

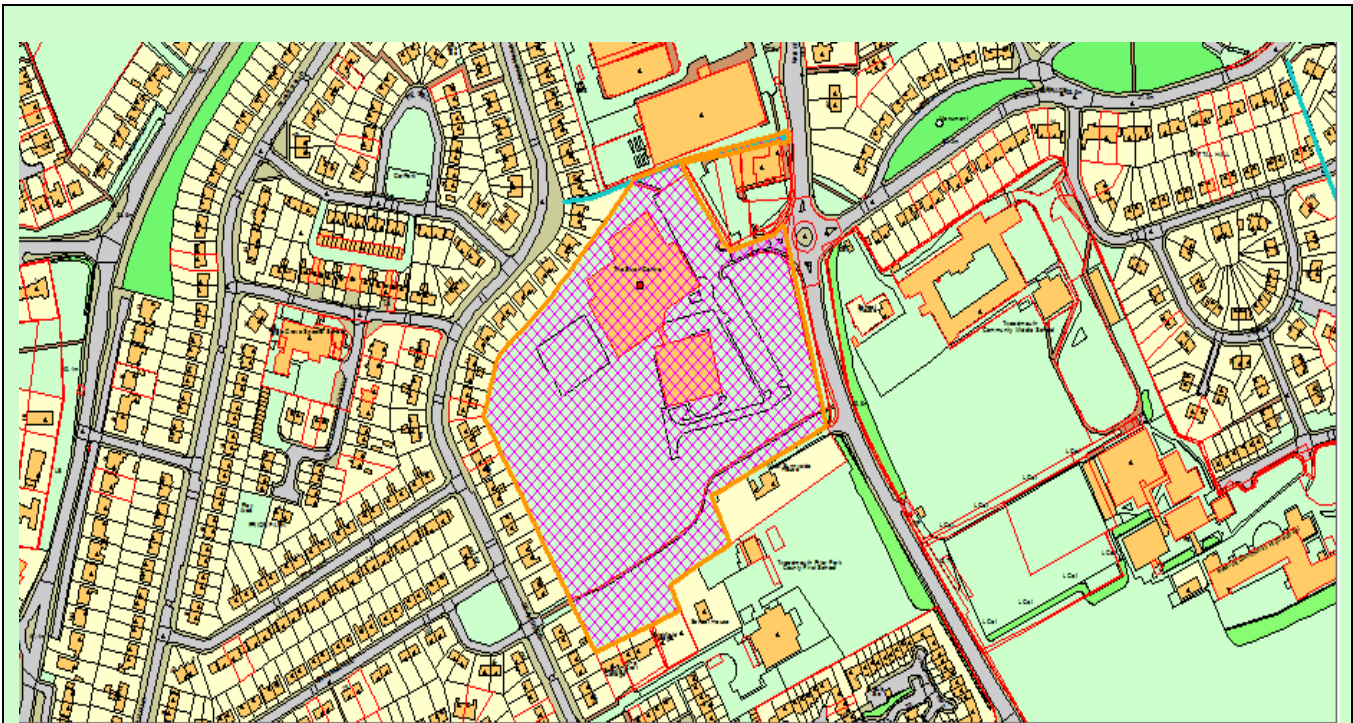


# Northumberland County Council

## Strategic Planning Committee 3 September 2019,

<b>Application No:</b>	19/01754/CCD		
<b>Proposal:</b>	Construction of replacement leisure centre and 3G pitch and phased demolition of current centre with associated landscape works and parking		
<b>Site Address</b>	Swan Centre For Leisure, Northumberland Road, Tweedmouth, Berwick-Upon-Tweed Northumberland TD15 2AS		
<b>Applicant:</b>	Northumberland County Council C/O Agent	<b>Agent:</b>	Mrs Jo Robison Milburn House, Dean Street, Newcastle Upon Tyne, NE1 1LF
<b>Ward</b>	Berwick West With Ord	<b>Parish</b>	Berwick-upon-Tweed
<b>Valid Date:</b>	3 June 2019	<b>Expiry Date:</b>	2 September 2019
<b>Case Officer Details:</b>	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk		

