



# Northumberland

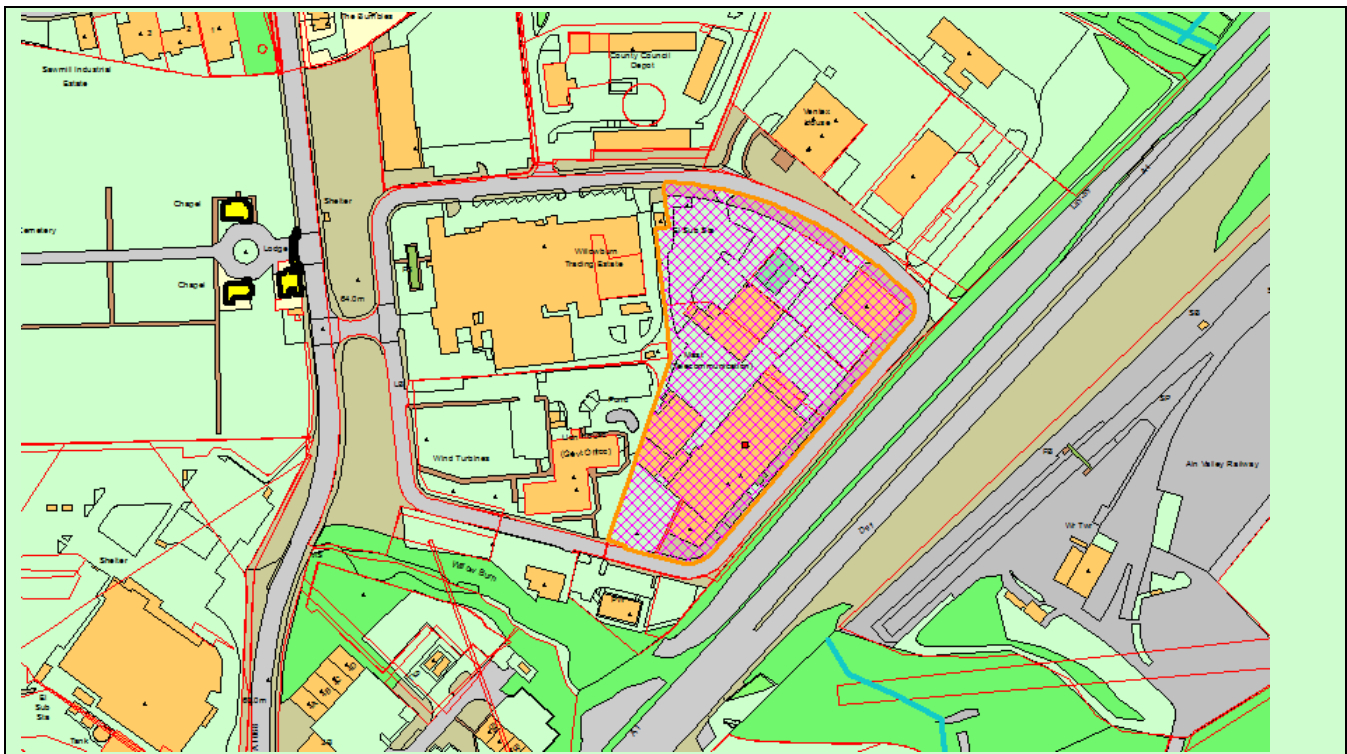
## County Council

### North Northumberland Local Area Council

#### 20 February 2020

<b>Application No:</b>	19/04296/FUL		
<b>Proposal:</b>	Demolition of existing buildings and construction of 3 storey building for hotel (C1) with restaurant/bar at ground floor (A3/A4), associated car parking, landscaping and other ancillary works.		
<b>Site Address</b>	Land At Willowburn Trading Estate, Alnwick, Northumberland, NE66 2PF		
<b>Applicant:</b>	Northern Commercial Properties Ltd C/O Agent, , ,	<b>Agent:</b>	Mr Barry Spall Estates Office, Alnwick Castle, Alnwick, NE66 1NQ
<b>Ward</b>	Alnwick	<b>Parish</b>	Alnwick
<b>Valid Date:</b>	24 October 2019	<b>Expiry Date:</b>	28 February 2020
<b>Case Details:</b>	<b>Officer</b>	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk	

**Recommendation:** That this application be GRANTED permission



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## **1. Introduction**

1.1 The application is referred to planning committee due to the nature of the proposal, with a recommendation for approval.

