

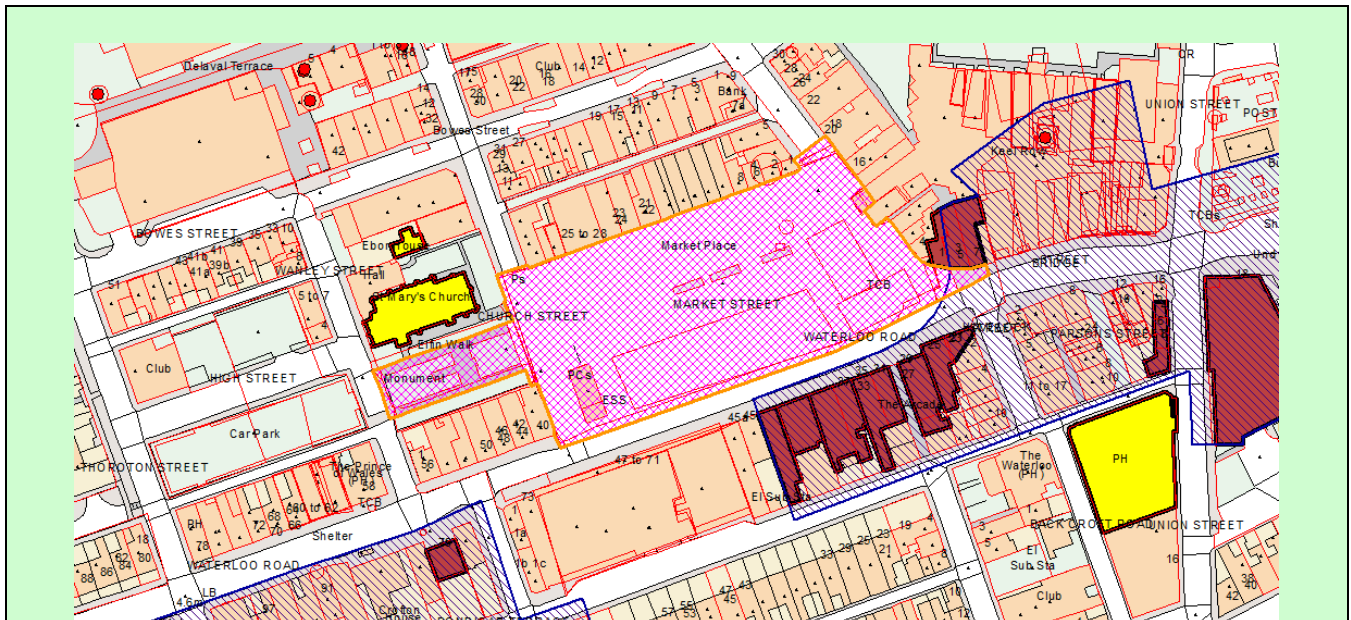


# Northumberland County Council

## Strategic Planning Committee 6<sup>th</sup> June 2023

<b>Application No:</b>	23/00618/CCD		
<b>Proposal:</b>	Proposed cultural hub comprising cinema, creative play and event space (sui generis), Cafe (Class E). Work to include public realm works to Market Place/Church Gardens and refurbishment of public toilets.		
<b>Site Address</b>	Market, Market Street, Blyth, Northumberland NE24 1BQ		
<b>Applicant:</b>	C/o DPP, Studio 012 Haylofts, St Thomas Street, Newcastle Upon Tyne NE14LE	<b>Agent:</b>	Helen Marks DPP, Studio 012, Haylofts, St Thomas' St, Newcastle upon Tyne NE1 4LE
<b>Ward</b>	Croft	<b>Parish</b>	Blyth
<b>Valid Date:</b>	28 February 2023	<b>Expiry Date:</b>	30 May 2023
<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



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## **1. Introduction**

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

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

2.1 This application seeks full permission for the construction of a 'Cultural Hub' comprising a cinema, 'creative play', café, and an 'event space', along with public realm works to the wider market place and Church Gardens, plus the refurbishment of the existing public toilets.

2.2 Market Square has been regarded as an underused space and the proposal seeks to bring vibrancy back into the market square, which will then stimulate the wider regeneration and renewal of the town. The proposed scheme forms part of an overarching programme of town regeneration in receipt of funding from Central Government through the Future High Street Fund and the Town Deal.

