



# Northumberland

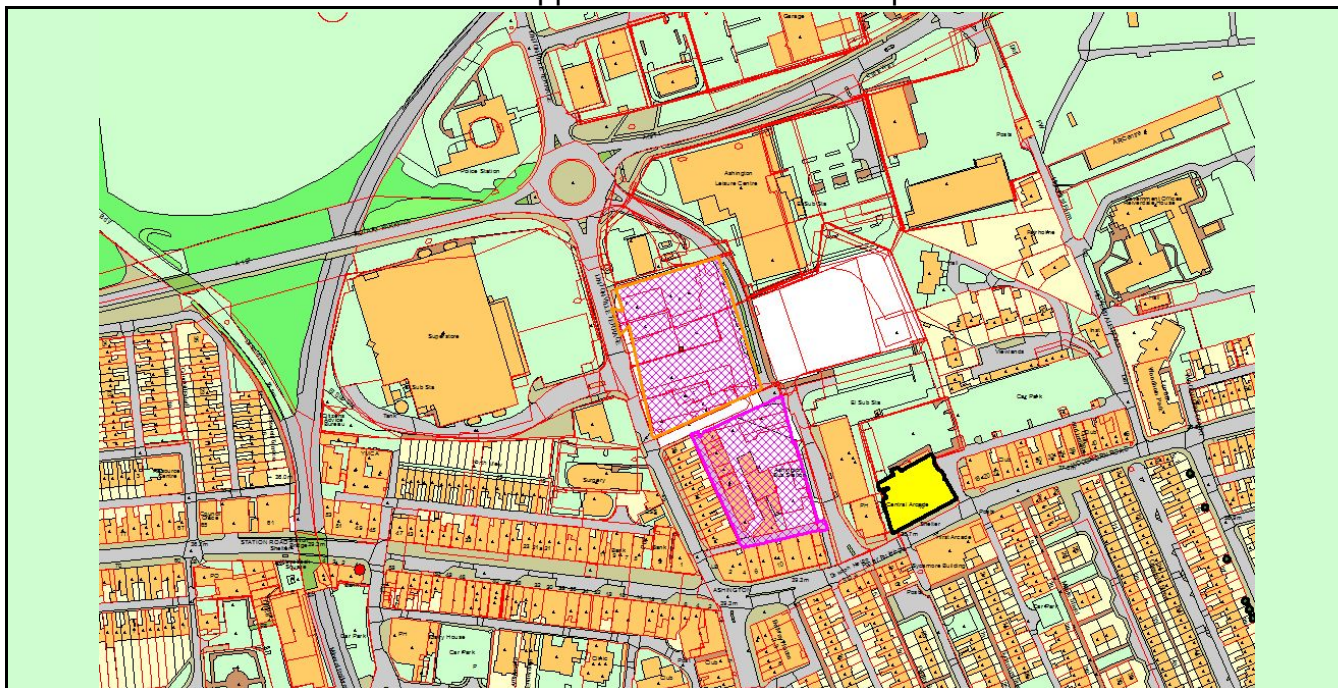
## County Council

### STRATEGIC PLANNING COMMITTEE

#### 7 JANUARY 2020

<b>Application No:</b>	19/03489/FUL		
<b>Proposal:</b>	Full planning permission for the erection of a 2,599 sqm/27,975 sqft (GEA) cinema (Use Class D2), incorporating 544 sqm/5,859 sq ft (GIA) of ancillary restaurant provision (Use Class A3) and associated car parking spaces. Outline planning permission for 1,115 sqm/12,000 sqft (GEA) of retail development (Use Classes A1/A2 and A3) and associated parking (no reserved matters discharged at this stage).		
<b>Site Address</b>	Land South Of Petrol Station, Lintonville Terrace, Ashington, Northumberland		
<b>Applicant:</b>	Advance Northumberland C/o Agent	<b>Agent:</b>	Hannah Gray Avison Young, Third Floor, Central Square South, Orchard Street Newcastle Upon Tyne NE1 3AZ
<b>Ward</b>	Ashington Central	<b>Parish</b>	Ashington
<b>Valid Date:</b>	20 August 2019	<b>Expiry Date:</b>	8 January 2020
<b>Case Officer Details:</b>	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: <a href="mailto:geoff.horsman@northumberland.gov.uk">geoff.horsman@northumberland.gov.uk</a>		

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



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## 1. Introduction

1.1 This application is being referred to Strategic Planning Committee for a decision due to the strategic scale of the proposed development and the applicant being Advance Northumberland.

## **2. Description of the application site & proposal**

2.1 The application site comprises two plots of land totalling just over 1 hectare in area within the north eastern quadrant of Ashington Town Centre in an area earmarked for redevelopment and known as Portland Park.

2.2 The northernmost plot (phase 1) lies to the immediate east of Lintonville Terrace between the Asda store and the leisure centre and another vacant plot of land. The Asda petrol filling station lies to the immediate north of this plot with the A197 beyond and to the immediate south is a recently constructed road. Levels within the plot rise from north to south by around 2.8 metres.

2.3 The southernmost plot (phase 2) lies to the rear of existing commercial properties at the junction of Lintonville Terrace and Woodhorn Road. There is an existing vacant light industrial building on this plot.

2.4 New roads have recently been constructed between and to the immediate east of the plots to facilitate their redevelopment.

2.5 This submission is a hybrid application for full planning permission on the northernmost plot for a cinema (Use Class D2) and restaurant floorspace (Use Class A3) and outline planning permission on the southernmost plot for retail and restaurant development with all Reserved Matters to be approved at a later date.

