



Appeal Decision

Site visit made on 6 October 2014

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2014

Appeal Ref: APP/P2935/A/14/2213611

Land East of Old Barns Close, Morwick Road, Warkworth NE65 0TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the decision of the local planning authority to refuse an application for planning permission.
- The appeal is made by Mr Barry Spall (The Northumberland Estates) against the decision of Northumberland County Council.
- The application Ref 13/00302/FUL, dated 28 January 2013 was refused by notice dated 10 December 2013.
- The development proposed is the change of use of agricultural land and construction of 37 residential dwellings, private gardens, access roads and public open spaces (as amended by plans received with letters dated 16/09/13 and 27/09/13).

Costs Application: An application for costs has been made by Mr Barry Spall (The Northumberland Estates) against Northumberland County Council. This is the subject of a separate decision.

Decision

1. The appeal is allowed (see formal decision below).

Matters of clarification and background information

2. The initial application was for 44 dwellings but this was reduced to 37 dwellings following consultation responses and discussions between the applicant and the Council. It is on the basis of this reduced scheme that the officer recommendation for approval was made. The officers recommended approval subject to conditions and the completion of a section 106 legal agreement. There were significant written objections to the application from local residents and from Warkworth Parish Council. These objections, plus others, are carried forward in the appeal submissions and I have taken them all into account in reaching my decision. I have also taken into account the Statement of Community Involvement.
3. The 2.5ha appeal site is located in the southern part of Warkworth, to the south west of the Grade I listed Warkworth Castle and the historic core of the village which lies within a curve of the River Coquet. The site is in agricultural use with a fenced-off paddock area to the north. It is bounded by relatively modern housing to the northwest and south east. The land slopes gently from north to south and from the northeast to the southeast. To the southwest it is bounded by open agricultural land. Access to the proposed new housing site is from Morwick Road to the north (opposite No 17).
4. To the west of the site, and fronting Morwick Road, lies the Grade II listed building, Old Barns Farmhouse. The former site of the farm steadings (immediately to the west of the listed building) has been re-developed to provide four dwellings (Old Barns Close) and there are other some other new developments along this part of Morwick Road. The previous 44 dwelling scheme resulted in a

much closer relationship of proposed new build to the historic farmhouse. The reduced number appeal scheme leaves a much wider gap and this had been marked out on site for my visit, as had the positions other dwellings along the northern part of the site facing Nos 9 to 17 Morwick Road. In reaching my conclusions I have had special regard to the requirements of section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA) and I have taken into account the submitted Heritage Impact Statement.

5. In December 2013 planning permission was granted for a residential development of 27 affordable dwellings on land to the south east of the appeal site at New Barns Court. Initially both sites were being considered together but were then progressed separately. The New Barns Court site lies to the south and west of other housing and to the west of Warkworth First School. I noted that work had commenced on this development and that the dwellings which were closest to the site boundary were bungalows. During the course of my visit I also viewed both sites from near and distant viewpoints including viewing the appeal site from the frontages of all of the houses along the different parts of Morwick Road (Nos 9 to 21 and Nos 82 to 88) and from the open agricultural land. I was also able to get long distance views towards both sites and Warkworth Castle from the south: from the minor road extension of Guilden Road which leads to Amble and from Morwick Road to the west, at the entry point to the village.

6. Following detailed negotiations between the appellant and the Council, a signed and dated Unilateral Undertaking (UU) has been submitted which provides agreed affordable housing (off-site) and recreation contributions in accordance with policies S6, S20 and S23 of the Alnwick District Local Development Framework (LDF) Core Strategy Development Plan Document (DPD). I have taken the UU into account in reaching my conclusions. I have noted the Council's comment (attached to their response to the costs application by the appellant) regarding paragraph 4.2 of the UU and the appellant's response to that point. Having seen the completed UU I consider that all parts of it would be necessary in relation to the proposal. I am also satisfied that the obligation meets the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the NPPF.