## **2. Description of the Proposals**

2.1 Alnwick is located to the west of the A1 Trunk Road, approximately 19 miles north of Morpeth. Willowburn Industrial Estate is located within the south east of the town adjacent to the A1, with access from the A1068 (South Road). It consists of older industrial stock, some now vacant and some still in industrial/ office use. Alnwick is identified as a Main Rural Service Centre in the Alnwick Core Strategy (ACS), it benefits from a wide range of services including public transport, medical/ dental provision, schools, pubs, shops etc. which service the needs of both residents and the wider area.

2.2 The site extends to approximately 1.43ha and is of irregular shape. It is bounded to the east by the A1 with mature treeline, to the north, south and east by employment land and uses. The site is currently occupied by existing industrial units all of which appear to be in a poor state of repair, with the wider industrial estate subject to relatively high vacancy rate, but therefore already benefits from existing access and to connection to services. The closest heritage assets are the Grade II listed Lodge, gates and chapels at the cemetery to the west of South Road to the west of the industrial estate. The existing land use at the site is industrial.

2.3 The applicant seeks Full consent for the demolition of existing buildings and construction of 3 storey building for hotel (C1) with restaurant/bar at ground floor (A3/A4), associated car parking, landscaping and other ancillary works.

## **3. Relevant Planning History**

**Reference Number:** A/2006/0439

**Description:** Change of use from class B2 (industrial) to horticulture (suis generis), retail (A1) with erection of greenhouse and formation of glazed entrance.

**Status:** PER

**Reference Number:** A/77/A/39

**Description:** Erection of advance factory

**Status:** PER

**Reference Number:** A/75/A/343

**Description:** Erection of storage building

**Status:** PER

**Reference Number:** 16/03642/OUT

**Description:** Outline application for the development of approximately 125no. units with associated access (revised red line boundary 9.5.17)

**Status:** REF

## **Appeals**

**Reference Number:** 18/00001/REFUSE

**Description:** Outline application for the development of approximately 125no. units with associated access (revised red line boundary 9.5.17)

**Status:** DISMIS

#### 4. Consultee Responses

Lead Local Flood Authority (LLFA)	No objection, subject to conditions set out in the report
Highways	No objection, subject to conditions set out in the report
Northumbrian Water Ltd	Further to our previous response to the application, dated 7 November 2019, we have reviewed the amended Flood Risk Assessment and Drainage Strategy and can confirm that we are satisfied with the updated connection point for 5l/sec of surface water to the south of the site and would continue to request that the application is carried out in accordance with this document.
County Archaeologist	Taking account of the character, extent and distribution of known archaeological remains in the surrounding area and the anticipated construction impact of the proposed development, the proposed development is unlikely to adversely affect significant archaeological remains. There are therefore no objections to the application on archaeological grounds and no archaeological work is recommended.
Alnwick Town Council	<p>Alnwick Town Council have the following comments to make:</p> <p>i) Electric Charging EV charging points - we would request that the number of EV charging points is increased to a minimum of 10% of the car parking spaces (including some in the disabled parking area) and additionally with the infrastructure (wiring etc.) in place to extend the provision in the future. Extra chargers on this Industrial Estate would support the Town Council's wish to see an increase in the EV charger provision overall in Alnwick. This could also enable workers on the wider Industrial Estate to have daytime access to charging facilities (hotel users will probably use at night time), which ought to be a commercial benefit to the hotel operator.</p> <p>ii) Lighting ' we need more information on the proposed lighting for the site. It should comply with ADNP Policy ENV11 Reducing Light Pollution</p> <p>iii) Landscaping ' we would like to see a planting scheme for the site to comply with ADNP policy ENV7 Landscaping of New Developments</p> <p>We support the comments made by the Lead Local Flood Authority, Northumbrian Water and endorse the comments made by NCC's Highways Officer.</p> <p>We would request that a plan is developed for the improvement of the highways and footways on the trading estate. We understand that the highway and footways on the estate are adopted. Both are in poor and in some areas very poor condition and we would suggest that the matter of improving the highway and footways is considered in relation to this development.</p> <p>We request that NCC Highways consider the requirement for a more formal pedestrian crossing between the Industrial Estate and Alnwick Cemetery, to enable safe pedestrian movement across South Road.</p>

The suitability of the junction with South Road should also be assessed for the safety of cyclists to enable active travel between the development and Town Centre amenities.