2.6 The proposed cinema would have a total floorspace of 2,599 square metres whilst the restaurant floorspace would be 544 square metres. The cinema would have 7 screens with a total seating capacity of 660 persons. A car park is proposed on the northernmost plot to serve these uses.

2.7 Due to the substantial change in levels across this plot, the bulk of the cinema and restaurant floor space would be sited at first floor level with an entrance foyer, undercroft car park and surface level car park sited at ground floor level. Retaining walls/ramps with railings are proposed with a mix of ramps, steps and lift access between the ground and first floor levels. The cinema main entrance would face north towards the proposed surface level car park with the restaurant floorspace sited on the southern section of the plot. A secondary entrance will be provided to the cinema from the restaurant floorspace area. The restaurant unit(s) entrance point(s) would face east towards the recently constructed road to the east of the site with a colonnade area between the units and that road.

2.8 The building accommodating the cinema and restaurant floor space would be up to 16 metres in height. Facing materials would comprise a mix of light and dark grey cladding panels of varying profiles and areas of glazed curtain walling.

2.9 A total of 117 car parking spaces are proposed to serve the cinema and restaurant floorspace on this northernmost plot including 7 disabled spaces and 2 spaces with electric vehicle charging points. 12 cycle parking spaces are also proposed.

2.10 Vehicle access to the car park would be from Lintonville Terrace with egress onto the new North-South road to the east of the site adjacent to the existing Asda Petrol Filling Station egress. Pedestrian access to the site would be provided from the north, east and south with an east-west pedestrian route provided through the site to allow for pedestrian journeys between Lintonville Terrace and the leisure centre. A 3 metre wide footpath/cycleway would be provided to the Lintonville Terrace frontage adjacent to the cinema between the A197 roundabout and the new East-West access road.

2.11 Turning to the outline element of the scheme on the southernmost plot, the proposal here is for demolition of the existing building on this site and the erection of 1,115 square metres of retail and restaurant floorspace (Use Classes A1, A2 and A3) with associated car parking. All Reserved Matters would be approved at a later date and therefore permission is sought in respect of this plot for the principle only of the quantum of A1/A2/A3 development proposed.

### **3. Planning History**

**Reference Number:** 07/00409/OUT

**Description:** Outline application for redevelopment of land to provide retail use classes A1 - A5 and residential development with ancillary and associated facilities

**Status:** WDN

**Reference Number:** 02/00300/FUL

**Description:** Extension to bus parking area and to re-location of fuel oil storage tank

**Status:** REF

**Reference Number:** 02/00300/FULA

**Description:** Relocation of fuel storage tank

**Status:** PER

**Reference Number:** 75/F/443

**Description:** Erection of 12,000 gallon fuel oil tank and bund wall.

**Status:** PER

**Reference Number:** 97/00021/FUL

**Description:** Construction of new fuel pump house adjacent to existing bus wash

**Status:** PER

**Reference Number:** 15/03968/SCOPE

**Description:** EIA scoping request - proposals for a new office building, infrastructure works and parking

**Status:** APPRET

**Reference Number:** 15/04301/FULES

**Description:** Construction of five storey Grade A office building (Use Class B1) and associated infrastructure comprising upgrade of existing and creation of new highway, modifications and upgrading of existing junctions, new roundabout, street lighting and furniture and associated hard and soft landscaping. Replacement of existing bus shelters and associated infrastructure, and the provision of up to 474 parking spaces

**Status:** PER

**Reference Number:** 16/04402/DISCON

**Description:** Discharge of conditions 5 (phasing/completion plan), 7 (lighting/drainage), 10 (construction method statement), 13, 14 (Highways), 15 (contaminated land), 17 (stythe gas), 21 (surface water), 22 (SUDS) and 28 (dust management plan) of approved planning application 15/04301/FULES

**Status:** PCO

**Reference Number:** 16/04753/VARYCO

**Description:** Variation of condition 2 (approved plans) pursuant to planning permission 15/04301/FULES in order to amend elevations, basement and level 0 floor and site plan.

**Status:** PER

**Reference Number:** 17/02545/VARYCO

**Description:** Variation of Condition 3 (Materials), Condition 4 (Traffic Signage), Condition 5 (Phasing & Completion Works), Condition 7 (Constructional Details), Condition 8 (Cycle Parking), Condition 9 (Car Parking), Condition 10 (Construction Method Statement), Condition 13 (Methodology of Car Parking), Condition 14 (Car Park), Condition 15a (Method Statement or Remediation Strategy), Condition 17 (Ground Gases), Condition 20 (Landscape Works), Condition 21 (Surface Water), Condition 22 (Drainage), Condition 24 (Acoustic Consultant), Condition 26 (Odour Treatment), Condition 27 (Lighting Scheme), Condition 29 (Refuse Storage Facilities) and Condition 30 (Electric Vehicle Charging) pursuant to planning permission 15/04301/FULES - to amend the conditions to the original consent to allow the infrastructure works to proceed, independently of the building.

**Status:** PCO

#### 4. Consultee Responses

Ashington Parish Council	No response received.
Highways	No objection subject to conditions.
Northumbrian Water Ltd	No issues raised provided the application is approved and carried out within strict accordance with the submitted Flood Risk Assessment and Drainage Strategy for both development sites.
Natural England	No comments.
County Archaeologist	No objections.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Building Conservation	No objections.
Waste Management - South East	Comments awaited.
Countryside/ Rights Of Way	No comments.
County Ecologist	No objection subject to conditions.

