



# Northumberland

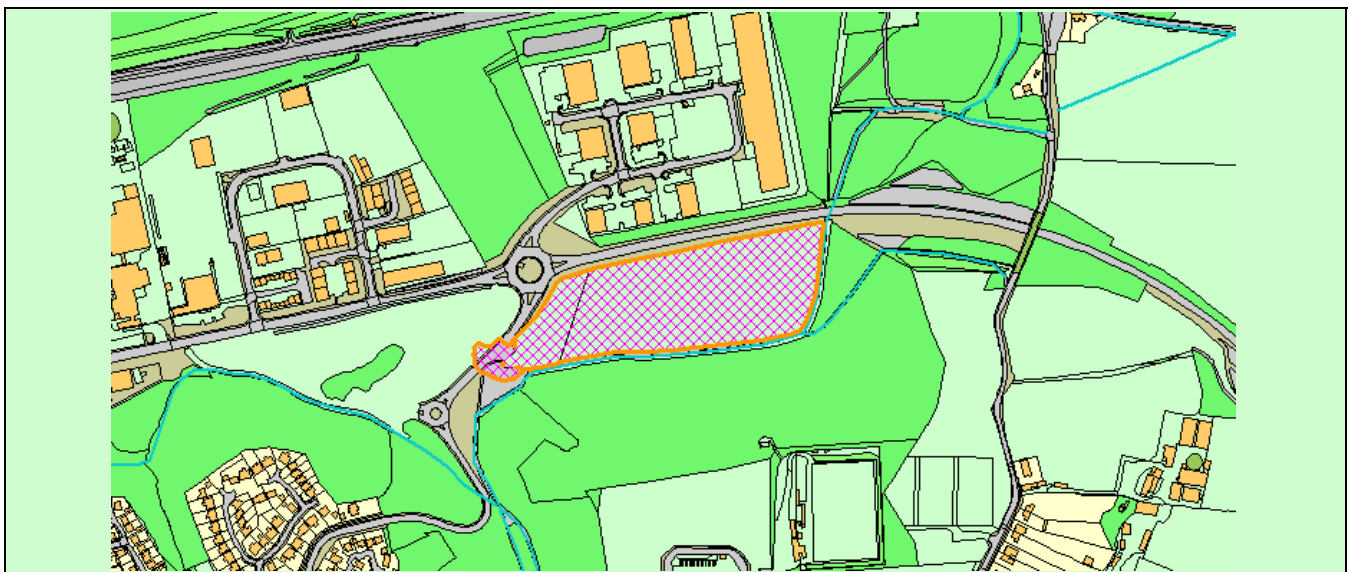
## County Council

### Strategic Planning Committee

### 3 September 2019

<b>Application No:</b>	18/03945/REM		
<b>Proposal:</b>	Reserved matters application relating to planning permission 16/02082/OUT for the first phase of development (the eastern area of the outline planning permission) consisting of 3,260sqm (GIA) A1 Food Retail, 3,200sqm (GIA) A1 Non-food Retail, 278sqm (GIA) A3/A4, 240sqm (GIA) restaurant/drive-thru (A3/A5), with associated access, car parking, service area, landscaping and infrastructure works (as amended)		
<b>Site Address</b>	Land South Of Regents Drive, Prudhoe, Northumberland,		
<b>Applicant:</b>	Mr Guy Munden, Northumberland Estates, Quayside House, 110 Quayside, Newcastle Upon Tyne, NE1 3DX	<b>Agent:</b>	N/A
<b>Ward</b>	Prudhoe North	<b>Parish</b>	Prudhoe
<b>Valid Date:</b>	8 November 2018	<b>Expiry Date:</b>	9 August 2019
<b>Case Officer Details:</b>	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

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



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## 1. Introduction

- 1.1 This application is being presented to the Strategic Planning Committee following the previous determination of outline planning permission on the site by the Strategic Planning Committee in November 2016, and following an objection from Prudhoe Town Council.
- 1.2 The previous application was subject to a referral to the Secretary of State under Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009 prior to the decision being issued. This was on the basis that the development is located in an out of centre location; is not in accordance with the development plan; and includes the provision of buildings that would exceed 5,000 square metres in floor space. The Secretary of State did not call in the application and as such the determination was a matter for the Local Planning Authority.

## 2. Description of the Proposals

- 2.1 Outline planning permission, with approval being sought at the time for access, has previously been granted on land extending to 4.92 hectares in total under planning application 16/02082/OUT for:

*Outline application for mixed-use development comprising Class A1 (retail development) and/or Class A3/A5 (drive-thru restaurant) and/or Class A3/A4 (family pub/restaurant) and/or Class C1 (hotel) and/or petrol station (Sui Generis) with associated access*