Alnwick Town Council request a consultation with Planning Officers to discuss proposals to be included in a Section 106 agreement for off-site works relating to this development.

The following policies from the Alnwick & Denwick Neighbourhood Plan need to be considered:

#### EMPLOYMENT

##### E1 Providing for Economic Growth

Development proposals which support provision of job opportunities and the sustainable development and economic growth of Alnwick as a major service centre will be supported where they can be achieved without significant impact on the environment.

##### E3 Future Use of Existing Employment Sites

Proposals for the re-use or redevelopment of existing main industrial sites will be supported provided that they contribute to the creation and retention of employment and/or re-investment in the built fabric and infrastructure of these employment areas. Housing (C3) and retail (A1) will not be permitted on these sites.

##### E4 Development on South Road

Development which provides new employment opportunities, commercial and business development (including under policy TC3) along South Road will be supported provided that proposals do not significantly impact upon the retail and commercial role of the town centre and do not have significant detrimental impact on established housing areas in South Road.

##### E5 Tourism Development

New tourism development in or adjacent to the town, particularly that which will help grow Alnwick and Denwick as a year round tourism destination, will be supported subject to all of the following being met:

- i) Development is located where it will complement business and services in the town and will not adversely impact on the vitality and viability of the town centre;
- ii) Development will contribute positively to the weekend and evening economy of the town;
- iii) The scale and character of development will not have an unacceptable adverse impact upon the natural and historic environment;

#### TRANSPORT

##### TR1 Walking

Proposals for development will be required to have safe and convenient pedestrian access. The enhancement of provision for walking including public rights of way will be supported.

##### TRA2 Cycling

Proposals for major development will be required to have safe and convenient cycle access. The enhancement of provision for cycling including existing cycle routes will be supported.

#### ENVIRONMENT

##### ENV7 Landscaping of New Developments

Major development should include as part of planning applications full landscaping and tree planting proposals to add to the distinctive character of the plan area, including off site structural landscaping where the development is on the urban edge and where a common owner makes this possible.

	<p>Proposals should consider micro climate and specify a diverse range of species, flowering and fruiting at different periods, which enhance wildlife habitats and contribute to national and local biodiversity targets.</p> <p>ENV9 Sustainable Drainage Systems All proposals for major development should incorporate Sustainable Drainage Systems (SuDS), unless it is clearly demonstrated the SuDS are not appropriate. Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.</p> <p>ENV11 Reducing Light Pollution All street lighting in new developments should be designed to be dimmable, capable of part-night operation and to minimise upward light. Where floodlighting is subject to planning permission it will only be permitted where the developer can robustly justify why it is necessary. In rural parts of the plan area, all new street lighting and lighting within new developments should be set at the lowest intensity compatible with community safety in order to preserve dark skies.</p>
Northumbrian Water Ltd	No objection, subject to condition set out in the report
Public Protection	No objection, subject to conditions set out in the report
County Ecologist	No objection subject to appropriate mitigation for protected sites.
Tourism, Leisure & Culture	With regard to the attached planning application, Northumberland County Council's tourism development section has no current objection to this application, subject to it satisfying all statutory planning conditions and being broadly acceptable to the adjacent community.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	36
Number of Objections	3
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 7th November 2019

Northumberland Gazette 14th November 2019

### Summary of Responses:

5.1 During consultation and re-consultation 3no. letters of objection have been received. The main reasons for objection include:

Highway safety, access, and standard of estate road;  
Loss of employment land;  
Poor Design;