Environment Agency	No objections.
Highways England	No objections.
Network Rail	They have concerns in relation to the impact at Hirst Lane Level Crossing situated on Lintonville Terrace, approximately 200 metres north of the proposed development. This location has in the past been the subject of opportunist parking and in light of the proposed use there is concern at the increased risk to the Level Crossing as a result of the development parking capacity being exceeded. It is advised that double yellow road markings are designated for the area within 100 metres of the crossing to protect the safety of the railway.
Strategic Estates	Comments awaited.
Tourism, Leisure & Culture	No objection subject to satisfying all statutory planning conditions and being broadly acceptable to the adjacent community.
The Coal Authority	Site does not fall within a Development High Risk Area and they therefore refer the decision maker to their Standing Advice.
Public Protection	No objection subject to conditions.
Architectural Liaison Officer - Police	Comments awaited.
Fire & Rescue Service	No objection in principle.
Northumbria Ambulance Service	Comments awaited.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	111
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 9th September 2019

News Post Leader 12th September 2019

### Summary of Responses:

1 objection received raising concern around the impact of the proposed development in diverting trade from existing shops within the town centre. More car parking is needed for existing shops.

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=PWHOKDQJSJ9700>

## **6. Planning Policy**

### **6.1 Development Plan Policy**

Wansbeck District Local Plan (WDLP)

GP1 – Locational Strategy  
GP4 – Accessibility  
GP13 – Biodiversity and wildlife networks  
GP21 - Archaeology  
GP22 – Flood risk and erosion  
GP22a – Land instability  
GP23 to GP26 – Pollution and nuisance  
GP29 – Land contamination  
GP30 – Visual impact  
GP31 – Urban design  
GP32 – Landscaping and the public realm  
GP33 – Public art  
GP34 – Resource conservation and integrated renewable energy  
GP35 – Crime prevention  
RTC1 – Town Centre uses  
RTC6 – Food and drink uses  
RTC10 – Town Centre development opportunities  
T2 – Provision for buses  
T3 – Provision for cyclists  
T4 – Provision for walking  
T5 – Access for people with reduced mobility  
T6 – Traffic implications of new development  
T7 – Parking provision in new developments  
CF6 – Water supply and drainage  
CF7 – Planning conditions and obligations

### **6.2 National Planning Policy**

NPPF - 2019

NPPG - 2019, as amended

### **6.3 Other Planning Policy Documents**

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

STP 1 – Spatial strategy (Strategic Policy)  
STP 2 – Presumption in favour of sustainable development (Strategic Policy)  
STP 3 – Principles of sustainable development (Strategic Policy)  
STP 4 – Climate change mitigation and adaptation (Strategic Policy)  
TCS 1 – Hierarchy of centres (Strategic Policy)  
TCS 2 – Defining centres in Main Towns (Strategic Policy)  
TCS 3 – Maintaining and enhancing the role of centres (Strategic Policy)  
QOP 1 – Design principles (Strategic Policy)  
QOP 2 – Good design and amenity  
QOP 4 – Landscaping and trees

QOP 5 – Sustainable design and construction  
QOP 6 – Delivering well-designed places  
TRA 1 – Promoting sustainable connections (Strategic Policy)  
TRA 2 – The effects of development on the transport network  
TRA 4 – Parking provision in new development  
ENV 1 – Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 – Biodiversity and geodiversity  
WAT 3 – Flooding  
WAT 4 – Sustainable Drainage Systems  
POL 1 – Unstable and contaminated land  
POL 2 – Pollution and air, soil and water quality

Wansbeck Design Guide SPD  
Ashington Town Centre SPD

## **7. Appraisal**

7.1 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to:

- Principle of development
- Impact on the character and appearance of the area
- Residential amenity impacts
- Land contamination & stability
- Transportation matters
- Flooding and drainage
- Ecology
- Archaeology

### Principle of Development

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The saved policies of the Wansbeck District Local Plan (adopted 2007) remain the development plan and the starting point for determining applications. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

7.3 In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019 and is currently undergoing examination. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.

7.4 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

7.6 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.

7.7 The application site lies within the settlement boundary for Ashington as defined on the WDLP Proposals Maps. It is also identified on the Proposals Map as lying within the boundary of Ashington Town Centre for the purposes of the Policy RTC1 and as a Town Centre Development Opportunity site (RTC10b) for new investment in town centre facilities including retail development. The application site is now devoid of vegetation, having been prepared for development. Policy GP1 of the Plan states that provided proposals are in accordance with other Policies of the Plan, are development on previously developed sites and are within settlement limits they will be permitted.

7.8 The proposals are also considered to be in accord with the NLP with regard to the principle of development. Policy STP1 identifies Ashington as a Main Town which, together with other Main Towns, will be the main focus for retail development and services. Policy TCS1 further defines Ashington as a larger centre at the top of the hierarchy of centres. The Policy states that in assessing development proposals, growth within centres will be supported and encouraged at a scale which helps maintain and reinforce their roles within the hierarchy. For the purposes of Policy TCS2 the entire application site lies within the defined boundary for Ashington Town Centre and the majority of the site also lies within the Primary Shopping Area which the Plan advises will be a focus for Main Town Centre uses as defined by the NPPF. Finally, Policy TCS3 relating to the maintenance and enhancement of centres identifies the north east of Ashington Town Centre, within which the application site lies, as a location for new retail and leisure development.

7.9 The proposed cinema, retail and restaurant uses are categorised as Main Town Centre Uses in the NPPF with the NPPF stating that preference should be



given to such uses being located in town centres in accordance with the sequential test outlined in NPPF paragraph 86.