- 2.2 The application site for the overall outline permission is located to the northern edge of Prudhoe on two parcels of land south of the bypass (A695 - Princess Way) and Low Prudhoe Industrial Estate. The larger part of the site to the east is bounded to the east and south by a public right of way with woodland planting beyond. The smaller parcel to the west is bounded to the south by further planting with a right of way also in this area, with residential development at Castlefields around 130 metres to the south-west. The land to the south rises up to the built up area and centre of Prudhoe town.
- 2.3 The current application seeks approval of reserved matters relating only to the larger parcel of land to the east, which equates to 3.52 hectares, and upon which the indicative plans submitted at outline stage showed retail units, a petrol filling station and drive-thru restaurant. A hotel with attached pub/restaurant was indicatively shown on the smaller parcel of land to the west. Approval for access was approved at outline stage, therefore the reserved matters relate to the appearance, landscaping, layout and scale of the development.
- 2.4 The reserved matters application proposes the following:
  - 3,260m<sup>2</sup> (Gross Internal Area) A1 food retail;
  - 3,200m<sup>2</sup> (GIA) A1 non-food retail;
  - 278m<sup>2</sup> (GIA) A3/A4 restaurant/pub use;
  - 240m<sup>2</sup> (GIA) A3/A5 restaurant/drive-thru; and

- associated access, car parking, service area, landscaping and infrastructure works

The description of the development has been amended since the application was originally submitted following discussion with the applicant to provide greater clarity and ensure that the use of the proposed units and floor areas are within the scope of the outline planning permission. Condition 6 of the outline permission restricts the total area of gross retail floorspace of the development so as not to not exceed 3,350m<sup>2</sup> in relation to food retail floor space or 3,200m<sup>2</sup> in relation to non-food retail floor space.

- 2.5 The development of the main group of buildings as proposed includes a discount food store of 1,727m<sup>2</sup> and three other food stores of 929m<sup>2</sup>, 465m<sup>2</sup> and 139m<sup>2</sup> respectively. The non-food retail element includes units of 2,044m<sup>2</sup> with associated garden centre external open area of 697m<sup>2</sup> and a smaller unit of 459m<sup>2</sup>. Two of the smaller units of 139m<sup>2</sup> each, initially shown on the submitted plans for A1 (retail) or A3 (restaurant) use, are now shown as A3 (restaurant) or A4 (public house) use. The fast food drive-thru outlet is a detached unit located to the western part of the site.

### 3. Planning History

**Reference Number:** 16/02082/OUT

**Description:** Outline application for mixed-use development comprising Class A1 (retail development) and/or Class A3/A5 (drive-thru restaurant) and/or Class A3/A4 (family pub/restaurant) and/or Class C1 (hotel) and/or petrol station (Sui Generis) with associated access

**Status:** Permitted

**Reference Number:** T/91/E/664

**Description:** Erecting 66,000 volt overhead line consisting of 3 wires supported on wooden poles at an average height above ground of 12 metres and an approximate spacing of 100 metres in connection with the diversion of the existing 66,000 volt overhead line for Prudhoe

**Status:** No objection

### 4. Consultee Responses

Prudhoe Town Council	<p>The Town Council agreed to object to the development, by a marginal vote of 5 in favour/4 against, for reasons of the impact of the development on the town centre, again stating that the outline permission given for the town centre development (16/02083/OUT), as asserted in July 2016, should be the primary consideration for the good of the town. Members were mindful that outline planning permission has been approved and put forward suggestions for section 106 agreements and ask that Northumberland County Council seek to agree with the developer. These were:</p> <ol style="list-style-type: none"> <li>1. An Employment and Skills Plan (ESP) to align the opportunities for skills and jobs with residents, most specifically those in need of training and employment, and/or funding to</li> </ol>
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	<p>equip residents with the required skills. An ESP could include making available locally; apprenticeships, employment and training initiatives, maximising local labour and work experience.</p> <p>2. A Litter Strategy to mitigate against the additional litter that comes with fast food outlets.</p> <p>3. A Local Travel Plan to ensure a town bus service is made available allowing all residents access to the development, not just car drivers.</p>
Stocksfield Parish Council	<p>The Parish Council has considered the above mentioned application and agreed with the concerns expressed by Prudhoe Town Council in their objection to the application. This Council supports the comments of PTC, namely to ensure that</p> <ul style="list-style-type: none"> <li>• an Employment and Skills Plan is agreed to align the opportunities for skill and jobs with residents,</li> <li>• a Litter Strategy is developed to mitigate the additional litter (not only in Prudhoe but also that thrown from cars in neighbouring areas) and</li> <li>• a Local Travel Plan is agreed that ensures the area is accessible other than by car and mitigates the impact of additional traffic on neighbouring areas, particularly Stocksfield. Stocksfield and its surrounding countryside are plagued by litter which has clearly been thrown from passing vehicles. The litter includes packaging from drive-through take away restaurants despite the closest being located at Blaydon and Consett. The introduction of a closer facility of any chain will undoubtedly magnify the existing problem for this and neighbouring councils.</li> </ul> <p>It was further AGREED to comment to Northumberland County Council accordingly.</p>
Northumbrian Water Ltd	No comments further to comments on outline planning application.
Lead Local Flood Authority (LLFA)	No objection subject to conditions
Environment Agency	No objection or comments on proposals, although refer to comments submitted at outline application stage in respect of petrol filling station.
Architectural Liaison Officer - Police	No comments
Fire & Rescue Service	No objection in principle – comments in respect of provision of water supplies.
Northumbria Ambulance Service	No response received.