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



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## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Strategic Planning Committee as it would involve a County Council development on Council-owned land and is a major development raising planning policy issues of strategic importance

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

2.1 The site is located on the southern edge of the town of Berwick-upon-Tweed, approximately half a mile from the town centre and accessed from the 'Bonarsteads' round-about, on the A1167(Northumberland Road). The site is currently occupied by the Swan Centre for Leisure, which opened in January 1991 and comprises a sports pitch, a multi-use sports hall, a gym, a swimming pool, fitness studios, bowls hall, soft play area and associated changing facilities as well as car parking and bus turning. The site is irregular in shape, with the current centre located centre/ north of the site, the site extends to approximately 3.94has with a public footpath on the northern boundary.

2.2 The site is bordered by commercial development to the north, residential development to the east, Prior Park First School to the south with the A1167 to the east, with residential development and Tweedmouth Middle and Berwick Academy Schools beyond.

2.3 Submitted details indicate that the current centre is significantly outdated and in need of substantial and ongoing maintenance to keep it open, with a study, commissioned by Active Northumberland, identifying it as the worst performing leisure asset within the County Portfolio with steadily declining usage over the past 2 years.

2.4 The application seeks planning consent for the construction of a replacement leisure centre and 3G pitch and associated landscape and car parking, with the new centre located to the south east of the site. A phased demolition of the current centre is proposed; intended to ensure that the current facility will remain open during the new build.

2.5 Submitted details indicate the proposed phasing is as follows:

- i. Phase 1 - the construction of the new pool and core building, which is likely to take place between November 2019 and March 2021;
- ii. Phase 1a - the demolition of the existing pool, which is likely to take place between April 2021 and June 2021;
- iii. Phase 2 - the construction of the sports hall, which is likely to take between June 2021 and December 2021;
- iv. Phase 2a - the demolition of the existing dry leisure building, which is likely to take place between January 2022 and April 2022; and
- v. Phase 3 - the complete landscaping and external works.

2.5 The proposed new centre is intended to provide:

- i. A 25m swimming pool (267sqm), learner pool (78sqm) and leisure pool (154sqm);
- ii. A sports hall (692sqm) - suitable for badminton, netball, basketball, 5-aside football, and volley ball;

- iii. A fitness suite (505sqm) and three fitness studios (64sqm, 119sqm and 176sqm respectively);
- iv. A lawn green indoor bowls hall (727sqm);
- v. Wet (299sqm) and dry changing facilities (320sqm - including members changing room);The dwellings would be of a mix of two different brick treatments with concrete tiles in dark grey. Driveways would be formed from crushed aggregate with white Upvc framed windows and doors, fascias and soffits, with black rainwater goods. The site is not considered to be affected by environmental constraints.
- vi. Spa facilities (77sqm);
- vii. A café (222sqm) and soft play area (33sqm);
- viii Viewing Gallery (91sqm);
- ix 3 x Adult care/teaching facilities (41sqm, 28sqm and 73sqm respectively); and,
- ix An outdoor all-weather pitch (7300sqm) - to be illuminated by 8 x 15m high lighting columns containing LED lamps which will emit 200Lux (in line with FIFA's Class I Training and Recreation for 11-a-side football) but will be dimmable to allow for the lower training level of 120Lux. The lighting will be controlled to allow the pitch to be utilised as three separate play area across the pitch.

2.6 The building will be three-storeys, with the ground floor comprising of the sports hall, swimming pools, spa area, wet/dry changing areas and ancillary rooms. The first floor will comprise the fitness suite, two studios, the spin studio and the members changing room, and the second floor will comprise the bowls hall and three adult care rooms.