7.10 The principle of development on the site is therefore considered to be acceptable and the site would be a suitable location for the proposed development, subject to other elements of the development being acceptable to be discussed later in this report.

#### Impact on the character and appearance of the area

7.11 WDLP Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.

7.12 Policy GP31 states that when considering any proposed development the authority will require high standards of urban design to a) promote character in townscape and landscape and establish local identity; b) clearly define public and private spaces; c) encourage accessibility; d) make places with a clear image that is easy to understand, by providing recognizable routes, intersections and landmarks; e) encourage adaptability through development that can respond to changing social, technological and economic conditions; and f) promote diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs

7.13 Policy GP32 requires developers to incorporate a high standard of landscape treatment in their developments. When submitting their planning applications, developers will be required to demonstrate that: a) any existing landscape features of value including trees, shrubs, hedgerows and ponds, will be retained, protected and used to advantage as part of the development; b) new landscape features will be introduced which enhance the visual quality of the development, reduce its impact and provide habitat for the district's wildlife; c) new landscape features to be introduced will be appropriate to the use and character of the development and its location; d) opportunities to create new public spaces and improve existing ones have been considered; and e) arrangements will be made for the future management and maintenance of all landscaped areas, whether public or private.

7.14 Policy GP35 states that Development proposals will be expected to have regard to the objectives of 'planning out crime' through the incorporation of measures such as: promotion of mixed use development and other schemes that increase the range of activities that maximize the opportunities for surveillance; maximizing the amount of defensible space which is controlled, or perceived to be controlled, by occupiers and a high standard of street lighting.

7.15 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. The NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.16 Emerging Local Plan Policies QOP1, 2, 4 and 6 reflect the above design objectives.

7.17 Having regard to the above planning policies it is considered that the cinema/restaurants element of the proposal provides for high quality building and urban design. A landmark building is provided which addresses well all 4 frontages to the site through the use of varying heights to different elements of the building and a mix of cladding and glazing materials. A clearly defined main entrance to the building is provided for to the north elevation overlooking the main site access and car park. Activity is also provided for to the east elevation with a secondary entrance to the cinema and the restaurant frontages including a pedestrianised colonnade area.

7.18 Section drawings have been provided showing the relationship between the proposed built development on the cinema/restaurants site and neighbouring buildings comprising the leisure centre. As stated above, there are substantial levels changes north-south within this part of the application site with the overall height of the cinema/restaurants building being greater at the northern end of the site (around 16 metres in height) compared to the southern end (around 13 metres in height). In terms of the height relationship with neighbouring buildings the cinema/restaurants building would be around 4.4 metres higher in both instances where it comes closest to the leisure centre to the east and the commercial premises on Lintonville Terrace to the south. Such a relationship is considered acceptable given the varied building heights in the locality and the generous spacing between the proposed building and these neighbouring properties.

7.19 With regard to landscaping there is limited scope for soft landscaping to the east and south boundaries due to the proximity of the proposed building to the south boundary and provision of the pedestrianised colonnade to the east. However, scope exists for some tree planting along the west boundary to Lintonville Terrace to complement planting to the boundary of the Asda site opposite as well as potential for some soft landscaping to the northern car parking area. The details of hard and soft landscaping could be secured by condition.

7.20 No detail has been provided regarding the layout, scale or design of the proposed units on the southernmost site as only outline planning permission for the principle of development is sought for this area. Such details would be resolved at Reserved Matters stage.

7.21 In terms of integration of the proposed development with the remainder of the town centre, the completion of new roads adjacent to the application site has significantly improved access to Woodhorn Road and Lintonville Terrace together with the heart of the town centre beyond on Station Road. Further improvements are envisaged through the creation of a plaza area at the junction of Woodhorn Road and Lintonville Terrace following the demolition of properties in this area that would provide a more direct link between the application site and Station Road. However, these proposals do not form part of this current application.

7.22 Notwithstanding this, the proposals are considered to be acceptable in design terms in respect of their linkage with the remainder of the town centre and it is considered that they would enhance the character of the locality. The Council's

Building Conservation Officer raises no objections regarding impact on the listed former Co-Operative Building on Woodhorn Road.

### Residential amenity impacts

7.23 Policy GP23 of the Local Plan states that when determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either: a) human health and safety b) the amenity of local residents and other land users or c) the quality and enjoyment of all aspects of the environment

7.24 Policy GP24 states that when determining planning applications for development within the proximity of an existing or approved source of pollution, the authority will take into account the following factors: a) the impact of the polluting activity on the health of users of the proposed development; b) the standard of amenity likely to be enjoyed by the users of the proposed development; c) whether the proposed development has particular sensitivities to pollution; d) the additional costs or other constraints which may be imposed on the polluting use as a result of permitting the proposed development; and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. If after having considered the above factors, the authority considers that the uses cannot reasonably co-exist, the proposed development will not be permitted

7.25 Policy GP25 advises that when determining planning applications, the authority will consider the levels and characteristics of any noise which may be generated as a result of permitting the development. The likely impact will be assessed in terms of the following: a) any disturbance to people living in the area; b) any disturbance to other noise-sensitive uses such as hospitals, schools, colleges, offices and community buildings; c) any effect on people's enjoyment of the outdoor environment including gardens, parks, the coast and the countryside; d) any disturbance to wildlife or livestock and e) whether any potential conflict can be resolved by the use of planning conditions or obligations. Proposals which would cause significant harm in terms of the above criteria will be refused.

