

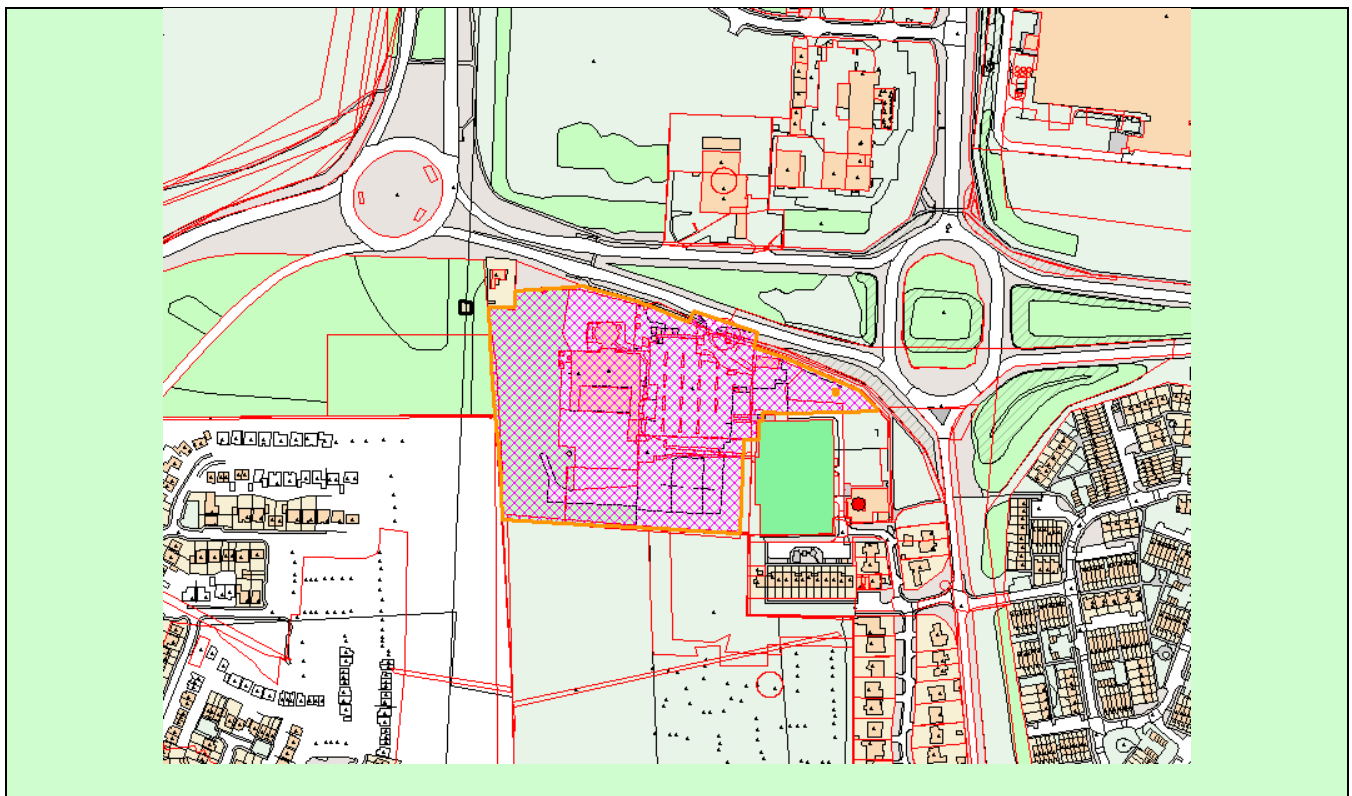


# Northumberland County Council

## Strategic Planning Committee 6<sup>th</sup> December 2022

<b>Application No:</b>	21/01041/FUL		
<b>Proposal:</b>	Mixed use development comprising demolition of existing buildings, extension to existing garden centre and warehouse and the provision of charity head office, training facility and business centre		
<b>Site Address</b>	Azure Garden Centre, Station Road, Cramlington, Northumberland NE23 8BJ		
<b>Applicant:</b>	Mr Andrew Robson McCallum House, Kielder Avenue, Cramlington, NE23 8JT	<b>Agent:</b>	Lee Butler Director  The Shadbolt Group 18 Bewick Road Gateshead NE8 4DP
<b>Ward</b>	Cramlington West	<b>Parish</b>	Cramlington
<b>Valid Date:</b>	27 April 2021	<b>Expiry Date:</b>	13.12.2022
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

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



## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being determined at Strategic Committee as it raises significant planning issues.

## 2. Description of the Proposal

2.1 The site is currently occupied by a garden centre along with associated car park and ancillary buildings, run by Azure Charitable Enterprises.

2.2 Azure Charitable Enterprises provide support to people with disabilities or additional support needs, designed to help prepare young people for employment or the next step on their journey to employment.