### 3. Planning History

**Reference Number:** C/09/00174/CCD

**Description:** Creation of 3 new windows and installation of 7 air condition condensers

**Status:** PER

**Reference Number:** 11/02674/CCD

**Description:** Installation of photo voltaic panels on the building roof.

**Status:** PER

**Reference Number:** 19/00817/SCREEN

**Description:** Screening Opinion for demolition of existing facilities and construction of replacement leisure centre and external 3G pitch

**Status:** EIANR

**Reference Number:** N/95/B/0069/A

**Description:** Proposed new swimming pool & improvements to existing centre - revised plans rec. 20.03.96.

**Status:** PER

**Reference Number:** N/95/B/0069/P

**Description:** Proposed new swimming pool & improvements to existing centre - approval of reserved matters (94/b/0521/p).

**Status:** PER

**Reference Number:** N/98/B/0054/P

**Description:** Illuminated advertisement.

**Status:** PER

**Reference Number:** N/94/B/0521/P

**Description:** Outline - proposed swimming pool.

**Status:** PER

#### 4. Consultee Responses

Sport England	<p>Support:</p> <p>Given the above assessment, Sport England considers that the proposal meets playing field policy and that the proposed sports facilities are in line with strategic insight. As such Sport England wishes to support the proposal</p>
Architectural Liaison Officer - Police	<p>I am writing with regards to the above planning application number - construction of replacement leisure centre and 3G pitch, Swan Centre for Leisure, Berwick We have reviewed and studied the new planning application and we have no objections or concerns about the design or layout of the application. The Berwick Neighbourhood Police team have been consulted and they have no concerns, there is no history of anti-social behaviour around the current leisure centre and are in favour of the new facilities. However we would recommend the installation of CCTV to allow coverage of the external areas such the Entrance Plaza and Courtyard, together with entry and exit points of the leisure centre itself. If the developer would like to discuss anything further please do not hesitate to contact our office.</p>
Fire & Rescue Service	<p>Further to your request the Fire Service have no objection in principle to the above proposals.</p>
County Archaeologist	<p>The proposed development site has been subject to significant landscaping, ground reduction and groundworks associated with the construction of the existing Swan Centre which will have affected the survival of earlier archaeological remains. The location of the proposed leisure centre, pitches, parking and landscaped courtyard correspond to areas of previous ground disturbance and as a result are unlikely to impact on any archaeological remains. As a result, no archaeological work is required in connection with this planning application.</p>
Building Conservation	<p>The revised Planning and Heritage Statement (uploaded 5 July 2019) has been amended to discuss also the impacts on the conservation areas of Berwick, Tweedmouth and Spittal. We accept the findings of the study and raise no objection</p>
Berwick West With Ord Ward	<p>No response received.</p>
Highways	<p>No objection, subject to conditions set put in the report</p>
Lead Local Flood Authority (LLFA)	<p>No objection, subject to conditions set out in the report</p>

Public Protection	No objection, subject to conditions - In principle, the Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated.
Natural England	Natural England has no comments to make on this application.
Berwick-upon-Tweed Town Council	Members were supportive of the application, however, they had the following concerns: 1. The 4 trees described as 'low value' should be replaced, in an alternative location if necessary. 2. The leisure centre should be constructed in an as environmentally friendly and energy efficient way as possible.
Countryside/ Rights Of Way	No objection
Environment Agency	No response received.
County Ecologist	No objection, subject to conditions
Strategic Estates	No response received.
North Trees And Woodland Officer	No response received.
Northumbrian Water Ltd	No objection, subject to condition:  We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy". In this document it states that foul and surface water flows will discharge to the existing combined sewer that runs through the site, with surface water being restricted to 10l/sec.
Tourism, Leisure & Culture	The Tourism and Visitor Economy Manager supports the application
Public Protection	No objection subject to conditions set out in the report

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	101
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

SN - Major, affecting LB & PROW 14th June 2019

Berwick Advertiser 20th June 2019

Summary of Responses:

N/A

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=PSD6KPQS0CN00>

**6. Planning Policy**

6.1 Development Plan Policy

F1 Environmental Wealth - Berwick upon Tweed Local Plan

F5 Berwick-upon-Tweed - Berwick upon Tweed Local Plan

F7 National Nature Reserves and Sites of Special Scientific Interest - Berwick upon Tweed Local Plan