7.26 Finally Policy GP26 states that when determining planning applications for development which could be exposed to an existing or potential source of noise, the authority will consider the following: a) the level and characteristics of the noise from existing activity; and b) whether the proposed use is particularly sensitive to noise. If after considering the above factors the authority concludes that the proposed development would not be compatible with the existing activity, the proposals will not be permitted.

7.27 There are no dwellings immediately adjacent to the application site with the nearest residential properties lying further to the east and west on Viewlands (120 metres away) and North View (80 metres away). As such it is not considered that significant harm would arise to these neighbouring dwellings in terms of overlooking, loss of daylight/sunlight and visual intrusion.

7.28 The Council's Public Protection officer raises no objections in respect of noise, light and odour pollution matters subject to conditions.

## Land contamination & stability

7.29 Policy GP22a of the Wansbeck District Local Plan states that development on unstable land will not be permitted unless satisfactory measures to stabilise the site are carried out and done so at the expense of the developer. If risk from unstable ground conditions is suspected, developers will be required to submit a stability report with their planning applications to demonstrate that the site is stable or can be made so and that the development will not affect land stability beyond the site.

7.30 Policy GP29 advises that where there is reason to suspect that land is affected by contamination, applicants for planning permission will be required to submit a report of a desk study of previous uses of the site and their potential for contamination. Unless the study clearly demonstrates that the risk to the proposed uses from contamination is acceptable, further more detailed investigations will be required before the application is determined to assess the risks and identify and appraise the options for remediation. Development will only be permitted if sustainable and feasible remediation solutions are adopted to secure the removal of unacceptable risk and make the site suitable for its new use. Contaminated materials should be decontaminated and reused on site if this can be achieved economically and without unacceptable adverse impacts upon the environment or the health and safety of the community.

7.31 The application site is not within a Coal Authority Development High Risk area and NCC Public Protection raise no objections concerning contaminated or unstable land subject to conditions relating to ground gas protection, remediation of ground contamination and the treatment of any further contamination discovered during construction. As such the proposals are considered acceptable in terms of land contamination and stability subject to these conditions.

## Transportation matters

7.32 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including buses, walking and cycling.

7.33 Policy T2 advises that improvements to bus service provision in the District and the introduction of measures to make bus travel more attractive will be sought. Planning permission for developments which are likely to generate a significant number of journeys will not be permitted unless proposals include new or improved access by bus to the development including the provision of appropriate infrastructure and/or financial support for services. Developments which affect existing facilities for bus users will not be permitted unless the facilities are retained or enhanced as part of proposals.

7.34 Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.

7.35 Policy T4 advises that measures to assist and encourage walking will be sought including the development of a comprehensive network of footpaths and footways. Developers will be required to provide safe, convenient and pleasant routes for pedestrians.

7.36 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.

7.37 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.

7.38 Finally Policy T7 of the Local Plan states that developers should make appropriate provision in their developments for the parking of motor vehicles and motorcycles. The appropriateness of proposed provision will be assessed in terms of the following: a) the scale and type of development; b) accessibility by public transport, on foot and by cycle; c) the potential for road safety and environmental problems as a result of increased parking demand in the area; d) the extent and nature of any parking restrictions in force on highways in the area; and e) county-wide maximum parking standards as set out in Appendix T3 (or any local standards published in a future Supplementary Planning Document).

7.39 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLP Policies.

7.40 Emerging Local Plan Policy TRA4 refers to new parking standards which are detailed in Appendix D of the Plan. Indicative requirements comprise between 1 space per 15 square metres and 1 space per 20 square metres for retail units over 1000 square metres and 1 space per 10 square metres for food and drink uses. No specific standards are provided for cinemas. However, it is not considered that these standards can be applied at the present time given the current status of the emerging Plan

7.41 Further detailed standards are laid down in Appendices T2 and T3 of the Wansbeck District Local Plan. In terms of cycle parking 1 space per 100 square metres is suggested for cinemas, 1 per 50 square metres of public area for restaurants and 1 per 200 square metres for retail. For car parking maximum standards for restaurants are 1 space per 5 staff and 1 space per 10 square metres for customers and for retail 1 per 150-200 square metres for staff and 1 per 100 square metres for customers.

7.42 The Local Highway Authority have advised that the level of car and cycle parking proposed is in their view acceptable and that if at certain peak times additional parking was required there are other areas nearby available for such parking given the town centre location of the application site. Satisfactory disabled parking as well as electric vehicle parking is also provided for.

7.43 The proposals are considered acceptable in terms of access for pedestrians. In this regard, as stated above, a pedestrian route is provided east-west through the site to maintain access for pedestrians travelling between Asda and the leisure centre and enhanced pedestrian facilities are provided for on Lintonville Terrace.

7.44 Following assessment of the application documents as originally submitted the Local Highway Authority raised some detailed queries regarding various matters. The applicant has submitted amended plans and further documentation to address these concerns and having considered these the Local Highway Authority now raise no objections subject to conditions.

7.45 With regard to public transport provision, there are bus stops immediately adjacent which are easily accessible from the site. Given the above, the application site is considered to be accessible by a choice of means of transport.

7.46 In terms of the concerns expressed by Network Rail, it has been agreed by the Council's Highways team that a Traffic Regulation Order to restrict car parking within the vicinity of the Hirst Lane level crossing will be included in the Council's Local Transport Programme (LTP) to ensure that such restrictions are in place prior to occupation of the phase 1 cinema and associated restaurants.

7.47 Overall the proposals are considered acceptable on transportation grounds subject to conditions.

#### Flooding and drainage

7.48 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and erosion and to consider any possible impact of their development on flood risk or erosion elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.

7.49 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply, surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.

7.50 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA).

7.51 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.

