



Appeal Decision

Hearing held on 30 August 2023

Site visit made on 31 August 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/P2935/W/23/3321097

Land West of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth NE61 3SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval of details required by a condition of a planning permission.
 - The appeal is made by Persimmon Homes (North East) against the decision of Northumberland County Council.
 - The application Ref 19/01362/REM sought approval of details pursuant to condition No 3 of an outline planning permission Ref 16/00078/OUT, granted on 28 November 2016.
 - The application was refused by notice dated 11 November 2022.
 - The development proposed is described as "a mixed use development comprising of trunk road service area incorporating a hotel (circa 60 beds), restaurant/public house (550m²), petrol filling station and amenity building including retail (circa 650m²), hot food (circa 400m²) and supporting facilities (circa 400m²), B1 employment (circa 2100m² in the form of an Innovation Centre), residential (up to 150 units of which 30% would be affordable), open space, SUDs allotments and landscaping, countryside park including car parking, foul pumping station and creation of new access off Morpeth Northern By-Pass."
 - The details for which approval is sought are scale, appearance, layout and landscaping for Phase 2.
-

Decision

1. The appeal is allowed, and the reserved matters are approved, namely scale, appearance, layout and landscaping details submitted in pursuance of condition No 3 attached to outline planning permission Ref 16/00078/OUT, granted on 28 November 2016, subject to the attached schedule of conditions.

Application for costs

2. The appellant has sought an award of costs against Northumberland County Council (the Council). That application is the subject of a separate Decision.

Preliminary Matters

3. The appeal follows the Council's refusal of reserved matters for layout, scale, appearance and landscaping for the second of two phases of a mixed use development relating to outline planning permission Ref 16/00078/OUT (the parent permission). The application form describes the proposals which are relevant to that reserved matters application as being "appearance, landscaping, layout and scale for proposed 150 residential dwellings (Use Class

- C3) including 30% affordable housing, countryside park including car park, pursuant to approved outline planning application 16/00078/OUT”.
4. Since the appeal was lodged an appeal¹ relating to the reserved matters for Phase 1 of the development site has been allowed. Prior to the opening of the hearing for the Phase 2 reserved matters the Council clarified that their concern about access had been resolved as a consequence of the Decision. Therefore, the scope of the remaining dispute is one purely of design in relation to scale, appearance, layout and landscaping. The main issue for this appeal reflects that change in circumstance.
 5. During the hearing, I made the scope of this appeal very clear. This is because many representations opposing the appeal proposal extend to matters that relate to the principle of development, which was determined at the outline stage, or to matters that are covered by planning conditions of the parent planning permission.
 6. It remains a matter of law that my determination cannot extend beyond the matters which directly relate to the scope of the reserved matters cited in condition No 3 of the parent permission; namely layout, scale, appearance and landscaping, as defined in the Planning Practice Guidance (the PPG). There is a separate process by which matters already covered by other conditions attached to the parent permission will be determined by the Council. In addition, there is no scope for me to reconsider matters which were dealt with, or should have been dealt with, at the outline stage.
 7. I am satisfied that the masterplan submitted as part of the parent outline application has an illustrative status. This is because the planning permission was not bound to it at the outline stage by any planning condition or legal agreement.
 8. The fact that the Council both validated and made a formal decision on the reserved matters now before this appeal is consistent with my position. For all of these reasons, my treatment of the matters raised to this appeal does not extend beyond those parameters.
 9. At the hearing session my attention was drawn to submitted plans which had not been made publicly available by the Council. This caused me to adjourn the hearing in the interests of procedural correctness and fairness. In addition, during my site visit it became evident that there was an inconsistency between the boundaries for the parent permission and the reserved matters proposal within the vicinity of the proposed countryside park car parking area. Subsequently, the relevant plans have been amended to address that procedural matter.
 10. In view of all these deficiencies, it was necessary for the Council to undertake further consultation. It took the Council several attempts to undertake this to my satisfaction. This has led to a considerable delay in the appeal timeline. I am satisfied that interested parties have now been given appropriate opportunity to comment on all of the plans that are relevant to this particular appeal in so far as they relate to the reserved matters.
 11. Since the hearing session took place, a revised National Planning Policy Framework (the Framework) has been published. I have made my

¹ APP/P2935/W/23/3318070

determination against that updated national policy context, which now makes more explicit reference to achieving well-designed and beautiful places. However, I am satisfied that the relevant changes do not raise any new matters which are determinative to the outcome of this appeal.