7. The most relevant development plan policies are set out in the Core Strategy (CS) and are S3 (Sustainability criteria); S5 (Housing Density); S6 (Provision of Affordable Housing); S11 (Maximising accessibility); S13 (Landscape Character); S15 (Protecting the built and historic environment) and S16 (General Design principles). I have also taken into account the policies relating to the protection of the Area of Outstanding Natural Beauty (AONB); provision for open space and Planning Obligations as well as the Alnwick Landscape Character Assessment Supplementary Planning Document (ALCASPD) and the Northumberland Coast AONB and Berwick and North Northumberland Coast EMS Management Plan 2009 – 2014 (EMSMP). The emerging Northumberland Local Plan (NLP) is also a material consideration and I have taken the relevant policies into account in reaching my decision. However, the NLP cannot be given the full weight which is accorded to the development plan policies.

8. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. In reaching my conclusions I have had regard to the relevant policies set out in the NPPF. These include those relating to building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; conserving and enhancing the natural environment and conserving and enhancing the historic environment. I have also had regard to the

relevant national Planning Policy Guidance (PPG). Having read the Archaeological, Arboricultural and Ecology reports and the relevant submissions I do not consider that there are any issues between the main parties on these matters.

9. The proposal has been assessed against the Northumberland Five Year Housing Land Supply 2012 – 2017. It is agreed that the CS is considered up-to-date and that the former Alnwick authority has a deliverable five year housing land supply. It is also accepted that, based on current figures, there is scope to consider new housing within sustainable village centres as there is currently a lower level of overall supply in these settlements. I have taken into account the objections made on the basis that the former Alnwick authority is on course to over-achieve its targets for new dwellings by 200% and the contention that, if the scheme for 37 more dwellings is allowed, this would result in a disproportionate overdevelopment of the village.

Main issues

10. The main issues in this case are as follows:

- whether or not the development would be sustainable: firstly with regard to its location; access to services; transport links and car usage and, secondly, with regard to surface water drainage and flood risk;
- the effect that the proposal would have on the character and appearance of the historic village of Warkworth, having regard to the density of the scheme, and whether or not the development would be well-related to the scale and function of the village and,
- the effect that the proposal would have on the setting of the Grade II listed Old Barns Farmhouse.

Reasons

Sustainability: location, access to services, transport links and car usage

11. The Council contends that the proposal would result in new housing development in an unsustainable location with limited access to local services and that it would be contrary to Core Strategy (CS) Policy S3, as well as to NPPF sustainability aims and objectives. The first reason for refusal specifically refers to 'limited access to local services'. Many of the third party representations refer to the fact that, although the village has most of the typical services associated with a settlement of this size, there is only one general provisions shop and a lack of jobs within the village.

12. Policy S1 of the CS identifies Warkworth as being amongst the group of sustainable village centres that lie below Alnwick, Amble and Rothbury within the settlement hierarchy. The officer report indicates that these villages generally have access to public transport with a 'strong service base' usually comprising a school, shop, post office, pub, church, community hall, sports and recreation facilities and where development will be well-related to the scale and function of the settlement.

13. In Warkworth, at present, there is only one general grocery shop and this also acts as the village post office. There are, however, other non-food shops, cafes, public houses and hotels which, as well as providing for local residents, also cater for the considerable number of visitors to the village. There is also a first school; a village hall; sports, social and recreational facilities; play areas; a church; a network of accessible footpaths to the coast and the surrounding countryside and both long-term and short term parking facilities. The proposed site is within walking distance of the village centre and is immediately adjacent to other existing

housing. Part of the site is slightly closer to the village centre than the new affordable housing site south of New Barns Court. Although there have been objections made on the basis that the site is too far away from the village centre, there is other housing to the west which is even further away.

