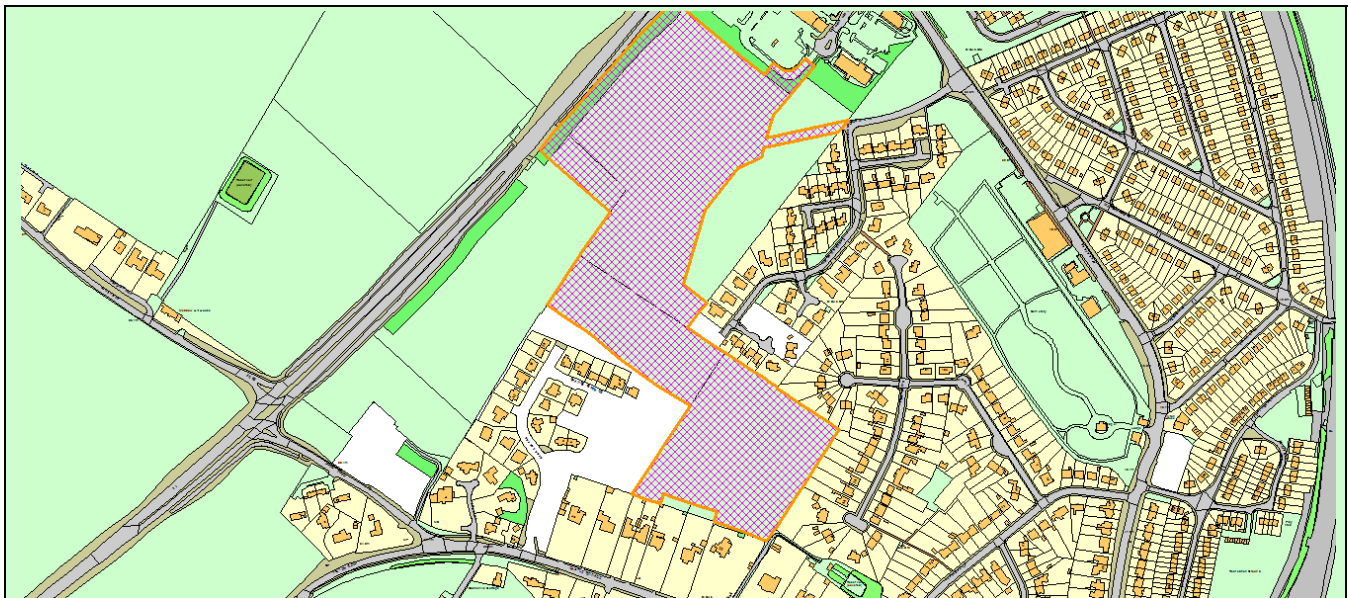




Northumberland County Council

Strategic Planning Committee
4th September 2018

Application No:	18/01184/FUL		
Proposal:	Retail Development; 5 no. retail (Use Class A1) units; 2 no. food & drink/drive-thru units (Use Class A1/A3/A5); Access, Parking, Servicing, Landscaping, Regrading & Associated Works amended 17/08/18		
Site Address	Land South West Of Morrisons, Loaning Meadows, Berwick-Upon-Tweed, Northumberland TD15 1UN		
Applicant:	Mr John Taylor Wigan Hall, Wigan, WN1 1HH,	Agent:	Mr Ryan Grant Barnett House, 53 Fountain Street, Manchester, M2 2AN
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	6 April 2018	Expiry Date:	30 September 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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1. Introduction

1.1 This application is being reported to the Strategic Planning Committee as it is a major development of strategic importance.

The application is recommended for APPROVAL.

1.2 The application was amended as follows;

- 17/08/18 - Submission of a revised Ecological and Archaeological Assessments
- 14/08/18 - Revision of site location plan (21-day re-consultation carried out and submission of additional drainage information)
- 16/07/18 - Amendments to the appearance of the units.
- 05/07/18 - Submission of a further Transport Note.
- 12/06/18 - Submission of a Noise Impact Assessment.
- 29/05/18 - Submission of Revised Archaeological Assessment.

2. Description of the Proposals

2.1 The site is located to the north end of Berwick-Upon-Tweed set between the A1 that runs along the north-western boundary and North Road to the east; a main route that spans north of Berwick Town Centre approximately 1.5km away.

2.2 The land is adjacent to existing commercial development at Loaning Meadows (north-east) where there is an existing Morrison's food store with filling station, Travel Lodge and McDonalds. To the east of the site on the west side of North Road is an Aldi food store and Majestic Wines.

2.3 The site is agricultural fields with limited defining features aside its topography, climbing in site levels toward the north-western boundary where there is bund and vegetation onto the A1 beyond. The site is otherwise surrounded by residential development to the south and west. The proposal would be within a development site area 2.54ha.

2.4 The application seeks planning permission to;

- Form a vehicular access from the east from Loaning Meadows, installing a roundabout that would serve Morrison's to the north and the development to the west leading to a car park area which would lead to a bus turning area to the north end.
- Install a 3m shared cycle/pedestrian link from Countess of Buchan Way from the south into the site as well as a 3m shared surface link along the Loaning Meadows Access
- Install a large drainage basin to serve the development site as well as the wider area to the south of the site around a landscaped area.
- Carry out a full profiling of the building and car parking area which would involve partial infilling of land to the south of the retail park.
- Erect 7 no. retail units as follows;

- Unit 1 - Erect a detached structure (l:54.5m x w:36.7m x h:8.3m) of a composite and timber clad facade with an entrance feature with a glazed frontage. The unit would be located to the north-west corner of the site.
- Unit 2-4 - Erect a terraced structure (l:51.4m-36.9m for unit 2 x w:64.5m x h:8.15m) of a composite and timber clad facade with an entrance feature with a glazed frontage and windows across each unit. The unit would be located to the north-west corner of the site.
- Unit 5 - Erect a detached structure (l:10.7m x w:23.0m x h:4.5-5.2m) with a mono-pitch roof to the main structure with a mono-pitch roof to the main structure of a timber clad with stone accent panels and rendered facade. There would be a kiosk to the north elevation.
- Unit 6 - Erect a detached structure (l:30.5-37.8m x w:55.0m x h:4.6-5.1m) with a mono-pitch roof to the main structure of a timber clad and rendered facade.
- Unit 7 - Erect a detached structure (l:11.0m x w:17.5m x h:4.6-5.3m) with a mono-pitch roof to the main structure of a timber clad and rendered facade. There would be a kiosk to the south elevation.
- Install a parking area consisting of;
 - 300 standard spaces
 - 6 Electric Charging Bays
 - 18 Accessible Bays
 - 8 Parent & Toddler Bays
- Service area would be to the rear of the proposed units with a retaining structure onto a bund to the north.

2.5 The breakdown of operators for the units is as follows;

- Unit 1 - Home Bargains
- Unit 2 - The Food Warehouse
- Unit 3 - Unknown (comparison goods only)
- Unit 4 - Unknown (comparison goods only)
- Unit 5 - Kentucky Fried Chicken (with drive-thru)
- Unit 6 - Aldi (relocating from existing store on South Road)
- Unit 7 - Costa Coffee (drive-thru)

2.6 The site is subject to the following environmental constraints;

- Impact Risk Zone SSSI
- Archaeological Centre Point

2.7 The site was subject to a previous consent for A1 retail development which was allowed at appeal. No works have been implemented as part of the permission and is now considered to have lapsed. The site is not allocated within the Berwick-Upon-Tweed Local Plan and is therefore considered 'white land' for the purposes of development plan policy.

3. Planning History

Reference Number: 11/03331/FUL

Description: Extension of time limit on application 05/B/0331 (Class A1 Retail Development including access, parking and landscaping)

Status: Refused

Reference Number: N/05/B/0331

Description: Proposed class a1 retail development including access, parking & landscaping.

Status: Permitted

Appeals

Reference Number: N/05/B/0331

Description: Proposed class a1 retail development including access, parking & landscaping.

