

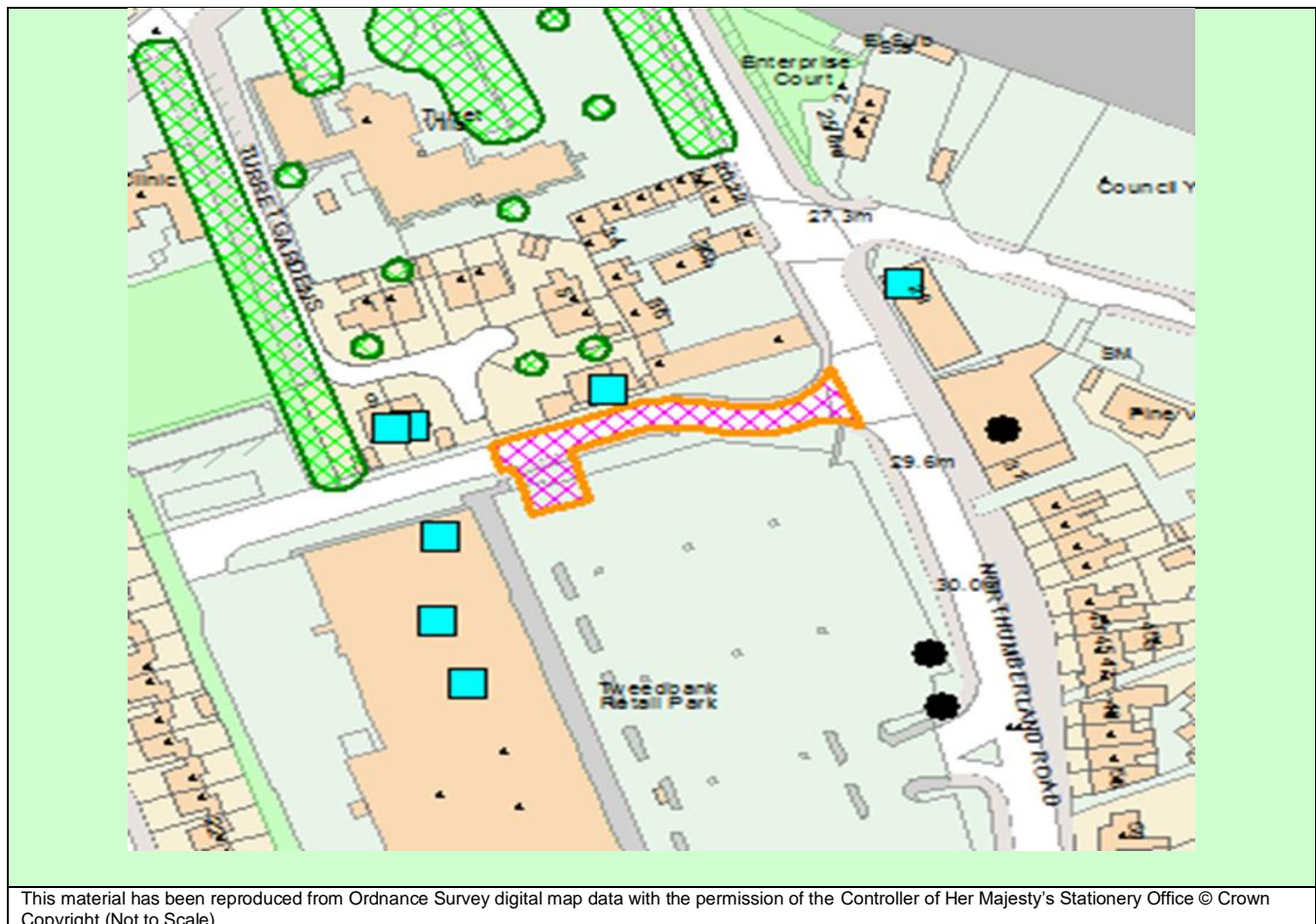


Northumberland County Council

North Northumberland Local Area Council, 24th September 2022

Application No:	22/01660/FUL		
Proposal:	Creation of a secondary entry/exit point to existing car parks		
Site Address	Signage At Entrance , Tweedbank Retail Park,, Berwick-Upon-Tweed, TD15 2AS		
Applicant:	c/o Agent	Agent:	Mr Adrian Fox 8-14 Meard Street, London, W1F 0EQ,
Ward		Parish	
Valid Date:	10 May 2022	Expiry Date:	5 July 2022
Case Officer Details:	Name: Mr James Hudson Job Title: Senior Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 Following an objection received from Councillor Hunter, contrary to officer recommendation, the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the North Northumberland Local Area Council.