12. The main parties were agreeable to the remainder of this appeal being conducted under the written representations procedure. The hearing was formally closed in writing on 17 April 2024.

Main Issue

13. The main issue is whether or not the appeal proposal would represent an appropriate sustainable design response, with particular regard to layout, scale, appearance and landscaping.

Reasons

Design

Site context

14. The appeal site is a broadly rectangular, series of undeveloped arable and roughly grassed fields and slopes and, as such, is something of a plateau. The appeal site would be served off an existing roundabout on the neighbouring bypass and through the mixed use development that comprises Phase 1 of the parent permission that is situated to its northerly extent.
15. Upon approach towards that primary access point, much of the appeal site is both physically and visually well-contained by the existing landscaped bunding and slopes which line the A1 motorway, neighbouring mature woodland and the contemporary residential developed edge of Lancaster Park.
16. Once developed, the commercial components of Phase 1 would be visually separated from the appeal site by the existing and proposed landscaped areas of the permitted Phase 1 scheme.
17. The more outlying southerly extent of the appeal site is mainly contained by mature hedgerow. Although it is more visually exposed by virtue of the steeply sloping topography here, any construction works would be limited to the provision of a carparking area to serve the countryside park and an emergency access as a very occasional contingency measure for the emergency services.
18. Significantly, the undeveloped nature, limited visual interplay with surrounding buildings and peripheral position of this site mean that, until midway on Pottery Bank, there are no particular visual references to the particular historic fabric of Morpeth which positively reinforces its local distinctiveness as a traditional Northumbrian market town. Rather, it is the nearby main transport corridors and surrounding agricultural use which provide the defining context of the site.
19. It is common ground between the main parties that the appeal proposal is appropriate to the surrounding landscape context of the appeal proposal. The dispute centres on how the housing component would be experienced within the appeal site itself.
20. In view of the high level of containment of the appeal site from the existing built-up framework of Morpeth and the prevailing characteristics of its surrounding context, I have no cause to dispute the common ground reached

in this regard. That is the basis on which I make my assessment of the design related reserved matters before me.

National policy approach to design

21. The Framework confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The expectations for achieving this nationally are cited in paragraph 135 of the Framework. These include qualitative and functional credentials to deliver good design; a key aspect of sustainable development.
22. Furthermore, the National Design Guide (the NDG) states that a well-designed place comes about through making the right choices at all levels, including the form and scale of buildings. Amongst other things, it advises that is to be based on an understanding of the existing situation, including patterns of built form as well as the local vernacular and other precedents that contribute to local character to inform the form, scale, appearance, details and materials of new development.

Layout

23. The PPG defines the matter of layout as covering the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
24. Upon passing through the existing tree belt that runs along part of the common internal site boundary between the respective phases, the appeal site would open up and be experienced as a series of residential streets, cul-de-sacs and courtyards. A series of pedestrian routes to the proposed allotments, countryside park and other open space are incorporated within the proposed layout. A pedestrian linkage with the neighbouring residential estate of Lancaster Park is also included although its detailing is governed by a condition of the parent permission.
25. The countryside park element of the appeal proposal would comprise a car parking area set out in a layby arrangement and series of pathways to facilitate access within that part of the site. An informally laid out emergency access would lead up from that southernmost boundary to the proposed dwellings. The precise details for that component are covered by the requirements of the parent outline consent.
26. Contrary to the Council's assessment, the positioning of buildings and landscaping proposals for Phase 1 and the retention of much of the mature tree belt along that common internal site boundary would provide a borrowed, but nonetheless successful, transition between the layouts of the respective phases of development.
27. Significantly, the proposed street pattern and layout would not be untypical of that of other contemporary residential developments within the locality. The resulting varied layout would offer variety and interest to the proposed street scene and would assist in its legibility and sense of place. In the main, dwellings would have acceptable separation distances, private outdoor space, parking and outlook.