F8 Nature Conservation - Berwick upon Tweed Local Plan

F12 Trees and Woodlands - Berwick upon Tweed Local Plan

F13 Trees, Hedgerows and Woodlands - Berwick upon Tweed Local Plan

F30 Planning Obligations - Berwick upon Tweed Local Plan

F31 Social and Economic Welfare - Berwick upon Tweed Local Plan

R2 Recreational Facilities - Berwick upon Tweed Local Plan

M14 Car Parking Standards - Berwick upon Tweed Local Plan

C9 Advertisement Displays - Berwick upon Tweed Local Plan

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019:

Policy STP 1

Policy STP 2

Policy STP 3  
Policy STP 4  
Policy STP 5  
Policy ECN 15  
Policy QOP 1  
Policy QOP 2  
Policy QOP 3  
Policy QOP 4  
Policy QOP 5  
Policy QOP 6  
Policy TRA 1  
Policy TRA 2  
Policy TRA 4  
Policy ENV 1  
Policy ENV 2  
Policy ENV 3  
Policy ENV 7  
Policy WAT 2  
Policy WAT 3  
Policy WAT 4  
Policy POL 1  
Policy POL 2  
Policy INF 2  
Policy INF 4  
Policy INF 5

Berwick-upon-Tweed Town Council applied to Northumberland County Council to designate the civil parish of Berwick-upon-Tweed as a neighbourhood area, with the express purpose of preparing a neighbourhood development plan. At the time of writing a plan has not been submitted.

## **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a proposal requires an Appropriate Assessment to be undertaken this presumption does not apply. The adopted Development Plan for the area is The Berwick-upon-Tweed Borough Local Plan 1999 (BLP); a number of the policies within the Local Plan were "saved" in 2007 following the introduction of the Planning and Compulsory Purchase Act 2004 which means that they were identified as continuing to be of relevance and were not, at that time, replicated by national or regional planning guidance.

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

7.3 The main issues for consideration include:

Principle of development

Design

Heritage Impact

Amenity

Ecology

Highway Impact (including safety, convenience)

Public Protection (impact of noise, dust etc.)

Water Management

### Principal

7.4 Paragraph 7 & 8 of the NPPF highlights that the purpose of the planning system is to contribute to sustainable development and lists the three objectives of sustainable development which are economic, social and environmental. Paragraphs 12 identifies that the NPPF does not change the statutory status of the development plan, as the starting point for decision making. Although the Berwick-upon-Tweed Local Plan (BLP) was adopted in 1999, it is considered that the policies relevant to the determination of this application are in line with the NPPF objectives and, in accord with the provisions of the NPPF, this means that due weight can still be given to the relevant Local Plan Policies. In reference to Decision Making, paragraph 38 requires local planning authorities to approach decision making in a positive and creative way, with decision makers at all levels required to approve applications for sustainable development where possible.

7.5 Policy F1 of the BLP gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage. Policy R2 of the BLP sets out the criteria for new leisure facilities in the area, and reads;

"The development of new recreational facilities, the improvement or extension of existing facilities, including Community, Parish and Church Halls and education facilities in dual-use, and other works to enhance public access to leisure facilities, will be permitted providing that:

- i) it will not adversely affect the amenity of neighbouring uses, land or the environment;
- ii) it will enhance the overall provision of recreational facilities in the Borough; and,
- iii) it accords with Policies elsewhere in the Plan.

The dual-use of facilities provided in the educational sector or elsewhere, for use by sporting organisations and/or the general public, will be encouraged."



7.6 Paragraph 91 and 92 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places, and provide the social, recreational and cultural facilities and services the community needs and plan positively for the provision of facilities such as sports venues.

7.7 NLP policy STP1 seeks to deliver sustainable development which enhances the vitality of communities; it identifies Berwick-upon-Tweed as one of the counties 'Main Town', which will form the focus for development. STP2 and ST3P set out the councils approach to sustainable development . STP5 seeks to support development that enhance health and wellbeing of communities, residents, workers and visitors.