2. Description of the Proposals

2.1 Planning permission is sought for the creation of a secondary access/egress point to serve the existing car park at Tweedbank Retail Park.

2.2 The proposed development will see the creation of a secondary access/egress point to serve the existing car park. The proposed secondary access will utilise the existing service road which is located to the north of the retail park and is accessed via a junction to Northumberland Road north of the existing access.

2.3 Planning permission 21/02651/FUL for the creation of a secondary entry/exit point to existing car park was refused on 28.04.2022 under delegated powers for the following reason:

“Insufficient information in regard to analysis of the changes in traffic flows resultant from opening of two access points for car based traffic in terms of capacity and road safety for vehicles and pedestrians access arrangements onto the highway, has been provided. The application cannot be determined until further details have been submitted and adequate mitigation, where necessary, is provided. Due to the lack of further information the proposal is considered to be unacceptable and not in accordance with the NLP and Paragraph 111 of the NPPF”.

3. Planning History

Reference Number: 12/00246/ADE

Description: Proposed alterations to signage

Status: PER

Reference Number: N/89/B/470

Description: Erection of 3 flag poles

Status: REF

Reference Number: N/77/B/313

Description: Alteration to boundary wall

Status: PER

Reference Number: N/87/B/266

Description: Non-food retail development

Status: PER

Reference Number: N/88/B/0004/P

Description: Retail warehousing development and residential to rear

Status: REC

Reference Number: 19/04368/ADE

Description: Advertisement Consent For - new double sided internally illuminated main entrance totem.

Status: PER

Reference Number: N/03/B/1006

Description: Erection of an internally illuminated totem style sign.

Status: PER

Reference Number: N/88/B/0005/P

Description: Revised scheme to supplement existing landscaping.

Status: PER

Reference Number: N/96/B/0191/P

Description: Erection of free standing advertisement sign.

Status: REF

Reference Number: N/95/B/0308/A

Description: Construction of new retail unit - revised details rec.e 13.12.95.

Status: PER

Reference Number: N/95/B/0308/P

Description: Demolition of part of existing retail unit (halfords) & construction of new retail unit.

Status: PER

Reference Number: N/98/B/0165/P

Description: Erection of new retail unit.

Status: WDN

4. Consultee Responses

Highways	No objection, subject to condition.
Berwick-upon-Tweed Town Council	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice, 14th July 2022
No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

QOP 1 Design Principles (Strategic Policy)

QOP 2 Good Design and Amenity

TRA 1 Promoting Sustainable Connections (Strategic Policy)

TRA 2 Effects of Development on the Transport Network

TRA 4 Parking Provision in New Development

6.2 National Planning Policy

National Planning Policy Framework (2021)

National Planning Practice Guidance (2021)

6.3 Other Documents/Strategies

National Design Code (2021)

National Design Guide (2021)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are also material considerations in determining this application.

7.2 The key issues for consideration include:

- Principle of development
- Design, Scale and Visual Impact
- Amenity
- Highways
- Other Matters

Principle of development

7.3 The proposed development is located within the settlement boundary of Berwick-upon-Tweed. Policy STP 1 of the Northumberland Local Plan (NLP) places Berwick-upon-Tweed as a Main Town where development should be focused. Policy STP 2 promotes a presumption in favour of sustainable development and states that development should meet sustainable development principles, this is echoed by the NPPF. These principles are set out in Policy STP 3.

7.4 Having considered the proposal against the NLP and the NPPF it is considered that the new access in the context of the current retail park is supported by policy STP 1, STP 2 and STP 3 in that the development supports the sustainable growth of the existing business. The principle of development is therefore acceptable in this respect.

Design, Scale and Visual Impact

7.5 Policy QOP 1 of the Northumberland Local Plan sets out design principles for all types of development to adhere to. One of the principles states proposals will be supported where design "makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography". Another principle of this policy states proposals will be supported where design "respects and enhances the natural and built environment, including heritage, environmental and ecological assets, and any significant views or landscape setting".