Status: Allowed

4. Consultee Responses

Berwick-upon-Tweed Town Council	<p>Objects;</p> <ol style="list-style-type: none">1. That council objects to the development, as proposed, until such time as Northumberland County Councils officers are satisfied that the Highways proposals and Sustainable Transport Plan are capable of delivering a safe and sustainable development that does not have an unreasonable impact on residential amenity, paying particular attention to the issue of air quality for neighbouring residents, and2. That council objects to the development, as proposed, until such time as Northumberland County Councils officers are satisfied that the delivery of the proposed development will not have an unreasonable impact on wildlife and environmental diversity already evidenced at the site, and3. That Council objects to the development, as proposed, until such time as Northumberland County Councils officers are satisfied that the delivery of the proposed development will not have an unreasonable impact of surface water drainage, and that the relevant consultees are satisfied with the proposals for mains drainage from the site.
County Archaeologist	<p>Response Pending; Update to be Given at Committee</p> <p>The footprint of the 5 no proposed retail has already been sampled via a programme of archaeological evaluation (trial trenching) undertaken in 2006. No significant archaeological features were identified. No further archaeological work is recommended in this area in the first instance. This should be reviewed if significant archaeological features detected by evaluation in the central area.</p> <p>If the applicant can demonstrate that the landscaped area will not be impacted by the proposed development (for example by providing detailed method statements for plant movement or landscaping works), or if the area</p>

	<p>is removed from the present application boundary, no archaeological work will be required.</p> <p>If the applicant cannot demonstrate that the site will be protected from construction impact, or if the area cannot be excluded from the application boundary, a programme of archaeological field evaluation will be required in this area prior to the determination of this application. The scope of the evaluation should be discussed in advance with the Conservation Team, but may include combinations of geophysical survey and intrusive evaluation trenching.</p> <p>Further survey work has been undertaken and the comments of the County Archaeologist are awaited.</p>
<p>County Ecologist (CE)</p>	<p>Response Pending; Update to be Given at Committee</p> <p>The site is a mixture of grassland, arable fields, hedgerows, linear plantation woodland and field margins. Hedgerows are priority habitat and therefore a potential material consideration.</p> <p>There are records of bats, otter, badger and red squirrel in the vicinity of the site, all of which are protected species. In addition there are records of toad, hedgehog and hare, all of which are priority species. The presence of protected and priority species are a potential material consideration when making a planning decision.</p> <p>The red line boundary of the site is very much larger than the boundary which was subject to ecological survey. Accordingly for significant parts of the site no ecological information has been submitted at all. This includes the part of the site that shall be subject to land raising from the cut and fill operation.</p> <p>Further survey work has been undertaken and the comments of the County Ecologist are awaited.</p>
<p>Natural England (NE)</p>	<p>No Objection;</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites has no objection.</p>
<p>Public Health Protection (PHP)</p>	<p>No Objection; Conditions & Informatives Advised</p> <p>The applicant is seeking to develop a new commercial park on land in Berwick. As part of the development the applicant has submitted a noise impact assessment which concludes that the development should not impact on the existing residential receptors. The basis of this noise report can be used to inform conditions that can control the noise impact.</p> <p>The applicant has also undertaken a contaminated land investigation which concludes that the site should not be impacted by past historical uses.</p>
<p>Highways Development Management (HDM)</p>	<p>No Objection; Conditions & Informatives Advised</p> <p>The proposal is considered to be in accordance with National Planning Policy Framework, in respect of transport/highway matters, and the principle of development is acceptable, subject to the submission of satisfactory</p>

	<p>additional information/red line boundary regarding the shared cycleway/footway connectivity to Countess of Buchan Way.</p> <p>Additional information has been provided with the reconsultation dated 14th August 2018. The details have been considered and the amended red line application boundary now extends to connect with Countess of Buchan Way and will facilitate linking a proposed shared cycleway/footway from the site with the newly constructed shared cycleway/footway on Countess of Buchan Way.</p> <p>Revised details relating to off-site highway improvement works have been provided, including 'Proposed Toucan Crossing Arrangement', numbered 9878-002 Rev.'A' and 'Proposed Off-site Highway Works', numbered 9878-003 Rev.'A'. The drawings identify works on North Road to: extending the shared cycleway/footway southward; provision of Toucan crossing facility; and upgrading of bus stops, adjacent to the Countess of Buchan Way junction, together with associated works. The details are considered generally acceptable for the purposes of forming part of the planning permission, but will be subject to full S278 Agreement technical approval, including associated Road Safety Auditing prior to implementation of any scheme on the ground.</p>
<p>Highways England (HE)</p>	<p>No Objection; Condition Advised</p> <p>notice is hereby given that Highways England's formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted.</p> <p>This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.</p>
<p>Lead Local Flood Authority (LLFA)</p>	<p>Further Information Required;</p> <p>Reviewing the latest additional information submitted with this application we are content with the general principles of disposing surface water from the development. However, we still require further additional information, drawings and associated calculations before we can recommend any conditions that we would ask to be appended onto any granted planning permission. Further discussion on the additional details and information required is below:</p> <p>Technical discussion</p> <p>Development catchments</p> <p>It needs to be established which parts of the development will discharge to where. Can a plan be submitted which clearly shows what units and what hardstanding areas will drain to.</p> <p>Eastern catchment</p> <p>It is currently proposed that the allowable discharge rate into Northumbrian Water manhole MH0501 is 7l/s. Associated calculations are required to show the pre-development greenfield runoff rate. Following this the allowable discharge rate will need to match the 1 in 1 year / Qbar rate.</p> <p>No details or calculations have been provided regarding the required attenuation that is needed for this catchment. As this is a full application, a full set of calculations is required looking at the 1 in 100 year plus climate</p>

	<p>change event (+40%). Drawings of all SuDS and associated attenuation features will also be required.</p> <p>Western catchment</p> <p>The current scheme and allowable discharge rates are reliant on a new sewer connection which outfalls directly to the river Tweed. Whilst, this approach is acceptable - further information is required.</p> <p>At present the surface water scheme looks to discharge surface water into pipe S11 at a restricted rate of 103l/s. This rate will only be when the new outfall to the Tweed is constructed and operational. Asides for the point of connection from MH S11 to the new outfall, the current pipe diameter downstream of S11 is 150mm.</p> <p>The principal of means of drainage had been established, and technical details are awaited for approval.</p>
<p>Northumbrian Water Ltd</p>	<p>No Objection; Condition & Informative Advised</p> <p>In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.</p> <p>Having assessed the proposed development against the context outlined above we have the following comments to make:</p> <p>The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the attached condition.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	137
Number of Objections	84
Number of Support	2
Number of General Comments	2

Notices

Site Notice - General site notice 18th April 2018

Press Notice - Berwick Advertiser 19th April 2018

Summary of Responses:

5.1 During the consultation period 84 no. objections and 2 no. comments were received raising the following issues;

- Impact on the town centre trade
- No increase in jobs

- Vacant units available within the Town Centre
- Other suitable sites available
- Possible movement of Home Bargains and Iceland from the Town Centre
- No need for additional retail development
- Landscape impact of the proposal
- Impact on adjacent residential properties
- Noise and light pollution
- Possible conflict with residential development
- Ecological impact
- Highway safety issues
- Traffic impact of the development
- New car park could attract anti social behaviour
- Access arrangements are inadequate
- Surface water drainage issues
- Perceived health issues of fast food outlet
- Provision of electric chargepoints
- Potential for park and ride scheme

Berwick Chamber of Trade & Commerce (BCTC)

- 5.2 BCTC had objected on two occasions to the proposal due to the adverse impact on the town centre raising concerns over the new Home Bargains and Iceland stores proposed in the new development potentially leading to relocation from the Town Centre along with lack of diversification in the retail offering proposed.
- 5.3 The second letter was submitted by BCTC following a meeting with the developers. The objection was maintained however there was agreement on the development of a Town Centre Strategy that BCTC wished to be involved with which had potential to mitigate elements of harm to the Town Centre subject to clarification of details and support from Northumberland County Council for the delivery of this.
- 5.4 Following submission of a draft brief for the production of a Town Centre Strategy, BCTC maintains their position but will review the progress of the strategy.

McDonalds

- 5.5 A representation of support was received from the manager of the McDonald's outlet adjacent to the site supporting the proposal saying that the positive effect on the local economy would outweigh the negative aspects. Concerns were however raised over traffic impacts of the proposal and how this could be mitigated with particular emphasis on engaging with the local bus company that currently serves the site.

Morrison's

- 5.6 A representation was submitted on behalf of Morrison's setting out that there was insufficient information relating to highways with the potential for adverse impacts on the surrounding highway network and or the operation of their car

park. Assurance was also sought that a construction management plan would be in place to manage impact over the construction period.

