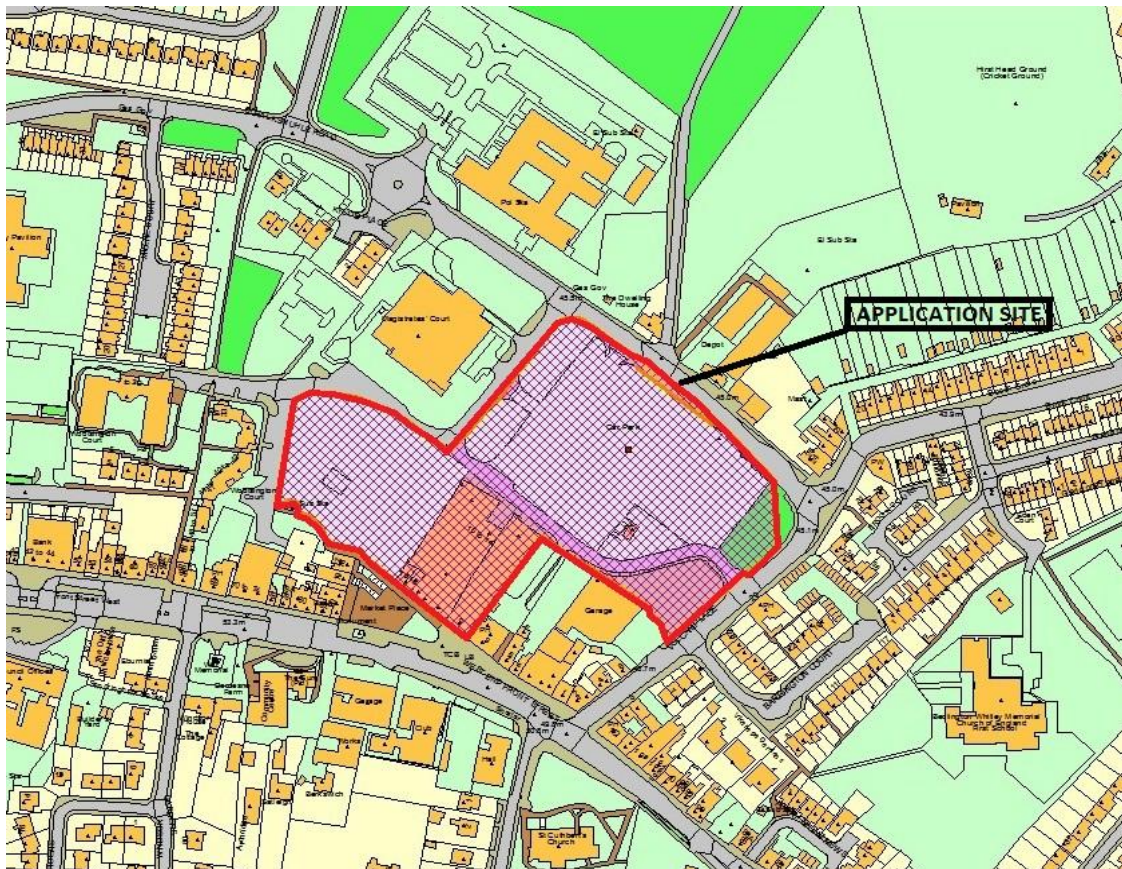




# Northumberland County Council

## Strategic Planning Committee 4 September 2018

<b>Application No:</b>	18/01658/REM		
<b>Proposal:</b>	Reserved matters application for approval of details of Access, Appearance, Landscaping, Layout and Scale in respect of Phase B and the Infrastructure and Access Phase of the development as shown on the phasing plan.		
<b>Site Address</b>	Car Park, Vulcan Place, Bedlington, Northumberland NE22 5DN		
<b>Applicant/ Agent</b>	Daniel Gregg St Nicholas Building , St Nicholas Street , Newcastle Upon Tyne , NE1 1RF		
<b>Ward</b>	Bedlington Central	<b>Parish</b>	West Bedlington
<b>Valid Date</b>	8 June 2018	<b>Expiry Date</b>	7 September 2018
<b>Case Officer Details</b>	Name: Miss Joanne Wood Job Title: Senior Planning Officer Tel No: 01670 625551 Email: joanne.wood@northumberland.gov.uk		



## **1. Introduction**

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

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

2.1 This application seeks reserved matters approval for details of access, appearance, landscaping, layout and scale in respect of Phase B and the Infrastructure and Access Phase of the development at Vulcan Place, Bedlington.