2.3 The proposal involves a large extension to the existing garden centre and warehouse to increase the charity's income stream and improve the charity's financial resilience. Furthermore, an additional floor will be added which will accommodate new classrooms and other teaching and recreational spaces, as well as the charity's head office. The proposal also includes the demolition and removal of several ancillary buildings on the site.

2.4 The building will be split into 4 main uses for Retail Space including Café; Warehouse; Charity Head Office/Teaching Facilities and Business Centre. Included on the site are 378 parking space in total, this includes 6 electric charging spaces, 26 family/Accessible and 19 staff/overflow. The submitted Design and Access Statement highlights that:

*“Since 1985, Azure Charitable Enterprises has provided:*

*Education, Training and Employability Services: We are contracted by the Education and Skills Funding Agency and Northumberland County Council to provide our education (“Skills Builder”) programme aimed at learners aged 16- 24 years living in Northumberland with disabilities or additional support needs. The programme is designed to help prepare young people for employment or the next step on their journey to employment. Typically, learners spend an average of 40 weeks on programmes that may include, Horticulture, Hospitality & Catering, Health & Social Care, Employability Skills, Personal Development, Work-placements/trials, English, Maths, ICT and Information, Advice and Guidance. The programmes (and associated support services) are tailored to meet individual and complex needs and are reviewed on a monthly basis with a high staff to client ratio as befitting the nature of client need.*

- We are contracted by the DWP to provide support programmes for the unemployed and, in particular, those with special educational needs or disabilities. For example, our ‘Work Choice’ programme assisted over 1000 clients and enabled 450 people to gain employment; 350 of whom Azure continued to support in their new employment.*
- We are also contracted by the NHS to support the rehabilitation of patients with acquired brain injuries. Supported Employment Services: Azure provides a*

*range of supported employment opportunities across our businesses (Garden Centre, Café, Landscapes & Grounds Maintenance Business and Business Centre) which collectively provide 54 supported employment places. Azure operates the only 'Supported business' in the North of England wherein, our Garden Centre and Landscapes businesses, more than 50% of staff employed have a disability".*

### 3. Planning History

**Reference Number:** 78/C/456

**Description:** Outline application for the establishment of a garden centre on 4 ha (approx 10 acres)

**Status:** PER

**Reference Number:** C/78/C/456A

**Description:** Amendments to condition no. 6 of planning permission 78/C/456 in respect of list of goods to be sold at garden centre

**Status:** PER

**Reference Number:** C/90/C/195

**Description:** Display, sale, storage and servicing of caravans

**Status:** PER

**Reference Number:** C/91/C/025

**Description:** Improvements and alterations to car parking facilities

**Status:** NOOBJ

**Reference Number:** C/91/C/024

**Description:** Advertisement signs

**Status:** NOOBJ

**Reference Number:** C/92/C/215

**Description:** Canopy

**Status:** REPLY

**Reference Number:** B/07/00306/FUL

**Description:** Proposal to build new restaurant to replace inadequate existing facility

**Status:** PER

**Reference Number:** B/80/C/12

**Description:** Details submitted on 18th January 1980, as amended by plans and letter received on 28th February 1980 and submitted in pursuance of Condition numbers 1, 2, 3 and 4 of the outline permission reference 78/C/456 granted on 11th October 1978 in respect of garden centre on 3440 hectares of land

**Status:** NONCCZ

**Reference Number:** B/80/C/505

**Description:** Erection of septic tank to receive foul water discharge from building

**Status:** PER

**Reference Number:** B/81/C/21

**Description:** Proposed entrance to garden centre including sign

**Status:** PER

**Reference Number:** B/81/C/99

**Description:** Erection of flag poles at site entrance

**Status:** PER

**Reference Number:** B/83/C/274

**Description:** Housing, workshops and Horticultural areas and associated roads, Footpaths and services connections

**Status:** PER

**Reference Number:** 13/00579/FUL

**Description:** Construction of a 5 metre extension to side and new canopies to east elevation

**Status:** PER

**Reference Number:** B/91/C/0024/P

**Description:** Company name signs

**Status:** PER

**Reference Number:** B/91/C/0025/P

**Description:** Improvements and alterations to car parking facilities

**Status:** PER

**Reference Number:** 17/00103/LIC

**Description:** Licence application for live music; dance; events for children's; supply of alcohol; open hours

**Status:** NOOBJ

**Reference Number:** 17/03799/FUL

**Description:** Safety improvements to pedestrian and vehicular public entrance as supplemented by additional information and drawings received 21/11/17 and amended by details received 03 January 2018, by drawings received 13/02/18, and further amended by drawings received 06/03/18 and supplemented by Swept Path Analysis drawing received 20/03/18.