- 5.7 In addition, a review of the Transport Assessment concluded that further work was required to demonstrate that safe and suitable access for all people can be provided to the proposed development and that generated trips will not have a significant detrimental impact on the safe operation of the local road network including the access arrangements serving the Morrison's store. This was received prior to the submission of additional information that has allowed Highways England and Highways Development Management to remove their originally stated objections.

Iceland

- 5.8 Iceland Food Ltd have submitted representation from its Acquisition Surveyor setting out that Food Warehouse is a different trade format to that of their conventional supermarket offering convenient bulk item purchases and no delivery service.
- 5.9 The representation goes on to state that the proposal would facilitate a large capital investment into the area creating an additional 20-25 jobs along with short term employment over the development period. It also stated that the town centre business had a number of years on their lease with no break.
- 5.10 Other issues were raised but are not considered material planning issues as follows;
- Possible link road was also mentioned but are not considered relevant given that it does not form part of the proposal.
 - The Freeman of Berwick as a charitable organisation relative to the application was also raised but is of no relevance to the proposal.
 - The land being within the Green Belt (no designation is within the former Berwick Borough area).
 - Land designated for residential development (white land within the Development Plan)

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=P6M5UJQS0K400>

6. Planning Policy

6.1 Development Plan Policy

BLP - Berwick-upon-Tweed Local Plan (1999)

F1 Environmental Wealth
F2 Coastal Zone
F31 Environmental Wealth
F10 Protected Species

M10 Cycling Parking Facilities
M14 Car Parking Standards
C4 Shopping Floorspace
C9 Advertisement Displays
C35 Shopping Floorspace within Berwick-Upon-Tweed Town Centre

6.2 National Policy

NPPF - National Planning Policy Framework (2018)
NPPG - Planning Practice Guidance (2018 - as updated)
Ensuring the Vitality of Town Centres

6.3 Other Documents/Strategies

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)
SHMA - Northumberland Strategic Housing Market Assessment (2018)
Alnwick Landscape Character Assessment Supplementary Planning Document
Northumberland Town Centre and Retail Study (2016)

6.4 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)
Berwick Neighbourhood Plan (2018)

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 NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located, comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999).
- 7.2 The Northumberland Local Plan was published in draft for consultation on 04/07/18, in accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage carry very limited weight in the determination of planning applications.
- 7.3 The Berwick-Upon-Tweed Neighbourhood Plan is not yet at a stage where weight can be assigned in accordance with Paragraph 48 of the NPPF and therefore does not form a material policy consideration in the appraisal of this application.
- 7.4 The main issues in the consideration of this application are;
- Principle of Development
 - Sustainability
 - Out of Town Retail
 - Sequential Site Assessment

- Retail Impact Assessment
- Summary
- Planning Obligations
 - Use Restriction
 - Town Centre Improvement
 - Open Space
- Visual Impact
 - Landscape
 - Design
- Amenity
 - Neighbour Issues
 - Noise, Light & Odour
 - Summary
- Archaeology
- Environment
 - Contaminated Land
 - Ecology
- Transport
 - Strategic Road Network
 - Highway Safety
 - Sustainable Transport
 - Summary
- Water Management
- Other Matters
 - Consultation Issues
 - Conditions
- Procedural Matters

Principle of Development

Sustainability

7.5 The NPPF seeks to promote sustainable development with paragraph 7 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element. The application is located within Berwick-Upon-Tweed, a Town interconnected with Spittal, East Ord and Tweedmouth that together has a strong service provision. The parcel of land is bound by existing retail development to the east and residential to the wider area on the edge of the settlement but bound and accessible to the strategic road network of the A1. The application has been submitted with a Planning and Economic Benefits Statement (EBS)

7.6 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*

F5 of the BLP is underpinned by F1 as an area based policy permitting development within the town of Berwick-Upon-Tweed, including Tweedmouth, Spittal and East Ord.

F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

- 7.7 The site is located within Berwick-Upon-Tweed and as such is in a location where new development is supported. The land carries no allocation (white land) within the BLP to prevent new development or the use nor (irrespective of weight) is it allocated in the emerging NLP.
- 7.8 The submitted EBS sets out the proposed economic benefits of the scheme which has been reviewed as part of an independent assessment (particularly regarding jobs created from the development). The benefits would include the creation of 84 no. full time equivalent jobs although there is no commentary on the wage levels or availability to local people. However as a retail development it is envisaged that there would be a large number of jobs accessible to the local population.
- 7.9 The proposal is however for retail development that, whilst having the potential for positive economic and social effects, could also undermine the vitality and viability of the town centre through displacement of trade. Notwithstanding appraisal of the town centre impact, the location is considered suitable to accommodate the proposal.
- 7.10 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new commercial opportunities in a main town of Northumberland and in social terms would deliver employment in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.

Out of Town Retail

- 7.11 The application proposes a scheme of A1 and A3/A5 development made up of 1,602sqm of net convenience and 2,386sqm of comparison floorspace in an out of town location (1.5km from the town centre). The application has been supported by a Planning and Retail Statement (RS) which has been subject to examination by an appointed retail consultant who has produced an Independent Assessment (IA) with the report made publicly available on 29/04/18.
- 7.12 Following revision to the NPPF the IA was reviewed however no substantive changes have been made through the NPPF to alter the stance or affect the conclusions of the IA and therefore has not been formally updated. Objections received relating to the assessment as out of town retail and the policy context have been considered below.
- 7.13 *C4 of the BLP is a general policy for new shopping floorspace including the extension or improvement of existing shops being supported provided that;*
- i) It is not located in Berwick-Upon-Tweed where Policy C35 applies.*

v) It accords with policies elsewhere within the plan.

C35 of the BLP refers specifically to retail development in the town Berwick-Upon-Tweed whereby the development of new shopping floorspace will be permitted provided that;

ii) It will not adversely affect the vitality and viability of Berwick Town centre;

iii) It accords with Policies elsewhere in the Plan; and

iv) (b) Where the development is a new shop, it is located within the existing town centre of Berwick; or, if no suitable site is available, it is located at the edge of town centre; and only if no suitable site is available in, or at the edge of, the town centre, it is located elsewhere within the town of Berwick-Upon Tweed.

7.14 The site is not located within the town centre nor the edge of centre but is within Berwick-Upon-Tweed. The test for the adverse affect on vitality and viability is not detailed however with regard to retail impact, the NPPF provides the following.

7.15 *Paragraph 89 of the NPPF looks at retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace).*

Paragraph 90 of the NPPF states that Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

7.16 Whilst the development plan sets out the criteria for assessment, it is not considered to conclusively accord with the NPPF as it does not provide the criteria for assessing town centre impact. Therefore the NPPF forms the basis for sequential and impact testing in the appraisal of this application.

7.17 The RS has identified a study area primarily based on a zone encompassing the following focal points;

- Berwick town Centre
- Tweedbank Retail Park
- Alnwick Town Centre
- Edinburgh City Centre
- Fort Retail Park, Edinburgh
- Gateshead
- Newcastle
- Galashiels

Sequential Site Assessment

7.18 The suitability of a site is related to the requirements of the proposed development and whether or not it is available. The RS sets out the sequential assessment of sites within and to the edge of the Berwick Town Centre.

- 7.19 *Paragraph 86 of the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- 7.20 This is further supported by the framework set out in Paragraph 10 of PPG: Ensuring the Vitality of Town Centres which sets out how the sequential test should be used in decision-taking. It would be for a sequential test to set out why the proposed site is considered preferable in terms of the provision required, on offer and its connectivity to the Town Centre. In terms of disaggregation (division of the development into its constituent parts) there is no requirement set out in the NPPF to consider the sequential test in respect of this, as supported by APP/G2815/V/12/2190175. On this basis, the sequential test should comment on alternative sites that can accommodate the key elements of the proposal allowing for flexibility in respect of format and scale, inclusive of amenity spaces (such as parking areas).
- 7.21 The pre-amble to the sequential assessment goes through the type of sites necessary to accommodate the development of retail and food/drink units. There have been lettings agreed with for occupation of some of the units including Aldi, Home Bargains, The Food Warehouse, KFC and Costa offering limited scope in the business model aside that of a retail park format. A flexible approach must be utilised to scope other suitable sites to accommodate 5,535sqm-7,455sqm of development
- 7.22 The submitted RS has considered the following sites;
- Land at Berwick Quayside/Quay Walls;
 - Land and garages at Oil Mill Lane and Palace Street East;
 - Existing town centre car parks;
 - Existing town centre retail units;
 - Former Playhouse cinema site, Sandgate;
 - 53 to 59 Marygate; and
 - Former Council offices, former Courthouse and Jail, Wallace Green.
- 7.23 The RS discounted the sites on the following grounds;
- Sites are too small to accommodate a development of this scale.
 - Restrictive nature of streetscapes that would inhibit development.
 - Detrimental impact resulting from the loss of car parks.
 - Larger units within the Town Centre would not be capable of accommodating the development.
 - Former Playhouse Cinema, 53 to 59 Marygate and the former Council Officer, Courthouse and Jail are too small.
- 7.24 The assessment undertaken concludes that there are no alternative opportunities within and on the edge of Berwick Town Centre to accommodate the development. The IA reviewed the methodology and available sites, agreeing with the study area adopted in the RS and setting out that there are no other sites eligible for consideration under this aspect of the assessment.