7.52 The application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high.

7.53 After reviewing the applicant's submitted information relating to flood risk and surface water drainage, the Council's LLFA team raised objection to the application on the grounds of insufficient information. Further submissions have been made by the applicant in this regard and the LLFA have now withdrawn their objection subject to conditions.

7.54 Overall, it is considered that the proposal is acceptable in relation to surface water drainage, flood risk and foul drainage and would be in accordance with the Wansbeck District Local Plan, the emerging Local Plan and the NPPF.

#### Ecology

7.55 Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined whether or not they are designated sites. Particular importance will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.

7.56 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.

7.57 Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.

7.58 The application site itself is not of significant ecological value

7.59 The Council's Ecologist raises no objections subject to conditions requiring preparation of a Biodiversity Enhancement Plan, safeguarding of nesting birds and approval of external lighting details.

7.60 Given the above the proposals are considered to be in accordance with relevant policies in the Wansbeck District Local Plan, the emerging Local Plan and the NPPF in respect of ecology matters.

#### Archaeology

7.61 Local Plan Policy GP21 states that where evidence suggests that a proposed development could disturb archaeological remains, the developers will be required, before their planning application is determined, to provide information on the

character and extent of the remains and any measures they propose to mitigate the impact of development. A field evaluation will be required if judged necessary.

7.62 The Council's archaeologist has confirmed that they have no objections.

#### Other Matters

7.63 Policy GP34 of the Local Plan states that developers are required to demonstrate that their developments have been designed to conserve energy and water resources. For all major developments, including residential development comprising 10 or more units, and non-residential development exceeding 1000m<sup>2</sup> gross floorspace, the Council will require 10% of predicted energy requirements to be provided, on site, from renewable sources. NLP Policy QOP5 seeks similar objectives

7.64 It is considered that these objectives could be secured by means of a condition.

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

7.66 Crime and Disorder Act Implications; These proposals have no implications in relation to crime and disorder.

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

7.68 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.

7.69 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 It is considered that the proposed development is acceptable in principle in this town centre location and has the potential to significantly enhance the vitality and viability of the town centre and wider area.

8.2 The proposals are acceptable in terms of their impact on the character and appearance of the locality and in terms of residential amenity, ground contamination/stability, transportation matters, flooding/drainage, ecology and archaeology subject to conditions.

## **9. Recommendation**

That this application be GRANTED permission subject to the following conditions:

### Conditions/Reason

#### **Phase 1 - Full Planning Permission Conditions**

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

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

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

074321-CUR-00-ZZ-DR-C-92002-PO1 Impermeable Area Plan;  
GT/PP/ABS01 As Built Survey;  
072096-CUR-00-ZZ-DR-C-92001-PO4 Proposed Drainage Layout;  
2427\_AP(00) A01 P3 Proposed Site Plan;  
2427\_AP(9-) A01 P02 Site Location Plan;  
072096-CUR-00-ZZ-DR-C-92301-P01 Catchment Area Layout;  
1041-2511-Fig5 10m HGV Accessing/Egressing Proposed Layby South of Cinema;  
1041-2511-Fig4 Bus Accessing/Egressing Proposed Layby South of Cinema;  
072096-CUR-00-XX-DR-C-92401-PO3 Drainage Details Sheet 1;  
1041-2511-Fig3 10m HGV Accessing/Egressing Proposed Cinema Layout;  
1041-2511-Fig1 Proposed Cinema Access;  
1041-2511-Fig2 Proposed Cinema Egress;  
Proposed 'Interim' Infrastructural Solution – Springback Bollards Rev 01;  
Asda Junction Lintonville Terrace Proposed Ph2 Infrastructure/Walk Route Rev 01;  
HGV Rigid Accessing 01 November Cinema Plot Rev 01;  
HGV Rigid Egressing 01 November Cinema Plot Rev 01;  
2427\_AP(04)A01 Rev P2 Proposed Ground Floor Plan;  
2427\_22100 Rev P0 Level 00 Service Yard and Side Entrance;

2427\_AP(04)A02 Rev P1 Proposed First Floor Plan;  
2427\_AP(05)A01 Rev P1 Proposed Elevations N/E;  
2427\_AP(04)A03 Rev P1 Proposed Projection Floor Plan;  
2427\_AP(04)A04 Rev P1 Proposed Roof Plan;  
2427\_AP(06)A01 Rev P1 Proposed Sections;  
2427\_AP(06)A02 Rev P1 Proposed Site Sections;  
2427\_AP(05)A02 Rev P1 Proposed Elevations S/W;  
Ashington Cinema (Site 1) NPPF Flood Risk Assessment and Drainage Strategy  
reference 072096-CUR-00-XX-RP-C-001 rev 03;

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

03. Prior to first operation 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 for disposal of surface water operates at its full potential throughout the developments lifetime in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

04. Disposal of surface water from the development through the construction phase shall be in full accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

05. If groundwater is found during the construction of the development, a mitigation scheme shall be developed, submitted to and approved by the Local Planning Authority. In addition measures to dissipate hydrostatic pressure caused by groundwater behind any retaining walls shall be included within the scheme. These approved mitigation measures shall be incorporated within the development as agreed.

Reason: To prevent the risk of groundwater flooding to the proposed development in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

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

- 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-statutory technical standards in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

07. The development hereby permitted shall be undertaken in full accordance with sample details of the facing and roofing materials to be used in respect of all of the proposed buildings which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy GP30 of the Wansbeck District Local Plan and the NPPF.