**Status:** PER

**Reference Number:** B/87/C/21

**Description:** The construction of foul and surface water sewers and associated manholes to connect the private drainage system to adopted sewers

**Status:** PER

**Reference Number:** B/91/C/24

**Description:** Company Signage

**Status:** NOOBJ

**Reference Number:** B/91/C/25

**Description:** Improvements and alterations to car park facilities

**Status:** NOOBJ

**Reference Number:** B/92/C/0215/P

**Description:** Canopy

**Status:** PER

#### **4. Consultee Responses**

Cramlington Town Council	No response received.
Highways	No objections subject to conditions
Public Protection	No objections subject to conditions
Northumbrian Water Ltd	No objections subject to conditions
Lead Local Flood Authority (LLFA)	No objections subject to conditions
Environment Agency	No response received.
The Coal Authority	No objections subject to conditions
County Ecologist	Concerns with loss of tree and scrub land

#### **5. Public Responses**

##### Neighbour Notification

Number of Neighbours Notified	86
Number of Objections	2
Number of Support	0
Number of General Comments	0

##### Notices

General site notice, 11th May 2021

News Post Leader 7th May 2021

##### Summary of Responses:

2 letters of objection were received. The issues raised can be summarised as:

- Improvements to the cycling parking provision could be made to match standards in Local Transport Note 1/20
- Size, appearance, layout and density of proposal
- Overlooking and loss of privacy
- Highway safety
- Impact on landscape and ecological habitats
- Noise and disturbance
- Flood risk

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=QQ0Q0CQSMOP00>

#### **6. Planning Policy**

##### 6.1 Development Plan Policy

## Northumberland Local Plan 2022

STP 1 – Spatial strategy

STP 2 – Presumption in favour of sustainable development

STP 3 – Principles of sustainable development

STP 4 – Climate change adaptation and mitigation

STP 5 – Health and Wellbeing

ECN 1 – Planning strategy for the economy

TCS 4 – Proposals outside centres

QOP 1 – Design principles

QOP 2 – Good design and amenity

QOP 5 – Sustainable design and construction

TRA 1 – Promoting sustainable connections

TRA 2 – The effects of development on the transport network

TRA 4 – Parking provision in new development

WAT 1 Water quality

WAT 2 Water supply and sewerage

WAT 3 Flooding

INF 2 – Community services and facilities

## Cramlington Neighbourhood Plan 2020

CNP1 – The sustainable development of Cramlington

CNP3 – Promoting good quality of design in new development

CNP10 – Growth in employment and the economy

CNP12 – Ensuring a vital and vibrant town centre

## 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2020) (NPPG)

## **7. Appraisal**

7.1 The relevant planning consideration in the determination of this application are as follows:

- Principle of Development
- Visual and Residential Amenity
- Highways
- Public Protection
- Historic coal mining activity
- Flood Risk

### **Principle of Development**

#### *Spatial strategy*

7.2 The proposal falls within the settlement boundary defined in the Cramlington Neighbourhood Plan (CNP). Policy CNP1 offers a presumption in favour of sustainable development for development that enhances Cramlington's range of services and facilities which will also potentially minimise the need to travel for locals. The location within the built-up area of the town is considered to be a sustainable one.

7.3 This approach is mirrored in Policy STP 1 of the Northumberland Local Plan (NLP), which seeks to deliver sustainable development and enhance the vitality of communities by focussing development on main towns such as Cramlington.

7.4 Overall, the proposal is supported by spatial strategy policies, being in a sustainable, accessible location within the built-up form of Cramlington.

#### *Economic activity and town centre strategy*

7.5 The submitted Design and Access Statement confirms:

*“The expansion of the Garden Centre’s ground floor retail/warehouse area will broaden the charity’s income stream and improve the charity’s financial resilience insofar as the extended shop and business accommodation will ‘weatherproof’ the Garden Centre’s income stream, safeguard employment and, in particular, the creation of employment in this part of our business where more than 50% of employees have a disability. We expect the extension to create at least 30 new roles plus an additional 10 seasonal roles.*

*The expansion and the creation of show gardens will also create additional employment opportunities linked to our curriculum and which will also provide a ‘training’ vehicle for our Employment service. The show gardens will also serve a therapeutic purpose and which will support the delivery of our teaching curriculum and the rehabilitation of patients with acquired brain injury.*

*The first floor of the expanded Garden Centre will accommodate new classrooms and other teaching and recreational spaces for our students and which will further extend our capability and capacity to support students with special educational needs or disability and designed to better support communication and interaction, cognition and learning, social, emotional and mental health. The facilities will also support those with sensory and/or other physical needs. The first floor of the expanded Centre will also accommodate the charity’s corporate function, as our existing facility is no longer adequate for either our teaching or employment services”.*

7.6 The ground floor retail space will be increased from 1,929m<sup>2</sup> to 3,840m<sup>2</sup> and the new first floor provide 3,262m<sup>2</sup> of education and business facilities.