The IA concludes that alternative sites are neither both available and suitable to accommodate the development proposal.

- 7.25 The application is therefore considered to conform to the requirements of the sequential test in accordance with Paragraph 86 of the NPPF.

Impact Assessment

- 7.26 *The two impact tests of Paragraph 89 of the NPPF relate to:*

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

- Investment

- 7.27 The appraisal of investment has been articulated through case law which shows that investment that has been made, has been committed or planned warrants consideration. In the absence of a scheme, there is not considered to viable scheme for the purposes of being 'planned' or 'committed' investment. The intention to invest is not applicable in respect of (a) of Paragraph 89.

- 7.28 The BLP allocated sites within Berwick-Upon-Tweed Town Centre under C33 (land at Eastern Lane) for A1, A2, A3, B1, C1, C3, D1 and D2. W34 (land and buildings at Berwick Quayside and Denwars Lane) was allocated for a range of uses including A1. A2. A3. B1, C1 and S1. The site under W34 has been redeveloped as a youth hostel with no further committed development or ongoing applications on the above sites.

- 7.29 From this there is not considered to be conflict with committed or planned investment in the Town Centre.

- Consumer Choice

- 7.30 The RS provides a qualitative and quantitative retail capacity assessment of the proposal. The qualitative assessment considers that that Berwick is well served from convenience stores with the presence of a Morrison's, Tesco's and Asda having large food stores within the town alongside M&S Food hall and Farmfoods around Tweedbank Retail Park, and an Aldi on North Road and small Iceland within the Town Centre. The RS identifies that there is a lack of discount convenience goods provision within the town.

- 7.31 In terms of the proposal the RS sets out that the relocation of the Aldi store and introduction of a new discount retailer, The Food Warehouse will improve the convenience goods offer within Berwick and address the assessed deficiency (from the RS) in discount convenience provision within the town.

- 7.32 The comparison goods provision is limited to the Town Centre, Tweedbank Retail Park and Pets at Home. Within the Town Centre on Marygate/Castlegate (Berwick's 'High Street') an area for national multiple retailers; are B&M Bargains, Home Bargains, Clarks, Sports Direct and M&Co. There is no significant food store provision within the town centre boundary. At Tweedbank Retail Park to the south are eight units offering a mix of bulky goods, fashion and variety-goods from national multiple retailers, including Homebase, Argos, Poundland (at the time of RS), Currys PC World and Next.
- 7.33 The RS investigates shopping patterns identifying that a significant proportion of comparison goods expenditure is lost outside Northumberland and the primary study area mainly comprising of non-bulky goods but in comparably retains a larger proportion from bulky goods.
- 7.34 The conclusion of the RS in respect of consumer choice is that the new Aldi and Food Warehouse will improve the convenience goods offer within Berwick due to limited discount food retailing within the town (which is demonstrated through the current Aldi overtrading). This in turn would help to retain convenience goods expenditure within the Berwick-Upon-Tweed. The RS also identified significant loss of trade to locations outside of the county for comparison goods which again highlights a deficiency in the current retail offering.
- 7.35 Overall it is considered that the convenience and comparison retail provision of the development would add to an existing base of operators. The comparison element of the proposal would help to reduce spending leakage to meet the needs of consumers locally whilst also appealing to visitors in the wider area.

- Trade & Turnover

- 7.36 From the impact on consumer choice, the drive-thru coffee shop is considered to be of a size that would service the needs arising from the development as opposed to impacting on town centre trading. Therefore the main impact to be assessed is that of retail floorspace.
- 7.37 The revisions to the NPPF dispenses with a impact test year limit, notwithstanding this the PPG looking for impact testing at the year the proposal achieves a mature trading pattern. The RS takes a baseline at 2023 to which the IA concurs with as a suitable year, reasoning that the development could commence trading in 2020/2021.
- 7.38 The RS sets out that the impact on convenience goods in terms of trade diversion would be;
- Berwick-Upon-Tweed Town Centre - 1.9%
 - Asda, Tweedmouth - 18.4%
 - Tesco, Tweedmouth - 23.8%
 - Morrisons, Berwick-Upon-Tweed - 31.3%
 - Tweedbank Retail Park - 2.7%
 - Other Berwick-Upon Tweed - 1.9%

- Kelso - 4.9%
 - Alnwick Out-of-Centre - 13.9%
 - Outside of this - 1%
- 7.39 The impact in terms of comparison goods is identified within the RS to be predominantly to out-of-town retail outlets within close proximity to the site.
- 7.40 The RS sets out that the impact on comparison goods in terms of trade diversion would be;
- Berwick-Upon-Tweed Town Centre - 14.5%
 - Asda, Tweedmouth - 1.9%
 - Tesco, Tweedmouth - 4.8%
 - Morrisons, Berwick-Upon-Tweed - 4.8%
 - Tweedbank Retail Park - 26.9%
 - Other Berwick-Upon Tweed - 2.9%
 - Kelso - 2.6%
 - Alnwick Out-of-Centre -2.5%
 - Alnwick Town Centre - 2.2%
 - Newcastle - 8.8%
 - Gateshead - 4.8%
 - Fort Retail Park, Edinburgh - 9.4%
 - Edinburgh - 3.1%
 - Galashiels - 5.7%
 - Other - 5.2%
- 7.41 The trade diversion from outside of Berwick-Upon Tweed for comparison goods would be far greater; however there would be a greater impact on the town centre compared to convenience goods.
- 7.42 The IA has reviewed the quantitative impact testing agreeing with the baseline principles of the RS but taking issues with the use of accounting for diverted expenditure without an identified turnover. From this the IA states that the RS may have overestimated the amount of comparison goods turnover diverted from out of town locations and underestimated the expenditure diverted from the Town Centre. In addition, the IA sets out that the RS may have overestimated the convenience turnover diverted from the Town Centre and underestimated the comparison goods turnover. On this basis a revised assessment has been provided for the purposes of balance.
- 7.43 The IA sets out that the convenience trade diversion relating to the town centre would be 6.3% for convenience goods (RS stated figure 1.9%) and 4.2% for comparison goods (RS stated figure 14.5%) resulting in a trade diversion of £0.07m and £2.77m respectively. This would equate to an overall town centre turnover of £1.05m for convenience goods and £63.9m for comparison goods (£64.95 total). Together the IA considers that from the baseline of £68.4m, that there would be a 4.2% impact overall through the operation of the proposal.
- 7.44 To understand the magnitude of this, the 2016 Retail Study identified a vacancy rate of 10% which is higher than the regional small towns average but lower than the national average with the operators mainly comparison

based. The health check within the RS identifies a vacancy rate of 9.8% at March 2018. Whilst this does not represent a significant change, the format of retail units available is limited due to the nature, form and scale of the town.

- 7.45 As a result it is considered that the proposal would present development that would compete more directly with other out of town retail developments. There is also not considered to be a substantive effect on linked trips due to the retail offer of the development and the variety of services available in Berwick Town Centre that would not be considered undermined through the operation of the development.
- 7.46 The application is therefore considered to conform to the requirements of the impact assessment.