Gateshead Council	No response received.
Natural England	No comments
Countryside/ Rights Of Way	No objection subject to public bridleway being protected throughout.
Public Protection	No objection subject to conditions.
County Ecologist	No objection.
County Archaeologist	No objections to the proposals from an archaeological perspective, providing that the site is the subject of an appropriate programme of archaeological work.
Highways	No objection subject to conditions.
The Coal Authority	No objection subject to condition on site investigations secured under outline planning permission.
Tourism, Leisure & Culture	No response received.
Northumberland Wildlife Trust	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	34
Number of Objections	8
Number of Support	77
Number of General Comments	0

### Notices

Site Notice - departure from Local Plan: 29 November 2018

Press Notice - Hexham Courant: 29 November 2018

### Summary of Responses:

Following consultation on the application 85 representations have been received with 8 raising objections and 77 in support of the proposals.

The objections raise concerns in respect of:

- out of town development and impact upon the town centre;
- proposed town centre development was supposed to take precedence;

- land is allocated for industrial use;
- increased traffic and air pollution and increased noise and disturbance for residents;
- disorder, litter and odours associated with fast food outlet;
- impact of additional traffic upon residents on Castlefields estate;
- suggestions for restricted access through Castlefields; double yellow lines; improved traffic calming; restriction on construction traffic; and encourage access via Princess Way;
- suggestion to use Business Rates to support businesses on Front Street and fund public transport links;
- impact on landscape and loss of green space;
- loss of natural habitat for wildlife; health effects of fast food outlet; and
- flood risk and drainage.

Representations in support raise the following:

- this is a much needed development for Prudhoe and surrounding area and in light of growing population;
- proposals would bring more choice and competition to existing supermarket;
- people are currently travelling out of the area for retail needs and proposals would retain people in the area;
- a discount food store is needed;
- proposals would compliment town centre businesses with benefits of retaining people in Prudhoe; and
- investment is needed and proposal would bring jobs and benefit local economy.

It should be noted that a number of the representations in support do not provide any comments other than simply expressing support for the application.

The above is a summary of the comments. The full written text is available on our website <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PHTTP3QSK5100> at:

## **6. Planning Policy**

### 6.1 Development Plan Policy

Tynedale Local Plan (2000)

GD2 General design criteria for development  
 GD4 Range of transport provision for all development  
 GD7 Car parking standards within the built up area of Prudhoe  
 GD9 Car parking standards for people with impaired mobility  
 NE26 Protection of habitats of special importance to wildlife  
 NE27 Protection of protected species  
 NE33 Protection of trees, woodlands and hedgerows  
 NE34 Tree felling  
 NE37 Landscaping in developments  
 BE22 Setting of listed buildings  
 BE28 Archaeological assessment

ED1 Land allocated for employment development  
ED5 Development permitted in existing employment areas  
ED7 Uses not permitted on in existing employment areas or on sites allocated for employment use  
TM2 Enhancement of existing facilities, attractions and infrastructure  
TM7 Tourist accommodation in existing settlements  
RT 1b Food and drink uses in commercial areas  
RT6 Opportunity site for redevelopment for retail/commercial purposes in Prudhoe  
RT14 Food and drink uses outside commercial areas  
LR19 Safeguard existing and promotion of new public rights of way  
CS22 Location of noise generating uses  
CS23 Development on contaminated land  
CS27 New development and sewerage capacity

#### Tynedale Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy  
GD2 Sequential test for development  
GD4 Principles for transport and accessibility  
GD5 Minimising flood risk  
NE1 Principles for the natural environment  
BE1 Principles for the built environment  
EDT1 Economic development and tourism  
EDT2 Employment land provision  
RT1 Town centres and retailing  
RT2 Primary shopping areas  
RT3 Primary shopping frontages  
CS1 Principles for community services and facilities  
EN1 Principles for energy  
EN3 Energy conservation and production in major new developments

#### 6.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Practice Guidance (2014, as updated)

#### 6.3 Emerging Planning Policy

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

STP 1 Spatial strategy  
STP 2 Presumption in favour of sustainable development  
STP 3 Principles of sustainable development  
STP 4 Climate change mitigation and adaptation  
STP 5 Health and wellbeing  
ECN 1 Planning strategy for the economy  
ECN 6 General employment land – allocations and safeguarding  
ECN 7 Key general employment areas for B-Class uses  
ECN 10 Loss or depletion of employment land  
TCS 1 Hierarchy of centres  
TCS 2 Defining centres in Main Towns

TCS 3 Maintaining and enhancing the role of centres  
TCS 4 Proposals outside of centres  
TCS 5 Keeping high streets vibrant  
QOP 1 Design principles  
QOP 2 Good design and amenity  
QOP 3 Public realm design principles  
QOP 4 Landscaping and trees  
QOP 5 Sustainable design and construction  
QOP 6 Delivering well-designed places  
TRA 1 Promoting sustainable connections  
TRA 2 The effects of development on the road network  
TRA 4 Parking provision in new development  
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment  
ENV 2 Biodiversity and geodiversity  
ENV 3 Landscape  
ENV 7 Historic environment and heritage assets  
WAT 1 Water quality  
WAT 2 Water supply and sewerage  
WAT 3 Flooding  
WAT 4 Sustainable Drainage Systems  
POL 1 Unstable and contaminated land  
POL 2 Pollution and air, soil and water quality  
INF 1 Delivering development related infrastructure