2.3 The Culture Hub is proposed to comprise a two-storey building of 2,248m<sup>2</sup> gross internal area. Sub-divided between three digital cinema screens, (capacities ~ 100, 60 and 40), a studio for performance and events with a (capacity ~ 120 seated, 200 standing), a smaller multipurpose space for arts, health and wellbeing activity, a 'cafe bar' and a 'children's play facility'. The main, glazed entrance area to the east of the building would open out onto the remainder of the Market square, which would redesign its public realm with new hard and soft landscaping along with the linked Church Gardens.

2.4. The site is adjacent to two Conservation Areas to the southern side of the Market square, the Blyth Bondicar Terrace and the Blyth Central Conservation Areas. The Northumberland Local Plan has also allocated the surrounding use as key shopping frontages to retain the vitality and viability of the town centre.

## **3. Planning History**

**Reference Number:** 20/00690/FUL

**Description:** Installation of a large 2.5 m diameter ellipsoidal sculpture depicting the history of Blyth.

**Status:** PER

**Reference Number:** 21/00871/ADE

**Description:** Advertisement Consent: Installation of a 6 metre high flag pole

**Status:** PER

**Reference Number:** 21/03061/ADE

**Description:** Advertisement Consent: Installation of 6 metre high flag pole for 3 flags (resubmission of application 21/00871/ADE - amended location)

**Status:** PER

**Reference Number:** B/04/00559/ADV

**Description:** 6 No. banner poles (3.0m x 1.0m pvc banners secured by special tensioning arms to 8.0m steel banner poles)

**Status:** PER

**Reference Number:** B/07/00195/FUL

**Description:** Proposed redevelopment of market place to include allowance for the market, events and informal seating

**Status:** PER

**Reference Number:** B/74/C/200

**Description:** DEMOLITION OF ZION CHURCH, CENTRAL CINEMA AND PUBLIC LAVATORIES. ERECTION OF A 2 STOREY SHOPPING AND OFFICE BUILDING, AND RESHAPING MARKET PLACE.

**Status:** NOOBJ

**Reference Number:** B/78/C/334

**Description:** Reconstruction of market square including paving and landscaping

**Status:** PER

**Reference Number:** B/07/00195/FUL

**Description:** Proposed redevelopment of market place to include allowance for the market, events and informal seating

**Status:** PER

**Reference Number:** C/07/00059/DCD

**Description:** Proposed redevelopment of market place to include allowance for the market events and informal seating

**Status:** NOCOM

**Reference Number:** B/07/00551/REG3

**Description:** Extension to provide office space for market/town centre managers, plant room for new water feature and storage space for market stalls.

**Status:** PER

**Reference Number:** C/07/00168/DCD

**Description:** Extension to provide office space for market town centre managers, plant room for new water feature and storage spce for new market stalls

**Status:** NDNCC

**Reference Number:** 20/01674/FUL

**Description:** Use of land for the siting of upcycled shipping containers to provide retail and leisure facilities (use class A1,A3, A4 and A5) and tented permanent roof covering

**Status:** WDN

**Reference Number:** B/74/C/200

**Description:** DEMOLITION OF ZION CHURCH, CENTRAL CINEMA AND PUBLIC LAVATORIES. ERECTION OF A 2 STOREY SHOPPING AND OFFICE BUILDING, AND RESHAPING MARKET PLACE.

**Status:** NOOBJ

**Reference Number:** B/78/C/334

**Description:** Reconstruction of market square including paving and landscaping

**Status:** PER

**Reference Number:** B/95/C/0159/P

**Description:** New replacement public convenience

**Status:** PER

**Reference Number:** B/04/00559/ADV

**Description:** 6 No. banner poles (3.0m x 1.0m pvc banners secured by special tensioning arms to 8.0m steel banner poles)

**Status:** PER

**Reference Number:** B/07/00195/FUL

**Description:** Proposed redevelopment of market place to include allowance for the market, events and informal seating

**Status:** PER

**Reference Number:** 20/01674/FUL

**Description:** Use of land for the siting of upcycled shipping containers to provide retail and leisure facilities (use class A1,A3, A4 and A5) and tented permanent roof covering

**Status:** WDN

**Reference Number:** B/74/C/200

**Description:** DEMOLITION OF ZION CHURCH, CENTRAL CINEMA AND PUBLIC LAVATORIES. ERECTION OF A 2 STOREY SHOPPING AND OFFICE BUILDING, AND RESHAPING MARKET PLACE.