7.7 In the CNP, Policy CNP10 supports development which will provide job opportunities and economic growth whilst not adversely affecting the amenity and functioning of adjacent communities and land uses. The proposal would align well with the first part of the policy; issues around amenity will be discussed in a later section of this report.

7.8 However Policy CNP12 requires that proposals for more than 1000m<sup>2</sup> of gross retail floorspace outside the town centre boundary be subject to sequential and proportionate impact testing to assess the impact on the town centre.

7.9 Paragraph 87 of the NPPF states the need to apply a sequential test for planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The sequential test gives priority to locating main town centre uses in town centres, followed by edge of centre locations. It states that

out of centre locations should only be considered if suitable sites are not available, or expected to become available within a reasonable period.

7.10 Policy INF 2 (Community services and facilities) aims to prevent the loss of community services and facilities, that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure or cultural needs of the community will not be supported unless appropriate alternative provision is made. It also seeks for the improvement in the quantity, quality, accessibility and range of community services and facilities and where opportunities arise through new built development and changes of use, the shared use of facilities, including community use of educational facilities where appropriate, will be supported and secured through planning conditions or planning obligations as appropriate.

7.11 Paragraph 96 of the NPPF supports to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Furthermore paragraph 106 states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

7.12 Policy STP 5 (Health and wellbeing) aims for development which promotes, supports and enhances the health and wellbeing of communities, residents, workers and visitors will be supported.

7.13 In the emerging NLP, Policy TCS 4 also requires that appropriate sequential testing is carried out for proposals that are more than 1000m<sup>2</sup> gross retail space and beyond the Primary Shopping Area of a Larger Town Centre. If the sequential testing shows that a suitable more central site cannot be identified then impact testing should follow.

7.14 Part two of Policy TCS 4 states that where sequential testing demonstrates that the proposal could only be accommodated in an edge or out of centre location, priority should be given to accessible sites well connected to the town centre or (failing that) connected to other existing services and wherever possible be well related to residential areas.

7.15 The scale of the site at 3.7ha is necessary to accommodate the required garden centre and ancillary car parking and service area and the existing site is an appropriate size and extending from the existing building. The site is therefore sequentially preferable. There are no sites of this size within Cramlington Town Centre as is therefore sequentially preferable.

7.16 It is feasible that the garden centre could be located to another out-of-centre site of a similar size. However, the application confirms that none are in a sequentially preferable location to the current application site. The existing education building is just outside the red line boundary, so it is also beneficial to retain this use on site as well as securing the Headquarters of the business at the current Garden Centre. The development of an alternate out-of-centre site would also be less sustainable than developing the existing site and therefore an more efficient use of the land.

7.17 The application states that



*“The Azure Garden Centre is an independent operator and does not form part of a chain of garden centres. They do not operate stores selling parts of their product ranges. Regardless of the fact that disaggregation of a product range is not a requirement of planning policy and guidance, a development of the scale and nature being proposed is essential to delivery of the applicant’s business model which, as explained above, is not simply a traditional garden centre operation but rather part of a much larger charitable operation. It is not a commercially feasible option to disaggregate elements of the proposal to deliver a smaller product range”.*

7.18 The application states that the need for the proposed additional retail sales floorspace in this case is to enhance the existing garden centre and improve the range of facilities/goods sold. This is fundamentally in order to develop the activities of the Azure Charitable Trust in supporting disabled and disadvantaged adults, both in terms of the training and experiences offered to them at the site and the number of adults that can be supported by the charity at any one time.

7.19 The submitted Retail Impact assessment identifies that there is capacity available to accommodate an enlarged retail element to the garden centre based on the Cramlington expenditure surplus figures cited by the applicant from the NCC Northumberland Town Centre & Retail Study Update published in March 2016. This would appear to be well founded to be the case notwithstanding changes in spending habits brought about by the Covid pandemic and the rise of online retail in the years since the update was published. The apparent healthy trading and low vacancy rates in the town centre is acknowledged.

7.20 The update study predicted a comparison goods expenditure surplus in Cramlington of £5.2m by 2021, with this figure rising to £15.3m in 2026. In the 2016 Study, our consultants noted that Home Bargains would soak up some of this. However, this leaves considerable additional scope, especially when looking ahead from 2021. It is a reasonable assumption to make that this additional £10.1m of predicted expenditure surplus could be in part satisfied by the increase in retail floorspace proposed in the garden centre without necessarily jeopardising further investment in Cramlington town centre. It is therefore considered that there would be no impact to vitality and viability of Cramlington Town Centre.

7.21 While it is known that the intention exists for further additions to the town centre, these have yet to come forward and it is unlikely that the scale of development proposed at the garden centre would detract from this or have the effect of deferring it significantly. It recommended to impose a restrictive condition however, to the type of goods sold at the premises to ensure that the primary retail use is still a garden centre for the sale of goods related to outdoor and domestic gardens.