7.8 The general principle of a D2 (Leisure), land use at this site has been established with the existing leisure centre development. The continued use of the site, by providing a new and updated leisure facility; that would not have any greater adverse impact on neighbouring uses, is accepted. The proposal will accord with BLP policy R2 and F5 and the provisions and intentions of the NPPF.

### Design

7.9 Design considers the appearance of the development independently and as part of the immediate streetscene. Policy F5 of the BLP is underpinned by F1, as an area based policy, it sets out criteria for development within the town of Berwick-upon-Tweed and reads;

"Within the town of Berwick-upon-Tweed, including Tweedmouth, Spittal and East Ord, development will be permitted provided that:

- i) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access; and,
- ii) it accords with Policies elsewhere in the Plan."

7.10 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Para 127 of the NPPF also states that planning policies and 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);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

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."

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the local environment.

7.11 NLP policy ENV3 seeks to ensure that proposals will not have an adverse impact on the character of the landscape. Policy QOP 1 seeks to support development which respects its surroundings. Policy QOP4(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development.

7.12 The internal space requirements of this type of leisure facility inevitably requires the building to have a larger mass. The new building will have a smaller building 'footprint' (3925m<sup>2</sup>), but overall a greater gross external area (7170m<sup>2</sup>), than the existing. Set in the south east corner of the existing site the proposed building will stand 3 storeys high, set out as a number of 'boxes' (one atop the other). Due to land form and the re-profiling of the bank adjacent to Northumberland Road, where the building will sit, the first floor will, in the main be below the level of Northumberland Road; which will help limit the visual impact of the building. Its main entrance will open onto a pedestrian 'plaza' area with both hard and soft landscape features and a play area, with car parking to the north of the site and the 3G pitch to the west.

7.13 Submitted details indicate that externally the building will include materials used in a layered manner. Moving from heavy at the base to light at the head, gabions are intended to give a solid, grounded base to the building, anchoring it to the site. Metal shingles, without expressed joints, provide a monolithic facade to the pool and sports hall giving these elements a mass. Fibre cement panels are used as the core block, with expressed recessed joints, and are intended to break down the overall mass of the facade. Timber cladding is utilised on the sports hall. A polycarbonate is used to finish bowls hall which seeks to utilise the transparent nature of the material, to minimise the visual impact of this element. The access is constructed as a glazed, atrium feature into the building.

7.14 The proposal will incorporate a relatively small pallet of high quality materials which, when viewed in the context of the site and land use are considered to provide building that will sit well in the context of its surroundings. The proposal is considered to accord with the BLP policy F1, F5 and F31 and the provisions and intentions of the NPPF.

### Heritage Impact

7.15 The local planning authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.16 BLP policy F1 seeks to protect the local environment including its human heritage. NPPF 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. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets.

7.17 NLP policy ENV7 requires that decisions affecting heritage assets will be based on a sound understanding of significance of the assets and the impacts on it and that development affecting archaeological sites or, sites with archaeological potential will require desk based assessment and where necessary field evaluation.

7.18 A Heritage Statement has been submitted with the application and both the Building Conservation Officer (BCO) and the County Archaeologist (CA) have been consulted. Following their assessment of the application, including any impacts on the site and nearby heritage assets, neither raises objection. The proposal is considered to accord with BLP policy F1 and the provisions and intentions of the NPPF.

#### Amenity

7.19 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Issues raised over the consultation period in respect of this have been considered in this section. 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.

7.20 Some element of disturbance due to noise, dust and vehicle movements etc. is considered an inevitable part of the development process. Both Highways Development Management (HDM) and Public Health and Protection (PHP) have been consulted on the application. HDM have no objection but as part of their response request a planning condition for the submission of a construction method statement, that secures details of on site operations during the construction period. This enables a level of control during the construction phase, having regard to amenity issues for nearby occupants and prior to completion of the development. PHP have no objection, subject to conditions that include control of dust, noise impact and air quality.

7.21 Subject to the requested conditions the proposal is considered to be acceptable and will accord with BLP policy F5 and the provisions and intentions of the NPPF.