**Status:** NOOBJ

**Reference Number:** B/78/C/334

**Description:** Reconstruction of market square including paving and landscaping

**Status:** PER

**Reference Number:** B/04/00559/ADV

**Description:** 6 No. banner poles (3.0m x 1.0m pvc banners secured by special tensioning arms to 8.0m steel banner poles)

**Status:** PER

**Reference Number:** B/07/00195/FUL

**Description:** Proposed redevelopment of market place to include allowance for the market, events and informal seating

**Status:** PER

**Reference Number:** B/88/C/130

**Description:** To provide temporary accommodation for 2 shop units (during the construction of the new shopping development)

**Status:** PER

**Reference Number:** B/89/C/130/A

**Description:** To provide temporary accommodation for 2 shop units (during the construction of the new shopping development) (renewal of permission for a further 18 months)

**Status:** PER

**Reference Number:** B/74/C/200

**Description:** DEMOLITION OF ZION CHURCH, CENTRAL CINEMA AND PUBLIC LAVATORIES. ERECTION OF A 2 STOREY SHOPPING AND OFFICE BUILDING, AND RESHAPING MARKET PLACE.

**Status:** NOOBJ

**Reference Number:** B/78/C/334

**Description:** Reconstruction of market square including paving and landscaping

**Status:** PER

**Reference Number:** B/04/00559/ADV

**Description:** 6 No. banner poles (3.0m x 1.0m pvc banners secured by special tensioning arms to 8.0m steel banner poles)

**Status:** PER

**Reference Number:** B/07/00195/FUL

**Description:** Proposed redevelopment of market place to include allowance for the market, events and informal seating

**Status:** PER

**Reference Number:** C/07/00059/DCD

**Description:** Proposed redevelopment of market place to include allowance for the market events and informal seating

**Status:** NOCOM

**Reference Number:** B/07/00589/REG3

**Description:** Erection of an art feature mounted on a raised granite plinth.

**Status:** PER

**Reference Number:** C/07/00185/DCD

**Description:** Erection of an art feature mounted on a raised granite plinth

**Status:** NDNCC

**Reference Number:** B/80/C/231

**Description:** Change of use of temporary car park for the erection and operation of 35 collapsable stalls on 2-3 days per week

**Status:** PER

**Reference Number:** 15/00079/LIC

**Description:** Premises Licence

**Status:** NOOBJ

**Reference Number:** 20/01674/FUL

**Description:** Use of land for the siting of upcycled shipping containers to provide retail and leisure facilities (use class A1,A3, A4 and A5) and tented permanent roof covering

**Status:** WDN

**Reference Number:** 22/02882/SCREEN

**Description:** Screening opinion for a culture hub and market place

**Status:** EIANR

**Reference Number:** B/78/C/334

**Description:** Reconstruction of market square including paving and landscaping

**Status:** PER

#### 4. Consultee Responses

Northumbrian Water Ltd	No response received.
County Ecologist	No objection subject to conditions
Environment Agency	No comments
Public Protection	No objection subject to conditions
Tourism, Leisure & Culture	Support
Climate Change Team	No response received.
Architectural Liaison Officer - Police	No objections
Fire & Rescue Service	No objections
Northumbria Ambulance Service	No response received.
Natural England	No response received.
Architectural Liaison Officer - Police	No response received.
Blyth Town Council	No comments
Building Conservation	No objection subject to conditions
Highways	No objection subject to conditions
Lead Local Flood Authority (LLFA)	No objection subject to conditions
The Coal Authority	No objections
Northumbrian Water	No objection subject to conditions

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	200
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

Affecting Listed Building 6<sup>th</sup> March 2023

News Post Leader 17<sup>th</sup> March 2023

##### Summary of Responses:

None.

#### 6. Planning Policy

##### 6.1 Development Plan Policy

## Northumberland Local Plan - 2016 - 2036 (2022) (NLP)

STP1 – Spatial strategy  
STP2 – Presumption in favour of sustainable development  
STP3 – Principles of sustainable development  
STP4 – Climate change mitigation and adaptation  
STP6 – Green infrastructure  
ECN1 – Planning strategy for the economy  
ECN15 – Tourism and visitor development  
QOP1 – Design principles  
QOP2 – Good design and amenity  
QOP4 – Landscaping and trees  
QOP5 – Sustainable design and construction  
QOP6 – Delivering well-designed places  
TCS 1 – Hierarchy of centres (Strategic Policy)  
TCS 2 - Defining centres in Main Towns (Strategic Policy)  
TCS 3 – Maintaining and enhancing the roles of centres (Strategic Policy)  
TCS5 – Keeping high streets vibrant  
TRA1 – Promoting sustainable connections  
TRA2 – The effects of development on the transport network  
TRA4 – Parking provision in new development  
ENV1 – Natural, historic and built environment development impact assessment  
ENV2 – Biodiversity and geodiversity  
ENV3 – Landscape  
ENV7 – Historic environment and heritage assets  
ENV9 – Conservation Areas  
WAT3 – Flooding  
WAT4 – Sustainable drainage systems  
POL1 – Unstable and contaminated land  
POL2 – Pollution and air, soil and water quality  
INF 2 - Community services and facilities

