PLANNING AND RIGHTS OF WAY COMMITTEE
8TH MARCH 2016

Application No: 15/02828/VARYCO

Proposal: Variation of condition 20 (temporary site access) of application 12/03336/VARYCO - To vary house types to plots 1-6 to provide improved design in keeping with market requirements.

Site Address Land South Of Mill Hill Farm, Chatton, Northumberland, NE66 5PR

Applicant: Mr Guy Munden
The Northumberland Estates, Estates Office, Alnwick Castle, Alnwick NE66 1NQ
Agent: None

Valid Date: 25 August 2015
Expiry Date: 24 November 2015

Case Officer Details:
Name: Mr Tony Lowe
Job Title: Senior Planning Officer
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1. Introduction

1.1 The application is to be considered by Members of the Planning and Public Rights of Way Committee at the request of the Local Ward Member.
2. Description of the Proposals

2.1 The site is located on the eastern side of Chatton, adjacent to the former Mill Farm, and incorporates part of the former farmyard area and adjoining fields/pond area. The site is bounded on to the east and north by residential development, with views to/from the Chillingham Road (south), broken by existing, mature trees and landform, with residential access taken from and extending, the existing Mill Hill estate road. The site is within the Chatton Conservation Area and a locally designated area of high landscape value.

2.2 The site was granted consent for the development of 16 houses, planning reference N/09/B/02340 refers. This was later varied under planning reference 12/03336/VARYCO to enable new house types on plots 1-6. Planning reference 14/02540/FUL sought to change the re-orientation of an approved, detached dwelling on plot 7, from south - north to new orientation east - west and was approved. The development of the site is now advanced with road/footpath infrastructure and most plots completed or near completion.

2.3 The applicant now seeks consent to vary condition 20 of planning reference 12/0336/VARYCO, which referred to the access for construction vehicles requiring:

"No work, except surveying, shall commence on the development site unless a scheme for the creation of a temporary site access to be used by all construction vehicles, deliveries etc. and to include details of site restoration after completion of the development, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the start of construction and the approved access shall remain in use throughout the construction of the development.

Reason: In the interests of residential amenity"

3. Planning History

Reference Number: 11/02849/NONMAT
Description: Revised footpath crossover near entrance to phase 2 development
Status: Approved

Reference Number: 12/03336/VARYCO
Description: To vary house types to plots 1-6 to provide improved design in keeping with market requirements.
Status: Approved

Reference Number: 15/02809/VARYCO
Description: Variation of condition 20 relating to planning permission 12/03336/VARYCO - The condition relates to a an existing temporary site access which has already been approved. However, this access is unsuitable to serve the remaining plots to be constructed (1-6), since plots 7-15 have now been constructed and prevent
construction vehicles accessing plots 1-6 via the temporary site access. This condition should be varied to allow construction vehicles to access the site via the existing road access directly from North Terrace (B6348) via Mill Hill Farm and should read:-

'No work, except surveying, shall commence on the development site unless a scheme for the creation of a site access to be used by all construction vehicles, deliveries etc, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the start of construction and the approved access shall remain in use throughout the construction of the development.'

**Status:** Application returned

**Reference Number:** N/11/B/0039

**Description:** Removal of condition 2 on previous application 09/B/0230 to revise house layouts and fenestration (construction of 15 houses including private and affordable housing).