#### Ecology

7.22 The site comprises a disused building with overgrown fields within its curtilage bordering onto the open countryside. The application has been submitted with an ecological appraisal which has been reviewed by the County Ecologist (CE) and Natural England (NE) were consulted. 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. 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

7.23 NLP policy ENV2 and ENV3 seek to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity and the character of the landscape. Policy QOP4(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development.

7.24 NE have no comment. The CE has no objection to the proposal, subject to conditions including suitable mitigation to manage the on-site impacts of the proposal including appropriate lighting, mitigation for hedgehogs and tree protection. Therefore, subject to conditions, the ecological impact of the proposal is acceptable and the proposal will accord with local plan policy F10 and the provisions and intentions of the NPPF.

#### Highway Impact (including safety and convenience)

7.25 BLP policy M14 sets out the parking standards for various types of development. Paragraphs 102 and 104 of the NPPF looks to promote and pursue sustainable transport, including walking, cycling and public transport and to achieve environmental gains. They also encourage the provision of high quality walking and cycling networks and supporting facilities such as cycle parking, drawing on Local Cycling and Walking Infrastructure Plans. Paragraph 109 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.

7.26 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA 2 seeking to minimise effects of the road network and TRA4 requiring an appropriate level of off street parking to be provided.

7.27 The proposal will utilise the existing access point and the project will require traffic coordination during the construction phase to avoid conflicts with construction traffic and visitors to the existing centre, which will remain in use.

7.28 The proposal will result in a reduced provision for bus parking/ layover (individual buses can currently layover for upto an hour). A secure cycle storage area will be provided within the external courtyard area. The storage area will be fitted with cycle stands, providing 24 cycle parking spaces in total, which will be secure, covered and accessible. There are presently approximately 105 parking spaces available for the existing leisure centre facility. Additional car parking

provision is proposed as part of this scheme, which will result in a total of 189 car parking spaces on site. The proposed car parking layout comprises of the following:

- i. 167 standard car parking spaces;
- ii. 11 accessible car parking spaces for disabled persons;
- iii. 5 car parking spaces with electric vehicle charging points; and
- iv. 6 cable-enabled car parking spaces for the future extension / implementation of further electric vehicle charging points.

7.29 The application has been subject to consultation with Highways Development Management (HDM). HDM have some concerns but raise no objection, subject to conditions to address the concerns and which include the provision of an upgraded, controlled crossing point (upgraded to Toucan crossing) north of the round about. Improvements to the round about/ access arrangements, including road widening and re-surfacing and improvements to pedestrian and cyclist connectivity. The proposal is considered to accord with local plan policy M14 and the provisions and intentions of the NPPF, subject to conditions.

#### Public Protection (impact of noise, dust etc.)

7.30 Paragraph 179 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.31 NLP policy POL 1 provides that development will be supported where it can be demonstrated that unacceptable risk from contamination will be prevented and measures can be taken to effectively mitigate impacts. Paragraph 178 of the NPPF states that decisions should ensure that;

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation.
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

7.32 Given the site is previously developed, coupled with previous mining activity in the area, there is considered to be potential for contaminated land/ ground gas. The submission includes a Ground Gas Assessment which has been subject to review by PHP.

7.33 PHP has raised no objection subject to conditions to deal with potential contamination (should it be found), measures to address potential noise and dust impacts and measures to prevent the ingress of ground gases, which have been set out in the recommendation. The proposal is considered to be acceptable in terms of ground conditions, subject to conditions and the proposal will accord with the provisions and intentions of the NPP on these matters.

#### Water Management

7.34 NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively. Paragraph 94 of the NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.

7.35 The site is located within Flood Zone 1 and a Flood Risk Assessment and Drainage Strategy have been submitted with the application and both NWL and the LLFA have been consulted on the proposal. NWL has no objection, subject to condition to control flows. Following a detailed assessment the LLFA has no objection subject to conditions relating to the implementation and maintenance of a scheme of surface water control using SUDs and verification of the approved SUDs scheme. Therefore, subject conditions, the proposal is considered to accord with the provisions and intentions of the NPPF.