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=OE7Z45QSK7Z00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

S1 Location and scale of new development - Alnwick LDF Core Strategy

S2 The sequential approach to development - Alnwick LDF Core Strategy

S3 Sustainability criteria - Alnwick LDF Core Strategy

S9 Employment land allocation - Alnwick LDF Core Strategy

S10 Tourism development - Alnwick LDF Core Strategy

S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

BE8 Design in new residential developments and extensions (and Appendix A and B) - Alnwick District Wide Local Plan

APPENDIX E Car parking standards for development - Alnwick District Wide Local Plan

S23 Planning obligations - Alnwick LDF Core Strategy

CD32 Controlling development that is detrimental to the environment and residential amenity - Alnwick District Wide Local Plan

S10 Tourism development - Alnwick LDF Core Strategy

E1 - Providing for Economic Growth - ADNP Made 27 July 2017

E2 - Location of Economic Growth - ADNP Made 27 July 2017

E3 - Future Use of Existing Employment Sites - ADNP Made 27 July 2017

E4 - Development on South Road - ADNP Made 27 July 2017

E5 - Tourism Development - ADNP Made 27 July 2017

E6 - Employment and Training for Young People - ADNP Made 27 July 2017

ENV 7 - Landscaping of New Developments - ADNP Made 27 July 2017

ENV 9 - Sustainable Drainage Systems - ADNP Made 27 July 2017

ENV 11 - Reducing Light Pollution - ADNP Made 27 July 2017

HD1 - Protecting Landscape and Setting - ADNP Made 27 July 2017

HD4 - The Approaches to the Town - ADNP Made 27 July 2017

## 6.2 National Planning Policy

National Planning Policy Framework (2012) (NPPF)

Planning Practice Guidance (2014, as updated) (PPG)

## 6.3 Emerging Policy

In accordance with paragraph 216 of the NPPF it is considered weight can be given to emerging policy giving consideration to the stage of preparation of the emerging plan, the level of unresolved objections to these policies and consistency with NPPF; Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019 (NLP); relevant policies would include:

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 4 Climate change mitigation and adaptation (Strategic Policy)

Policy TCS 1 Hierarchy of centres (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 6 Delivering well-designed places

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ENV 2 Biodiversity and geodiversity

Policy ENV 3 Landscape

Policy WAT 2 Water supply and sewerage

Policy WAT 3 Flooding

Policy WAT 4 Sustainable Drainage Systems

Policy INF 6 Planning obligations

## 7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a

proposal requires an Appropriate Assessment to be undertaken this presumption does not apply.

7.2 The Adopted Development Plan where the site is located comprises the saved policies of the Alnwick District Wide Local Plan 1997 (ADLP), The Alnwick District Local Development Framework Core Strategy 2007 (ACS) and the Alnwick and Denwick Neighbourhood Plan (ADNP).

7.3 Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, was submitted for examination on 29 May 2019 (NLP). In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration.

The principle of the development;  
Employment and Tourism;  
Design and impact on the local area;  
Impact on amenity;  
Highways;  
Ecology;

#### Principle of development

7.4 Policy S1 of the Alnwick Core Strategy (ACS) identifies Alnwick as a Main Rural Service Centre, which is a main focus for new development. These settlements offer the greatest range of housing, employment and service opportunities, have links to the transport network, public transport systems and serve wide rural hinterlands.

7.5 ACS policy S2 provides for a sequential test for new development however, whilst the NPPF encourages the use of previously developed land it does not set a strict hierarchy therefore ACS policy S2 is afforded little weight in the determination of the application.

7.6 ACS policy S3 outlines sustainability criteria that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, shops services, the transport network and modes of transport other than the private car; that there is adequate existing or, planned capacity in the physical and community infrastructure and environmental needs can be mitigated; potential implications of flood risk have been assessed.

7.7 ACS policy S8 provides support for high quality development and services which would support economic regeneration through a range and choice of local job opportunities.

7.8 ACS policy S9 allocates 30 hectares to accommodate industrial and employment development within the former Alnwick District for the period 2004-2021. The ACS identifies Alnwick as a Main Rural Service Centre, which should act as a focus for new development.