7.22 While it would clearly be preferable for this development to be situated within the town centre, the scope of the sequential assessment is acceptable with the need for the various elements of Azure to be on a single site and an extension to an existing facility of similar use.

7.23 There are a number of mitigating factors providing support for the proposal site location. These mitigating factors include that: -

- No objections from Cramlington Town Council nor other town centre stakeholders

- The Azure Garden Centre is a long-established, independent local business which incorporates a local charity which both require expansion on a single site.
- There is a requirement by the business to remain in situ due to its reliance on the adjacent nursery greenhouses.
- There is a stated 4.5 hectare full-site requirement by the applicant, for which it would be difficult to find a suitable location within the town centre boundary – as found in the submitted sequential assessment.
- It is part of a mixed use scheme for a charitable organisation for education and business which provides social and economically benefits for the town and local people.

7.24 The application will retain and enhance an existing charitable organisation on site and in within Cramlington that is securing community facilities and education facilities to support people with disabilities or additional support needs. This promotes health and well being and provides additional jobs and economic benefits for an established business. The site is sequentially preferable and the overall scale of the increased retail offer would not impact the vitality and viability of Cramlington Town Centre. As such it is considered that subject to a condition to ensure the retail use remains primarily as a garden centre and therefore is in accordance with Local Plan Policies STP1, INF 2, STP 5, TCS 4 and Cramlington neighbourhood Plan CNP10, CNP 12 and the NPPF.

### **Visual and Residential Amenity**

7.25 Policy QOP1 states that in determining planning applications, design will be assessed against design principles. In summary this includes:

- Be visually attractive and incorporate high quality materials and detailing;
- Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;
- Ensure that buildings and spaces are functional and adaptable for future uses;
- Facilitate an inclusive, comfortable, user-friendly and legible environment;
- Support health and wellbeing and enhance quality of life; Support positive social interaction and a safe and secure environment, including measures where relevant to reduce the risk of crime and the fear of crime;
- Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;
- Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains.

7.26 Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.27 Policy QOP 2 promotes good design and to ensure amenity 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.

7.28 The design would propose a large extension to the existing building however, it is appropriate for its intended mixed-use purpose. It provides a modern design with timber effect panelling, a living wall, metal cladding and large glazed entrances for the garden centre, the business and school. The site is near a residential area but retains adequate separation distances and is also within the general area of an Industrial Estate to the north which consists of buildings of a similar scale and business use.

7.29 The extension does create additional mass and height up to 8.2m to the main flat roof ridge (9.5m to the central glass roof lanterns) although retains 40-50m to the site boundary to the west and south and 70m from the extension to the neighbour to the north west. It must be noted that there is no right to a view in planning.

7.30 The proposal contains a commercial use of the site which is similar to that of the proposed. The South West of the red line boundary is approximately 120 metres from the North East of the approved Arcot Manor housing development and Public Protection has no objection to any potential noise and disturbance. Data relating to the proposed schedule of deliveries to the site has been submitted and a condition the hours when deliveries can be carried out to the site is secured to reduce potential noise from roll cages, reversing alarms etc that has the potential to cause detriment to residential amenity especially during the acoustic night time.

7.31 Whilst there is a loss of scrub land and trees, there has been an effort to retain a buffer to the woodland to the west through amended plans. The Suds pond will also provide a feature of open green space within the existing site.

7.32 As such the application is in accordance with Policy QOP 1, QOP2 and QOP 4.

## **Ecology**

7.33 Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations.

7.34 Cramlington Neighbourhood Plan: Made Plan also seeks to protect trees and woodland and Policy Green infrastructure networks CNP20 & CNP17.

7.35 The County Ecologist has been consulted and the proposed development will result in the net loss of semi-natural habitats on site including individual and groups of trees and a large area of scrub habitat. The design of the scheme retains a buffer to the adjacent (off-site) Habitat of Principal Importance woodland. The provision of long-lasting bird boxes on site would help to mitigate for the loss of nesting habitat. Planning conditions to help avoid and mitigate impacts are recommended.

7.36 An ecological appraisal has been submitted to support this application, report reference Ecological Appraisal Azure Garden Centre June 2022 (V3) OS Ecology Ltd. This identifies the habitats on site and presents the results of bat surveys undertaken on two buildings.

7.37 A daytime preliminary roost assessment categorised the front (northern) part of the main garden centre building as having low potential to support roosting bats. In line with best practice guidance an evening emergence survey was undertaken in May 2022. No bats were recorded emerging from the building and no further action is necessary in this regard.

7.38 The proposed development will result in the loss of semi-natural habitats on site; a large area of dense mixed native scrub to the west (c.0.5ha), unmanaged grassland and a thin strip of broadleaf woodland to the southern boundary, and individual trees across the site.