## **7. Appraisal**

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Tynedale Local Plan and Tynedale Core Strategy as identified above.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Council submitted the Northumberland Local Plan, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019 for examination.
- 7.3 The principle of development on the site has been established through the granting of the outline planning permission, however, the main issues are considered to be similar to those assessed at the outline application stage insofar as they relate to the submission of reserved matters as follows:
- Principle of development
  - Impact on the character and appearance of the area



- Residential amenity
- Parking, access and highway safety
- Drainage and flood risk
- Ecology
- Ground conditions
- Other matters

#### Principle of Development

- 7.4 As referred to above, the principle of development has been established under outline planning permission 16/02082/OUT for a “*mixed-use development comprising Class A1 (retail development) and/or Class A3/A5 (drive-thru restaurant) and/or Class A3/A4 (family pub/restaurant) and/or Class C1 (hotel) and/or petrol station (Sui Generis) with associated access*”.
- 7.5 The site is located in an out of town centre location and is identified as employment land. The application has therefore been advertised as a departure from the development plan at outline application stage and for the current application. The outline application was referred to the Secretary of State under the Communities and Local Government Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009, although the application was not called in for determination.
- 7.6 Notwithstanding objections received referring to the existing employment land allocation and concerns over the impact upon the town centre, these are matters that were assessed in detail through the outline application. This current application is therefore concerned with the submission of reserved matters (appearance, landscaping, layout and scale) of the proposed development. Following clarification on the extent of retail floor space and the proposed use of units set out within the revised description, it is considered that the proposed development and uses would be within the scope of the outline planning permission, which establishes the principle of development.

#### Impact on the Character and Appearance of the Area

- 7.7 Policy BE1 of the Tynedale Core Strategy sets out criteria in respect of principles for the built environment, including securing high quality design. Policy GD2 of the Tynedale Local Plan requires development to respect the positive characteristics of the natural and built environment, and sets out design criteria that should be satisfied.
- 7.8 The proposal would see the introduction of larger-scale buildings of varying footprints and height and a modern form of design on the outskirts of the town. The design of the retail units largely incorporates glazed curtain walling to the entrance features of the units, along with grey coloured horizontally laid cladding panels above grey brick walls as well as timber panelling across sections of the elevations. The roofs would incorporate composite panels covered in a light grey single ply membrane. The detached drive-thru building would be similar in form using glazed areas, although incorporating some grey-white, red, brown and charcoal cladding panels. Proposed signage across the site will also have a visual impact, although this would need to be

determined under a separate application(s) under the Advertisement Regulations.

- 7.9 In the assessment of the outline planning application it was acknowledged that the proposed development would be on land that is currently open in nature and prominent from the A695, although well screened from development further south within the town. The development would clearly alter the character of the site, however it was noted this would be viewed within the context of the existing larger-scale employment development to the north and west, and on a site allocated for employment development, therefore where there is an expectation that larger-scale buildings/industrial units would be constructed and deemed acceptable, along with associated infrastructure. The proposals would also affect the experience of users of the public right of way running adjacent to the site in terms of visual amenity.
- 7.10 The existing landscaping to the boundaries of the site, along with new planting, would help to soften the visual impact of new development, and during the course of the application officers have secured the retention of the majority of the existing hedgerow to the northern boundary that was initially proposed for removal. As set out with the assessment of the outline application, and following consideration of the reserved matters submission, it is not considered that larger-scale development of this site in an area of lower landscape sensitivity would result in adverse visual impacts on the character and appearance of the site and wider landscape. The nearest part of the site to Prudhoe Castle, which is a Grade I listed building and Scheduled Ancient Monument, is around 1km. As with the outline application, given the separation and relationship between the site and the Castle there are not considered to be any effects on the setting of this heritage asset.
- 7.11 The proposals do introduce a large-scale form of development onto the site, although this is established by the outline planning permission, and it could also be said through the allocation of the overall site for employment purposes. The layout, scale and design of the new units are considered to result in a good quality and acceptable form of development in this location. The visual impact is mitigated as a result of the extent of woodland planting to the south and east, and it would also be acceptable in the context of the larger forms of development that are located to the north side of the A695 (Princess Way). The retention of existing trees and hedgerows, alongside appropriate new planting, would also result in acceptable landscaping proposals for the development. As a result the proposals are considered to result in an acceptable form of development for this location that would be in accordance with Policies GD2 and NE37 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the NPPF.

#### Residential Amenity

- 7.12 Policy GD2 of the Tynedale Local Plan states that development will be required to satisfy criteria including there will be no adverse effect on adjacent land or buildings, in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy. Policy CS19 of the Local Plan also states that strict control will be exercised over the location of new development which is likely to cause noise, smell or vibration problems or to

add to air, land or water pollution. Policy CS22 relates to consideration of noise levels from new development.