14. Having walked from the appeal site, past the castle and around the historic centre of Warkworth, I consider that the site is within a reasonable walking distance from the existing services and facilities in the rest of the village. On the basis of the list of services provided, I agree with the officer conclusion that, despite only having the one general shop, the village can be described as having an existing sustainable village centre. I therefore agree with officers that the site is a suitable location for new development in that it is well-related to the village centre. I also agree that the principle of new housing on this site (as for the New Barns Court site) would be in accordance with the general principles of sustainability set out in the NPPF. New housing will, as officers indicate, help to support the existing community and services and NCC County Education has confirmed that the Warkworth CE First School would have sufficient total capacity to accommodate the predicted number of pupils likely to be generated by scheme.

15. In my view, Warkworth 'ticks all of the boxes' in relation to being a sustainable village centre. The only service which can be said to be lacking is general shopping provision. However, taking into account the current population and the way in which the village currently functions, I do not consider that the additional proposed 37 houses would upset the existing balance relating to its overall function as a sustainable village. New residents would have the benefit of all of the services which are available to existing residents.

16. There would, of course, be additional car journeys created and these must be taken into consideration in the overall assessment of whether the site is sustainable. However, this situation would be the same as in other settlements of this size in the County, where larger scale shops are not available and people need travel to nearby towns for major shopping as well as commuting to work. Having seen the submissions relating to housing provision in the County, I consider that Warkworth has the capacity and land available to take this number of additional dwellings and I do not consider that this particular scheme would render what is currently a sustainable community, unsustainable.

17. The NPPF indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It also states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in the quality of people lives. These improvements, amongst other things, include improving the conditions in which people live, work, travel and take leisure and, importantly, widening the choice of high quality homes. Again, having considered all of the submissions I consider that the proposal does accord with the NPPF policies in this respect.

18. The proposed development would widen the choice of high quality housing in Warkworth by providing a good range of well-designed homes. New residents would bring economic benefits generally to the area and, taking into account the construction jobs generated, this would result in the planning system performing an 'economic role' with regard to achieving sustainable development as required by the NPPF. In terms of the 'social' and 'environmental roles' and requirements, set out in the NPPF, I do not share the concerns of the Committee, local residents and others about the sustainability credentials of Warkworth being harmed by this

particular scheme. I acknowledge the concerns about 'limited access to local services' and particularly those relating to general shopping and jobs (other than tourism related jobs). However, all of the other services which one would expect of a village of this size are provided and I do not consider that another 37 dwellings on the periphery of the village would have any significant or detrimental material impact in terms of sustainability. New residents would be likely to have similar patterns of shopping, working and travelling as existing residents. I do not accept the contention by objectors that the proposal would 'tip the balance' and result in the village becoming a small town.

19. Policy S3 of the CS, which is up to date with the relevant policies in the NPPF, sets out sustainability criteria and indicates that, before granting planning permission for new development, the Council will need to be satisfied that these criteria are met. The first relates to the development being accessible to homes, jobs, services, the transport network and modes of transport other than the private car. Despite the limitations relating to general shopping and non-tourism related jobs, I consider that, on balance, the proposed development meets this criterion. It also meets the second criterion, in that there is adequate existing capacity in the physical and community infrastructure and the sixth, relating to sustaining community services and facilities and meeting the identified local need in relation to affordable housing. I deal below with criteria 4 and 5 and I am satisfied that criterion 3 is met in that no issues regarding physical and environmental constraints as a result of contamination or land stability have been raised.

20. I have noted objectors' concerns about the overall effect of a further 37 dwellings in the village resulting in a high level of car usage and that the development would be 'car centric'. However, in my view the new scheme would be no more or no less 'car centric' than the other existing housing developments in this southern part of the village. There are no major highways issues and, whilst accepting that more car journeys would be generated, I do not consider that these would be so significant so as to upset the current situation regarding this part of Warkworth being a sustainable location for housing. Subject to appropriate conditions the Highways Authority is satisfied with the proposal. I do not accept, therefore that the proposal would be contrary to NPPF policies set out in paragraphs 7, 17 and 30 as suggested by objectors. Nor do I find the proposal to be contrary to the relevant transport policies of the development plan.