2.2 Outline permission was granted under application ref: 17/00444/OUT. The outline planning approval granted permission for a range of uses including A1-A5, Betting Office (sui generis), B1, C3, D1 and D2. The overall site layout is configured around three phases which correspond to the outline planning application. Phase's A and C are future development plots which do not form part of this reserved matters application. This application relates to Phase B of the outline permission, which proposes 11 retail units within planning use classes A1-A5, and four residential apartments within planning use class C3 located at first floor level off Market Place. The current proposal provides a total floor area of 5,800sqm (GIA). The retail zone creates active retail frontage at ground floor level to Market Place, Retail Lane and north towards the main car park. Both retail blocks create a predominantly two storey scale building broken up into 6m modules. The 4 apartments will be located at first floor level above the retail units which would front on to Market Place. Permission is also sought for the infrastructure and access phase of the development as part of this application.

2.3 The application site comprises of land to the north of Front Street in Bedlington. It includes land formerly occupied by a Tesco foodstore, which has now been demolished, as well as existing car parking to the rear and an area of vacant land to the side. Vehicular access to the site is currently available from Vulcan Place (to the south east), Schalksmuhle Road (to the north east) and Magistrates Court Road (to the north east). The site lies within the defined Bedlington Town Centre and is bounded to the north east by Schalksmuhle Road and, beyond this, the Vulcan Place Car Garage, Sierra Car Hire and Northumbria Police Station, to the north west by the South East Northumberland Magistrates Court and residential uses, to the south west by the Front Street (A193) and a range of commercial uses which form part of the wider town centre and to the south east by Vulcan Place, with existing housing and a range of other commercial uses on Front Street beyond this.

## **3. Planning History**

**Reference Number:** 84/F/0169

**Description:** 10-12 market place (presto) bedlington fascia sign illuminated at rear and non illuminated at front

**Status:** PERMITTED

**Reference Number:** 850439A

**Description:** LAND ADJACENT MARKET PLACE BEDLINGTON AMENDMENT TO ORIGINAL APPROVAL TO PROVIDE FOR THE SUBSTITUTION OF AN

ADDITIONAL SHOP UNIT IN LIEU OF PUBLIC HOUSE

**Status:** PERMITTED

**Reference Number:** 870124

**Description:** CAR PARK BED. TOWN CENTRE RELIEF ROAD BEDLINGTON  
CHANGE OF USE ONE DAY PER WEEK FROM CAR PARK TO OPEN AIR GENERAL  
RETAIL MARKET

**Status:** PERMITTED

**Reference Number:** 87/F/0149

**Description:** Erection of public toilets

council minute - 801/86

**Status:** PERMITTED

**Reference Number:** 90/F/0332

**Description:** Realignment of A193 through market place environmental imp. To  
market place including surface treatment, street furniture and tree and shrub planting

**Status:** PERMITTED

**Reference Number:** 800340

**Description:** MILNE CAR PARK, REAR OF FRONT STREET WEST, BEDLINGTON,  
NEW ACCESS

**Status:** PERMITTED

**Reference Number:** 850229

**Description:** MARKET PLACE, REAR OF PRESTO, BEDLINGTON - INSTALLATION  
OF SHOP FRONT TO EXISTING RETAIL GARDEN CENTRE

**Status:** PERMITTED

**Reference Number:** 10/S/00076/FUL

**Description:** Erection of replacement retail store with associated revised car parking,  
new access, servicing and landscaping with new and refurbished retail units and new  
office space above

**Status:** PERMITTED

**Reference Number:** 17/00444/OUT

**Description:** Demolition of existing structures and erection of buildings in Class A1  
(retail) and/or Class A2 (financial and professional services) and/or Class A3  
(restaurants and cafes) and/or Class A4 (drinking establishments) and/or A5 (hot food  
takeaways) and/or Class C3 (dwellinghouses) and/or Class B1 (business) and/or Class  
D1 (non-residential institutions) and/or Class D2 (assembly and leisure) and/or betting  
office (Sui Generis) uses, with associated parking, landscaping and access (with all  
matters reserved).