28. The layout proposed would enable permeability through the site and into the surrounding developed and undeveloped context, including the proposed allotments and countryside park. Furthermore, no deficiencies as a consequence of the proposed layout in terms of access and highway safety have been evidenced.
29. The southernmost portion of the proposed countryside park and associated car parking and emergency access point would be within close proximity to several residential properties. However, the submitted plans demonstrate that a layout could be achieved which, due to the limited scale of the proposed car parking, its design and the very occasional use of the emergency access, would not result in changes which would cause undue harm to those residents or to the character and appearance of the area. These findings are made in so far as they relate to the matter of layout. They do not prejudice the need for any outstanding matters falling within the scope of condition Nos 9 and 10 of the parent permission to be discharged.
30. For these reasons and contrary to the Council's assessment, the appeal proposal would not give rise to an unacceptable layout.

Scale

31. The PPG defines the matter of scale as covering the height, width and length of each building proposed within the development in relation to its surroundings.
32. The proposed housing component would comprise of a mix of single and 2 storey homes across a relatively flat part of the appeal site.
33. The Council's concern mainly centres around the proposed dwellings forming the 'T-shaped' section of the estate in terms of the anticipated cumulative effect of their finished height, narrow width of plots and proximity of frontages to the highway. The Council argued that the proposed scale of the buildings would lack areas of focus and individual identity.
34. This part of the appeal proposal would reflect the hierarchy of streets within the site. In terms of their scale, the particular house types are not objectionable. The separation distances tend to be less generous here. However, these units would have adequate private, usable rear gardens. The proposed treatment of their publicly facing frontages in terms of scale and placement would create a more intimate street scene. This would not be unduly oppressive. Rather, such treatment would add to the variety, interest, legibility and sense of place. Consequently, I do not share the Council's concern in that regard.
35. For these reasons and contrary to the Council's assessment, the appeal proposal would not give rise to an unacceptable scale of built form relative to its surroundings.

Appearance

36. The PPG defines the matter of appearance as covering the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development and its component architecture, materials, decoration, lighting, colour and texture.

37. From the discussion at the hearing it is clear to me that there have been protracted negotiations between the main parties on design matters, which the appellant understood had been satisfactorily resolved.
38. The Council's written submissions do not substantiate any specific concerns about the proposed architecture, materials, decoration, lighting, colour and texture and the impact of these on creating an appropriate sense of place. I address the concerns regarding the proposed acoustic fencing later, under my determination of the landscaping reserved matter.
39. Within their evidence, the Council confirmed that external materials could be appropriately and necessarily managed through a planning condition. Furthermore, the appellant's evidence includes a number of developments within Morpeth from which they have drawn design references in terms of similarities with the components that define their appearance. From my site visit I was able to recognise these similarities.
40. For these reasons, the appeal proposal would not have an unacceptable appearance.

Landscaping

41. The PPG defines the matter of landscaping as the treatment of land, other than buildings, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated. It includes screening by fences, walls or other means; the planting of trees, hedges, shrubs or grass; the formation of banks, terraces or other earthworks; the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and the provision of other amenity features.
42. During the hearing, the Council advised that the submitted planting scheme would be acceptable, subject to a condition to secure implementation and management whilst the measures become established. The Council also clarified that their landscape concerns related to the proposed layout in terms of the amount and positioning of public open space within the housing component. This included the perceived lack of a sense of place due to the proposed siting of the open space, its orientation and situation and level of pedestrian connectivity.
43. There would be a landscaped campus style context to the proposed housing upon approach through Phase 1. Within that, the appeal site would be read with a foreground including the mature tree cover and a woodland background of Scotch Gill.
44. A significant level of hard surfacing would be experienced within the proposed street scene in the form of roads, footpaths and driveways. However, the scale of development for the site has been established through the parent permission. The Local Highway Authority has not objected to the proposed highway layout or the level of parking provision to serve the proposed dwellings which contribute to the degree of hard surfacing that would result. The proposed street scene would be softened by street trees and could be further managed through the proposed landscaping condition.
45. The proposed elliptical shaped green area would be an integral part of the street scene, positioned mid-way along the main spine road through the estate between the landscaped area of Phase 1 and the countryside park. All dwellings