7.39 Although no specific bird survey was undertaken several birds of conservation concern were recorded within the habitats on site in May 2022 including Red Listed greenfinch and Amber Listed willow warbler and dunnock (Birds of Conservation Concern 5, 2021). The area of dense scrub in the west of the site is of greatest value for birds. The ecological value of the scrub on site is increased due to its connectivity to and buffering of the adjacent (off-site) woodland which is recorded as a Habitat of Principal Importance (HPI) under the Natural Environmental and Rural Communities (NERC) Act 2006.

7.40 The design of the scheme has been amended to provide a buffer to the adjacent woodland by retaining at least a 10m depth of scrub habitat on the western boundary. The use of a sensitive external lighting scheme would avoid excessive light spill onto these habitats. This buffer is shown on the amended plan and also gives an indication of the individual trees to be lost and which are hoped to be retained on site, although without an arboricultural impact assessment and tree protection plan this cannot be relied upon.

7.41 A detention basin is proposed as part of the surface water drainage scheme which will normally be dry. Subject to maintenance requirements there is the opportunity to seed this with a native flower-rich grass mix and plant a limited number of new trees and scrub around the basin. There may also be the opportunity to plant areas of native scrub or hedgerow along the southern boundary and small trees across the car parking area however this would be constrained by the need to maintain serviceable parking spaces.

7.42 The application includes the loss of tree and scrub land that acts as a buffer to the woodland of Principal Importance as due to site constraints this has been unavoidable. There has been mitigation has been put in place to retain a buffer to woodland with amendments to the landscape plans and protecting those trees on the southern boundary.

7.43 There is harm afforded to the loss of the scrub land and the application would partially conflict with policy ENV2 of the local plan. The County Ecologist has recommended conditions to secure biodiversity enhancements and tree protection measures.

## **Highways**

7.44 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Where relevant this includes

the use of Transport Assessments, Transport Statements and Travel Plans where applicable and appropriate.

7.45 Policy TRA 2 of the NLP relates to the effects of development on the transport network. All developments affecting the transport network will be required to:

- a. Provide effective and safe access and egress to the existing transport network;
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and
- f. Minimise any adverse impact on communities and the environment, including noise and air quality”

7.46 Policy TRA 4 relates to parking provision in new development where an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking should normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan

7.47 The site was subject to access and junction improvements that were approved under application 17/03799/FUL. These details have also been included within the application with all details showing the approved junction improvements along with the bus stops upgrade works on the A1172. Principal drawings for the bus stop works are considered sufficient at this stage. Details of footway/cycleway improvements are also proposed. These details are considered acceptable in principle and will be subject to a separate Section 278 agreement with relevant technical appraisal and Road Safety Audit Processes.

7.48 The application has provided sufficient parking provision in accordance with the Local Plan Parking Standards to accommodate the mixed use scheme. Highways Development Management are satisfied that this can be secured by planning condition, along with the internal details for the junction improvement, car parking, cycle parking and construction methodology.

7.49 As such, the application is in accordance with Local Plan policies TRA 1, TRA 2 and TRA 4.

### **Flood Risk**

7.50 Policy WAT 3 relates to flooding and states that surface water should be managed at source wherever possible, so that there is no net increase in surface water run-off for the lifetime of the development. Where greenfield sites are to be developed, the surface water run-off rates should not exceed, and where possible should reduce, the existing run-off rates. Policy WAT 4 further promotes Sustainable Drainage Systems that should be incorporated into developments whenever necessary, in order

to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance.

7.51 The scheme provides sustainable drainage with a pond within the north east corner of the site. As per standards S3 of the DEFRA Non-Statutory Technical Standards for Sustainable Drainage Systems *“For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event”*.

7.52 The LLFA raise no objection to this application on flood risk and drainage grounds as the revised flood risk assessment adequately provides calculations for achievable discharge rates. This is subject to conditions securing the maintenance of the SuDS scheme and drainage mitigation during construction.

7.53 In addition, Northumbria Water acknowledge and accept that the hierarchy of surface water discharge has been followed. Undertaking this process concludes that a connection to Northumbrian Water’s sewerage network is the best available option. Whilst this aspect is acceptable, an application securing full details of the drainage scheme at this stage of the planning process.

7.54 As such the application is in accordance with Policies WAT 3 and WAT 4 of the Local Plan.

### **Equality Duty**

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

### **Crime and Disorder Act Implications**

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

### **Human Rights Act Implications**

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

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

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

## **8. Conclusion**

8.1 The application site is within the settlement limits and sustainable location of Cramlington. Whilst there is an element of harm with the removal of an area of scrub land which acts as a buffer to a woodland of principle importance, however a buffer is still retained and there are some biodiversity enhancements proposed. The economic and social benefits include retaining and enhancing and existing business and charitable organisation on site which will provide jobs, training and education for people with disabilities or additional support needs. The greater retail offer will also not have a detrimental impact to the vitality of Cramlington Town Centre. Overall, the identified benefits override the level of harm and on balance, the application accord with the Northumberland Local Plan, Cramlington Neighbourhood Plan and the NPPF.