**Status:** PERMITTED

**Reference Number:** 17/04129/DISCON

**Description:** Discharge of conditions 10 (Demolition and Construction Method Statement), 14 (Phasing) and part discharge of condition 30 (Archaeology) relating to planning permission 17/00444/OUT

**Status:** PERMITTED

## 4. Planning Policy

### 4.1 Development Plan Policy

Wansbeck District Local Plan 2007

GP1 Location of development  
GP4 Accessibility  
GP6 Trees and Hedgerows  
GP13 Biodiversity and wildlife networks  
GP18 Protection of conservation areas  
GP23 Development causing pollution and nuisance  
GP25 Noise generating pollution  
GP29 Land contamination  
GP30 Visual impact of development  
GP31 Standards of urban design  
GP32 Standards of landscape treatment  
RTC1 Town Centre uses  
RTC5 Primary shopping areas  
RTC10 Town Centre Development Opportunities  
T6 Traffic implications of new development  
T7 Parking provision in new development  
T8 Existing car parks  
CF6 Water supply and drainage

### 4.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018, as updated)

### 4.3 Other Documents/Strategies

Bedlington Conservation Area Character Appraisal (January 2011)

## 5. Consultee Responses

West Bedlington Parish Council	The Council supports the application in principle but as we have indicated previously we continue to have concerns about the loss of parking spaces (as a whole) and specifically whether a sufficient number of parking spaces (105) is enough for the proposed new development.
Highways	No objection, subject to conditions
Countryside/ Rights Of Way	No objection

Building Conservation	It is considered that the application enhances the appearance of the Conservation Area (PLBCAA, Section 72) and is sympathetic to local character and history while maintaining a strong sense of place 'utilising the arrangement of streets, spaces, building types and materials' to create an attractive, welcoming and distinctive place to live, work and visit
County Archaeologist	Provided that parts 'b' and 'c' of Condition 30 of the outline permission are not discharged and continue to apply to the application site I have no objections to the this Reserved Matters application.
County Ecologist	Condition 27 of the original 17/00444/OUT consent states that the landscape planting must include locally native (to Northumberland at least) species of local provenance. The Planting Strategy drawing (Drawing No.: RYD1 208.BC.GA.400, Rev.02, July 2017), which includes the planting schedule/species list, includes no true native species at all. It is recognised that opportunities for planting within the consented layout are very much restricted and in a formal, urban environment. There still, however, remains some opportunity for inclusion of true native species at little or no additional cost and with some biodiversity benefit.
Public Protection	Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated
Lead Local Flood Authority (LLFA)	No drainage strategy or proposals have been submitted
Environment Agency	No response received.
Historic England	No comments
Highways England	Highways England would not wish to offer any objection to the proposals
The Coal Authority	The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
Northumbrian Water Ltd	No comments

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	135
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Stat pub & affect listed building & con 14th June 2018

News Post Leader 21st June 2018

### Summary of Responses:

None received

## 7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

Principle of the development  
Appearance, layout and scale  
Impact on Bedlington Conservation Area  
Impact on residential amenity  
Access  
Landscaping  
Drainage

### Principle of the development

7.2 The principle of development has been established by the granting of outline permission ref: 17/00444/OUT. The application site falls within the 'Town Centre' as defined in the adopted Wansbeck District Local Plan. The vacant land on the south-western part of the site is also allocated under Policy RTC10 of the Plan as a 'Town Centre Opportunity Site' 'to accommodate town centre facilities including retail development.' The principle of developing the site as a retail-led, mixed use scheme is therefore supported by existing local planning policy.

7.3 The site is accessible on foot from the surrounding residential areas via a network of pedestrian footways. There are also a number of bus stops dispersed along both sides of Front Street, including in close proximity to the application site. Services using these stops connect the site with the surrounding parts of Bedlington, as well as other settlements, such as Blyth, Morpeth, Ashington and Cramlington.

7.4 The existing car park on the application site is currently accessed from the B1331 Vulcan Place, Schalksmuhle Road and Magistrates Court Road. These roads link to the A1093 Front Street and the A1068 Choppington Road, and therefore connect the site both to other parts of Bedlington and surrounding settlements including Bedlington Station, Choppington, Guidepost, Nedderton and Hartford, as well as Blyth, Cramlington, Ashington and Morpeth.

7.5 The proposed development is for a main town centre use as defined in the NPPF and would be located on previously developed land within the settlement, in an accessible location and within the defined town centre identified in the Local Plan. Policy RTC1 of the Local Plan refers to town centre uses and states that proposals for major new retail development will be permitted in the District's town centres, provided that the development is appropriate in scale to the role of the town and its catchment, and in the context of this policy Bedlington is identified as the largest centre alongside Ashington therefore offering the most opportunity.

