev A - Maidstone House Type End Terrace Floor Plans & Elevations;
01 to 08 - Beadle House Type Plans;
01 Rev A - Windermere House Type Floor Plans & Elevations;
Noise Survey & Impact Assessment Ref: 3933.4 Version E dated 30/09/2021;
Aboricultural Impact Assessment Rev.D dated 5th October 2021 (development layout not approved)
Aboricultural Method Statement Rev.D dated 5th October 2021 (development layout not approved)

Reason: For the avoidance of doubt, and in the interests of proper planning.

03. The development shall be carried out in full accordance with the Estate Street Phasing and Completion Plan and overall phasing contained within the following approved documents:

Site Execution Strategy Rev K QD960-03-01 Rev.V

Engineering Layout QD960-04-01 Rev.P

External Works Sheet 1 QD960-04-01 Rev P

External Works Sheet 2 QD960-04-02 Rev N

External Works Sheet 3 QD960-04-03 Rev M

External Works Sheet 4 QD960-04-04 Rev O

Reason: For the avoidance of doubt, and in the interests of proper planning.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), all first floor side elevation windows within the dwellings hereby permitted shall be constructed with obscure glass and shall remain obscure glazed at all times thereafter and no additional window or other opening shall be made at first floor level in the following elevations of the dwellings/plots specified unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority - 1 West, 5 South, 7 East, 8 West, 9 West, 10 East, 15 East, 16 West, 17 South, 40 East, 43 North, 47 North East, 53 South West, 55 East, 60 South, 61 East or West, 62 West, 68 East, 69 North, 81 South, 90 East, 91 South West, 94 South East, 96 North West, 97 North East, 99 South West, 100 South West, 108 South West, 109 North East, 125 South East, 133 North West, 134 North East, 142 South West, 143 North West, 144 South East, 152 North East, 165 North East, 171 North West, 176 North East, 177 North, 182 South, 183 North, 187 North, 212 South, 220 South, 223 South, 224 West, 227 South, 232 North, 233 East, 235 West, 238 South, 239 South, 241 West or East, 242 East, 250 North, 251 West, 256 North or South, 264 East, 267 South, 280 North or South.

Reason: In the interests of residential amenity in accordance with Policy DC27 of the Blyth Valley Development Control Policies DPD.

05. Prior to the installation of any external lighting on the scheme, full details of all such lighting shall be submitted to and approved in writing by the Local Planning Authority. All street lighting should be baffled so as not to direct lighting up into the atmosphere.

Reason: In the interests of visual amenity in accordance with Policy DC27 of the Blyth Valley Development Control Policies DPD.

06. Other than in accordance with the works required under condition 27, the level crossing on St Michael's Avenue shall remain unobstructed at all times both during and after construction.

Reason: In the interests of highway safety in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

07. The approved planting plans-c-1084-101F Planting Plan Sheet 1 of 6, c-1084-102E Planting Plan Sheet 2 of 6, c-1084-103E Planting Plan Sheet 3 of 6, c-1084-104E Planting Plan Sheet 4 of 6, c-1084-105E Planting Plan Sheet 5 of 6 and c-1084-106E Planting Plan Sheet 6 of 6, c-1084-107F Masterplan shall be fully implemented during the first full planting season (November to March inclusive) following the first occupation of any dwelling in that phase.

Reason: In the interests of visual amenity and biodiversity in accordance with Policies DC16 and DC27 of the Blyth Valley Development Control Policies DPD.

08. All 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 hedgehogs.

Reason: In the interests of biodiversity in accordance with Policy DC16 of the Blyth Valley Development Control Policies DPD.

09. The development shall be constructed in full accordance with the levels details contained within the following approved documents:

Site Execution Strategy Rev K

QD960-03-01 Rev.V Engineering Layout

QD960-04-01 Rev.P External Works Sheet 1

QD960-04-02 Rev.N External Works Sheet 2

QD960-04-03 Rev.M External Works Sheet 3

QD960-04-04 Rev.O External Works Sheet 4

Reason: In the interests of minimising flood risk in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD.