21. I accept that the current bus stops might not be ideally located for the appeal site but there is an existing bus service between Warkworth and nearby towns. In any case it could well be that future service planning could take into account any disadvantages of the current service provision. I have noted the reference to the fact that less than 6% of the residents of Amble West and Warkworth travel to work by public transport (from 2011 Census) and I also accept that residents of an additional 37 houses will also predominantly travel by car. However, again, I do not consider that the sustainability credentials of the village as a whole, or this part of the village in particular, will be so substantially altered by an additional 37 houses on this site.

22. In terms of development within Warkworth, the southern part of the settlement is more appropriate for any new housing scheme. This is because it is located outside of the AONB and away from the castle, its setting and the historic core. Officers have indicated that they are satisfied that the sequential approach has been followed and that the appellant has demonstrated that there are no other suitable sites and that there are very limited opportunities for development to the north and closer to the historic core. In its appeal statement the Council has

provided little firm evidence to challenge these findings and I conclude that the proposal accords with policy S2 of the CS with regard to the sequential approach to development.

23. I have referred above to policy S3 of the CS. In my view the proposed development is as accessible to homes, jobs, shops, services and the transport network, as are the existing housing schemes in this part of the village. I consider that the site is in a sustainable location and that is well related to the village centre. The presumption in favour of sustainable development set out in the NPPF must, therefore apply and the new housing will help to support the existing services and community as well as contributing towards additional off-site, local, affordable housing need.

24. With regard to the emerging NLP the Council indicates that outside of the Main Towns and Service Centres it is proposed to consider applications against Policy 2 of the Stage 1 consultation document which refers to spatial distribution. Policy 3 of this document also refers to the delivery of sustainable development in the North Northumberland Delivery Area. It is indicated that such development will be supported provided that it is of an appropriate scale for the size of the settlement; maintains or enhances local services and facilities, including those outside of the settlement in which the proposed development will be located; meets defined needs and protects the countryside from widespread development.

25. In my view the appeal proposal meets all of these criteria. Although it protrudes to a certain extent into what is currently agricultural land, I do not consider that this can be categorised as 'widespread new development'. The site between No 84 Morwick Road and Old Barns Farmhouse is perceived as a gap site between existing developments along this part of the road and the housing layout on the south part of the site links closely with existing and new housing to the south east and east.

26. I acknowledge that Warkworth contains a high percentage of holiday homes and that there are high numbers of properties currently for sale. However, the former must bring some economic advantages in terms of tourism and income to the locality and the latter is a matter for the developer. In any case these points do not alter my view that, on balance, and in terms of the site's location and access to services, the proposal would result in a sustainable development which would accord with policy S3 of the CS, as well as with all relevant NPPF sustainability requirements. I agree with the officer conclusions on these points and, therefore find in the appellant's favour on this first part of the first main issue.

Sustainability: provision of surface water drainage and risk of flooding

27. The Council contends that the appellant has failed to demonstrate that that the proposal would be satisfactory with regard to surface water drainage and that it has not been shown that the development would be satisfactory regarding flood risk. During my visit the sloping lie of the land from northeast down towards the New Barns Court housing site was brought to my attention and I also noted the other references (including submitted photographs) to levels, drainage and flooding made by existing residents who object to the proposal.

28. I note from the submissions that the site lies within Flood Zone 1, with a low probability of flooding and that it lies outside of any area which is at risk of extreme fluvial or tidal flooding. It is assessed as having less than 0.1% (1 in 1000) year annual probability of river or sea flooding. Having also noted the submitted Flood Risk Assessment and Drainage Assessment and the appraisal and

professional engineering advice submitted by the appellant, I can find no reason to agree with the Council's second reason for refusal.

29. Although the Council's appeal statement covers 'Surface Water Drainage and Flood Risk', in paragraphs 3.8 to 3.12 there is little or no evidence to contradict the professional findings (agreed by officers) of the appellant. The first two paragraphs (3.8 and 3.9) of this part of the appeal statement simply refer to CS and NPPF policies. I acknowledge that there may have been local flooding issues in the past but all of the submissions made on behalf of the appellant indicate that a satisfactory surface water drainage system can be provided and that flood risks can be mitigated.