7.9 NLP policy STP 1 sets out a spatial strategy for development seeking to provide development that will enhance the vitality of communities across Northumberland.



7.10 The NLP identifies Alnwick as a Main Town to deliver sustainable development. Policy STP2 sets out the presumption in favour of sustainable development with STP3 setting out the principles of sustainable development.

7.11 Having regard to Policies S1, S2 and S3 of the Core Strategy, the site is considered to be a sustainable location for new development. The site is located within the Main Rural Service Centre of Alnwick and is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car.

7.12 The proposal will result in improved tourist facilities in Alnwick in accordance with Policies S8, S9 and S10 of the Alnwick Core Strategy (2007) which support economic regeneration and tourism development in sustainable locations.

7.13 Having regard to the development plan and emerging policy, the proposal would accord with national and local policy, which aims to ensure that new tourism development takes place in sustainable locations.

#### Employment land and Tourism

7.14 The ACS acknowledges the economic benefits that tourism brings to the area, but also requires that such development is as sustainable as possible with development such as hotels more appropriate for urban areas. Policy S10 ADNP reflects this requirement. ADNP policy E5 provides support for tourism development subject to a range of criteria.

7.15 ADNP policy E3 seeks to retain existing employment sites for employment use, with the preamble to the policy acknowledging the need to attract new investment to maintain their long term use requiring greater flexibility and adaptability in its use (subject to employment creation and investment in the sites 'fabric').

7.16 NLP policy ECN 15 provides support for tourism and visitor development subject to a set of principles and which includes prioritising the siting of such developments, in Main Towns and Service Centres.

7.17 NPPF Chapter 6 sets out the government's aim of building a strong economy with paragraph 83 c, providing support for sustainable rural tourism. Paragraph 117 and 118 include the requirement for planning authorities to promote the effective use of land and encourage multiple benefits from land, including through mixed use schemes.

7.18 Whilst the redevelopment of part of the industrial estate, as a hotel, does not reflect the traditional industrial employment use, it will enable a more flexible approach to employment creation that would be compatible with the existing, neighbouring employment uses. The general principle of the proposal is accepted and would be in general accord with ACS policy S9 and would accord with ACS S8 and S10 and with ADNP policies E3 and E5.

#### Design and impact on the local area

7.19 The ACS, ADNP and the NPPF seek to ensure that development is sited appropriately, without an unacceptable, adverse impact on the local environment.

The NPPF's presumption in favour of sustainable development is based on securing a balance between its economic, social and environmental dimensions. The site is set within/ adjacent to existing urban development; any new development will be viewed in the context of the existing built form, which will help visually assimilate new development into its surroundings.

7.20 The NPPF the ADLP, ACS and NLP seek to ensure good design in all development. S16 of ACS sets out that all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials. BE8 of the ADLP specifies the relevant appendix to assess proposals for new dwellings and extensions (in this case Appendix A). Appendix A covers criteria relating to layout, access, car parking, design, materials and landscaping.

7.21 Paragraph 124 of the NPPF identifies that high quality buildings and places is fundamental to what the planning and development process should achieve and paragraph 130 advises that permission should be refused for developments of poor design. Paragraph 127 of the NPPF requires that planning decisions should ensure that developments work well and, add to the overall quality of the area and, are visually attractive and sympathetic to local character and history.

7.22 The ADNP acknowledges that landscape setting has the greatest impact when viewed in the context of the Main routes into and past Alnwick with policy HD1 seeking to ensure protect setting.

7.23 The site is set to the eastern side of the industrial estate overlooking the A1 truck Road with a mature treeline providing some screening along this side. Submitted details indicate the proposed design (generally rectangular, flat fronted, with large glazed openings at ground floor, natural stone faced and with flat roof over), is influenced by historic buildings in the town centre (notably Northumberland Hall). The visual change of the built form, from the current utilitarian, industrial nature of the site to one which incorporates more natural materials in the external finish is not considered to have an adverse, visual impact on the local area. The use of a higher quality, external finish is considered a positive visual improvement over the surrounding buildings.