7.6 Paragraph 126 of the NPPF attaches significant importance to the design of the built environment and states that superior design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments are sympathetic to local character and design.

7.7 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide, and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in the NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given to development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

7.8 The proposed development will see the creation of a secondary access/egress point to serve the existing car park at Tweedbank Retail Park. The proposed secondary access will utilise the existing service road which is located to the north of the retail park and is accessed via a junction to Northumberland Road north of the existing access. From a design and visual perspective the proposal will be in keeping with the existing use of the retail park. Work to the verges and additional street furniture will not have a significant adverse impact on the character or visual amenity

of the of the surrounding area. Therefore, the proposed development is considered acceptable in terms of design in accordance with the NLP and the NPPF.

Amenity

7.9 Policy QOP 2 of the NLP states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in, or visiting the local area.

7.10 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.11 In terms of residential amenity, the nearest dwellings to the proposal are the residential properties 7, 8 and 9 Turret Gardens, which are located north of the existing service road, separated from the retail park by a high stone wall. Given the nature of the development it is acknowledged that there will be an increased use of the service road once it forms part of the second access/egress to the retail park. This will result in further noise associated with vehicles using this road. However, it is considered that the increase in use of the road will not cause a significant adverse impact upon noise which would be sufficient to warrant a refusal of this proposal. The proposal is also considered acceptable in terms of loss of outlook, overshadowing, loss of light, overbearing or loss of privacy because of the proposed works. It is, therefore, considered that the proposals are in accordance with policy QOP 2 of the Northumberland Local Plan and the provisions of the NPPF.

Highways

7.12 Policy TRA 2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network.

7.13 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

7.14 The proposal has been fully examined by the Highway Authority who have no objections to the proposal subject to the imposition of conditions to secure the off-site highway works including the ghost island junction, pedestrian refuge, localised junction widening and amendments to the existing vehicular directional signage. An additional condition is also recommended in respect to the pedestrian crossing on the new car park connection road that the Road Safety Audit highlighted as an area of concern in respect to the proposed refuge to accommodate a safe pedestrian crossing internal to the site on the existing footway.

7.16 Having assessed the proposal in context with the comments received from the Highways Authority it is considered the development can be brought forward in a way that will not impact highways safety subject to the imposition of conditions. The proposal is therefore considered to be acceptable in terms of highway safety and provisions of the NLP and NPPF.

Equality Duty

7.17 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

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

Human Rights Act Implications

7.19 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.

7.20 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.

7.21 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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. The approved plans for this development are:-

1. Location Plan Drawing N201TBA-D09-002 - dated March 2021
2. Proposed Site Plan Drawing N201TBA-D09-002 - dated March 2021
3. Proposed Road Junction Drawing N201TBA-A02-002 - dated March 2021
4. Wall Position drawing 0050984-0916-0-WP - dated 01.04.22
5. Visibility Splays Secondary Access Junction with Pedestrian Refuge drawing 0050984-0916-0-VIS dated 01.04.22
6. Proposed pedestrian Refuse Option 2 drawing 0050984-0916-0-02 - dated 01.04.22
7. Proposed Swept Path Right Turn from Junction drawing 0050984-0916-0-04 - dated 01.04.22
8. Proposed Swept Path Left Turn from Junction drawing 0050984-0916-0-05 - dated 01.04.22
9. Preliminary Design of Revised Service Access Junction V1 - 0050984-0916-0-TN-01 dated 08.04.22
10. Proposed Visibility Splays drawing 0050984-0916-0-VIS REV 01 dated 01.04.22

To ensure that the approved development is carried out in complete accordance with the approved plans and in accordance with the NLP and NPPF.

03. The secondary entry/exit point to the car park shall not be made available for use by vehicles until details of the proposed highway works to the A1167 and the existing service road as shown indicatively on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The secondary entry/exit point to the car park shall not be made available for use by any vehicles until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

04. The secondary entry/exit point to the car park shall not be made available for use by vehicles until details of the internal pedestrian crossing at the entry/exit point to the service road been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans.

Reason: In the interests of pedestrian safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

Informatives

1. Section 278 Agreement - Proposed junction improvement to the service road junction off the A1167, including new ghost right hand turn lane, pedestrian refuge, upgraded tactile crossing points, associated kerb line works, drainage and any associated road markings.
2. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.
3. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.
4. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979.

Background Papers: Planning application file(s) 22/01660/FUL