Summary

- 7.47 The BLP has no in-principle policy objections to the development of the site for A1, A3/A5 use, with the site as 'white land' within the BLP. There are no other committed developments that would affect the proposal. For reference, there is an approved scheme under 17/04374/FUL in Alnwick, however the provisions are for a premium food retailer, drive-thru coffee shop and comparison goods units which are not considered to undermine the conclusions from the RS or IA. The permission has not been implemented at the time of writing.
- 7.48 The analysis through RS and verification through the IA has confirmed that there are no other suitable sites within the centre or edge of centre capable of accommodating the proposed development and that are available.
- 7.49 The IA has revised the quantitative element of the Impact Assessment from the RS to test the impact at an amended magnitude for convenience and comparison goods. Notwithstanding this, the findings conclude that there would be a negative impact through a 4.2% decrease in town centre turnover at the 2023 test year, however this is not considered to present a significant adverse impact on the vitality or viability of the town centre.
- 7.50 Given the wording of C35 whereby new shopping floorspace 'should not adversely affect vitality and viability of Berwick town Centre' and 'should primarily serve a population within a convenient walking distance'; it is not considered that the development, which would give rise to some negative impact and serve a population beyond convenient walking distance would accord. However the sequential and impact tests of the NPPF (2012 & 2018) published after the BLP, the requirement under Paragraph 48 of the NPPF is to utilise development plan policies reflecting their accordance with the NPPF. There is disparity between C35 and the NPPF and therefore the application would propose a permissible development having regard to trade impact.
- 7.51 Due to the scale, location and known impacts of the proposal, it is considered appropriate to remove permitted development rights for changes of use under the General Permitted Development Order 2015 (as amended) along with the prevention of mezzanine floors without planning permission. This has been done so by condition. In addition, the use classes for each unit along with the

net tradable floor areas (for both comparison and convenience goods) have also been restricted by condition in accordance with the RS limiting Units 3 and 4 to bulky comparison goods only.

- 7.52 The proposal as out of town retail development is acceptable in accordance with F1, F5 and F31 of the BLP and the NPPF.

Planning Obligations

- 7.53 *F30 of the BLP seeks where necessary to secure a planning obligation to ensure that due regard is given to the environment and the interests of the local community. Developers will be required to provide appropriate infrastructure, or other consequential educational, social, recreational, sporting or community facilities and nature conservation benefits commensurate with the scale of the development.*
- 7.54 *Paragraphs 54 and 56 of the NPPF sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Obligations must meet all of the following tests;*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

- 7.55 The following planning obligations have been sought in respect of this application which are to be secured by legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended).

Use Restriction

- 7.56 Notwithstanding the conclusions regarding Town Centre impacts the IA identifies within its recommendations that the existing Aldi store (within an A1) should not be occupied for retail use, due to the potential further implications of retail operations within a unit of this size on the town centre which in itself would require assessment to ascertain its acceptability.
- 7.57 The applicant has agreed for to be provision within a legal agreement to restrict the use of the existing Aldi on North Road which would prevent a retail use.

Town Centre Improvements

- 7.58 Following discussions with the BTC and Berwick Town Council, in acknowledgement of town centre vitality and the impact this proposal would have, it is considered that whilst there are benefits economically and socially that would outweigh those that impact the town centre, that there is also the need for an appropriate and commensurate level of mitigation to secure improvements to the Town Centre.

- 7.59 Northumberland County Council neither are yet to provide a Community Infrastructure Levy Framework nor is the Local Plan or Infrastructure Delivery Plan at an advanced stage where contributions could be sought. As a result and through negotiations with the developer and stakeholders including Northumberland County Council, a financial contribution has been agreed to be spent as a contribution toward of a Town Centre improvements. A draft brief has been prepared in draft but would be led by key stakeholders such as Berwick Town Council, Berwick Chamber of Trade and Commerce, and Northumberland County Council or be used to fund projects identified in emerging town centre regeneration schemes. It is anticipated that this could provide a platform to allocate resource, carry out fund raising and lobby locally/nationally for improvements to the Town Centre.
- 7.60 The figure agreed for this is £40,000 payable upon commencement of development. The developer is in no way tied to the delivery of this but has expressed an interest to be involved given their understanding of the area locally.

Open Space

- 7.61 Over the course of the application, surface water drainage has been an ongoing issue, due primarily to the potential of the wider site to accommodate future development. As a result the developer has been steered toward addressing surface water attenuation holistically which has resulted in a large drainage basin or pond with potential to be extended should the wider side be developed in future.
- 7.62 *Paragraph 118 of the NPPF sets out that in making effective use of land, planning decisions should;*
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.*

- 7.63 There is considered for the land in and around this to provide a sustainable method of surface water attenuation, ecological enhancement and open space for existing, possible future residents and visitors to the area. This is considered to provide a considerable environmental and social benefit as part of the proposal but would require appropriate management. Therefore a legal agreement to secure a management plan of fifteen years is to be secured through a legal agreement.

Visual Impact

Landscape

- 7.64 The appraisal of Landscape considers the physical mass and character impact of a development proposal. The site sits on agricultural land that increases in level toward the A1 to its northern end, the site is visible from within the town although views from the outside are primarily on the A1 approach, limited due to existing landscaping that sits to the town's border. There is some proliferation of visual impact through existing signage at

existing development at Loaning Meadows. The application has been submitted with a Design and Access Statement which considers matters of landscape and includes visuals. Objections raised in respect of landscape have been considered in this section.

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

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

7.66 The development presented would be typical of its kind, of a large mass and set around a court with a large area of parking to the front. Due to the scale of the development and despite being read alongside the existing Morrison's, Travel Lodge and McDonalds to the east, the site would be of strong prominence particularly when viewed within the local residential areas.

7.67 Whilst it is acknowledged that there would be a visual impact in landscape terms the wider site has previously been subject to permission for large scale residential development and so has potential for the wider context to be altered considerably. It is appreciated that this position is speculative in assessing matters of landscape, therefore there is acknowledged to be a landscape impact resulting from the proposal, however this would be limited to within the settlement and would be read alongside existing development whereby an impact has already occurred.

7.68 The application proposes large areas of landscape which would soften the visual impact and particularly through the park area, provide a level of green separation before the main development. A condition to secure surface levels has been set out in the recommendation to ensure that this is delivered on site appropriately.

7.69 The landscape impact is acknowledged but is not considered to be significant to warrant refusal, the application is therefore in accordance with the NPPF in this respect.

Design

7.70 Design considers the appearance of the development independently and as part of the immediate streetscene. The design and Access Statement addresses aspects of design with the elevations and site sections demonstrating how the development will appear in context. The main reading of design for this development is in consideration against existing retail/hotel development to the east of the site as opposed to residential properties (due to their separation distances). Objections received regarding design have been addressed in this section.

7.71 *F5 of the BLP permits development that accord with its surroundings by virtue of its scale, density, height, massing, layout and materials, hard and soft landscaping including indigenous species, means of enclosure and access.*

7.72 *Paragraph 127 of the NPPF states that Planning decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

7.73 The appearance of the units have been amended over the course of the application to add a natural timber cladding to the facade which was considered necessary to dilute what would be a vast frontage but complement the cladding, areas of glazing and within the development sit rationally amongst existing landscaping to the A1 and new landscaping to the south of the site.

7.74 The development is considered to be of a scale to carry a design style of its own and whilst jarring against the Morrison's building which is designed of its time, would site relatively well with the Travel Lodge and Mcdonalds insofar as it would be separated and of a functional modern style. A condition has been added to secure material details to the buildings and boundary treatments as part of the recommendation.

7.75 The design of the proposal is considered acceptable and in accordance with F5 of the BLP and the NPPF.

Archaeology

7.76 Notwithstanding the site's former use, the land is considered to retain potential for significant unrecorded archaeology and has been subject to consultation with the County Archaeologist (CA). An archaeological assessment has been submitted with the site having being subject to previous archaeological evaluation with a further report submitted in respect of the area for landscaping.

7.77 *Paragraph 189 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

7.78 The CA has identified that the footprint of the retail units have been sampled via a programme of archaeological evaluation in 2006 with no significant features found and no further work is required in the area. The main issue is the area of the proposed drainage basin and potential cut/fill area and its potential to affect unrecorded archaeology.

- 7.79 The CA has been provided with further information with an updated position to be given at committee. In summary, the applicant considers that through changes to the design to incorporate the drainage basin that there is cognisance for the development to have potential to affect unrecorded archaeology but that this could be suitably controlled by pre-commencement condition for a watching brief for archaeological supervision given that it is to a specific area only.
- 7.80 It is considered suitable to progress the application to Members for determination given that the area of built development has been scoped to be suitable for development without and adverse impact on archaeological features. Notwithstanding this, issues of a future decision is subject to resolution of the outstanding concerns raised by the CA.