**Status:** Refused

**Reference Number:** N/09/B/0230

**Description:** Construction of 15 houses (including private and affordable housing).

**Status:** Approved

4. Consultee Responses

<table>
<thead>
<tr>
<th>Building Conservation</th>
<th>There are no building conservation considerations or matters to be raised to the variation of the temporary site access.</th>
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</thead>
<tbody>
<tr>
<td>Tillside Parish Council</td>
<td>No objection, subject to conditions relating to:</td>
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<tr>
<td></td>
<td>1. Construction work timings;</td>
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<td>2. Construction parking;</td>
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<td>3. Wheel washing;</td>
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<td>4. maintenance of the 'whole site';</td>
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<td>5. Monitoring of construction debris/ mud on the roads;</td>
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<td>6. Speed restriction on the road;</td>
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<td>7. An appointed enforcement officer;</td>
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<td>8. A new scheme of street lighting will be implemented prior to starting work on the remaining plots</td>
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<td>9. Road adoption;</td>
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<td>10. Implementation of private legal covenants on the remaining plots;</td>
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<td>11. Restoration of the existing temporary road access;</td>
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<td>12. The commissioning of a report from the County Highways Officer regarding the proposed access;</td>
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<tr>
<td>Highways</td>
<td>No objection, subject to a planning condition requiring the 'stopping up' of the existing construction access.</td>
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</tbody>
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5. Public Responses

Neighbour Notification

<table>
<thead>
<tr>
<th>Number of Neighbours Notified</th>
<th>44</th>
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<tbody>
<tr>
<td>Number of Objections</td>
<td>3</td>
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<tr>
<td>Number of Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of General Comments</td>
<td>0</td>
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</tbody>
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Copies of all representations received are available in the Members’ Lounge and will also be made available at the meeting of the Committee.

Notices

Site Notice- Affecting Conservation,
Berwick Advertiser 10th September 2015

Summary of Responses:

5.1 Three letters of objection have been received. The main reasons for objection include:

Impact on residential amenity;
Highway safety;

6. Planning Policy

6.1 National Planning Policy

National Planning Practice Guidance (2014, as updated)

6.2 Development Plan Policy

F3 Tweed Valley, Kyloe Hills, Glendale Areas of High Landscape Value - Berwick upon Tweed Local Plan

F31 Social and Economic Welfare - Berwick upon Tweed Local Plan

6.3 Emerging Polices

Northumberland Local Plan Core Strategy Pre Submission Draft (October 2015):

Policy 1 Sustainable development;
Policy 2 High quality sustainable design;
Policy 43 The effects of development on the road network;
Policy 70 Planning conditions and obligations.

6.4 Other Documents/Strategies

None applicable
7. Appraisal

7.1 The application has been assessed against national policy and guidance, development plan policies and other material planning considerations, and the advice of statutory consultees. The key planning issues raised by the proposal include:-

The principle of the development;
Highway impact;
The impact on residential amenity;

Principle of the development

7.2 Section 73 of The Town and Country Planning Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. Paragraphs 6 & 7 of the NPPF highlight that the purpose of the planning system is to contribute to sustainable development and lists the three dimensions of sustainable development which are economic, social and environmental. Paragraph 12 identifies that the NPPF does not change the statutory status of the development plan, as the starting point for decision making. Although the Berwick-upon-Tweed Local Plan (LP) was adopted in 1999, it is considered that the policies relevant to the determination of this application are in line with the NPPF objectives and, in accordance with the provisions of the NPPF, this means that due weight can still be given to the relevant Local Plan Policies.

7.3 In reference to Decision Making, paragraph 186 requires local planning authorities to approach decision making in a positive way, to foster the delivery of sustainable development. The Northumberland Core Strategy Pre-Submission Draft (NCS) is not yet adopted but can, at this time be considered a material consideration and weighted accordingly. It seeks to ensure high quality design, and identifies that the provision of housing is fundamental to the wellbeing of sustainable communities, with policy 2 seeking to ensure high quality sustainable design and policy 43 dealing with the impact on development on the road network.

7.4 Planning reference 12/0336/VARYCO was granted consent subject to 20 conditions. Records do not indicate that any of these planning conditions have been discharged, although some details relating to the affordable housing plots were accepted. Therefore it is considered appropriate that should consent be granted for this variation, all relevant conditions relating to planning reference 12/0336/VARYCO should be attached

Highways Impact

7.5 Condition 20 was applied to the original grant of consent (09/B/0230) by the planning committee to address concerns raised by objectors to the development regarding highway safety and the length of time the development may take to complete, and this was subsequently carried through on the grant of consent for 12/0336/VARYCO. There were no highway objections to the proposal at the time of the original consent.