### 6.2 National Planning Policy

National Planning Policy Framework (2021)  
National Planning Practice Guidance (2021, as updated)

## **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 material considerations in determining this application.

7.2 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact
- Impact on amenity
- Conservation
- Ecology

- Highway Safety
- Water Management
- Public Protection

### **Principle of the development**

7.3 Market Square is located within the 'Main Town' of Blyth under the NLP Proposals map, Policy STP1 and TCS 1 which is a focus for employment, housing, retail and services. The site is within the centre of Blyth within a prime location for access to services and transport connections and will boost the Main Town of Blyth and draw more local people and visitors to the town centre and make a contribution to county-wide tourism aims. Policy STP 2 reflects the approach in favour of sustainable development that improve the economic, social and environmental conditions in the area. Policy STP 3 expands on the principle further and the proposed development should seek to:

- *Contribute to building a strong, responsive and competitive economy across Northumberland, support more and better jobs, protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors;*
- *Support and provide opportunities to improve health, social and cultural wellbeing for all, and provide the infrastructure which is required to enhance the quality of life of individuals and communities;*
- *Contribute to net gains for biodiversity and establish a coherent and resilient ecological network;*
- *Make efficient use of land...through the re-use of brownfield sites);*
- *Demonstrate high quality sustainable design which is accessible to all, and which respects and enhances the local distinctiveness of the natural, historic and built environment, helps promote a sense of place, reduces the need for energy, and facilitates flexible and adaptable buildings and environments;*
- *Be accessible by, or be able to be made accessible by public transport, walking or cycling where feasible, thereby reducing the need to travel for both people and goods, and the dependence on travel by private car.*

7.4 The NLP allocates the site within Blyth Town Centre and the Primary Shopping Area. Policy TCS 1 supports growth within centres at a scale which helps to maintain and reinforce their roles within the hierarchy, as well as their relationship with regional centres. The proposed Cultural Hub aims to achieve this objective and would provide appropriate town centre uses to satisfy the requirements of Policy TCS 2 and under Policy TSC3 to maintain and enhance the role of centres. In particular, the application would directly support Blyth's role as a community and service hub and viable centres for shopping business, culture and leisure as well as a place to live, work and visit. The policy also expands by stating this objective will be achieved in main towns by identifying opportunities and supporting proposals for developments which are physically and functionally integrated with the existing Primary Shopping Area.

7.5 All development of additional 'Main Town' Centre uses will be considered positively if it will deliver social, economic and/or environmental benefits for the centre concerned, but it must be in scale with the size and function of the centre, taking into account the overall size of the settlement and its catchment and planned growth of that settlement over the plan period.

7.6 Policy TCS 5 seeks to keep high streets vibrant and of relevance is the:



*“Improvements in the public realm of centres will be designed to encourage people to visit the centre more and remain there longer, through measures such as pedestrianisation, seating, landscaping, complementary services and controlling shop front design; these aspects should:*

- a. Adhere to the design policies elsewhere in the Plan and any design guidance that forms part of the Northumberland Design Guide;*
- b. Cater for the needs of people with disabilities; and*
- c. Comply with the requirements of Policy QOP 3 Public Realm Design Principles”.*

7.7 Policy TCS 5 also seeks to ensure that there is no loss of public spaces in central, accessible locations that have the capacity to host markets or other events and activities appropriate to town centres. Furthermore, Policy INF2 encourages the creation of new community facilities where they will meet an identified need. The proposal would partly build upon Market Square, resulting in a loss of public open space. It is acknowledged however, that an alternative community use would be provided, and the remaining area of Market Square will become a more welcoming area with landscape and design enhancements. It also has to be noted that the site accommodated a cinema until 1974 so historically, the demolition of this building increased the size of the Market Place to that which exists today.