Amenity

Neighbour Issues

- 7.81 There are residential and commercial premises within the vicinity of the development site. Neighbour issues deal with the impacts of development in terms of use, massing and privacy. Objections received relating to this have been considered in this section.
- 7.82 *Paragraph 127 of the NPPF states that planning decisions should;*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 7.83 As part of the consultation response from Highways Development Management (HDM), a construction method statement has been approved that secures details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.84 In addition, Public Health Protection (PHP) has recommended conditions to control working hours and delivery/collection hours to manage construction impacts over the development phase.
- 7.85 Due to the relative separation of the development from sensitive receptors (residential properties) there are not considered to be significant neighbour issues arising from the proposal. A condition has also been imposed to secure details of opening hours and deliveries to ensure that the factors of operation for the development is established for future reference.

Noise, Light & Odour

- 7.86 The site is located in close proximity to the A1 and is of a use that has potential to give rise to impacts relating to odour and light. The application has

been submitted with an acoustic assessment, matters relating to noise light and odour are considered by Public Health Protection (PHP).

7.87 *Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:*

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

7.88 PHP have raised no objection to the development subject to conditions to seek further details relating to noise, light and odour to better understand the impacts on sensitive receptors and control mitigation that may be necessary.

Summary

7.89 Issues arising from neighbour amenity and statutory nuisance have been suitably considered, the impacts are considered acceptable subject to conditions in accordance with the NPPF.

Environment

Contaminated Land

7.90 The land is of an agricultural use that is considered to hold potential for land contamination. The application has been submitted with a Phase 1 and Phase 2 ground condition survey which has been subject to assessment by Public Health Protection (PHP).

7.91 PHP have reviewed the submitted documents raising no objection setting out that the submissions conclude that the site would not be impacted by past uses but imposing a condition in the event that contamination is found during development as a precautionary measure.

7.92 Issues arising from contaminated land have been suitably addressed in accordance with the NPPF.

Ecology

7.93 The site is agricultural in nature with some existing vegetation of ecological value in and around the site and is within 5km of the following designated sites including;

- Tweed Estuary SAC
- North Northumberland Dunes SAC
- Berwickshire and North Northumberland Coast SAC
- Northumberland Marine SPA
- Northumbria Coast SPA
- Northumbria Coast SPA & Ramsar site
- Northumberland Shore SSSI
- Tweed Catchment Rivers - England: Lower Tweed and Whiteadder SSSI

- Lindisfarne SPA, Ramsar, NNR and SSSI
- 7.94 The application has been submitted with an ecological appraisal which has been subject to assessment by the County Ecologist (CE) and Natural England (NE). Objections raised in respect of ecology have been considered in this section.
- 7.95 *F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species-protection provisions which apply.*
- 7.96 *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*
- 7.97 NE have raised no objection to the proposal showing that the of-site impacts of the development on designated sites are not considered to be of a substantive issue in this application.
- 7.98 In terms of on-site issues, the CE has identified records of bats, otter, badger and red squirrel in the vicinity of the site that are protected species. The survey submitted shows that further survey work is required at the appropriate time of year and therefore the CE had requested further information. An updated ecological assessment has been submitted which has been passed to the CE for review, an update will be provided to Members at Committee.

Transport

- 7.99 The site would be accessed from Loaning Meadows that currently serves existing development at Morrison's, the Travelodge and McDonalds off the A1167 (North Road) which leads to an access point onto the A1 at the northern point of Berwick-Upon-Tweed. The application was submitted with a Transport Statement which was updated over the course of the application and a Travel Plan. Objections received in respect of this have been considered in this section.
- 7.100 *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.*

Strategic Road Network

- 7.101 Due to the proximity of the development to the A1 and its scale, the application has been subject to consultation with Highways England (HE) who has assessed the impact of the development on the strategic road network.
- 7.102 The application was amended to address concerns initially raised by HE in respect of traffic associated with the development. The applicant submitted a

further Transport Note to supplement the original submission that has allowed HE to remove the previous holding response. HE has now raised no objection subject to details to be secured by condition in respect of construction management over the development which has been set out in the recommendation. The position of HE is supported by an independent assessment of the Transport Statement which is included in their response as a publicly viewable document.

Highway Safety

- 7.103 Matters of highway safety within the local road network are considered by Highways Development Management (HDM), the site would connect to an existing access road from Morrison's that is served by a mini-roundabout at North Road.
- 7.104 The submitted transport assessment originally hadn't considered certain aspects which following response from HDM has been addressed accordingly. Junction modelling has been repeated utilising revised traffic information with the results indicating that post-development, the local road network would continue to operate within capacity with no mitigation works required. The information contained within the Transport Statement is considered acceptable for the development and no issues over highway capacity are raised.
- 7.105 As such there are not considered to be issues of highway safety arising from the proposal, the recommended conditions have been imposed.

Sustainable Transport

- 7.106 Sustainable transport looks at issues around pedestrian, cyclist and public transport connectivity with the site along with infrastructure.
- 7.107 *Paragraph 103 of the NPPF sets out that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*
- 7.108 Internally there would be adequate provision for appropriate servicing and visitor provision with a facility for the local bus service to enter into the site and turn within the site. The local bus operator has confirmed that they would extend their route to include the development.
- 7.109 As part of the delivery of the development, additional highway works are required in the interests of sustainable transport that offer wider benefits to the area, which include;
- Signalised toucan crossing facility at North Road with associated works.

- Localised widening and resurfacing to shared cycleway/footway near to McDonalds extending southward to the town centre.
- Improvement to upgrade existing bus stops on North Road.
- Improvements to form a shared cycleway/footway from Countess of Buchan Way into the site.

7.110 From this, there are considered to be strong sustainable transport improvements that would be delivered as part of the development.

Internal Layout

7.111 The internal layout of the proposal has been subject to review by HDM setting out that there is sufficient visitor parking provision including electric charging points and parking bays for individuals with disabilities. In addition, there is identified cycle parking within the site with strong pedestrian linkages both into and within the site.

7.112 The layout has been modified to allow for the local bus service to turn within the site and pickup/drop off passengers in an accessible location relative to the units. With swept paths tested for access and servicing purposes.

7.113 From this the internal layout of the proposal is considered acceptable.

Summary

7.114 There would not be a significant impact on the strategic road network subject to condition. The application would deliver sustainable transport and upgraded bus facilities through the delivery of on and off-site works. It is acknowledged that there would be an impact on the local and strategic road network, but neither are considered severe from HE or HDM and therefore the Transport implications of the development are considered acceptable in accordance with the NPPF.

Water Management

7.115 The application proposes major development with foul drainage disposed of via mains and surface water originally proposed to the mains sewer but amended to a sustainable drainage system. The application has been subject to consultation with Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA). The application has been submitted with a Drainage Strategy which has been modified following agreement to form a drainage basin as part of the development.

Foul Water

7.116 NWL have responded to formal consultation raising no objection subject to a condition to secure further details of foul and service water drainage which has been set out in the recommendation.

7.117 From this it is considered that foul drainage can be suitably undertaken on site.

Surface Water

- 7.118 As previously mentioned the application was amended to include an attenuation basin as a Sustainable Drainage System (SuDS). The SuDS would serve the development as well as the wider site which has previously been subject to permission for residential development. Objections raised in respect of this have been considered in this section.
- 7.119 *Paragraph 165 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 7.120 Following amendment to the scheme and submission of further information, the LLFA require further details before conditions can be recommended. The general principles of surface water disposal are considered acceptable however further technical information relating to catchments and the way that they would drain is required. It is considered that the revised scheme presents a superior solution in terms of the environmental aspect of sustainability but should be appropriately detailed before progressing on site.
- 7.121 This is considered to be a matter that would require resolution prior to issue of a decision however it is anticipated that this can be successfully undertaken as it is a technical matter and the principle of the works has been agreed and so is considered acceptable to be brought before Members for determination.

Other Matters

Consultation Issues

- 7.122 In response to issues raised over the consultation period that have not been addressed in the main body of the appraisal;
- 7.123 Possible movement of Home Bargains and Iceland from the Town Centre
Whilst there is potential for there to be movement of existing businesses from the Town Centre, this is not an element that is being considered as part of this proposal nor are the units that could be potentially vacated suitable to house the floorspace on offer in this proposal.
- 7.124 Possible conflict with residential development
A future application for residential development would be subject to assessment of amenity at the time of application noting the planning history of this site should the application be approved.
- 7.125 New car park could attract anti social behaviour
Whilst there is potential for this to occur, it would be a management issue for the operator and should be tackled through design. Of note are existing developments in the nearby vicinity with car parks that have the perceived potential for anti-social behaviour.
- 7.126 Perceived health issues of fast food outlet
It should be noted that there is an existing McDonalds fronting onto North Road. It is acknowledged that there is a local first school in the area, it would

be separated from the development by over 300m (as the crow flies) however there are no development plan policies nor substantive evidence that would prevent the use being part of the proposal.