7.24 The proposal will accord with the design principles of ACS policy S16 and policies BE8, of the ADLP and policy HD1 of the ADNP and the provisions and intentions of the NPPF.

#### Impact on amenity

7.25 It is acknowledged that the proposal seeks hotel development on a site that has a current industrial use, with some industrial use/plots retained outside the development site. Some element of disturbance from dust, noise and vehicle movement is considered an inevitable part of the development process however, this will be limited to the demolition and construction period and the existing road arrangements (although in need of some repairs), within the site, were designed to accommodate the movement of large, industrial type vehicles.

7.26 Following demolition/ construction there is potential for the hotel accommodation to be impacted by noise from the A1 and existing/ continuing

commercial activity within neighbouring plots. The proposal has been examined in detail by officers within the Council's Public Protection service, who have assessed potential impacts from noise (both road and industrial/ commercial) and potential land contamination. No objection has been raised subject to conditions. Therefore, subject to conditions the proposal is not considered to have an unacceptable, adverse impact amenity/ activity that would outweigh the benefit of the proposal.

7.27 In light of the above considerations it is considered that subject to conditions the use of the site for hotel accommodation, would not have any significant or, unacceptable impacts on the amenity of future users or, adjacent neighbours/ uses, such as noise and traffic disturbance, subject to conditions. The proposal would therefore be in accordance with ADP policy BE16 and CD32 of the Local Plan and ACS Policies S3, S11, S13 and S16.

#### Impact on heritage assets

7.28 The NPPF, ADLP and the NCS seek to protect heritage assets within the plan area. The site is approximately 200m from the nearest listed buildings at Alwick Cemetery. The proposal has been examined by the County Archaeologist, who has no objection. Due to the site context and the separation distance to this building and intervening land form, including the South Road; the proposal is not considered to have any greater impact on these or, other heritage assets in Alwick, than currently exists. The proposal is considered to accord with the provisions of ACS policy 15, ADNP policy HD4 & HD5, NCS policy 33 and the provisions and intentions of the NPPF.

#### Highway safety

7.29 Highway safety considers the impact the development would have in terms of vehicle movements, the internal layout of development and pedestrian connectivity. The application has been assessed by Highways Development Management (HDM). The application has been submitted with a Transport Statement and the applicant has confirmed that the electric charging points detailed in the application will be available for wider public use during day time hours.

7.30 Policy S11 of the ACS sets out criteria to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated.

7.31 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 98 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

7.32 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA4 requiring and appropriate level of off street parking to be provided.

7.33 After the detailed assessment of the application and further discussion and clarification with the agent re required works HDM have no objection to the proposal

subject to conditions. These conditions have been examined and, given the context of the site, are considered reasonable.

7.34 Subject to the imposition of the highway conditions on any grant of consent, it is considered that there would be no grounds to refuse the application in relation to highway safety and the proposal would accord with ACS Policy S11.

### Ecology

7.35 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected. The application has been submitted with a Preliminary Ecological Assessment which has been reviewed by the County Ecologist (CE). When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as a 'Competent Authority', is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects.

7.36 S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity. S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.

7.37 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

7.38 NLP policies STP4, QOP4, ENV 1 and 3 provide policy protection against adverse impacts on the natural environment and protect against climate change. Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance, the local environment by;

“d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

7.39 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or, by providing funds to Coastal Mitigation Service (CMS). In this instance the applicant has agreed to pay £11,592 toward the Council's Coastal Mitigation Scheme, secured by legal agreement.

7.40 Subject to completion of the s.106 agreement for coastal mitigation the proposal will accord with BLP policies S3, S12 and S23 of the ACS and the provisions and intentions of the NPPF.

#### Drainage, foul sewage and flood risk

7.41 Consultation has taken place in relation to drainage and foul sewage with Northumbrian Water (NWL) and the council's Lead Local Flood Authority Officer (LLFA). The site is located within Flood Zone 1 and is therefore considered at low risk of flooding. The site measures approximately 1.43 hectares, the application has been submitted with a Flood Risk Assessment and Drainage Assessment (FRA).