08. Within the first planting season following first occupation of the development landscaping for the development shall be provided in its entirety in accordance with details of both hard and soft landscape works to be submitted to and approved in writing by the Local Planning Authority. These details shall include the planting of trees and/or shrubs, areas of hardstanding, pathways etc, areas to be seeded with grass and other works or proposals for improving the appearance of the development. Soft landscape works shall also include the planting of locally native trees, shrubs, grasses and/or wildflowers of local provenance. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the first occupation of the development shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy GP32 of the Wansbeck District Local Plan and the NPPF.

09. Notwithstanding the details provided, development of Phase 1 above the approved final floor level of the Ground Floor shall not commence until highways works schemes to:

- i) widen and resurface the footway along the Lintonville Terrace boundary of the application site to provide a shared footway/cycleway facility, including provision of the route across redundant vehicular access areas, together with associated dropped kerbs, tactile/corduroy paving, drainage, street lighting, road markings, signage and associated works on Lintonville Terrace;
- ii) provide vehicular access and egress between the development site and highway carriageways, and associated works;
- iii) modify the layout of the layby and footway surfacing along the southern boundary of the site, and associated works;

have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, Phase 1 shall not be occupied until these works have been constructed in accordance with the approved plans.

Reason: In the interests of pedestrian/cyclist and highway safety and encouraging sustainable travel modes in accordance with Policies T3, T4 and T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

10. Phase 1 shall not be brought into use until the vehicle parking and manoeuvring areas have been hard surfaced, sealed and marked out in parking bays in accordance with the approved plans. Thereafter, the vehicle parking and manoeuvring areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking and manoeuvring of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policy T7 of the Wansbeck District Local Plan and the National Planning Policy Framework.

11. Prior to occupation of Phase 1 the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with Policy GP34 of the Wansbeck District Local Plan and the National Planning Policy Framework.

## **Phase 2 - Outline Planning Permission Conditions**

12. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced in respect of that part of the site for which outline planning permission is granted. Thereafter, development shall not be carried out other than in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

13. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

14. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

15. 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:-

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

16. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall

- i) Restrict discharge from the development to 2.8l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and the local planning authority;
- ii) Adhere to the principles as set out in the Portland Retail Park (Site 3) flood risk assessment and drainage strategy from Curtins reference 4321-CUR-00-XX-RP-C-01 Rev 00;
- iii) Provide attenuation on site for the 1 in 100 year plus climate change event;
- iv) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

Thereafter the development hereby permitted shall be constructed in full accordance with those approved details.

Reason: To ensure the effective disposal of surface water from the development in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

17. Prior to first operation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed 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 dispose of surface water operates at its full potential throughout the developments lifetime in accordance with Policy GP22 of the Wansbeck District Local Plan and the NPPF.

18. The Reserved Matters to be submitted under Condition 12 for Phase 2 shall include details of vehicle parking and manoeuvring areas. The details shall include for the provision of disabled car parking areas, electric vehicle parking bays and electric vehicle charging facilities. Prior to Phase 2 being brought into use the vehicle parking, including disabled and electric vehicle bays, manoeuvring areas and electric vehicle charging facilities, shall be implemented in full in accordance with the approved plans and details. Thereafter, the vehicle parking, including disabled and electric vehicle bays, manoeuvring areas and electric vehicle charging facilities shall be retained and kept available for the use of vehicles associated with Phase 2 of the development.

Reason: In the interests of highway safety and sustainable development in accordance with Policies GP34 and T7 of the Wansbeck District Local Plan and the National Planning Policy Framework.

19. Any landscaping reserved matters approved under condition 12 above shall be completed in all respects within 6 months of the substantial completion of the development granted outline planning approval under this permission. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the first occupation of that development shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy GP32 of the Wansbeck District Local Plan.

20. The Reserved Matters to be submitted under Condition 12 above in respect of the development hereby permitted, shall include full details of the proposed levels including where relevant finished floor levels of any buildings compared to existing levels on the site. Thereafter the development shall be constructed in full accordance with the approved levels unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the area having regard to GP30 of the Wansbeck District Local Plan and the NPPF.

### **Conditions applying in respect of both Phases 1 and 2**

21. The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report have been submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the Curtins Remediation Strategy ref; 074755-CUR-00-XX-RP-GE-001 (22 November 2019). 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 in accordance with Policy GP29 of the Wansbeck District Local Plan and the NPPF.

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

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with Policy GP29 of the Wansbeck District Local Plan and the NPPF.

23. No building shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, to a CS2 standard as detailed in BS8485:2015 (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 in accordance with Policy GP29 of the Wansbeck District Local Plan and the NPPF.

24. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 23, 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 in accordance with Policy GP29 of the Wansbeck District Local Plan and the NPPF.

25. The cumulative rating level of noise emitted from the development shall not exceed the following values at the measurement positions detailed in the Apex Acoustics Environmental Sound Survey Ref: 4340.1 (16th December 2015)

- i) Measurement Position 1, Time 07:00 – 23:00, 42 dB LAeq (60 Minutes)
- ii) Measurement Position 2, Time 23:00 – 07:00, 27 dB LAeq (15 Minutes)
- iii) Measurement Position 1, Time 07:00 – 23:00, 38 dB LAeq (60 Minutes)
- iv) Measurement Position 2, Time 23:00 – 07:00 25 dB LAeq (15 Minutes)

The measurements and assessments shall be made according to BS4142:2014 submitted to and approved in writing by the Local Planning Authority.