7.127 Potential for park and ride scheme

This would be a matter for the operator, however it has been confirmed that an existing bus service would extend their route to the site.

Conditions

7.128 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

7.129 Prior to preparation of this report, the applicant has confirmed agreement of the conditions set out in the recommendation. Pre-commencement conditions have been imposed as part of this permission and are considered necessary.

Procedural Matters

Equality Duty

7.130 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

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

Human Rights Act Implications

7.132 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.

7.133 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.

- 7.134 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 main planning considerations in determining this application have been set out and considered above stating accordance with relevant Neighbourhood Plan and Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The proposal has demonstrated that there are no sequentially preferable sites to accommodate the development and that the trade impact of the proposal would have an impact on the town centre, however within the framework of assessment this level is not considered be a 'significant adverse impact' on the vitality or viability of the town centre.
- 8.3 Notwithstanding this, a contribution toward the development of a town centre improvements and operational restriction on the existing Aldi premises is considered necessary to make the development acceptable, to mitigate the impact on the town centre and limit further cumulative convenience retail floor space outside of the town centre. This has been secured by legal agreement as set out in the recommendation.
- 8.4 The technical issues affecting the proposal have been suitably addressed to progress the application committee. However there are outstanding archaeology, drainage and ecology matters which are to be resolved prior to a decision being issued.
- 8.5 Subject to resolution of the outstanding matter, the application would have addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

9. Recommendation

That Members are MINDED TO GRANT subject to no new issues being raised during the consultation period for, and the imposition of additional conditions deemed necessary and relating to;

- Lead Local Flood Authority - Overland Surface Water Drainage;
- County Archaeologist - Assessment of Submitted Documents; and
- County Ecologist - Assessment of Submitted Documents.

And subject to a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:

- Place a use restriction on the existing retail unit occupied by Aldi on North Road for non-retail use (A1 use not allowed);
- £40,000 Contribution toward the Town Centre Improvements;
- A fifteen year Management Plan for the proposed landscaped area; and

And subject to the following conditions;

Conditions

01. Time to Commence Development

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. Approved Plans

Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number;

1. 9813-PL-X-L01 Rev A - Existing Site Location Plan
2. 9813-PL-X-L02 Rev C - Proposed Site Plan Wider Context
3. 9813-PL-X-L03 Rev F - Proposed Site Plan
4. 9813-PL-X-L06 Rev C - Proposed Site Plan Illustrative Wider Site Proposals
5. 9813-PL-X-L07 Rev B - Proposed Landscape Strategy Plan
6. 9813-PL-1-E01 Rev B - Unit 1 Proposed Elevation
7. 9813-PL-1-P01 Rev A - Unit 1 Proposed Ground Floor Plan
8. 9813-PL-1-P02 Rev A - Unit 1 Proposed Roof Plan
9. 9813-PL-2-E01 Rev B - Units 2-4 Proposed Elevations
10. 9813-PL-2-E01 Rev B - Units 2-4 Proposed Ground Floor Plan
11. 9813-PL-5-E01 Rev A - Unit 5 Proposed Elevations
12. 9813-PL-5-P01 Rev A - Unit 5 Proposed Ground Floor Plan
13. 9813-PL-5-P02 Rev A - Unit 5 Proposed Roof Plan
14. 9813-PL-6-E01 Rev B - Unit 6 Proposed Elevations
15. 9813-PL-6-P01 Rev B - Unit 6 Proposed Ground Floor Plan
16. 9813-PL-6-P02 Rev A - Unit 6 Proposed Roof Plan

17. 9813-PL-7-E01 Rev - - Unit 7 Proposed Elevations
18. 9813-PL-7-P01 Rev - - Unit 7 Proposed Ground Floor Plan
19. 9813-PL-7-P02 Rev - - Unit 7 Proposed Roof Plan

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

Development Management

03. Approved Use Class

Notwithstanding details contained within the approved documents, the use class of the development hereby approved shall be as follows;

- Unit 1 - A1
- Unit 2 - A1
- Unit 3 - A1
- Unit 4 - A1
- Unit 5 - A3/A5
- Unit 6 - A1
- Unit 7 - A3

Reason: To identify the permitted use of the units approved within this development.

04. Remove Permitted Development Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no;

- a) Changes of Use; or
- b) Mezzanine Floor Extensions

Shall be undertaken without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of managing the impact of the development upon the Town Centre and use of the site in accordance with the National Planning Policy Framework.

05. Schedule of Tradeable Floorspace

In accordance with the units as set out within 9813-PL-X-07 Rev B, the total area of net retail floorspace of the development shall not exceed;

- Unit 1 - 446sqm (convenience) / 1041sqm (comparison)
- Unit 2 - 736sqm (convenience) / 82sqm (comparison)
- Unit 3 - Convenience: 0sqm / Comparison: 632sqm
- Unit 4 - Convenience: 0sqm / Comparison: 577sqm
- Unit 6 - Convenience: 1066sqm / Comparison: 188sqm

Unless planning permission following any subsequent planning application to extend the store or otherwise increase the net retail floorspace has been granted by the Local Planning Authority.

Reason: To ensure that the use remains compatible with its surroundings and to enable the impact of any increase in retail floor space to be assessed appropriately, in accordance with the National Planning Policy Framework.

06. Details of Site Levels to be Submitted

Notwithstanding details contained within the approved documents, prior to the construction of the development hereby approved, details to be shown on annotated site plans to include;

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be constructed in accordance with the approved levels.

Reason: To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy F5 of the Berwick-Upon-Tweed Borough Local Plan and the National Planning Policy Framework.

07. Details of Materials to be Submitted

Notwithstanding any description of the materials in the application, no construction of the retail units hereby approved above damp proof course level until;

- a) Precise details, to include samples, of the materials to be used in the construction of the external walls, to include details of fixing, coursing, pointing and texture (where applicable) of the units;
- b) Precise details, to include samples, of the materials to be used in the construction of the roof surfaces and rainwater goods to be used on the units; and
- c) Precise details of materials to be used to all boundary treatments and retaining walls of the development.

Have been submitted to, and approved in writing by, the Local Planning Authority. All approved details are to be used in the construction of the development shall conform to the materials approved.

Reason: To retain control over the external appearance of the development in the interests of visual amenity and in accordance with the provisions of Policy F5 of the Berwick-Upon-Tweed Borough Local Plan.

08. Details of Operation to be Submitted

Notwithstanding details contained within the approved documents, prior to any unit within the development being brought into use, details to contain;

- a) The proposed opening times for each unit proposed;
- b) Times for deliveries and collections; and
- c) Details of illumination during hours of non-operation.

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

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

09. Details of Park Landscaping to be Submitted

Notwithstanding details contained within the approved documents, prior to occupation of the development hereby approved, a scheme of landscaping for the park area to the south of the site to include;

- a) Landscape masterplan;
- b) Information on the proposed planting and soft landscaping;
- c) Details of street furniture and hard landscaping;
- d) Details of external lighting;
- e) Management plan of a period no less than fifteen years
- f) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery and maintained in accordance with the management plan.

Reason: To ensure satisfactory measures a taken to secure the delivery of public open space.

Public Health Protection

10. Details of Further Contamination to be Submitted

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 dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

11. Details of Odour Extraction to be Submitted

Prior to the development hereby approved being brought into use, details of odour extraction to include;

- a) Schedule of the units that require extraction plant;
- b) Full details of the odour treatment system to be installed into the development which shall provide a Very High level of odour control, as defined in the DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems"; and
- c) Program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery and retained thereafter.

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

12. Details of Lighting to be Submitted

Prior to the development hereby approved being brought into use details of lighting to include;

- a) Details of the lighting scheme to be used on site;
- b) Demonstration that the lighting is compliant with the pre and post curfew Lux levels contained for Environmental Zone E3, as defined in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light; and
- c) Program of delivery.

The approved scheme shall be implemented in accordance with the program of delivery and retained thereafter.

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

13. Approved Noise Levels

The cumulative noise rating level from the development shall not exceed the following values at the boundary of the noise sensitive premises ESR 1, ESR 2, ESR 3 and PSR 1, as defined in the NJD Environmental Associated Noise Assessment ref: NJD-18-0059-001R(June 2018), when measured using BS4142:2014.