7.42 Following the submission of additional information the LLFA has no objection subject to conditions and, given the lead role of the LLFA these conditions are considered to be appropriate and address any flood/ drainage concerns. NWL has no objection.

#### Equality Duty

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

#### Crime and Disorder Act Implications

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

#### Human Rights Act Implications

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

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

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

## **8. Conclusion**

8.1 The ADLP, ACS and NLP identifies Alnwick as a sustainable location and as a focus for development.. Following consultation with the relevant bodies the application has demonstrated that, subject to conditions, it is possible to satisfactorily address and mitigate issues in relation to highway safety, ecology, amenity, foul and surface water drainage and flood risk etc.

8.2 ADNP policy E5 provides support for tourism development subject to a range of criteria.

8.3 Policy S9 of the ACS and ADNP policy E3 seek to retain existing employment sites for employment use, with the preamble to the policy E3 acknowledging the need to attract new investment to maintain their long term use requiring greater flexibility and adaptability in its use (subject to employment creation and investment in the sites 'fabric').

## **9. Recommendation**

That Members authorise the Director of Planning to GRANT permission subject to the recommended conditions set out below and a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the a financial contribution to the Coastal Mitigation Scheme £11,592 .

### Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

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

1. NT14409/001/v2.0/FINAL' Flood Risk Assessment and Drainage Strategy;
2. Drawing 2203-A-00\_10-00-0002 Rev P03, Masterplan;
3. Drawing 2203-A-00\_10-00-0003 Rev P03, Proposed Site Plan;
4. Drawing 2203-A-00\_10-00-0005, Rev P01, Composite Utilities Plan;
5. Drawing 2203-A-00\_10-00-0006, Rev P01, Demolitions;
6. Drawing 2203-A-00\_10-00-0012, Rev P01, Elevations;
7. Drawing 2203-A-00\_10-00-0010, Rev P01, Proposed Roof Plan;

8. Drawing 2203-A-00\_10-00-0011, Rev P01, Site Section;
- 9, Drawing 2203-A-00\_10-00-0001, Rev P01, Location Plan;
10. Report - ECOLOGICAL APPRAISAL AND BAT SURVEY, Willowburn Trading Estate Northumberland, August 2019, Author E3;
11. Report - Design and Access Statement Willowburn Trading Estate September 2019, Author Projekt Architects;;

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of local plan policy S16.

04. All residual materials resulting from the demolition works hereby approved to the building shall be removed from the site within the calendar month of the date of completion of the demolition.

Reason: In the interests of the appearance and setting of the Conservation Area and in accordance with local plan policy S16 and the provisions and intentions of the NPPF.

05. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated September 2019. The drainage scheme shall ensure that surface water discharges to the surface water sewer at manhole 8103 at a restricted rate of 5l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

06. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved 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 etc);
- \* Construction details (component drawings, materials, vegetation);
- \* Health and Safety file;
- \* Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-statutory technical standards.

07. Prior to commencement of any work other than site clearance, the details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

08. Development shall not commence until details of the existing and proposed site levels in respect of the 3.0m wide shared foot/cycleway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework.

09. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework.

10. Prior to commencement of development details of the materials to be used in the construction of the external surfaces of the development and adoptable footways/cycleway and service bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

11. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

12. Notwithstanding the submitted details, the development shall not be brought into use until the means of vehicular access has been constructed in accordance with Northumberland County Council 'Type C' construction specification from the U3145 with hard surfacing up to 6.0m from the edge of carriageway, and incorporating visibility splays of 2.4m x 43m in both directions in the vertical (1.05m drivers eye height) and horizontal planes. Thereafter, the vehicular access, together with visibility splays and associated works, shall be retained in accordance with the approved details at all times.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.



13. Notwithstanding the details provided,, the development shall not be brought into use until details of the a 2.0m wide footway encompassing the full frontage of the development alongside a Service Layby on the U3145 and a 3.0m wide shared foot/cycleway between the U3145 and the A1068 to accord with the Equality Act 2010 with gradients not in excess of 1:20, together with signage, road markings, street lighting, drainage and associated works, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

14. Full resurfacing of the U3145 carriageway shall be carried out to encompass the extents of the S278 works as outlined in condition 13 of this consent prior to the development being brought into use.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

15. Notwithstanding the details submitted, the development shall not be occupied until a scheme for parking management strategy on the U3145 has been implemented, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety, including that of pedestrians, in accordance with the National Planning Policy Framework .