- would have access to informal areas of landscaping around the perimeter of the proposed estate.
46. Although this is a relatively small area, whose role would be more visual than functional, there would be opportunities at logical points within the proposed estate for pedestrians originating from the proposed estate, Lancaster Park and beyond to access the proposed countryside park, allotments and equipped play facility which are included in this development phase. A number of dwellings along the perimeter of the proposed housing development would look out over and be able to access the surrounding green areas which would envelop the proposed housing estate.
47. As such, an acceptable level of access to public green infrastructure would be provided for each dwelling in both qualitative and quantitative terms. Furthermore, the countryside park would have wider public benefits in that it would be accessible to a wider audience of people, including for those accessing it from the southernmost limit of the appeal site.
48. Collectively, these landscape components would provide a significant accessible green context for the proposed residential component of the appeal proposal which would convey a positive sense of place.
49. From the evidence before me, I have no cause to dispute the Council's assessment that the submitted planting scheme would be acceptable, subject to a condition to secure implementation and management whilst the measures become established.
50. In terms of the concerns about the proposed acoustic fencing, the Council's Public Protection Officer has accepted the principle, location and height of the noise barrier proposed. The appellant's submissions show the intended appearance of that acoustic barrier. This is not dissimilar to that indicated by an interested party at the hearing. That is not extraordinary in its design in terms of its appearance or height. Subject to the requirements of suggested planning condition No 14, and consideration being given to the appropriate planting of vicinity of this as part of the necessary landscaping scheme through suggested planning condition No 15, I am satisfied that an effective and visually acceptable boundary treatment could be secured including for those residents whose properties it would bound.
51. For all of these reasons, the appeal proposal would not have an unacceptable in terms of matters relating to landscape treatment.

Summary

52. Significantly, from the evidence before me, including the interested parties representations and my own site observations, I have found no basis to conclude that the layout, scale, appearance or landscaping of the appeal scheme that is before me would be harmful, bearing in mind the parameters set by the permitted parent permission.
53. In overall conclusion to this main issue, the appeal proposal would represent an appropriate sustainable design response, with particular regard to layout, scale, appearance and landscaping.
54. Consequently, the appeal scheme does not conflict with paragraph 131 or paragraph 135 of the Framework as the scheme is of a design that would be

capable of functioning well and adding to the overall quality of the area over the lifetime of the development. It could be managed through the proposed planning conditions so that it would be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

55. Paragraph 139 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In the absence of harm, there is no conflict with the Framework's approach to design or with the NDG.
56. In view of my findings and subject to the conditions detailed below, there would be no conflict with Policies STP3, QOP1, QOP2 and QOP6 of the Northumberland Local Plan and Policy DES1 of the Morpeth Neighbourhood Plan (2011-2031).

Conditions

57. The schedule of suggested conditions was refined following the discussion which took place about them. As a consequence, the Council agreed to the deletion of a condition which sought to rescind permitted development rights for additional window openings in certain plots as it was found to be unnecessary. The changes to this schedule were necessary to ensure that the conditions meet all of the prescribed tests for planning conditions set out in the Framework and PPG and to avoid any overlap with those of the parent permission. This schedule includes some unavoidable pre-commencement conditions which the appellant is agreeable to.
58. Condition 1 is necessary to define the scope of the approval. Condition Nos 2, 3, 6, and 8 are necessary to safeguard and enhance the natural environment. Condition No 5 is necessary to contribute towards reducing climate change. Condition Nos 7 and 15 seek to manage the external appearance of the development in the interests of local character and visual amenity. Conditions Nos 14 and 17 are necessary to ensure satisfactory living conditions and parking are maintained for the lifetime of this phase of the development. Condition Nos 4, 10, 11, 12 and 16 are necessary in the interests of human health and safety. Condition Nos 9 and 13 are necessary in the interests of managing drainage and flood risk.

Conclusion

59. I set out the parameters for my determination at the outset of this Decision. In so far as the opposition to the appeal proposal relates to the scope of the reserved matters before me, and in the context of the proposed planning conditions, there are no other relevant matters before me which indicate that the appeal should fail. In view of my findings, the appeal proposal would accord with the development plan when read as a whole.
60. Consequently, I conclude that, subject to the conditions specified in the attached schedule, the appeal should be allowed.