30. Paragraph 3.10 of the Council's appeal statement refers to the 'opinion' of the Planning Committee and the fact that the Committee 'did not feel' that the proposal addressed the matters sufficiently. Paragraph 3.11 refers to 'the view' of the Planning Committee and, although paragraph 3.12 refers to the strong level of local objection and concerns about drainage and flooding, nowhere in the submissions is there any firm evidence to contradict the findings of the professional bodies concerned with assessing the impact of the development in relation to these matters. These findings were, in fact, accepted by officers of the Council and I have no reason to disagree with their conclusions.

31. Part of the drainage and flood risk assessments included appropriate liaison with Northumbria Water Limited; the Environment Agency and the Northumberland County Council SUDS Officer. Subject to minor points and the imposition of conditions, all of these bodies were fully satisfied with the submitted reports.

32. At paragraphs 7.30 and 7.31 of the officer report flood risk and drainage matters are fully covered. The NCC SUDS Officer confirmed that the sustainable drainage proposals put forward by the appellant are satisfactory subject only to a condition relating to a limit on discharge and the size of attenuation. Officers therefore concluded that, on this basis, the proposal would result in an acceptable form of development that would accord with criterion 4 of policy S3 of the CS and that it would also accord with NPPF sustainability policies. I agree with their conclusions and, therefore, find in the appellant's favour on the second part of the first issue.

The effect on the character and appearance of the historic village of Warkworth having regard to the density of the scheme, and whether or not the development would be well-related to the scale and function of the village

33. The officer report concluded that the layout, scale and design of the proposed dwellings are not considered to be out of character with the site and the surrounding area. On the basis of the reduced scheme (from 44 down to 37 dwellings) officers considered that the development was not likely to have any significant unacceptable impacts that would be detrimental to the character and appearance of this part of Warkworth.

34. With regard to the proposed density of 18.5 dwellings per hectare, officers also considered that this reduction from the minimum of 30 set out in policy S5 of the CS was appropriate and also noted that it was less dense than adjoining development immediately adjacent to the site to the southeast and east. The Committee and local objectors consider that the proposed density is too high in this particular location and that the development would have an adverse impact upon the character and appearance of Warkworth as a historic village.

35. Having visited the village and the site I do not share the Committee's concerns about the impact of this particular development on Warkworth as a historic village. In my view, Warkworth is perceived as a village of two halves. The northern part, with its Grade I castle and historic core, is compact and well defined. A new development in that area, of the type proposed on the appeal site, would indeed be out of character and would be harmful to the historic character of the village. However, since the 1930s (and before and after that) the southern part of the village has been developed with various housing types and layouts. I do not consider that the proposed additional housing is out of keeping with the developments which have been carried out over the years.

36. Whilst accepting that the overall density of 18.5 dwellings per hectare is higher than overall densities to the north and west, it is a much lower density than developments to the east and southeast. In my view it is a reasonable and acceptable figure which links the higher and lower density housing sites. The reduction in housing numbers has assisted in an overall perception that, from west to east, the densities of developments increase slightly.

37. Furthermore, having studied the proposed housing layout it is noticeable that the density of that part of the scheme which fronts Morwick Road is very similar to the existing layout on the northern side of the road. Opposite numbers 9 to 17 (5 existing dwellings) on the northern part of the site, there are only five proposed dwellings. These new houses are shown in much larger plots than the other new houses in the south and south east parts of the appeal site. Thus, although the overall density is around 18.5, the lower density along Morwick Road would result in a similar feel in terms of density to that which already exists along this part of the road. I consider, therefore, that this northern part of the proposed development would not be perceived as out of keeping and that it is well-related to the form and function of this part of the settlement.