- 7.13 The committee report for the outline application noted the site is a considerable distance from the nearest residential properties, which are between 130 – 155 metres to the south-west at Castlefields, and others around 300 metres to the north-east and south-east of the site. Given these distances and the relationship between the site and nearest properties it was not considered that there would be any significant harmful impacts upon residential amenity. In addition, it was acknowledged that the site is allocated for B-class employment uses, and therefore such uses could have a greater impact on amenity than those being proposed through this application.
- 7.14 Concerns have been raised by some residents through the current application in respect of increased noise, odour and disturbance as a result of the proposals, including the increased traffic and access through the Castlefields estate. The outline planning application involved consultation with the Council's Public Protection team who raised no objection subject to conditions. These included further approval of matters and mitigation in respect of noise, odour, lighting and contamination.
- 7.15 Although details of the layout and scale of the development had not been considered at the outline stage, an initial assessment was made in respect of the proposed nature and scale of the development and its likely impacts upon the amenity of residents and other uses within the locality. This included consideration of the overall scale of development in this location and increased traffic levels and associated impacts on the road network that were considered through the Transport Assessment. The proposals were not considered to give rise to any significant or unacceptable amenity issues, and were found to be in general accordance with the provisions of the development plan and the NPPF.
- 7.16 Following further consultation on the current application has been undertaken with Public Protection, who advised that the conditions recommended on the outline permission are still appropriate to the development and would address the concerns they had previously identified at the outline stage. On this basis, and in the context of the site being allocated for B-class employment uses, including within the emerging Local Plan, the development is not considered to result in any harmful impacts upon the amenity of residents in the locality or indeed other land uses and users. The conditions of the outline planning permission would mitigate potential impacts in respect of noise, odour and lighting. The proposal would therefore be in accordance with Policies GD2, CS19 and CS22 of the Local Plan and the NPPF.
- 7.17 On a related point in a number of concerns, including from the Town Council, have been raised in respect of the potential for litter which could affect the visual amenity of the site and wider area. It is acknowledged that this may be an issue within the site as well as further afield given the drive-thru restaurant element. This matter has been raised with the applicant, who has advised that litter picking and management/maintenance would be provided by a service charge, paid for by each of the tenants of the unit. The service charge and therefore the litter management would be coordinated by the landlord.

However, whilst bin provision and litter management can be controlled on-site, it is acknowledged that there are difficulties in being able to control the behaviour and actions of motorists and others once off the site, despite concerns that litter may be deposited further afield.

- 7.18 Highways Development Management (HDM) have advised that the submitted plans are acceptable in respect of showing details of refuse storage and service yards, however the timing of the refuse collections will need to be secured through condition and submitted prior to the occupation of the units. Officers also recommend that a litter management plan / strategy is secured through condition in order to ensure that there is provision of appropriate bin provision and management on site, as well as looking at measures to deal with potential issues further off-site.

#### Parking, Access and Highway Safety

- 7.19 Approval was sought as part of the outline application for the means of access. The Design and Access statement outlined that all vehicles would access the site via Princess Way (A695) from the north or Castlefields Drive from the south off a new mini roundabout. The applicant had also submitted a Transport Assessment (TA), which considered site accessibility, traffic generation, junction and parking assessments and construction impact. This also highlights that feasibility of extending bus services to the development would be investigated with local public transport operators to link the site to residential areas of Prudhoe, the town centre and railway station. The TA identified that existing bus services provide good connections to the surrounding area, although due to the location of the site do not provide adequate alternatives to the private car. The TA set out that there had been initial discussions with a bus service operator, including over the potential of a service being extended to the site with a bus stop provided at the bottom of Castlefields Drive, which could be used for both shopping and employment trips. A Framework Travel Plan was also submitted with the application documents.
- 7.20 HDM were consulted on the outline application and were satisfied that the proposal would not have a detrimental impact on the highway network. They advised that the information relating to the impact that the development would have on the junctions on the highway network forecast that, other than the existing junction layout of the A695/ B6395, which is within Gateshead Council's area, the junctions would operate within capacity in 2026 with the addition of development. It should be noted that there are plans to improve the A695/B6395 junction and the applicant has previously been advised to liaise with Gateshead Council with respect to this junction.
- 7.21 HDM also advised that a detailed design of the new junction on Castlefields Drive would need to be submitted and would be subject to a Technical Appraisal and a three stage Safety Audit by the Council. The developer would be expected to enter into a Section 278 Agreement under the Highways Act 1980 with regards to this element of the proposals. The topography of the site had also been identified as problematic, as pedestrian and cycle routes from and to the residential areas of Prudhoe are all accessed via a steep gradient. This was acknowledged and taken into account by the applicant in their TA

submitted with the outline application and it had been anticipated that it would result in more car borne journeys, but these can be accommodated within the capacity of the highway network.

- 7.22 Conditions attached to the outline planning permission secure the need for further approval and details relating to proposed highway works; phasing and completion plan; parking and service areas; cycle parking; surface water drainage; a construction method statement; details of refuse storage; and travel plan. On the latter point, condition 22 of the outline permission requires the submission of a revised Framework Travel Plan, to include measures for access to public transport, to be approved prior to the development being brought into use and then subsequently implemented in accordance with approved timescales.
- 7.23 Although some representations have been raised on the current application in respect of additional traffic and highway impacts, these are issues that have already been assessed as part of the outline planning application, and through consideration of the TA submitted at that time. Matters in relation to transport and highways issues are therefore limited in this application to issues in respect of the reserved matters rather than the overall principle of development that has already been determined.
- 7.24 Notwithstanding this, officers have sought some further clarification from the applicant regarding the provision of public transport to the site. The applicant has been in further more recent discussions with a bus operator regarding a potential extension of the existing service extension from Prudhoe Rail station. There have also been discussions on the possibility of serving the Castlefields Estate, although this requires further consideration, and services could be extended depending upon future patronage.
- 7.25 In their assessment of the current reserved matters application HDM raise no objection subject to conditions. There are pedestrian links in the vicinity of the site as it is served by footways linking it to residential and commercial areas of Prudhoe, However there are no bus stops or services which operate in close proximity to the development, therefore it is recommended that the applicant liaises with bus service providers to link the development to local public transport facilities in Prudhoe. The impact the development will have on highway safety was assessed at the outline stage, and no recorded injury incidents had occurred within the previous five years either side of the location of the access to the site, therefore, no highways safety issues could be attributed to the development. There have been no incidents since the previous assessment at the location of the proposed access to the development, and the new works at the entrance to the development will be subject to a Road Safety Audit as part of the S278 agreement of the Highways Act 1980. The impact the trips generated by the development will have on the highway network were assessed as part of the outline application, and the highway infrastructure is able to accommodate the anticipated trip generation associated with the proposed development.
- 7.26 HDM highlight that during the construction phase, the development will inevitably have an impact on local residents due to the location of the development. The developer will need to ensure that the development has as