C Dillon

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not be carried out other than in complete accordance with the details contained within the following approved plans and documents relating to the Reserved Matters of layout, scale, appearance, and landscaping and strictly only in respect to the site area defined in red on the submitted plans:

MIT125150/A/GA/001 Rev.W Architectural Site Layout
ChP_MA_DET_R21_901 Chopwell House Type Floorplan
ChP_MA_DET_R21_904 Chopwell House Type Elevation
CuL_MA_DET_R21_901 Cullen House Type Floorplan
CuL_MA_DET_R21_904 Cullen House Type Elevation
HaS_MA_DET_R21_901 Hasting House Type Floorplan
HaS_MA_DET_R21_904 Hasting House Type Elevation
BaM_MA_DET_R21_901 Bamburgh House Type Floorplan
BaM_MA_DET_R21_911 Bamburgh House Type Elevation
LaN_MA_DET_R21_901 Lancombe House Type Floorplan
LaN_MA_DET_R21_904 Lancombe House Type Elevation
HoC_MA_DET_R21_901 Hollicombe House Type Floorplan
HoC_MA_DET_R21_904 Hollicombe House Type Elevation
SeA_MA_DET_R21_901 Seacombe House Type Floorplan
SeA_MA_DET_R21_904 Seacombe House Type Elevation
HeY_MA_DET_R21_901 Heysham House Type Floorplan
HeY_MA_DET_R21_904 Heysham House Type Elevation
BrH_MA_DET_R21_901 Broadhaven House Type Floorplan
BrH_MA_DET_R21_904 Broadhaven House Type Elevation
We_MA_End_R21_901 Wentwood House Type Floorplan
We_MA_End_R21_904 Wentwood House Type Elevation
Hd_MA_End_Trad_R21_901 Haldon House Type Floorplan
HD_MA_End_Trad_R21_904 Haldon House Type Elevation
Da_MA_End_R21_901 Danbury House Type Floorplan
Da_MA_End_R21_904 Danbury House Type Elevation
Gl_MA_Det_R21_901 Glenmore House Type Floorplan
Gl_MA_Det_R21_904 Glenmore House Type Elevation
Sh_MA_Det_R21_901 Sherwood House Type Floorplan
Sh_MA_Det_R21_904 Sherwood House Type Elevation
Br_MA_End_R21_901 Braunton House Type Floorplan
Br_MA_END_R21_904 Braunton House Type Elevation
R20-GD-03 Double Garage
R20-GD-02 Single Garage
130568/8002 rev B Landscape Softworks Sheet 1
130568/8003 rev A Landscape Softworks Sheet 2
130568/8004 rev B Landscape Softworks Sheet 3
130568/8005 rev B Landscape Softworks Sheet 4
130568/8006 rev C Landscape Softworks Sheet 5
130568/8007 rev B Woodland Management Plan
130568/8009 rev B Country Park Site Layout Plan (Block Plan)
130568/8010 rev B Landscape Strategy Country Park Reserved Matters
130568/8011 rev B Proposed Car Park and Refuse Storage
130568/8012 rev A Landscape Construction Details
130568/8013 Proposed Play Area