16. Within 6 months of the development being brought into use the applicant will submit a technical appraisal in accordance with Chapter 6 of the Traffic Signs Manual (2019) to assess requirements for a new crossing point on the A1068 with subsequent mitigation measures to be delivered as part of a Section 278 Agreement pursuant to the Highways Act 1980 where pedestrian flows to/from the development determine implementation requirements, with the approved scheme to be implemented in accordance with the approved details within 12 months.

Reasons: In the interests of highways and pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

17. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

18. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the

development is occupied and thereafter maintained in accordance with the approved details.

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

19. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development in accordance with the National Planning Policy Framework.

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

- i details of and results from an initial staff travel to work survey;
- ii clearly specified ongoing targets for staff travel mode shares;
- iii a plan for monitoring and reviewing the effectiveness of the Full Travel Plan;
- and
- iv a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

21. Development shall not commence until a Demolition and Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/ construction period. The Demolition and Construction Method Statement and plan(s) shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

22. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework.

23. The development shall not be brought into use until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The document shall include:

i. details of the type and size of vehicles to be used

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ii. details of delivery times;

iii. swept path arrangements for service vehicles as applicable.

iv. details of the control measures for the Service Layby in accordance with the

Parking Management Strategy as secured under Condition 15 of this consent. Thereafter, any requirements of the plan shall be strictly adhered to, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to achieve the requirements of the Service Management Plan, and in accordance with the National Planning Policy Framework.

24. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including radon and depleted Oxygen (<19%), to the CS2 standard specified in BS 8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

25. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in the Asbestos Survey, required by this consent, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

26. The rating level of noise emitted from any kitchen extraction/ventilation and any fixed plant on the site shall not exceed 28.5dB LAeq (1 hour) during the day and 28.5dB LAeq (15 minute) during the night at the nearest residential receptor. Details of the final plant shall be submitted for written approval. The measurements and assessments shall be made according to BS4142:2014 submitted and approved in writing by the Local Planning Authority.

Reason: To protect nearby residential receptors from undesirable noise impacts.

27. Prior to the development being brought into use, or continue in use, the applicant shall provide full details of the kitchen extraction system to the Local

Planning Authority for its written approval. The kitchen extraction system shall be designed to provide a minimum of a High Level of odour control. The approved scheme shall be implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against odour.

28. Prior to the commencement of the development hereby permitted a cleaning and maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. This should detail the interval and methods employed to clean and maintain all relevant parts of the kitchen extraction/ventilation system. The system shall be installed prior to the opening of the premises for the use hereby permitted and such equipment shall thereafter be operated and maintained in accordance with the manufacturer's specifications.

Reason: To protect residential amenity and ensure a commensurate level of protection against odour.

29. During the construction or demolition phases of the development, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800  
Saturday 0800 to 1300

Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in an investigation as to whether a statutory nuisance is being caused.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

30. During the construction or demolition phases of the development, there shall be no deliveries or collections from the site outside the hours of:

Monday to Friday 0800 to 1800  
Saturday 0800 to 1300

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

31. No development shall commence until a scheme to control dust, to be implemented for the duration of the site works, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include methods to control dust from works and site management responses to incidents and complaints about dust arising from the site.

Reason: To protect residential amenity and provide a commensurate level of protection against dust.

32. Prior to the commencement of works of demolition on site, a destructive asbestos survey of buildings to be demolished shall be submitted to and approved in

writing by the Local Planning Authority. The survey should also propose the works required to safely remove and dispose of any identified ACMs. Development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and receptors are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

33. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) Further site investigations are recommended in the Phase 1 report (Phase 1 Geoenvironmental Desk Study produced by DBS Environmental, REPORT NUMBER: 1345R001i1 FINAL and dated August 2019) and shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters . It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

34. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and receptors are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

**Date of Report: 07/02/20**

**Committee Report**