## **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 documents and plans. The approved plans for this development are:-

Proposed Landscaping Plan 2756 - SHA - ZZ - 00 - DR - A - 0103 – IN R3

Proposed Site Plan 2756 - SHA - ZZ - 00 - DR - A - 0102 – PR R8

Landscape Strategy 1400\_100 Rev A

Entrance Wall Detail AL(0)507 Rev 5

Proposed Entrance Arrangement – Engineering Plan C-GA-102 Rev P5

Proposed Entrance Arrangement – Road Markings Plan C-GA-101 Rev P3

Setting Out Plan AL(0)503 Rev 6

Construction Plan AL(0)505 Rev 4  
Swept Path Analysis J N1492-Dwg-0002A  
Proposed Elevations 2756 - SGA - GC - ZZ - DR - A - 0102 – PR R3  
Proposed First Floor Plan 2756 - SGA - GC - 01 - DR - A - 0101 – PR R3  
Proposed Ground Floor Plan 2756 - SGA - GC - 00 - DR - A - 0103 – PR R2  
Proposed Roof Plan 2756 - SGA - GC - 02 - DR - A - 0101 – PR R2  
Existing Covered Canopy Details 2756 - SGA - CA - ZZ - DR - A - 0100 - PL

Flood Risk Assessment and Drainage Strategy by Stadbolt; reference: 2756 – Issue 2, dated August 2021

Planning & Retail Statement Azure Garden Centre, Station Road, Cramlington, Northumberland BH Planning & Design

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

03. The scheme to dispose of surface water from the development shall be carried out in accordance with the agreed details as outlined in the Flood Risk Assessment and Drainage Strategy by Stadbolt; reference: 2756 – Issue 2, dated August 2021.

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

04. Prior to first occupation of the charity head office, training facility and business centre 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 composed 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 development's lifetime.

05. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with 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.

06. Prior to the first occupation of the charity head office, training facility and business centre, a verification report carried out by a qualified drainage engineer or a suitably qualified professional 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:

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

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



07. Development shall not commence until a Demolition and Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/construction period. The Demolition and Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes 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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

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

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

09. Development shall not be occupied until full details of the proposed highway works including: -

- junction improvements including layout and constructional details;
- Widening of existing footway from the Western bus stop on the A1172 running down to the pedestrian crossing on Beacon Lane roundabout in accordance with LTN 1/20 Cycleway Infrastructure Design.
- Existing bus stops on the A1172 to be upgraded so that level access kerbing is achieved.

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

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

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

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

11. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme 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 highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

12. The site layout shall retain a minimum depth of 10m of existing scrub and trees along the western boundary of the new growing and external display areas. Prior to first use of these areas a Biodiversity Enhancement and Management Plan for the habitat buffer and other areas of retained and created semi-natural habitats on site, shall be submitted to and agreed in writing by the local planning authority. The content of this shall include:

- a. Extent and area of the habitat buffer zone on appropriate scale maps and plans
- b. Aims and objectives of management
- c. Prescriptions for enhancement management actions
- d. Type and source of materials to be used where appropriate e.g., native species of local provenance
- e. Details of long-term maintenance.

The Biodiversity Enhancement and Management Plan shall be implemented as approved, and the habitat buffer retained in that manner thereafter.

Reason: To conserve and protect the adjacent deciduous woodland Habitat of Principal Importance (NERC Act, 2006) in line with the NPPF and Local Plan Policy ENV2 and QOP4.

13. Prior to commencement of development including removal of vegetation, a Tree Protection and Replacement Plan and supported

by an Arboricultural Method Statement prepared in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012 shall be submitted to the LPA for approval.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2 and QOP4.

14. Prior to commencement of development including removal of vegetation, a scheme for the provision of at least 10 long-lasting bird boxes shall be submitted to and agreed in writing by the local planning authority. The scheme shall detail the location, height, orientation, numbers and specification of the provision. The scheme will be fully implemented as approved.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2.

15. Prior to first use of the new external display area, a sensitive external lighting scheme for all areas of the site (e.g., car parking, footpath, buildings) shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall:

a. Be designed in consultation with the project ecologist and follow guidance set out the Institution of Lighting Professionals Guidance Note 8: Bats and artificial lighting (08/18) (<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>).

b) Details should show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that light spill onto the edge of the adjacent woodland shall not exceed 1 lux.

All external lighting shall be installed in accordance with the specifications agreed. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve and enhance biodiversity in line with the NPPF and Local Plan Policies ENV2 and POL2.