*Ecological Appraisal and Biodiversity Strategy – Country Park Element
Phase 3 June 2021 3464 Version R01
19056-02-P3 Proposed Drainage Layout
19056-11-P1 Detention Basin Details
Micro drainage calculations, 1 year, 30-year, 100 year + 45% CC "File
Mitford 15-04-21.MDX (received 30 August 2022)
SUDs Source Control Drainage Strategy Ref 1878 51 issue P6
Proposed Drainage Layout - Sheet 1 of 4 Ref 1878 issue P11 (including
levels details)
Proposed Drainage Layout - Sheet 2 of 4 Ref 1878 issue P10 (including
levels details)
Proposed Drainage Layout - Sheet 3 of 4 Ref 1878 issue P9 (including
levels details)
Proposed Drainage Layout - Sheet 4 of 4 Ref 1878 issue P11(including
levels details)
Detention Basin and Swales Cross Section Ref 1878 25 P7
1878/71 Rev.P8 Proposed Surface Finishes & Kerb Layout;
1878/91 Rev.P6 Section 38 Layout
Cycle & Refuse Storage Report (18 November 2021)
Street Management Report (18 November 2021)
Arboricultural Impact Assessment ARB/AE/810 (29th September 2020)
Arboricultural Method Statement & Tree Protection Plan ARB/AE/810
(September 2020)
Ecological Appraisal Update, Lancaster Park, Mitford (OS Ecology,
October 2022)
Extended Phase 1 Habitat Survey - Land at Mitford (E3 Ecology Ltd.,
Version R04, January 2016)
Bat Survey - Land at Mitford (E3 Ecology Ltd, Version R03, January
2016)
A Breeding Bird Survey of Land at Mitford (E3 Ecology Ltd, Version R04,
January 2016)
Freshwater Invertebrate Assessment - Land at Mitford (E3 Ecology Ltd
Version R03, September 2015)
NJD17-009 Acoustic Fencing Plan
Noise Assessment NJD17-0009-001R/R4 (October 2022)
Foul Drainage Strategy (January 2016)*

2. No development shall commence, including demolition, ground works, vegetation clearance until a Construction Environmental Management Plan (CEMP: (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. That document shall provide the mitigation relevant to the construction of the application site as detailed in the following reports:
- *Ecological Appraisal Update, Lancaster Park, Mitford (OS Ecology, October 2022)*
 - *Extended Phase 1 Habitat Survey - Land at Mitford, (E3 Ecology Ltd, Version R04, January 2016)*
 - *Bat Survey - Land at Mitford, (E3 Ecology Ltd, Version R03, January 2016)*
 - *A Breeding Bird Survey of Land at Mitford, (E3 Ecology Ltd, Version R04, January 2016)*
 - *Freshwater Invertebrate Assessment - Land at Mitford, (E3 Ecology Ltd., Version R03, September 2015); and also*

- protective measures for retained hedge lines and trees to be implemented during construction, including measures to protect ancient woodland, including buffer zones; and
- pollution control measures for any works affecting watercourses.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction which may be provided as a set of method statements
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

3. No development shall commence until a scheme for biodiversity net-gain has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a Biodiversity Gain Plan detailing the habitats to be created and the methods to be used for their creation and including a timetable for their delivery and a Biodiversity Management and Monitoring Plan setting out how the habitats created at the Site to which this reserved matters relates and at the Biodiversity Net Gain Land are to be managed and monitored for the lifetime of the development.
4. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015+A1:2019 (*Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings*), or any such document which supersedes it, have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (*Good practice on the testing and verification of protection systems for buildings against hazardous ground gases*) or any such document which supersedes it.

5. Prior to the construction of any dwellings above ground level, details which demonstrate how the development will minimise resource use and mitigate climate change, to achieve sustainable design and construction in the design of the development, shall have been submitted to and approved in writing by the Local Planning Authority.

This shall include details of feasible renewable energy installations and building methods which minimise resource use, to be utilised for each dwelling.

The measures shall thereafter be implemented in accordance with the approved relevant details prior to the first occupancy of each dwelling and shall be retained thereafter.

6. Prior to the commencement of development above damp proof course, a biodiversity mitigation and enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the following measures:
 - The provision of bird nesting and bat roosting opportunities, integrated into the fabric of the permitted dwellings. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. The ratio will be 1:1 of features to dwellings.
 - Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

The development shall be implemented in strict accordance with the approved scheme within a timetable which shall have first been agreed with the Local Planning Authority.

7. All dwellings within the application site shall be constructed using external facing and roofing materials, the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior the development of the relevant plot(s) above ground level.
8. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to development above damp proof course.

The content of the LEMP shall include the following and demonstrate the means of delivery of the landscaping for both the residential and country park elements of the scheme:

- a) Description and evaluation of features to be managed and referring to mitigation detailed in the following reports:
 - *Ecological Appraisal Update, Lancaster Park, Mitford (OS Ecology, October 2022),*
 - *Extended Phase 1 Habitat Survey - Land at Mitford, (E3 Ecology Ltd, Version R04, January 2016)*
 - *Bat Survey - Land at Mitford, (E3 Ecology Ltd, Version R03, January 2016)*
 - *A Breeding Bird Survey of Land at Mitford, (E3 Ecology Ltd, Version R04, January 2016); and*
 - *Freshwater Invertebrate Assessment - Land at Mitford, (E3 Ecology Ltd, Version R03, September 2015)*
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the ownership or legal mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery.