#### Equality Duty

7.36 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

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

#### Human Rights Act Implications

7.38 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.

7.39 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.

7.40 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 general principle of a leisure centre development has been established with the existing use and remain acceptable on the site. Submitted details indicate that the proposal will ensure the provision of an upto date and fit for purpose leisure facility replacing an existing, dated facility that no longer meets Sport England specifications.

8.2 Issues/ concerns regarding Highways, Ecology, Water Management and PHP can be addressed by planning conditions.

8.3 The main planning considerations in determining this application have been set out and considered above stating accordance with 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. Therefore, subject to conditions the proposal is considered to accord with the development plan and is considered sustainable development in the context of the NPPF.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions

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

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

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

1. Berwick Leisure Centre Flood Risk Assessment 0043059 Rev 3 dated 14.08.2019
2. Berwick Leisure Centre Drainage Strategy 0043059 Rev 06 dated 14.08.2019
3. Drawing number 18053 - GT3 - 00 - ZZ - DR - A - (21)0001 - RevP04 East and North Elevations;
4. Drawing number 18053 - GT3 - 00 - R1 - DR - A - (27)3000 - RevP05 Roof Plan;
5. Drawing number 18053 - GT3 - 00 - ZZ - DR - A - (90)0010 - RevP03 Proposed Site Plan;
6. Drawing number 18053 - GT3 - 00 - ZZ - DR - A - (21)0002 - RevP04 West and South Elevations;

7. Drawing number 5084- OOB- ZZ- ZZ- DR- L- 0300 - RevP02, proposed and existing contours;
8. Factual Report on Ground Investigation, prepare by geovia, 19-2-07/ July 2017;
9. Ground Gas Design Note, prepared by Burohappold Engineering dated 18 July 2019;
- 10, Revised Planning and Heritage Statement prepared by DPP planning, ref: NW/3441ne/R002 dated May 2019 (updated July 2019)

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

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

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of local plan policy F5

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

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

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and saved Policies X and X of the Local Plan.

05. Notwithstanding the details provided, the development shall not be brought into use until revised details of secure and covered cycle parking, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is brought into use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

06. Prior to the development being brought into use, details of surface water drainage to manage runoff from private land shall have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use 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 and Local Plan Policies.

07. The development shall not be brought into use until the car parking area indicated on the approved plans, has been implemented, with the individual spaces clearly delineated, 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.

08. Notwithstanding the details provided, the development shall not be brought into use until schemes to:

- a) Upgrade of the signalised crossing facility on Northumberland Road, A1167, north of roundabout, to Toucan crossing signals, together with associated connectivity works;
- b) Widen and resurface the existing footpath/footway routes, together with associated works, from Northumberland Road (A1167) and Dean Drive, to the leisure centre building entrance, to form shared cycle/footpaths routes; and
- c) Provide Equality Act 2010 compliant level access kerbing on Northumberland Road, A1167, bus stops, including bus shelter on south bound stop, together with associated works;

have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the building shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons (a-b): In the interests of pedestrian/cyclist safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

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

09. Notwithstanding the details provided, no demolition or construction works shall be commenced on site unless a scheme to widen the vehicular access road/carriageway between Northumberland Road roundabout and the site, together with associated works, have been implemented, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To create a satisfactory and safe means of access to the site (including for construction traffic) in the interests of highway safety, amenity and in accordance with the National Planning Policy Framework.

10. The development shall not be brought into use until details of the proposed boundary treatment have been submitted to and approved in writing by the Local

Planning Authority. The approved details shall be implemented before the development is occupied.

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

11. Notwithstanding the details provided, no development shall commence until existing and proposed cross sectional details of the site relative to Northumberland Road carriageway and supporting embankment, as well as southern footpath route, have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To ensure that the stability of the embankment supporting the highway and link footpath are not compromised as a result of the development.