7.6 On the basis of the proposed location and scale of development within the town centre it is considered that the proposal would be in accordance with Policy RTC1 of the Local Plan. It is therefore considered that due to the location of the proposed

development and the uses proposed, the proposals would not be in conflict with local plan policies which seek to promote sustainable economic growth.

7.7 As part of the outline application, it was demonstrated that that the proposed development would not have any adverse impact upon the vitality and viability of any existing centres, including Bedlington. The proposed new floorspace would complement, rather than compete directly with the majority of other existing facilities in Bedlington Town Centre, which will continue to meet day to day and specialist needs. Overall, the development would result in a significant positive impact upon the town centre, increasing its overall level of turnover, enhancing the existing range of provision and generating spin-off trade for existing stores. On the basis of the location and scale of the proposed development, and having regard to the supporting information provided with the application, it is considered that the proposals would be in scale with the size and function of the centre. The proposal would therefore be in accordance with the Local Pla and the NPPF.

7.8 Further to the above, by providing more modern accommodation, capable of attracting national operators, the new uses would again seek to complement the majority of the existing provision within the town centre. By attracting additional visitors, generating pedestrian linked trips with existing facilities, and encouraging shoppers to spend more money locally, the proposed development would help to enhance the vitality and viability of Bedlington more generally.

7.9 The proposed uses would generate a significant number of direct new jobs and other spin-off employment and economic benefits for the local area. It is estimated that the proposed development could generate approximately 200 direct new jobs (full-time equivalent - FTE), along with 33 direct construction jobs, and could result in a total investment of up to £8m. By reducing the need to travel to retail and other commercial facilities further afield, including by car, the proposals would also result in sustainability benefits. It is therefore considered that the proposals would comply with local plan policies in this respect.

#### Appearance, layout and scale

7.10 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

7.11 At the local level, and in specific relation to town centre development, Policies GP30 (Visual impact of development) and GP31 (Standards of urban design) firmly align with the design objectives of the NPPF by setting out a number of criteria for new developments to satisfy the interests of achieving high quality environments. This being the case it is considered that significant weight can be given to the requirements of Policies GP30 and GP31 in determining this application.

7.12 The Condition Survey and Options Appraisal submitted with the outline application provided clear justification for the loss of the buildings, demonstrating that their retention, either as whole buildings or façades, would compromise the viability of the overall town centre regeneration initiatives to deliver a scheme which would attract much-needed investment to Bedlington.

7.13 Whilst the application was submitted in outline (with all matters reserved), the illustrative scheme provided as part of this application included both residential and ancillary retail accommodation at first floor level, above the ground level shop units within phase B. This created a predominately two storey enclosure along retail lane, compromised of masonry walls with punched glazed openings with both slate and clay tile roofs over.

7.14 Further to the outline approval the design and brief were developed in conjunction with specific retail requirements. As part of this development the revised design proposals were evaluated against the key design code requirements of the outline planning approval. The key design development changes involved maximising glazed frontages onto Retail Lane, the removal of upper floor retail space on Retail Lane, and alterations to the roof design along Retail Lane.

7.15 The architectural expression of built form and materials interprets the local character and building vernacular of Market Place and Front Street. The pitched roof forms are clad in a mixture of natural slate, red pantiles and metal standing seam coverings to create diversity and interest. The materiality of the building envelope changes from a more traditional palette of masonry and tiled roofs to Market Place to grey metal panels which wrap round the larger retail boxes to the rear of Front Street and clad the gable ended roof forms onto retail lane.

7.16 The appearance of the buildings moves towards a more contemporary expression along the length of pedestrian route travelling north along Retail Lane. At ground floor level and onto the main public realm spaces, large horizontal bands of glazing provide the main shop frontages whilst above, first floor windows and the gable roof form expression along Retail Lane creates a vertical emphasis. Rainwater goods are aluminium and anthracite colour, chimneys are masonry clad with clay roof pots.

7.17 The proposed design and scale of the buildings are considered to be appropriate in this location, and would largely be in keeping with the surrounding area. The modern element of the scheme along Retail Lane would enhance the appearance of the site, and would not adversely impact upon the visual amenity of the surrounding area. As such, the proposal is considered to be appropriate and acceptable in terms of appearance, scale and layout, in accordance with Policies GP30 and GP31 of the Local Plan, and the provisions of the NPPF.

#### Impact on Bedlington Conservation Area

7.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also places emphasis on the preservation and enhancement of heritage assets, with paragraph 131 recognising the desirability of enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation.