The approved plan shall be implemented in accordance with a timetable which shall form part of the details to be approved.

- 9. Access to the outfall shown on drawing 1878/01 Rev.P11 (Proposed Drainage Layout – Sheet 1 of 4) shall be made accessible to the commercial development site (Phase 1) to the north of the application site, to which these reserved matters relate, at all times.
- 10. During the construction period, there shall be no activity from mobile plant, pneumatic equipment and power tools which are audible at the application site boundary, on Sundays or Bank Holidays or outside the hours of 0800 to 1800 on Monday to Friday or outside the hours of 0800 to 1600 on Saturday.
- 11. Deliveries and collections to and from the site associated with the construction phase of the development hereby permitted shall only take place between the following times Monday to Friday: 08:00 to 18:00 and Saturday: 08:00 to 16:00. There shall be no deliveries or collections on a Sunday or Bank Holiday.
- 12. No building shall be occupied until a validation and verification report to the approved methodology in Condition No 4 in respect of that building, has been approved in writing by the Local Planning Authority.
- 13. Prior to the first occupation of any part of the development to which these reserved matters relate, a verification report must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - As built drawings for all SuDS components - including dimensions, base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients
 - Construction details including component drawings, materials, vegetation
 - A health and safety file; and
 - details of ownership organisation or adoption details.

14. Prior to occupation of plots 12-20 (inclusive) and 33-37 (inclusive), a scheme for a robust, continuous acoustic barrier constructed at the locations and heights as shown in the submitted Noise Assessment (*NJD Environmental Associates, Report Reference: NJD17-0009-001R/R4 dated October 2022 - Revised*). This shall have a minimum surface density of 10 Kg/m². The submitted details shall include a scheme of maintenance. These details shall have first been submitted to and approved in writing by the local planning authority.

No dwelling requiring any of the noise mitigation measures identified in that Assessment shall be occupied unless and until the noise mitigation measures for that dwelling, including where specified acoustic glazing and acoustic fencing, have been provided in full. Thereafter such mitigation measures shall be maintained in accordance with the approved scheme and retained throughout the life of the development.

15. The landscaping details to which this approval of reserved matters relates (with the exception of the Countryside Park) shall be implemented in full accordance with a detailed landscaping scheme including both hard and soft landscaping proposals and a timetable for implementation which shall have first been submitted to and approved in writing by the Local Planning Authority.

Details of additional planting in relation to the proposed acoustic fence shall be submitted to and approved in writing by the Local Planning Authority and implemented within the timetable to be agreed.

Any landscaping which is removed, dies, or becomes seriously damaged, defective, or diseased within 5 years of its planting shall be replaced in the same location within the next relevant planting season with landscaping of a similar size and species to that which it is replacing.

16. No dwelling within the application site shall be occupied unless and until a lockable gate has been provided to the rear garden of that dwelling and to any shared alleyway used to access the rear garden of that dwelling. This will be carried out in full accordance with location and specification details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter those lockable gates shall remain in place at all times.

17. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and reenacting that Order with or without modification), the garage spaces hereby approved shall be permanently retained and used only for the parking of vehicles.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

Mr P Cairnes K.C
Mr M Good BSc (Hons) MA MRTPI, Pegasus Group
Mr M Carr BA(Hons) Dip LA (First Class) Dip UD RUDP UDG Registered Practitioner,
Pegasus Group
Mr D Kitchener FCHIT CMILT BEng (Hons), Milestone Transport Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Riley-Smith Barrister
Mr D Love BA (Hons) PGCert MRTPI PIEMA
Mr S Robson, BA (Hons) MA

INTERESTED PARTIES:

Mr Starky on behalf of Morpeth North Residents Action Group
Mrs Starky resident
Mr Burchell resident
Mr Hilton resident