38. The main spur of proposed housing (15 dwellings) which curves away from the listed building and towards the south and east is denser in layout. However, these house types will be positioned very close together. As a result they will be seen almost as a terrace and in the context of the existing and denser developments to the east. These include the terraces of housing on Burns Road and Warkworth Avenue. When viewed from afar (the road to Amble and the village approach road) I consider that the overall scheme will not have the appearance of a 'generic housing estate'. Rather, it will be seen as something of a 'hybrid' scheme with infill development between No 82 Morwick Road and Old Barns Farmhouse, together with the other, more densely positioned new housing, to the south and east.

39. Overall I consider that the proposed development will be perceived as being well-related to the scale and function of these different parts of the southern village and will not be detrimental to the character and appearance of this part of Warkworth. In combination with the designs, the differences in the layouts of dwellings and the different housing types, I consider that the overall density of 18.5 dwellings per hectare is appropriate and acceptable.

40. I also consider that the existing and newly proposed southern housing developments in Warkworth are a sufficient distance from the historic centre and the castle so as not to detract from, or harm, the heritage assets of the castle and the conservation area. I am also satisfied that the proposed scheme does not detract from the character or appearance of the AONB. Although it could be argued that the 1930s Morwick Road developments are already too close to the castle the modern development of the village over the years now forms part of its

overall character and appearance. In my view the proposed development would add positively to, rather than detracting from, the character and appearance of this part of Warkworth. It would not cause harm to its historic assets which would all be preserved by the development. Again, therefore, I find in favour of the appellant in relation to this issue.

The effect on the Grade II listed building, Old Barns Farmhouse

41. The previous 44 dwelling scheme placed houses relatively close to the boundary of the site with that of the listed building. I can, therefore, understand the concerns of the Conservation Officer about the impact of the first scheme. The reduction to 37 dwellings, however, has resulted in a much larger gap (over 55m wall to wall) between proposed new development and the listed building. Having assessed this distance with the aid of the pegged corners to the relevant dwellings, and having viewed the site from the listed building site and from distant viewpoints I do not consider that the setting of the building would be significantly affected.

42. There would still be some effect on the setting of the listed building. This is inevitable since the building was formerly a farmhouse which would have been surrounded by open fields. However, the other nearby developments, including the new houses to the former steadings has resulted in a setting whereby other nearby buildings now form part of that setting. Having considered section 66(1) of the PLBCAA, I am satisfied that the setting of the building would be preserved by this proposal and that criterion 5 of policy S3 is met with regard to this historic asset.

43. I share the planning officer's and Conservation Officer's views that the setting of the listed farmhouse is not substantially harmed; that any harm is less than substantial in relation to NPPF criteria and that this less than substantial harm is, in any case, outweighed by the public benefits of the scheme in the form of the financial contributions set out in the completed section 106 Unilateral Undertaking. On this issue I again find in favour of the appellant.

Other Matters and third party objections

44. In reaching my conclusions on the main issues I have taken into account all other matters raised by the Committee and by local residents who object to the proposal. This includes objections at application stage as well as this appeal stage. Most of the objections related to the matters set out in the four reasons for refusal and I have dealt with these above under the main issues.

45. I have also taken into account all other matters raised by objectors and the Council. These include the full planning history of the site and the surrounding area; effects on living conditions, loss of privacy; effect on outlook; references to Warkworth already having spare housing; the contention that the proposal will tip the balance and that Warkworth will become a small town; that the proposal has the appearance of a 'generic housing estate'; the effects on highway safety due to increases in traffic, parking and speeding; the housing figures of the former Alnwick District Council and the references to the Localism Act.

46. I can understand existing residents not wishing to lose their views across this attractive open farmland. However, in planning terms it is accepted that there is no right to the retention of any specific view. With regard to loss of outlook and loss of privacy, I have specifically noted the distances between new and existing dwellings and the relative orientation of existing and proposed windows which would look into and out of the appeal site. I find the layout as proposed is satisfactory and, whilst acknowledging that the current situation for existing

residents will be irretrievably altered, I do not consider that the physical changes in this part of Warkworth will be of such significance so as to withhold planning permission on the basis of loss of outlook or loss of privacy.

47. None of the other matters, either singularly or together, outweighs any of my conclusions on the main points at issue and nor is any other factor of such significance so as to change my decision that the appeal should succeed and that planning permission should be granted for this particular proposal.