7.19 The Bedlington Conservation Area covers a large part of the town and is an important area which greatly contributes to the defining characteristics of the town. The Market Square frontage, although not specifically designated or locally listed as a heritage asset, contributes to the character and general street scene of Market Place. At present the ground floor shop frontages are boarded up and present a dead frontage to the street.

7.20 The Design Code approved as part of the outline application identified 3 character zones. Character Zone 1 (The Market Place) identified key aspects in relation to scale, form, layout and material palette and included residential and ancillary retail accommodation at first floor level above ground level shop units. This was depicted as a predominantly 2 storey building line extending from the Market Place along the new 'retail lane' connecting with Character Zones 2 and 3 of the site.

7.21 From a comparative review of the approved application and the current scheme, the Conservation Officer has noted there are changes to the design to the height and form of the new retail units along 'retail lane'. The submitted Design and Access Statement submitted as part of this application outlines the key design development changes to the zone and provides an analysis of the changes and how they meet the approved Design Code while respecting the character and appearance of the Conservation Area. The changes primarily relate to the buildings along retail lane and include the omission of internal staircases and upper floors/levels and have been born out of feedback from prospective retailers. We acknowledge the Statement demonstrates that options have been considered provides justification for the deviation in the illustrative design.

7.22 As established in the Bedlington Conservation Area Character Appraisal (January 2011) the scale, form, layout and material palette of buildings within the designated area is predominately two storey under natural slate pitched roof with chimneys, constructed in good quality masonry having period windows and doors. The proposed details continue to illustrate undulating rooflines and a strong vertical building emphasis with a modern interpretation along Retail Lane. However it is considered that the proposed marries the key historic design elements of the designated area with a contemporary design idiom while positively responding to the town's elevated position and topography. This is also reinforced by the proposed material palette with the utilisation of clay pantile and natural slate for roofs, facing brick and the introduction of quality contemporary materials and finishes for rainwater goods, cladding, openings and shopfronts.

7.23 The submissions include details of the shopfronts. The submitted shopfront and signage design illustrates a restrained design utilising a contemporary palette while retaining key shopfront elements to include sympathetic proportion (glazing pattern) stallriser (brick), fascia (individual embossed lettering) and fanlight over slightly recessed entrance doors. The Conservation Officer raises no objection to the form and details provided on the new shopfronts and consider in accordance Section 72 that the proposals enhance the appearance of the Conservation Area.

7.24 Under Paragraph 200 of the NPPF (2018) Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. It is within this framework that the application has been evaluated. It is considered that the scheme presented is such an opportunity to enhance the appearance of the

Bedlington Conservation Area and preserves the elements of its setting which positively contribute to its significance and character.

7.25 It is considered that the application enhances the appearance of the Conservation Area and is sympathetic to local character and history while maintaining a strong sense of place 'utilising the arrangement of streets, spaces, building types and materials' to create an attractive, welcoming and distinctive place to live, work and visit, in accordance with the NPPF.

#### Impact on Residential Amenity

7.26 It is considered that the development could be accommodated without appearing dominant or overbearing in relation to the surrounding residential dwellings or the area in general. Due to the separation distances between any surrounding properties and the proposed retail units, this phase of the development would not adversely impact upon the residential amenity of any existing occupiers within this town centre location.

7.27 Four residential apartments are proposed at first floor level of the buildings fronting onto Market Place. It must be expected that residential properties within a town centre will not be afforded the same outlook or views as residential properties in less densely populated residential areas on the urban fringes of the town, however the occupants of these properties would have an acceptable standard of amenity in terms of light, outlook and privacy. The apartments would not benefit from outdoor amenity space, however due to the town centre location, the properties are within close proximity to and have good access to areas of public open space and leisure facilities.

7.28 On the basis of the layout, scale and separation distance from the nearest properties, it is considered that the proposals would not result in any significant or unacceptable harm to the amenity and living conditions of residents in terms of effects on immediate outlook, visual intrusion, overbearing impact or loss of privacy. The development would also achieve an acceptable standard of amenity for any future occupants of the proposed residential apartments.

7.29 Further to the above, Public Protection raised no objection to the outline application subject to the measures detailed in the application being implemented. Conditions were attached to that permission in order to protect against effects on residential amenity, specifically in relation to noise, odour and light. Therefore, those conditions will not be attached to this permission, and it is considered that the proposals are acceptable and in accordance with policies GP23 and GP25 of the Local Plan and the NPPF.