10. Prior to the first occupation of any dwelling the car parking area including any garaging indicated on the approved plans for that dwelling shall be hard surfaced, sealed and marked out. Thereafter, that car parking area including any garaging

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 and amenity in accordance with Policies DC11 and DC27 of the Blyth Valley Development Control Policies DPD.

11. No dwellings in a phase shall be occupied until details of the proposed highway works in that phase, and the arrangements for the future management and maintenance of the proposed streets within that phase, shall be submitted to and approved in writing by the Local Planning Authority. No dwellings in that phase shall be occupied until the highway works approved by the Local Planning Authority for that phase have been constructed in accordance with the approved plans and those streets shall thereafter be maintained in accordance with the management and maintenance details approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

12. Prior to the first occupation of the development details of a Framework Travel Plan in respect of the application site shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter until implementation of a Full Travel Plan approved under condition 20 below the approved Framework Travel Plan shall be implemented in accordance with the approved details. This Framework Travel Plan must include:

- a. the contact details of a suitably qualified Travel Plan Co-ordinator;
- b. an implementation programme;
- c. an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems;
- d. clearly defined aims and objectives in relation to travel modes; and
- e. clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.

Reason: In the interests of sustainable travel patterns in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

13. Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- a. details of and results from an initial residents survey;
- b. clearly specified targets for resident travel mode shares;
- c. an on-going plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
- d. a scheme providing for a biennial monitoring report until completion of the development to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of sustainable travel patterns in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

14. The refuse storage facilities as shown on 2148.01 Rev.M Planning Layout shall be provided and implemented in full prior to first occupation of that dwelling and shall remain in place at all times thereafter.

Reason: In the interests of highway safety and amenity in accordance with Policies DC11 and DC27 of the Blyth Valley Development Control Policies DPD.

15. The Construction Method Statement and other construction work mitigation details approved on the 23 March 2021 under planning application 19/00674/DISCON shall be adhered to throughout the construction period with the exception of construction deliveries which are permitted between the hours of 8am to 6pm Monday to Friday (excluding bank holidays) for a temporary period of 12 months only beginning from the date of this planning permission. Following the expiry of that 12 month period construction delivery times shall revert to 9.30am to 4.30pm unless planning permission has been granted otherwise by the Local Planning Authority. For the avoidance of doubt no construction deliveries in respect of the proposed development shall take place outside of these times and no vehicles delivering construction materials/plant to the application site or removing materials/plant related to construction activities from the application site shall access and/or egress the application site through New Hartley village via Double Row, Bristol Street and St.Michael's Avenue to the west of the site.

Reason: In the interests of highway safety and amenity in accordance with Policies DC11 and DC21 of the Blyth Valley Development Control Policies DPD.

16. Construction of the development hereby permitted shall incorporate surface water drainage infrastructure in full accordance with the details contained within the following approved documents:

Site Execution Strategy Rev K
QD960-03-01 Rev.V Engineering Layout
QD960-04-01 Rev.P External Works Sheet 1
QD960-04-02 Rev.N External Works Sheet 2
QD960-04-03 Rev.M External Works Sheet 3
QD960-04-04 Rev.O External Works Sheet 4

Reason: In the interests of minimising flood risk in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD.

17. The adoption and on-going maintenance of all surface water drainage features shall be undertaken in full accordance with the details approved on the 23 March 2021 under planning application 19/00674/DISCON.

Reason: In the interests of minimising flood risk in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD.

18. The disposal of surface water from the development throughout the construction of the development hereby permitted shall be undertaken in full accordance with the details contained within the following approved documents:

Site Execution Strategy Rev K
6443-EES-001 Rev.B Environmental Execution Strategy PROW & SUDS
Silt Management Plan 350285-R5 (00)

Reason: In the interests of minimising flood risk in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD.

19. No surface water connection shall be made associated with the development to those parts of the Lysdon Burn, the Lysdon Pond and the Lysdon Pond weir in the ownership of the developer until these features have been surveyed, fully cleared of all debris and other remediation works have been undertaken in full accordance with the details approved on the 23 March 2021 under planning application 19/00674/DISCON.

Reason: In the interests of minimising flood risk in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD.