little impact as is practicably possible, and for this reason a construction management plan condition was included on the outline application, which covers the storage of materials, parking of construction/operatives vehicles and the timing/routing of deliveries to the sites etc.

- 7.27 HDM consider that adequate parking has been provided across the development, in accordance with the Council's parking standards, which incorporates an element of parent and child spaces and disabled spaces. However there is no provision for Electric Vehicle (EV) charging points, and it is recommended that an appropriate amount of EV charging points are provided or the infrastructure put in place to enable future installation.
- 7.28 Following their assessment HDM raise no objection to the development, subject to conditions in relation to approved plans; highway works previously secured under the outline permission; cycle parking; surface water drainage; Framework Travel Plan; EV charging points; bus stop facilities construction method statement; and refuse storage. Where these matters have not already been secured through conditions on the outline planning permission it is proposed that conditions can be attached to any subsequent approval of the reserved matters. Subject to relevant conditions, the reserved matters would accord with the provisions of Policy GD4 of the Core Strategy, Policies GD4 and GD7 of the Local Plan, and the NPPF.

#### Drainage and Flood Risk

- 7.29 The application site is located largely within Flood Zone 1 (low probability of flooding), although there are sections to the north-western corner of the larger parcel and north of the smaller parcel that fall within higher risk Flood Zones 2 and 3. The applicant had submitted a flood risk assessment (FRA) and drainage strategy with the outline application that considered issues relating to foul and surface water drainage and flood risk, and no objections were raised by Northumbrian Water (NWL), Lead Local Flood Authority (LLFA) and the Environment Agency (EA) subject to conditions. The EA had also provided comments and conditions in respect of the proposed petrol filling station use, although this is not included with the current application.
- 7.30 Further consultation has taken place with these consultees on the reserved matters, with no objections or further relevant comments being raised by NWL or the EA. The applicant has submitted further information in order to address matters raised by the LLFA during the course of the application and the LLFA have now advised that they have no objections subject to conditions.
- 7.31 Following these further discussions and the submission of additional information and consultation responses received, and subject to appropriate conditions, it is considered that the proposal is acceptable in relation to drainage, flood risk, foul sewage and risks to groundwater, and would be in accordance with Policy GD5 of the Core Strategy and the NPPF.

#### Ecology

- 7.32 Policy NE26 of the Local Plan refers to wildlife habitats and makes clear that in cases where development is proposed which could adversely affect any

wildlife habitat, appropriate measures will be required to conserve the nature conservation interest of the site and, where practical, to provide replacement habitats and features where damage is unavoidable. Policy NE27 relates to protected species under the Wildlife and Countryside act and states that development which would be likely to affect protected species will only be permitted if harm to the species can be avoided through appropriate mitigation. Policy NE33 of the Local Plan relates to protection of trees and hedgerows, whilst Policy NE37 looks to secure appropriate landscaping within new developments. Policy NE1 of the Core Strategy sets out principles for the natural environment, including protection and enhancing biodiversity and geological interest. The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.

- 7.33 At the outline application stage consultation was undertaken with the Council's Ecologists and Natural England have been consulted given the scale and location of development, and the Site of Special Scientific Interest (SSSI) designation around 1.2km to the west of the site. Natural England responded raising no objection and was satisfied that the proposed development would not damage or destroy the interest features of the Close House SSSI designation. Natural England have not raised any objection or further comments to the current application.
- 7.34 The Council's Ecologists raised no objection to the outline application on the basis of the submitted information subject to a condition that would secure appropriate mitigation measures as identified within the submitted ecological report and to inform the reserved matters application. Subject to securing these mitigation measures by condition it was considered that the development of the site would not result in any significant or harmful impacts upon wildlife, species and habitat in the locality.
- 7.35 Following initial comments on the current application from the Ecologists, the applicant has amended the plans in order to retain the majority of the hedgerow along the length of the northern boundary. The Ecologists have subsequently advised that the landscaping proposals, which include retention of the established hedgerows along the northern, eastern and southern boundaries as well as suitable planting/sowing mixtures including high proportions of locally native species, is in accordance with the relevant parts of the ecological mitigation requirements conditioned at the outline stage. The landscape planting proposals are therefore considered to be acceptable, and subject to compliance with the ecological mitigation secured at the outline stage, the proposals are considered to be acceptable in relation to ecological matters. The development would therefore be in accordance with the development would be in accordance with Policy NE1 of the Core Strategy, Policies NE26, NE27 and NE37 of the Local Plan and the NPPF.