12. No demolition or construction works shall commence until Construction and Demolition Method Statements, together with supporting plan, have been submitted to and approved in writing by the Local Planning Authority. The approved Construction and Demolition Method Statement and plan shall be adhered to throughout the construction period. The Construction/Demolition Method Statements and plans shall, where applicable, provide for:

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

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

13. Netting of hedgerows or trees shall only be used in exceptional circumstances in accordance with the Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law.

14. Prior to the commencement of development above damp proof course level a scheme for the provision of tree mounted bird boxes and those which are integrated into the fabric of the buildings and shall be submitted for the written approval of the LPA. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. No fewer than 20 boxes in total shall be provided. The approved scheme shall be implemented in full prior to the building being brought into use.

Reason: to protect and enhance the biodiversity of the site.

15. Prior to the commencement of development above damp proof course level a scheme for the installation of any permanent external lighting on the site shall be submitted to and agreed in writing with the LPA. The lighting scheme should be designed so that lighting levels are minimised in accordance with the document 'Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2018. The approved scheme shall be implemented in full prior to the building being brought into use.

Reason: to prevent the risk of harm to protected species.

16.

i) All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

ii) Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: to enhance the biodiversity of the site for a UK BAP priority species

17. All hedgerows and trees that are to be retained shall be retained and protected in accordance with the "Arboricultural Impact Assessment for Trees at Berwick Leisure Centre Northumberland Road" authored by dendra, dated 21/5/2019. Retained hedgerows and trees are to be protected from root compaction during the course of the development works in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

18. Prior to the commencement of development above damp proof course level a plan for the landscape planting of the site shall be submitted for the written approval of the LPA. The plan shall detail the species and number of trees, hedgerows, shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

19. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated 24th May 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer with surface water being restricted to 10l/sec. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

20. Development shall not commence until details of the implementation, maintenance and management of a scheme for surface water using a sustainable drainage scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be in broad accordance with drawing 18053-BHE-XX-XX-DR-C-3001 and designed to dispose and attenuate surface water up to the 1 in 100 year plus climate change event from the development and shall limit discharge from the development to 10 l/s, for all rainfall events. The scheme shall be implemented in accordance with the approved details, which shall include:

- i. A timetable for its implementation;
- ii. A management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. And,
- lii. A finalised drainage layout ready for construction

Reason: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

21. Prior to the first operation of the leisure centre, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- i. As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- ii. Construction details (component drawings, materials, vegetation);
- iii. Health and Safety file;
- iv. Details of ownership organisation/adoption details.

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

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

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

23. Before each unit is brought into use, or continues in use, the applicant shall, employ a competent acoustic consultant to assess the cumulative level of noise emissions from the development at the nearest noise sensitive properties against the permitted levels in Condition 32.

The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014+A1:2019. The applicant shall submit a validation report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the levels stated in Condition 32 , at the nearest noise sensitive premises, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

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

24. An assessment of the likely impact of the development on local air quality shall be carried out by a suitably qualified person. The assessment should consider the impact the proposed development will have in terms of the air quality objectives described in the National Air Quality Strategy. A report of the findings and any recommendations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against air quality impacts.

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

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

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

26. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 33, which has been approved in writing by the Local Planning Authority.

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

27. 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.

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.

28. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been

submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A Phase 2 interpretative report shall be submitted to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

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

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

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

29. 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: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

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

30. The applicant shall submit an assessment demonstrating that the lighting from the development shall not exceed a value of +10 lux between dawn and 23:00 and +2 lux between 2300 and dawn at the nearest light sensitive receptors above existing ambient levels for the approval of the Local Planning Authority.

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

31. During the construction or demolitions phase of the development there shall be no deliveries or collections from the site outside the hours of Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00.

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

32. No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include internal room layout plans to show that the main habitable rooms shall have access to a window which can be opened on the facade facing away from the A697 road. Thereafter, the approved acoustic design scheme shall be implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.

Reason: To ensure a commensurate level of protection against obtrusive noise.

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

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

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

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

**Date: 20 August 2019**

**Background Papers:** Planning application file(s) 19/01754/CCD