20. Prior to the first occupation of any dwelling in a phase within which the existing public right of way lies, the part of that public right of way in that phase shall be re-constructed in accordance with a detailed specification which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting pedestrian access in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

21. Prior to the first occupation of any dwelling a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination remediation in respect of that dwelling have been undertaken in full accordance with the details approved on the 23 March 2021 under planning application 19/00674/DISCON concerning condition 21 of previous planning 18/02368/VARYCO.

Reason: In the interests of public safety in accordance with Policy DC21 of the Blyth Valley Development Control Policies DPD.

22. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: In the interests of public safety in accordance with Policy DC21 of the Blyth Valley Development Control Policies DPD.

23. No dwelling shall be first occupied unless and until those noise mitigation measures -contained within the approved document 'Noise Survey & Impact Assessment 3933.4 Rev.E' have been provided in full in respect of that dwelling and those measures shall remain in place at all times thereafter.

Reason: In the interests of public safety in accordance with Policy DC21 of the Blyth Valley Development Control Policies DPD.

24. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports ('New

Hartley Habitat & Protected Species Risk Assessment', October 2013, 'New Hartley Mammal Surveys', May 2014, 'New Hartley Great Crested Newt Survey', May 2014, 'New Hartley Biodiversity Plan', February 2016, Penn Associates Ltd.)

Reason: In the interests of biodiversity in accordance with Policy DC16 of the Blyth Valley Development Control Policies DPD.

25. No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institute, 2012 and Arboricultural Method Statement Rev D.

Reason: In the interests of biodiversity and visual amenity in accordance with Policies DC16, DC17 and DC27 of the Blyth Valley Development Control Policies DPD.

26. The Biodiversity Management Plan approved on the 23 March 2021 under planning application 19/00674/DISCON shall be implemented in perpetuity in respect of the development hereby permitted.

Reason: In the interests of biodiversity in accordance with Policy DC16 of the Blyth Valley Development Control Policies DPD.

27. The highway mitigation works in respect of the St.Michael's Avenue Level Crossing shall be constructed in accordance with the details approved on the 28 April 2020 under planning permission 20/00003/DISCON and shall be implemented prior to the occupation of any dwelling on the site.

Reason: In the interests of highway safety in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

28. The highway works at the A190 / A192 Seaton Delaval roundabout shall be constructed in accordance with the details approved on the 28 April 2020 under planning permission 20/00003/DISCON.

Reason: In the interests of highway safety in accordance with Policy DC11 of the Blyth Valley Development Control Policies DPD.

29. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the updated ecology report: Updated Ecological Appraisal, Land off St Michael's Avenue, New Hartley, OS Ecology, September 2021 including:

- Implementation of a Construction Environmental Management Plan to avoid impacts to retained features.
- Adopt the Bat Conservation Trusts standards for temporary and permanent lights around features likely to be used by bats such as retained areas of scrub.
- Complete nesting bird surveys of areas of vegetation should these be removed as part of the scheme between March and August inclusive. This should be undertaken by a suitably qualified ecologist.
- Complete pre works checks where development will impact on the Lysdon Burn and associated wetland to the north east of the site.

- Ensure compliance with the CEMP as detailed above to prevent pollution of the adjacent Lysdon Burn through run off.
- Implementation of a Biodiversity Management Plan for the scheme.
- Erection of bat and bird boxes within the scheme.
- Inclusion of hedgehog gaps in all boundaries within the scheme in accordance with the guidance provided in document DB-SD11-004 of the previous planning application 21/02457/DISCON

Reason: In the interests of biodiversity in accordance with Policy DC16 of the Blyth Valley Development Control Policies DPD.

30. No changes shall be allowed to the hereby approved boundary treatments adjacent and facing Hastings Terrace, unless planning permission has first been granted.

Reason: To ensure no vehicular access is gained from Hastings Terrace to the adjacent plots hereby approved, so the impact on Highway capacity can be assessed, in accordance with the NPPF.

31. Before the occupation of any dwellings full details regarding the location and specification of an onsite play area and a timetable for its provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the play area shall be implemented in full accordance with the approved timetable, and it shall be maintained so it does not all within a state of disrepair.

Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with the NPPF.

Date of Report:

Authorised by:

Date:

Background Papers: Planning application file(s) 21/04451/VARYCO