7.6 The proposal has been examined by the Highway Authority which has no objection to the proposal subject to the 'stopping up' of the existing temporary construction access and the re-instatement of the boundary wall and highway verge.
The development is now at an advanced stage with nine plots now completed and the potential impact in terms of the number of construction vehicle movements at any one time is considered to be reduced. This reduction should now be balanced with the increased number of residential vehicle movements, from the occupied plots.

7.7 Following the Highway Authority response, which arise no safety concerns regarding the proposed change, the proposal is not considered to have an adverse impact on highway safety and convenience and refusal on these grounds is not considered to be reasonable.

Impact on residential amenity

7.8 Some element of disturbance from noise, dust, vehicles movements etc. is considered to be an inevitable part of the development process. The development sequence within the site has resulted in the remaining plots now being surrounded on most sides, by residential development and the potential impact from these issues is now considered to be greater than otherwise could have been the case. Due to this increase in residential occupancy and with cognisance of the Environmental Protection Act, it is considered reasonable to ensure that construction times are controlled by planning condition to reduce this impact to an acceptable level. A planning condition, reflecting this, is recommended to be added to any grant of consent.

Other issues

7.8 A number of objections have been received regarding the proposal which are considered to be addressed within the report.

7.9 The parish council, whilst accepting the proposed change but raised the requirement for a number of conditions, which included:

- Restriction of building times - identified in para 7.7 above;
- Dedicated construction vehicle parking area - this is a requirement of the planning consent;
- Wheel washing facility and monitoring of road for mud etc. - this is a requirement of the planning consent;
- Imposition of a speed limit of 10mph - This condition is not considered to be enforceable and may require the imposition of a Traffic Control Order, which would fall outwith the planning regime;
- An appointed officer for enforcement issues - The Planning Enforcement Officer is aware of the requirement for the site
- A new street lighting scheme - street lighting is currently being addressed by the Planning Enforcement Officer;
- A plan to adopt the estate road is provided and implemented - whilst adoption of and estate road is considered to be preferable and the Highway Authority generally requires all roads are constructed to adoptable standards, under highway legislation, it is not considered reasonable or enforceable that road adoption be mandatory
- A private covenant is implemented by Northumberland Estates preventing the properties being used for commercial use (holiday lets) - that parties enter into a legal agreement of this nature, using other legislation requirements is not considered to be enforceable;
- Restoration of the existing, temporary construction access - para 7.6 above refers;
- A site report form the Highway Authority is commissioned - the proposal has been fully examined by the highway authority and comments provided;

8. Conclusion

8.1 Based on the NPPF’s development premise, the site is free of constraints, and occupies a sustainable location and residential development at the site remains in accord with current local and national policy. The proposal is not considered to result in any significant or unacceptable impacts upon the local road network, of the amenity of the local area or on the amenity of adjoining residents and land uses. The proposal accords with local and national policy and is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions

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

DJD/470/12, Revision D, in so far as it relates to plots 1-4 only;
DJD/470/13, Revision A;
DJD/470/14, Revision A;
DJD/470/18;
DJD/470/19, Revision A;
DJD/470/15;
DJD/470/16;
DJD/470/17;
10122/C02, Revision 5, excluding plots 1-4;

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

02. The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area in accordance with the NPPF.

03. Trees on or adjacent to this site which are covered by the Tree Preservation Order, number 10 of 2009 shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, as per the guidance set out in BS5837:2005 Trees in Relation to Construction Recommendations, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall first be submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be undertaken before any works commence.
on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations

04. Before any part of the development hereby approved is commenced, the trees to be retained on the site shall be protected by chestnut paling fence 1.5 metres high, placed at a minimum radius of one metre beyond the crown spread of each tree, and the fencing shall be removed only when the development has been completed. During the period of construction of the development: (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure; (b) No fires shall be lit within the spread of the branches of the trees; (c) No materials or equipment shall be stored within the spread of the branches of the trees; (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual amenity of the area in accordance with Policy F3 of the Berwick Local Plan.