#### Ground conditions

- 7.36 Different parts of the application site fall within the Coal Working Referral Area and the Coal Authority Standing Advice Area. On this basis there is a higher risk from previous mining activity in the areas falling within the Referral Area. Potential impacts arising from ground conditions were considered in detail at

the outline application stage following consultation with the Coal Authority, the Council's Public Protection team and the Environment Agency. On the basis of the submitted Geo-Environmental report the Coal Authority concurred with the recommendations of the report and raised no objection subject to a condition that would secure further site investigations prior to development commencing, along with measures for any remedial works as necessary.

- 7.37 Public Protection raised no objection to the outline planning application, and conditions are attached to that approval in respect of contaminated land or pollution of controlled waters and ground gas. Following consultation on the current application no further issues have been raised. Public Protection raise no objection subject to conditions although suggest some changes to the original conditions attached to the outline permission following submission of some additional information. The conditions on the outline permission are still appropriate to the development and would address any concerns previously identified in respect of contamination and ground gas. It is not felt possible at this stage to amend those relating to ground gas as suggested by Public Protection for this current application, and those on the outline permission would still need to be discharged in consultation with them. Additional conditions recommended in respect of verification of works and any unidentified contamination can be attached to any subsequent approval of the reserved matters. Subject to these conditions alongside the conditions on the outline permission, the proposal would be in accordance with Policy CS23 of the Local Plan and the NPPF.

#### Other matters

- 7.38 A number of the representations received raise concerns in relation to the need for the development and the impact upon the town centre, as well as loss of employment land. However, these are matters that relate to the overall principle of development that were considered in detail at the outline application stage, whereas this application is concerned with assessment of the reserved matters only (appearance, layout, scale and landscaping).
- 7.39 Prudhoe Town Council, as well as the adjacent Stocksfield Parish Council have asked for any approval to agree an Employment and Skills Plan (ESP) to align the opportunities for skills and jobs with residents, most specifically those in need of training and employment, and/or funding to equip residents with the required skills. It is stated that an ESP could include making available locally; apprenticeships, employment and training initiatives, maximising local labour and work experience.
- 7.40 Given that this application relates to reserved matters approval, and no such plan was secured at the outline stage, it is not considered reasonable or necessary to seek this at this current stage. The comments have been raised with the applicant who has responded suggesting most contractors look to provide this, including many that they have worked with on other development sites, but this cannot be guaranteed by a planning condition. The applicant acknowledges that provision of employment, skills and training is a positive thing for developers and contractors to provide to invest in local communities, but in this case this is an aspect to discuss outside of the planning process. Whilst it is not felt that such a requirement could be secured by condition or



Section 106 Agreement as part of the reserved matters, should approval be granted then it is recommended an informative could be attached to any decision encouraging the applicant/developer to work in this way.

#### Equality Duty

- 7.41 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

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

#### Human Rights Act Implications

- 7.43 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.
- 7.44 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.
- 7.45 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 is established through the extant outline planning permission on the site, and the proposed reserved matters are considered to be within the scope of this approval. Having assessed the reserved matters, comprising appearance, scale, layout and landscaping, the proposal is considered to result in an acceptable form of development in this location. Subject to conditions on the outline planning permission, and as recommended on this reserved matters application, the proposals are not considered to have any significant or harmful impacts upon the site and wider environment or the amenity of residents and other users in the locality, and are acceptable in relation to other technical matters. The proposal is therefore in accordance with the identified policies of the development plan and the NPPF.

## 9. Recommendation

That Members are minded to GRANT permission subject to the following conditions:

### Conditions/Reason

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

170010 PL\_03 F – Proposed Site Plan  
170010 PL\_04 C – Proposed Building Plan Block 1  
170010 PL\_05 D – Proposed Elevations Block 1  
170010 PL\_06 A – Proposed Building Plan Block 2  
170010 PL\_07 – Proposed Elevations Block 2  
170010 PL\_08 – Proposed Building Plan Block 3  
170010 PL\_09 B – Proposed Elevations Block 3  
170010 PL\_10 – Proposed Building Plan Drive Thru  
170010 PL\_11 – Proposed Elevations Drive Thru  
170010 PL\_12 A – Proposed Surface Treatment Plan  
170010 PL\_13 B – Proposed Boundary Treatment Plan  
104666/8001 A – Landscape Proposals Plan  
104666/sk001 A – Swept Path Analysis  
104666/sk0002 A – Swept Path Analysis  
Fairhurst - DID/10466/23 – Hydraulic Modelling of the Ditches - Addendum

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

02. In accordance with the units as set out within drawing 170010 PL\_03 E – Proposed Site Plan, and subject to the restrictions on floor space as set out within condition 6 of outline planning permission 16/02082/OUT, the first use class of the development hereby approved shall be as follows:

Unit A1 – A3 or A4  
Unit A2 - A1 (food)  
Unit A3 – A3 or A4  
Unit A – A1 (food)  
Unit B – A1 (non-food)

Unit C – A1 (non-food)  
Unit D – A1 (food)  
Unit E – A1 (food)  
Restaurant DT – A3/A5

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

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

- a) permitted changes of use; and
- b) mezzanine/upper floor extensions

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

Reason: In the interests of managing the impact of the development upon the Town Centre and use of the site in accordance with Policy RT1 of the Tynedale Core Strategy and the National Planning Policy Framework.