Conditions

48. I have studied the proposed planning conditions and assessed them against the advice in PPG and paragraph 206 of the NPPF. Other than conditions 10 and 16, I consider that all of the conditions are necessary and appropriate and that without them the development ought not to be allowed to proceed.

49. With regard to condition 10, I do not consider that it meets the tests of being necessary for this proposal; directly relevant to this proposal and nor is it reasonable in all other respects. Whilst it would clearly be beneficial to provide another footpath link to all of the housing in the southern part of the village, the fact that such a footpath would need Scheduled Monument Consent would mean that the appellant could not have direct control in relation to implementing the condition. Furthermore conditions which, in the past, have required other consents to be gained have been deemed unlawful. In any case, there are already footpath improvements included in condition 9. As indicated by the appellant Condition No 16 is already covered by Condition 22. Condition 16 is not necessary.

Formal decision

50. The appeal is allowed and planning permission is granted for the change of use of agricultural land and construction of 37 residential dwellings, private gardens, access roads and public open spaces on Land East of Old Barns Close, Morwick Road, Warkworth NE65 0TG, in accordance with the terms of the application, Ref:13/00302/FUL, dated 28 January 2013 (as amended by plans received with letters dated 16/09/13 and 27/09/13), subject to the conditions set out in the Schedule below.

Anthony J Wharton

Inspector

SCHEDULE OF CONDITIONS

Appeal Ref: APP/P2935/A/14/2213611

Application Ref: 13/00302/FUL as amended

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans: 3224 10 01D (Proposed Site Plan); 3224 20 01B (House Type E and F); 3224 20 02A (House Type H); 3224 20 04A (bungalow House Type – Showing houses Type Band D); 3224 40 01A (Proposed Site Section).
3. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples of the materials to be used in the construction of the external walls and roofs of the dwellings, have been submitted to, and approved in writing by, the Local Planning Authority (LPA). All roofing and external facing materials shall conform to the materials thereby approved.
4. Before any development commences a scheme of energy conservation for the dwellings hereby approved shall be submitted to, and approved in writing by, the LPA. The scheme shall incorporate energy efficiency measures and/or proposals for on-site renewable energy generation which shall source a minimum of 20% of their energy requirement or a level as agreed in writing by the LPA, including details of any physical works. Thereafter the dwellings shall not be brought into use until the agreed energy efficiency/renewable energy generation measures have been implemented in accordance with the approved details.
5. Prior to the commencement of any development a detailed landscaping scheme showing both hard and soft landscaping proposals shall be submitted to, and approved in writing by, the LPA. This shall include, where required, the planting of trees and shrubs including provenance and details of all retained trees and hedgerows; a planting schedule setting out species; numbers, densities and locations; the provision of screen walls and fences; the mounding of earth; the creation of areas of hardstanding, pathways etc; areas to be seeded with grass and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development or within such other time as agreed with the LPA. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme including watering, weeding and the replacement of any trees, plants or areas of seeding or turfing comprised in the approved landscaping plans, which die or fail within 5 years from the completion of the development.
6. All trees and hedges within, and to the boundaries of, the site identified through the approved landscaping plan as being retained, shall be retained and protected throughout the course of development in accordance with a detailed scheme of works which shall be submitted to, and approved in writing by, the LPA. These measures shall be implemented in complete accordance with the approved scheme and shall remain in place throughout the course of construction of the development unless otherwise approved in writing by the LPA. Any trees or hedges removed without the written consent of the LPA, or dying or being severely damaged or diseased before the completion of the development, or up to 12 months after occupation of the last new dwelling, shall be replaced with trees or hedging of such size and species in a timescale and in positions approved in writing by the LPA.
7. Prior to occupation of the first of the dwellings a management plan, for the provision and subsequent maintenance of the areas of open space, shall be submitted to the LPA for approval. The development shall thereafter be implemented and maintained in complete accordance with the approved details.