#### Access

7.30 The proposed overall development site is to be accessed from the U6545, Magistrates Court Road, to the west and a revised pedestrian access to the B1331, Vulcan Place, to the east. There are existing footways on all sections of adopted highway in the vicinity of the development site, and it is advised that, in the interests of pedestrian safety, connecting footways are constructed around the development site. As part of this overall development pedestrian links throughout the development site are required, including additional works within the highway on the

U6454, Magistrates Court Road, U6722, Schalksmuhle Road, and the B1331, Vulcan Place, to provide connecting sections of footway, pedestrian and/or toucan crossings, and informal dropped kerb crossing points at the accesses and junctions. These works have been secured as part of the outline planning application through a S278 Agreement with the Highway Authority.

7.31 The proposed overall development site is located within the town centre of Bedlington, and will be accessed from the U6454, Magistrates Court Road, U6722, Schalksmuhle Road, and a new vehicular access onto the B1331, Vulcan Place, which all have a 30mph and current parking restrictions. It is advised that as a result of this development the parking restrictions are extended along the U6722, Schalksmuhle Road, to prevent congestion caused by an overspill of on street parking at this location.

7.32 Details of a car parking provision for this phase have been given as part of the application, and 104 car parking spaces, including accessible spaces and parent and child spaces have been shown on the submitted drawings. In addition to this five spaces have been provided within the service yard to the west for staff parking, and five spaces within the service yard and access route for the existing units to the east. It is noted that this parking provision is in accordance with the previously approved Transport Assessment, and the applicant must note that as a result of the later phases a minimum of a further 136 car parking spaces will be required.

7.33 The parking provision has been reviewed, and is considered acceptable and appropriate for a development of this scale, and the layout of the car parking area is in accordance with standards and provides sufficient turning and manoeuvring within the site. The applicant is advised that no unit may be brought into use, or dwelling occupied, until the car parking provision as shown has been implemented. Thereafter, the car parking spaces shall be retained at all times for the parking of the public, staff and residents of the site.

7.34 Details of secure cycle storage have been given as part of the application, and have been shown on the submitted site layout plans. It is noted that two secure cycle storage locations are proposed within the site in addition to an internal cycle storage area within each flat. This cycle storage provision is considered acceptable and appropriate for a development of this scale and use, and the applicant is advised that no unit may be brought into use, or dwelling occupied, until the cycle storage provisions have been implemented. Thereafter the cycle storage areas shall be retained at all times for public and residential use.

7.35 As a result of this development, the applicant will be required to enter into a S278 Agreement with the Highway Authority to construct the revised site accesses, footways, pedestrian crossings, junction modifications and any associated drainage, street lighting and works, as identified in the outline planning application. These works have been secured through the approved outline planning application (17/00444/OUT condition 8) are subject to technical approval by Northumberland County Council's Highways Development Management team.

7.36 The works required as a result of this application include:

- Site accesses onto the U6545, Magistrates Court Road, and the B1331, Vulcan Place, including visibility splays, dropped kerb crossing points, and associated works
- New pedestrian crossing facilities on the B1331, Vulcan Place, and the U6722, Schalksmuhle Road, including connecting footway along the frontage of the site on the U6722, Schalksmuhle Road.
- Road markings, street lighting, and associated signage on U6454, Magistrates Court Road, U6722, Schalksmuhle Road, and the B1331, Vulcan Place.
- Revisions to the junction layout to the U6454, Magistrates Court Road, and the U6722, Schalksmuhle Road.

This scheme is currently being reviewed and is subject to S278 Agreement technical approval to finalise the design, which must be obtained by the applicant to make the development acceptable in highways terms.

7.37 Details of refuse storage for each unit and dwelling within this phase of the development have been given as part of the application and shown on the submitted site layout drawings. In addition to this a refuse servicing vehicle swept path has been provided for the residential flats to be accessed from the new junction to the B1331, Vulcan Place. The submitted drawings identify that no refuse storage container will be stored on the highway, except for on the day of collection, which is considered acceptable and enforceable.

7.38 Whilst this servicing arrangement is considered acceptable and appropriate for the residential dwellings and retail units, no details of the size or type of delivery or servicing vehicles have been provided. However, this information would be secured by condition 13 of the outline permission, which required the submission of a Service Management Plan for each phase of the development will be required prior to each unit being brought into first use, or dwelling occupied, which would identify the type and size of vehicles, delivery times, and swept path arrangements.

7.39 Details with regards to any necessary amendments to street lighting on the A193, B1331, U6545 and U6722 will be secured through the S278 Agreement process, and it is noted that lighting is to be provided on the pedestrian and vehicular areas within curtilage of the site.