04. Notwithstanding details contained within the approved documents, prior to the construction of groundworks of the new units hereby approved, details to be shown on annotated site plans to include;

- a) existing site levels;
- b) proposed site levels; and
- c) proposed finished floor levels

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

Reason: In the interests of visual amenity in accordance with the provisions of Policy GD2 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

05. Notwithstanding any description of the materials in the application, no development shall be commenced above damp proof course level of any building until precise details and a schedule of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to, and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy GD2 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

06. The landscaping scheme hereby permitted shall be implemented in accordance with the approved plans in the first planting season following the

commencement of development. The landscaping shall thereafter be undertaken in accordance with the approved details and related landscape management and maintenance requirements.

Reason: In the interests of visual amenity, biodiversity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policies GD2 and NE37 of the Tynedale Local Plan, Policies NE1 and BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. Prior to occupation of the units details of Electric Vehicle Charging Points 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 first 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 Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

08. Prior to occupation of any unit, details of Bus Stop Facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved Bus Stop Facilities shall be implemented before the development is first occupied. Thereafter, the Bus Stop Facilities shall be retained in accordance with the approved details and shall be kept available for the Buses at all times.

Reason: In the interests of Sustainable Development, in accordance with Policy GD4 of the Tynedale Local Plan, Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

09. Each unit shall not be occupied until the approved refuse storage area associated with that unit has been formed in accordance with the approved plans. The approved refuse storage area shall thereafter be retained for the storage of refuse at all times.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy and the National Planning Policy Framework.

10. Prior to the installation of any services (i.e. water/electric/gas/telecommunication) within the development site, details for the installation of a fire hydrant(s) to serve the development shall be submitted to the Local Planning Authority, in consultation with Northumberland Fire and Rescue Service, for approval in writing. The details shall include the location and specification of the fire hydrant facilities to be installed in accordance with the requirements of BS 750:2012 "Specification for Underground Fire Hydrants and Surface Box Frames and Covers", National Guidance on the Provision of Water for Firefighting and/or to the satisfaction of the Northumberland Fire and Rescue Service. Thereafter, the development shall not be brought into use until the approved scheme for fire hydrant provision has been implemented in full and the hydrant(s) is/are operational in accordance with the approved details.

Reason: To ensure the development is sufficiently served by equipment for the use of the emergency services in accordance with the National Planning Policy Framework.

11. The development shall not be occupied until a Litter Management Plan and Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of litter bins on site and regular litter picking around the site and a strategy for reducing and managing litter off site. The approved plan and strategy shall be implemented in full on occupation of the units and thereafter.

Reason: In the interests of the visual amenity of the locality in accordance with Policy GD2 of the Tynedale Local Plan, Policies BE1 and NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

12. The development hereby permitted shall not be brought into use until two full copies of a full closure (Verification Report) report have been 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 buildings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and buildings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan and the National Planning Policy Framework.

14. No raising of ground levels shall be undertaken within 10 metres of the southern watercourse until details of a new bund at a height of 15.61 metres AOD over the public right of way and adjoining areas, and details of the overflow connection into the fluvial mitigation system have been submitted to and agreed in writing by the local planning authority following consultation with the lead local flood authority. Thereafter the development shall be undertaken in full accordance with those approved details.

Reason - To prevent the increased risk of flooding off-site in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

15. Prior to any raising of ground levels within 10 metres of the southern watercourse, a mitigation scheme regarding the attenuation of fluvial flows from this watercourse shall be submitted to and agreed in writing by the local planning authority. This scheme shall be in broad accordance with technical note from Fairhurst - DID/10466/23 – Hydraulic Modelling of the Ditches - Addendum. Thereafter the approved mitigation shall be implemented in full.

Reason - To prevent the increased risk of flooding off-site in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

16. Prior to first occupation of the development details of the adoption and maintenance of all SuDS features shall be submitted to and agreed in writing by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason - To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

17. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter those approved details shall be implemented in full for the duration of construction works in respect of the development hereby permitted.

Reason - To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

18. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing 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:

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

Reason - To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards in accordance with Policy GD5 of the Tynedale Core Strategy and the National Planning Policy Framework.

#### Informatives

01. The applicant / developer is reminded that the development of the site is also subject to the conditions, and regard should be had to the informatives, of the related outline planning permission 16/02082/OUT.

02. With regard to condition 22 of the outline planning permission 16/02082/OUT, the applicant / developer is advised that the Framework Travel Plan will be expected to include:

- i. the contact details of a suitably qualified Travel Plan Coordinator;
- ii. an implementation programme;
- iii. an on-site assessment including details of transport links to the site, on-site
- iv. facilities and any transport issues and problems;
- measures for access to public transport, including bus service links;
- v. clearly defined aims and objectives in relation to travel modes; and
- vi. clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.

03. The applicant / developer is advised to engage in and facilitate the preparation of a suitable Employment and Skills Plan related to the development of the site.

**Background Papers:** Planning application file(s) 18/03945/REM & 16/02082/OUT