- a) ESR 1 -
07:00 - 23:00 hours LAeqT 41 dB
23:00 - 07:00 hours LAeqT 37 dB
- b) ESR 2 -
07:00 - 23:00 hours LAeqT 38 dB
23:00 - 07:00 hours LAeqT 37 dB
- c) ESR 3 -
07:00 - 23:00 hours LAeqT 35 dB
23:00 - 07:00 hours LAeqT 37 dB
- d) PSR 1 -
07:00 - 23:00 hours LAeqT 45 dB

23:00 - 07:00 hours LAeqT 37 dB

* T shall be assessed as one hour during daytime (0700 - 2300) and five minutes at night time (2300 - 0700).

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

14. Details of Noise Emission to be Submitted

During commissioning testing and before the scheme is brought into use, or continues in use, the Operator shall, employ a competent acoustic consultant to assess the level of noise emissions from the development at the nearest noise sensitive properties. This shall be assessed as one hour during daytime (0700 - 2300) and five minutes at night time (2300 - 0700). The assessment;

- a) Shall be undertaken in accordance with the methodology described in BS 4142:2014;
- b) The Operator shall submit a validation report based on the consultant's findings to the Local Planning Authority;
- c) Where the noise levels from the development exceeds the levels stated in the condition titled 'Approved Noise Levels' of this permission at the nearest noise sensitive premises, appropriate mitigation measures shall be proposed; and
- d) Program of delivery (if applicable)

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme if applicable, mitigation shall be implemented in accordance with the program of delivery and retained thereafter.

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

15. Details of Noise Equipment to be Submitted

Prior to the development hereby approved being brought into use, details of noise equipment to each unit to include;

- a) Specification of the noise equipment demonstrating compliance with the noise limits as set in the condition titled 'Approved Noise Levels' as set b) out in this permission;
 - c) Location of the noise equipment; and
- Program of delivery

Shall be submitted to and approved in writing by Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery and retained thereafter.

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

16. Noisy Working Hours

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

- a) Monday to Friday - 0800 to 1800;
- b) Saturday 0800 to 1300.

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

17. Construction Delivery & Collection Hours

Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

- a) Monday to Friday - 08:00 to 18:00
- b) Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless otherwise agreed in writing by the Local Planning Authority.

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

Highways England

18. Construction Management Plan to be Submitted (Strategic Road Network)

Prior to commencement of the development hereby approved, a Construction Management Plan to;

- a) Show how construction traffic is to be managed during the construction period.

Shall be submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved Construction Management Plan shall be adhered to over the construction period.

Reason: In the interests of safety and the free flow of traffic on the strategic road network

Highways Development Management

19. Construction Method Statement (including Plan) to be Submitted

Prior to commencement of the development hereby approved a Construction Method Statement where applicable, to provide for:

- a) Details of temporary traffic management measures, temporary access, routes and vehicles;
- b) Vehicle cleaning facilities;
- c) The parking of vehicles of site operatives and visitors;

- d) The loading and unloading of plant and materials;
- e) Storage of plant and materials used in constructing the development; and
- f) Measures to control the emission of dust and dirt.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction/demolition period.

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

20. Highway Site Levels to be Submitted

Development shall not commence until details of the existing and proposed site levels to include;

- a) Existing Ground Levels;
- b) Proposed Road levels; and
- c) Proposed verge/open space levels; and
- d) Proposed footway/cycleway levels.

Have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the development is being brought into use.

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

21. Details of Off-Site Highway Works to be Submitted

Notwithstanding the details provided, prior to construction of dwellings on the development hereby approved, schemes to provide:

- a) The upgrading of bus stops on North Road in the vicinity of Countess of Buchan Way junction, including provision of Equality Act 2010 level access kerbing, dropped kerb pedestrian road crossings, clearway plates, poles, together with associated works;
- b) The installation of a Toucan crossing facility on North Road, together with modifications of Countess of Buchan Way junction and associated works;
- c) Shared cycleway/footway connectivity improvements by way of widening/realignment and resurfacing of narrower footway sections along North Road, between Loaning Meadows roundabout leading southward towards the town centre, together with associated works;
- d) Shared cycleway/footway connectivity improvements by way of providing a 3 metre wide shared route, with adjacent 1m wide service margin, from Countess of Buchan Way to the development site, together with associated works; and
- e) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be delivered in accordance with the programme of delivery which will be expected to be prior to occupation.

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

22. Details of Refuse Storage & Strategy to be Submitted

The development hereby approved shall not be occupied until details of;

- a) Refuse storage facilities; and
- b) Refuse storage strategy.

For each unit has been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.

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

23. Details of Surface Water Drainage From Private Land to be Submitted

Prior to occupation of the development hereby approved, a scheme for surface water to include;

- a) Details to manage run off from private land;
- b) Details of maintenance;
- c) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the programme of delivery 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.

24. Details of Car Parking to be Submitted

Notwithstanding the details provided, prior to occupation of any unit hereby approved details of car parking;

- a) Details of car parking area, taking account of improved shared cycleway/pedestrian routes through the site, and bus turning and layby bus stop areas.
- b) Program of delivery.

Have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery and shall be retained thereafter.

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

25. Field Access Arrangements to be Submitted

Prior to occupation of the development hereby approved, details of vehicular access arrangements/measures to serve the remaining field areas adjacent to the site to include;

- a) Proposed field access points;
- b) Management and operation of the access points;
- c) Details of boundary treatments/gates; and
- d) Program of delivery

Have been submitted to and approved in writing by the Local Planning Authority. The approved access arrangements shall be implemented in accordance with the program of delivery and retained thereafter.

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

26. Full Travel Plan to be Submitted

Twelve months after first occupation of the development details of a Full Travel Plan. This Full Travel Plan must include:

- a) Details of and results from an initial travel to work survey;
- b) Clearly specified ongoing targets for travel mode shares;
- c) A plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and
- d) A scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan; and
- e) Programme of delivery.

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 programme of delivery.

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

27. Details of External Lighting to be Submitted

Prior to the occupation of the development hereby approved details of the external lighting to include;

- a) Lighting of the building(s);
- b) Lighting of external area(s); and
- c) Program of delivery.

Have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the program of delivery and retained thereafter.

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

28. Details of Cycle Parking to be Submitted

Notwithstanding the details provided, the development shall not be occupied until revised details of cycle parking to include;

- a) Provision of covered cycle parking;
- b) Cycle parking locations; and
- c) Program of delivery

Have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented in accordance with the program of delivery and retained thereafter.

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

29. Complete Bus Turning Area

Notwithstanding the details provided, no unit shall be occupied unless bus turning area, bus stop, layby, shelter, Equality Act 2010 level access kerbing, dropped kerb pedestrian road crossings, clearway plates, poles, together with associated works, have been provided between/in the vicinity of units 4 and 6.

Reason: In the interests of encouraging sustainable modes of travel, in accordance with the National Planning Policy Framework.

30. Electric Vehicle Charge Points to be Installed

Prior to occupation of the development hereby approved, details of Electric Vehicle Charging points identified on the approved plan shall be installed and operational, in accordance with details, which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details 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 and Local Plan Policies.

Northumbrian Water / Lead Local Flood Authority

31. Details of Surface & Foul Water Drainage to be Submitted

Prior to commencement of the development hereby approved a detailed scheme to include;

- a) Details of surface water drainage;
- b) Details of foul water disposal; and
- c) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local flood Authority. The approved scheme shall be implemented in accordance with the program of delivery and retained thereafter.

Reason: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework.

Informatives

1. Section 278 Agreement and works in adopted highway

You are advised that off-site highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

2. Notification of Highway Condition Survey

You should note that a highway condition survey is required (Loaning Meadows and Countess of Buchan Way) to be carried out before the commencement of any construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

3. Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979

4. Section 59 Agreement - Extraordinary Expenses

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the Section 59 Agreement of the Highway Act 1980 relating to extraordinary expenses

5. Technical Approval of Highway Structures

You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk

6. Contact Lighting Section

You are advised to contact the Councils Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect of street lighting design to ensure sufficient illumination levels of the public highway and adoptable highway elements. Please note that no existing columns shall be disconnected unless replacement lighting is provided.

7. Signs

Any new signs identified within the submission do not form part of the approval of the scheme and separate consent will be required. Please contact the Local Planning Authority regarding any related future submissions.

8. Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice. In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Date of Report: 21.08.2018

Background Papers: Planning application file(s) 18/01184/FUL