7.40 The Highway Authority has checked that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets. The information submitted has been checked against this context and it is considered that this development would not have a severe impact on highway safety, and there are no objections in principle to the proposals.

7.41 The proposed development conforms to local and national transport policies. The site is located within a town centre location with good access to sustainable transport. It is considered that the overall proposals are in accordance with the NPPF, and policies T3, T4, T5, T6, T7 and T8 of the Wansbeck District Local Plan in highways terms.

### Landscaping

7.42 Condition 27 of the original 17/00444/OUT consent states that the landscape planting must include locally native (to Northumberland at least) species of local

provenance. Following consultation, the County Ecologist has noted that the Planting Strategy drawing submitted as part of this application, which includes the planting schedule/species list, includes no true native species at all.

7.43 It is recognised that opportunities for planting within the consented layout are very much restricted and in a formal, urban environment. There still, however, remains some opportunity for inclusion of true native species at little or no additional cost and with some biodiversity benefit. Therefore, the applicant has revised the landscaping scheme to include native species as requested. A response is currently awaited from the County Ecologist regarding the revised plans. Subject to no adverse comments being received by the County Ecologist, the proposal is considered acceptable in terms of ecology and biodiversity, in accordance with the provisions of the NPPF.

#### Sewage Disposal/Drainage

7.44 Following consultation, the Lead Local Flood Authority has noted that no drainage information has been submitted as part of this application. However, such information was provided as part of the outline application, and a condition was attached to the outline permission requiring the submission of a scheme to dispose of surface water prior to commencement of development. Therefore, this information will be secured by the condition on the outline permission, and the submission of such information is not required as part of this application.

#### *Other matters*

#### Equality Duty

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

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

#### Human Rights Act Implications

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.

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.

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 principle of the development has been established by the granting of outline permission, reference 17/00444/OUT.

8.2 The application site lies within the defined Bedlington Town Centre of the adopted local plan. The western part of the site (currently open space) is also identified within the adopted plan as a Town Centre Opportunity Site. In addition, emerging local planning policies, which reflect the Council's current objectives for town centres and retail development, support proposals which would increase the proportion of local spending retained in centres. This includes developments which are physically and functionally integrated with, and add choice to, the existing retail, leisure and service offer.

8.3 The development is considered acceptable in terms of scale, appearance and layout, and impact on residential amenity, and would therefore accord with Local Plan Policies GP30 and GP31, and the provisions of the NPPF.

8.4 It is considered that the application enhances the appearance of the Conservation Area and is sympathetic to local character and history while maintaining a strong sense of place 'utilising the arrangement of streets, spaces, building types and materials' to create an attractive, welcoming and distinctive place to live, work and visit, in accordance with the NPPF.

8.5 The application is considered acceptable in terms of access, parking provision, and impact on highway safety, in accordance with NPPF, and policies T3, T4, T5, T6, T7 and T8 of the Wansbeck District Local Plan.

8.6 The proposal is considered acceptable in terms of landscaping and drainage, both of which have been fully assessed under the outline application, with further information secured by conditions imposed on the outline permission.

## **9. Recommendation**

That the Committee is minded to APPROVE this application subject to the following conditions, subject to no adverse comments being received by the County Ecologist regarding the revised Landscaping Plan:

Conditions/Reason

01. The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are:

Drawing No. BEDTC-RYD-00-ZZ-DR-A-3101-D2-P6: Retail Unit 1  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3102-D2-P6: Retail Unit 2  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3103-D2-P6: Retail Unit 3  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3141-D2-P6: Retail Unit 4 & 5  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3106-D2-P6: Retail Unit 6 & 7  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3107-D2-P6: Retail Unit 8  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3108-D2-P6: Retail Unit 9  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3109-D2-P6: Retail Unit 10  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-31010-D2-P6: Retail Unit 11  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3601-D2-P13: General Arrangement Elevations Zone A & B Sheet 1  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3005-D2-P7: Zone A & B Ground Floor Plan  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3007-D2-P6: Zone A & B Roof Plan  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3006-D2-P6: Zone A & B First Floor Plan  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-5201-S2-P1: Shopfront and Signage Design  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-2001-D2-P15: Proposed Site Layout  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-2000-D2-P6: Phasing Plan  
Drawing No. BEDTC-RYD-00-ZZ-DR-A-3503-D2-P2: Refuse Strategy  
Drawing No. RYD1208.BC.GA.500: Detail Plan Location  
Drawing No. RYD1208.BC.D.501: Hardwork Details Sheet 1  
Drawing No. RYD1208.BC.D.502: Hardwork Details Sheet 1  
Drawing No. RYD1208.BC.D.503: Rootspace System Detail Base on 1No. Cell Deep  
Drawing No. RYD1208.BC.D.504: Typical Softworks Details  
Drawing No. RYD1208.BC.D.505: Typical Paving Pattern Location Plan and Details  
Drawing No. RYD1208.BC.D.509: Typical Retaining Wall Detail  
Drawing No. RYD1208.BC.GA.100: Site Plan GA - Overview  
Drawing No. RYD1208.BC.GA.101: Site Plan - Sheet 1  
Drawing No. RYD1208.BC.GA.102: Site Plan - Sheet 2  
Drawing No. RYD1208.BC.GA.103: Site Plan - Sheet 3  
Drawing No. RYD1208.BC.GA.110 Rev 04: Tree Retention and Removal Plan  
Drawing No. RYD1208.BC.GA.300 Rev 05: Proposed Levels - Overviews  
Drawing No. RYD1208.BC.GA.301 Rev 05: Proposed Levels - Sheet 1  
Drawing No. RYD1208.BC.GA.302 Rev 04: Proposed Levels - Sheet 2  
Drawing No. RYD1208.BC.GA.303 Rev 05: Proposed Levels - Sheet 3  
Drawing No. RYD1208.BC.GA.120 Rev 03: Landscaping Plan General Arrangement - Overview  
Drawing No. RYD1208.BC.GA.121 Rev 03 : Landscaping Plan General Arrangement - Sheet 1  
Drawing No. RYD1208.BC.GA.122 Rev 02 : Landscaping Plan General Arrangement - Sheet 2  
Drawing No. RYD1208.BC.GA.123 Rev 03 : Landscaping Plan General Arrangement - Sheet 3  
Drawing No. RYD1208.BC.GA.400 Rev 06: Planting Strategy

Reason: For the avoidance of doubt, and in the interests of proper planning.

02. Notwithstanding the details shown on Drawing No. BEDTC-RYD-00-ZZ-DR-A-5201-S2-P1 - Shopfront and Signage Design, further Advertisement Consent would be required for the installation of fascia signs for each of the retail units.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan.

03. Notwithstanding the details contained with the approved plans and documents, prior to the construction of the retail units hereby approved, full details and samples of all materials shall be submitted and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these approved details.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan.

04. Prior to the implementation of the public arts scheme, full details of any public art features to be installed shall be submitted to, and approved in writing, by the Local Planning Authority. The public art scheme shall then be implemented in accordance with these approved details.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan.

05. Details of any proposed wayfinding and signage shall be submitted to, and approved by, the Local Planning Authority prior to the installation of any such directional signage.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan

06. Notwithstanding the details contained with the approved plans and documents, prior to the installation of any street furniture, full plans and details such street furniture shall be submitted and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these approved details.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation



Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan.

07. Notwithstanding the details contained with the approved plans and documents, prior to the construction of the development above damp proof course, full details and samples of the paving materials shall be submitted and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these approved details.

Reason: To help preserve the character and appearance of the Conservation Area in accordance with Section 72(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out in NPPF and Policies GP30 and GP31 of the Wansbeck District Local Plan.

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

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

09. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied. 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.

10. Development shall not commence until details of the highway works:

- Site accesses onto the U6545, Magistrates Court Road, and the B1331, Vulcan Place, including visibility splays, dropped kerb crossing points, and associated works.
- New pedestrian crossing facilities on the B1331, Vulcan Place, and the U6722, Schalksmuhle Road, including connecting footway along the frontage of the site on the U6722, Schalksmuhle Road.
- Road markings, street lighting, and associated signage on U6454, Magistrates Court Road, U6722, Schalksmuhle Road, and the B1331, Vulcan Place.
- Revisions to the junction layout to the U6454, Magistrates Court Road, and the U6722, Schalksmuhle Road;

have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

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

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

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

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

13. Notwithstanding details contained within the approved documents, prior to each retail unit in the development being brought into use, details to contain;

- a) The proposed opening times for each unit proposed; and
- b) Times for deliveries and collection

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

Please note that this condition will need to be discharged for each unit.

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

14. 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 permitted changes of use 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.

**Date of Report: 16th August 2018**

**Background Papers:** Planning application file(s) 18/01658/REM