Reason: To protect amenity and provide a commensurate level of protection against noise in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

26. During commissioning testing and before the scheme is brought into use, or continues in use, the Operator shall employ a competent acoustic consultant to assess the level of noise emissions from the development at the noise sensitive properties identified in Condition 25. The assessment shall be undertaken in accordance with the methodology described in (relevant acoustic standard e.g. BS 4142:2014). The Operator 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 25, at the noise sensitive premises, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted

application and in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

27. 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, unless previously agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

28. Prior to the development being brought into use or continuing in use the applicant shall submit full details of the odour treatment to be installed in the development, which as a minimum shall be capable of providing a Very High level of treatment, as defined in the Defra document Guidance on the Control of Odour and noise from Commercial Kitchen Exhaust Systems. Thereafter the development shall be constructed in full accordance with those approved details.

Reason: To protect residential amenity and provide a commensurate level of protection against odour in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

29. Prior to the development being brought into use or continuing in use the applicant shall submit a report detailing the lighting scheme to be used in the development. The report shall contain an assessment of light using the Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light. This report shall be submitted to the Local Planning Authority for written approval and implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against light pollution in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

30. No development shall take place until a dust management plan/method statement to mitigate the effects of any dust created during the earthworks construction and track out phases on neighbouring premises. This dust action plan/statement shall contain a detailed complaints procedure containing emergency contact telephone numbers in the event of a dust complaint being received. This plan shall be submitted to and approved in writing by the Local Planning Authority and implemented in full. (Guidance on the assessment of dust from demolition and construction can be found at the following: [www.iaqm.co.uk](http://www.iaqm.co.uk))

Reason: To protect residential amenity and provide a commensurate level of protection against dust in accordance with Policies GP23-GP26 of the Wansbeck District Local Plan and the NPPF.

31. The development hereby permitted shall be constructed in accordance with a Biodiversity Enhancement Plan to be submitted to and approved in writing by the Local Planning Authority. This shall include;



- i) Swift bricks and in-built bat roosts in the new units with the mitigation proposed therein clearly shown on the site plans. Swift bricks shall be placed in groups of 4 to the north elevation within the top courses of facing materials.
- ii) External lighting that may reduce bat use of the site and buildings shall be avoided. High intensity security lights shall be avoided as far as practical, and any lighting in areas identified as being important for bats (site margins) will be directional, low level (2m) and low wattage (50w). Where security lights are required, these shall be set on a short timer and shall be motion sensitive only to larger objects.
- iii) The landscape planting shall be designed to enhance structural diversity, and shall include plants bearing flowers, nectar and fruits which are attractive to invertebrates, thereby helping to maintain the food resource for bats and wildlife generally.
- iv) Landscaping shall be dominated by locally native species with additional species permissible from the RHS Plants for Pollinators list.

Reason: to maintain and enhance the biodiversity value of the site, in accordance with Policy GP13 of the Wansbeck District Local Plan and the NPPF.

32. No demolition, development, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with 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 shall 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 in accordance with Policy GP13 of the Wansbeck District Local Plan and the NPPF.

33. Development shall not commence on any phase until a Construction Method Statement, together with supporting plan, for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement, including plan shall be adhered to throughout the construction period for that phase. The Construction Method Statement and supporting plan shall, where applicable, provide for:

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policies GP30 and T6 of the Wansbeck District Local Plan and the NPPF.

34. Prior to occupation of any phase, details of surface water drainage to manage runoff from private land onto the highway from that phase shall be submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

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

35. No phase of the development shall be brought into use until details of cycle parking for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the phase 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 in that phase at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with Policy T3 of the Wansbeck District Local Plan and the NPPF.

36. Notwithstanding the details provided, prior to any phase being brought into use, a Servicing and Parking Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Once approved the plan shall be implemented at all times whilst that phase is operational. The details to be submitted for each phase shall include:

- i) business operational hours;
- ii) days, times, duration and frequency of deliveries/collections/refuse servicing;
- iii) the vehicle types permitted to service the site, including and maximum dimensions of delivery/collection/refuse vehicles used;
- iv) delivery requirements including any closures of site, parking areas or impact upon internal operations of site to facilitate these operations, including plans as necessary;
- v) submission of vehicle swept path drawings as necessary to illustrate manoeuvres to/from the site and the loading areas;
- vi) location of refuse storage areas and the means by which refuse will be collected;
- vi) measures to be employed to ensure the compliance of delivery suppliers and collection of refuse;
- vii) car parking management strategy to be introduced to prevent parking spaces being utilised for all day parking

Reason: To ensure the successful servicing and parking operational use of the site, in the interests of highway safety in accordance with Policies T6 and T7 of the Wansbeck District Local Plan and the National Planning Policy Framework.

37. No phase shall be occupied until details of the proposed boundary treatment for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the phase is occupied .

Reason: In the interests of visual amenity and highway safety, in accordance with Policies GP30 and T6 of the Wansbeck District Local Plan and the National Planning Policy Framework.

38. Notwithstanding the details submitted, no phase shall be occupied until details of a Framework Travel Plan in respect of each of the occupiers of any building on that phase have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter until discharge of condition 40 the approved Framework Travel Plan for that phase shall be implemented in accordance with the approved details. This Framework Travel Plan must 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 facilities and any transport issues and problems;
- iv. clearly defined aims and objectives in relation to travel modes; and
- v. clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.

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

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

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

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

40. Any new building hereby permitted shall be constructed in accordance with details regarding energy efficiency and/or renewable energy generation for that building to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction in respect of that building..

Reason: To ensure that the development contributes to a reduction in carbon emissions in accordance with Policy GP34 of the Wansbeck District Local Plan and the NPPF.

**Date of Report:** 17.12.2019

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 19/03489/FUL