8. No development shall be carried out until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities; measures to control the emissions of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from any demolition or construction works.
9. No dwelling shall be occupied on the development site unless the new footway links from the site to the existing footways on the public highway have been provided including associated street lighting and dropped kerbs at crossing points, to the satisfaction of the LPA, in accordance with details which shall first have been submitted to, and approved in writing by, the LPA.
10. 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 longitudinal sections of the new roads and footpaths, including details of the construction of the carriageway, footpaths and accesses, which first shall have been submitted to and approved in writing by the LPA.
11. The proposed roads including footpaths 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 and footpath to at least blinder course level, together with operational street lighting, between the dwelling and the existing highway. All manhole covers and gully frames shall be set to the level of the temporary running surface until immediately prior to the laying of the final wearing course.
12. No dwelling shall be occupied on plots 1 to 4 until revised parking, manoeuvring and visibility splays at the access points associated with those plots have been implemented on site in accordance with details which shall first have been submitted to, and approved in writing by, the LPA. Thereafter the revised scheme shall be retained unless otherwise agreed in writing by the LPA.
13. No dwelling shall be occupied on plots 12 to 17 until 2.4 x 40 metre visibility splays have been provided at the junction of the access road and the cul-de-sac at plots 12 to 19, in accordance with details which shall first have been submitted to and approved in writing by the LPA.
14. No vehicular access shall be made from the site direct to the public highway on the south east elevation/boundary of the site for construction or residential traffic associated with the proposed development.
15. Before the development hereby permitted is brought into use, the existing vehicular access points to the site from Morwick Road, rendered redundant by the proposed development, shall be permanently stopped up and the highway road kerbing, footway and verge reinstated in accordance with a scheme of details which shall first have been submitted to, and approved in writing by, the LPA.
16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking or re-enacting the Order, no conversion of any garage to living accommodation shall take place without the prior permission of the LPA.
17. No development shall take place unless in accordance with the mitigation measures detailed within the ecological report ('An extended Phase 1 Protected Species and Aerial Tree Inspection of Land Off Morwick Road, Warkworth' E3 Energy Ltd., Revision R04, 2.5.13) including the felling of the 2 No ash trees on the northern site boundary, identified as having a moderate risk of harbouring bat roosts, by 'soft felling' techniques (as set out in the Method Statement – Appendix 2). No felling of the 2 ash trees shall commence until a single dusk emergence bat survey has been

carried out, with the results of that survey together with any resulting amended avoidance/mitigation measures as may be required, to be put forward to, and agreed in writing with, the LPA before felling work commences; checking survey for badgers to be carried out not more than 4 weeks before the start of development with the results of that survey, together with any resulting avoidance/mitigation measures as may be required, to be forwarded to and agreed in writing by, the LPA before development begins; adherence to external lighting recommendations; any trenches left open overnight to include measures of escape (as specified) for any animals which might fall in; all retained trees and hedgerows to be protected as specified and as per BS5837:2012 Trees in Relation to Demolition, Design and Construction – Recommendations ; installation of on-site bird and/or insect boxes with numbers types and locations to be agreed in writing with the LPA before any development begins.

18. No removal of vegetation, hedges or felling of trees shall be undertaken between 1 March and 31 August unless an ecologist has first confirmed that no birds' nests that are being built or are in use and that no eggs or dependent young birds would be destroyed or damaged.
19. Prior to any development commencing a scheme to dispose of surface water from the development shall be submitted to the LPA for approval. This scheme shall limit discharge from the site to 8.1 l/s and shall attenuate 533³ to accommodate the 1 in 100 years plus climate change event. The development shall thereafter be implemented in accordance with the approved scheme prior to the occupation of any of the dwellings and shall thereafter be retained.
20. If during development contamination not previously considered, is identified, then an additional Method Statement regarding material shall be submitted to and approved in writing by the LPA. No dwelling shall be occupied until the Method Statement has been submitted to and agreed in writing by the LPA, and measures proposed to deal with the contamination have been carried out.

Richborough Estates