05. Within three months of commencement of development, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy F3 of the Berwick Local Plan.

06. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: In the interests of visual amenity in accordance with Policy F3 of the Berwick Local Plan.

07. No work shall commence on the development site unless a scheme to provide a pedestrian links/footway leading through the phase 1 development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be fully implemented to the satisfaction of the Local Planning Authority prior to any site preparation or other construction works commencing on site.

Reason: From the outset to provide satisfactory pedestrian links between the site and local facilities, in the interests of pedestrian safety in accordance with the NPPF.
08. Prior to commencement of the development hereby approved, provision shall be made for a temporary car park within the site to accommodate operatives and construction vehicles during the development of the site in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To avoid obstruction of the adjoining highway from the outset in accordance with the NPPF.

09. Prior to commencement of the development hereby approved, provision shall be made for a temporary compound and storage area within the site to accommodate the storage of materials during the development of the site in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To avoid obstruction of the adjoining highway from the outset in accordance with the NPPF.

10. Prior to the commencement of development precise details of a wheel washing, axle and suspension cleaning facility and its siting shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be retained in the agreed position for the duration of construction work thereafter for use by construction traffic.

Reason: To prevent mud, stones and other debris being carried on to the adjoining carriageway which may cause a hazard to other users of the highway from the outset in accordance with the NPPF.

11. All loaded wagons leaving the site shall be sheeted or otherwise treated to prevent the spread of dust/debris onto the highway.

Reason: To prevent mud, stones and other debris being carried on to the adjoining highway, which may cause a hazard to other users of the highway in accordance with the NPPF.

12. All road works and associated works intended for adoption shall be laid out and constructed in accordance with the Northumberland County Council Manuals or as otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of highway safety in accordance with the NPPF.

13. The development hereby approved shall be completed in strict accordance with a fully dimensioned layout plan incorporating road drainage, street lighting and landscaping together with a longitudinal section of the new road and details of construction of the carriageway and accesses, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of highway safety in accordance with the NPPF.

14. The proposed roads and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway to at least base
course level, between the dwelling and existing highway. All manhole covers and gulley frames shall be set to the level of the temporary running surface until immediately prior to the laying of the final wearing course/ block work.

Reason: To ensure that development is served by a satisfactory means of access in accordance with the NPPF.

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway and/or adoptable highway from the private drives or road areas, in accordance with a scheme of details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding and to prevent damage to the highway in accordance with Policy F31 of the Berwick Local Plan.

16. Notwithstanding the provisions of the Town & Country Planning General Permitted development Order 1995 (or any Order revoking or re-enacting that Order), no conversion of any garage to living accommodation shall take place without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to consider the effects of such a development in accordance with Policy F31 of the Berwick Local Plan.

17. No vegetation clearance shall be undertaken between 1 March and 31 August unless an 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.

Reason: To protect nesting birds, all species of which are protected by law in accordance with the NPPF.

18. No development shall take place until a written scheme of investigation for a programme of topographic survey has been approved by the local planning authority, as defined in the Brief dated 1/07/09 provided by Northumberland County Council Conservation Team. The approved scheme of investigation shall be implemented subject to any variations agreed in writing by the local planning authority.

Reason: The site is of archaeological interest in accordance with Policy F31 of the Berwick Local Plan.

19. No work, except surveying, shall commence on the development site unless a scheme for the creation of a temporary site access to be used by all construction vehicles, deliveries etc. and to include details of site restoration after completion of the development, has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the start of construction and the approved access shall remain in use throughout the construction of the development.

Reason: In the interests of residential amenity in accordance with Policy F31 of the Berwick Local Plan.

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 - Friday - 0800 - 1800, Saturday 0800-1300.
Reason: In the interests of residential amenity in accordance with the NPPF.

Date of Report: 18.02.2016
Background Papers: Planning application file(s) 15/02828/VARYCO