16. During the demolition and 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.

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

17. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

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

18. Prior to the installation or change of floodlighting a written scheme shall be submitted to and approved in writing by the local planning authority to demonstrate that the lighting complies with the requirements for Zone E3 of the Institution of Lighting Professionals (ILP) Guidance Note for the reduction of obtrusive light 2021 (01/21). Floodlighting should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby

19. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen) between the hours 23:00 – 07:00

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

20. No development shall commence, including any works of demolition, until a written dust management plan has been submitted and approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the plan so agreed.

Reason: To ensure a commensurate level of protection against windblown dust and debris

21. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "December 2020". The edrainage scheme shall ensure that foul flows discharge to the foul sewer entering the system at an acceptable point between manholes 6902 and 7901 and ensure that surface water discharges to the surface water sewer at manhole 7904. The surface water discharge rate shall not exceed the available capacity of 110l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

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

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of NPPF.

23. The opening hours of the retail premises to members of the public shall be restricted to 08:00 – 20:00 hours Monday to Saturday and 10:00 – 16:00 hours on Sundays and Bank Holidays.

Reason: In the interests of the amenities of nearby residents.

24. The development hereby permitted shall be restricted to a maximum of 8,435 sqm internal floorspace comprising:

- a. Cafe/Facilities - 609m<sup>2</sup> within Use Class E(b)
- b. Warehouse - 667m<sup>2</sup> within Use Class B8
- c. Education Facilities & ancillary offices - 1154m<sup>2</sup> within use class F1(a)

- d. Offices to carry out any operational or administrative functions & reception  
2033m<sup>2</sup> within use class E(g)(i)
- e. Garden Centre & Ancillary Retail Use - 3840m<sup>2</sup> within Use Class E(a)
- f. Circulation (Stairwells) - 121m<sup>2</sup>

as shown on 2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed Ground Floor Plan' and  
2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed First Floor Plan'

Reason: To protect the vitality and viability of nearby town centres.

25. The indoor retail floorspace hereby permitted as shown in drawing '2756-SGA-GC-00-DR-A-0103-PR-R2 Proposed Ground Floor Plan' shall not exceed a maximum floor area of 3,840sq.m. The indoor retail floorspace permitted for each of the following categories of goods shall not exceed the maximum floor area indicated below:

- a. Composts, peats, chemicals and other goods associated with plant/garden care, tools, watering equipment and garden machinery, garden clothing and footwear. Houseplants, dried, artificial and cut flowers and goods associated with their care and maintenance. Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and accessories. Wild bird care products, pond plants and accessories, pond liners and pre-formed ponds, pet food and accessories and indoor aquatic products including fish, fish tanks, fish food and indoor aquatic accessories. Craft items, candles, toys, furniture, and outdoor and woolen clothing - maximum floor area 2,240sq. m
- b. Other goods falling within Use Class E(a) - maximum floor area 1,600sq. m

Reason: To restrict the range and area of goods that may be sold in the interests of protecting the vitality and viability of nearby town centres

26. The outdoor open sales retail floorspace and covered canopy areas hereby permitted as shown in drawing 'Proposed Site Plan 2756 - SHA - ZZ - 00 - DR - A - 0102 – PR R8' is permitted for the sale of the following categories of goods:

- a) Trees and plants of all kinds, rockery stone aggregates, ponds, pools, fountains and accessories including cold water fish, compost, peat and other garden care products, garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and accessories, bird tables and bird baths
- b) Garden buildings, garden leisure, greenhouses, conservatories, gazebos, summerhouses, landscape and garden buildings materials.

Reason: To restrict the range and area of goods that may be sold in the interests of protecting the vitality and viability of nearby town centres.

## **Informatives**

### **Highway Works**

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](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

### **Contact Traffic Management**

You are advised to contact the Council's Traffic Management Section at [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period.

### **Reminder to not store building material or equipment on the highway**

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.

### **Reminder to not deposit mud/ debris/rubbish on the highway**

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

### **Road Safety Audits**

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

### **Ecology**

1) **Standard best practice during construction:** To avoid and mitigate potential impacts on biodiversity during construction the following best practices should be implemented:

i) No tree felling or vegetation clearance should be undertaken between 1st March and 31st 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.

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

iii) All works on site should adhere to the Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency. For further information follow the link: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

iv) To protect trees retained on and adjacent to the site, all works should be carried out in accordance with the guidance set out in *BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations* British Standards Institution, 2012.

i v) Contractors should be aware of the potential to spread invasive non-native plant species either from or onto the site and take appropriate biosecurity measures to avoid this, guidance on what to do can be found here <https://www.nonnativespecies.org/what-can-i-do/training/site-workers/>.

2) **Landscaping:** Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as

ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

A list of plant species native to Northumberland can be found online <https://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

A list of suitable trees is available online from Northumberland Wildlife Trust <https://www.nwt.org.uk/what-we-donews-and-publications/publications> Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Date of Report: 21.22.2022**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 21/01041/FUL