7.8 Part 1 of Policy INF 5 seeks to prevent the loss, not just of specifically protected open spaces but also of *“other existing open space, sports and recreational buildings and land”* unless the space is surplus to requirements or would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or there is provision on site which clearly outweighs the loss. In this case, all three could be said to apply, insofar as the square has long been regarded as oversized and the new building and improved public realm will more than compensate for the quantitative loss of outdoor space.

7.9 To further support the general development within Blyth Town Centre, Policy ECN 15 supports tourism and visitor development with ‘Main Towns’ prioritised for the development of significant new facilities. A flagship scheme for Blyth would accord with the main aim of this policy by attracting more visitors into the town centre.

7.10 Policy INF 2, part 2 supports improvements in the quantity, quality, accessibility and range of community services and facilities, and the provision of new services and facilities where these will meet an identified need and subject to overcoming any planning constraints. The need for this type of facility has been shown to exist through various studies that preceded this application with a cinema chain expressing interest. The NCC Tourism, Leisure & Culture Team support investment in the sector of measures that strengthen the diversity, depth and breadth of the county's tourism and visitor economy. Development of this nature will contribute new facilities which will in turn improve the visitor experience and facilitate additional visits and related spending within the county.

7.11 The proposal would be supported by NLP Policy STP 5 (Health and wellbeing) to provide access to a range of facilities and create a strong sense of place which encourages community cohesion and social interaction.

7.12 Overall, the principle of development is it accords with the spatial strategy of the NLP and will boost the ‘Main’ town of Blyth. In summary, the proposal would:

- Provide appropriate town centre uses in a sustainable location;
- Support Blyth's role as a community and service hub and a viable centre for shopping business, culture and leisure;
- Supports economic growth;
- Protect and enhance the vitality and viability of Blyth Town Centre;
- Seek to deliver social, economic and environmental benefits in scale with the size and function of Blyth town centre;
- Prioritises a 'Main Town' for the development of significant new facilities and supports tourism and visitor development.

7.13 As such, the application is in accordance with NLP policies STP1, STP 2, STP 3, STP 5, TCS 1, TCS 2, TCS 3, TCS5, INF 2 and INF 5.

## **Design & Built Heritage**

### *Design*

7.14 The introduction of a large building in Market Square is a significant change to the current area of public open space. The building would become the dominant feature in the area and restricting some open views from the surrounding streets. The proposal is better understood when acknowledging the history of the site and the current issues the area faces which has resulted in a large space becoming under-utilised and not a welcoming place to promote social engagement. The application demonstrates a good evolution of the design and reasoning for the preferred option.

7.15 The design principles are established in Policy QOP 1 that states new developments should:

*“a. Make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography;*

*b. Create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area, having particular regard to:*

*i. Building heights;*

*ii. The form, scale and massing, prevailing around the site;*

*iii. The framework of routes and spaces connecting locally and more widely;*

*iv. The pattern of any neighbouring or local regular plot and building widths, and where appropriate, follow existing building lines;*

*v. the need to provide active frontages to the public realm; and*

*vi. distinctive local architectural styles, detailing and materials;*

*c. Be visually attractive and incorporate high quality materials and detailing;*

*d. Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;*

*e. Ensure that buildings and spaces are functional and adaptable for future uses;*

*f. Facilitate an inclusive, comfortable, user-friendly and legible environment;*

*g. Support health and wellbeing and enhance quality of life;*

*h. 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;*

- i. Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;*
- j. Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains;*
- k. Make provision for efficient use of resources;*
- l. Respond to the climatic conditions of the location and avoid the creation of adverse local climatic conditions;*
- m. Mitigate climate change, and be adaptable to a changing climate; and*
- n. Ensure the longevity of the buildings and spaces, and secure the social, economic and environmental benefits over the lifetime of the development.*

*2. Great weight will be given to proposals which demonstrate outstanding or innovative design, in line with the requirements set out in national policy and having regard to the relevant guidance in the Northumberland Design Guide”.*

7.16 Policy QOP 2 requires development 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. Policy QOP 3 identifies the public realm design principles as set out in Policy QOP 1. Where relevant, the design of the public realm will be expected to:

- “a. Create diverse, vibrant buildings and spaces which contribute to supporting a range of public activity;*
- b. Be physically and socially accessible and inclusive;*
- c. Be clearly defined from private spaces;*
- d. Have a clear hierarchy of routes and spaces, which are faced by active frontages and maximise natural surveillance;*
- e. Prioritise pedestrian and cycle movement and facilitate access to public transport wherever possible;*
- f. Avoid dominance of vehicles and ensure that parking, where included, is sensitively integrated;*
- g. Maximise urban greening, including the use of street trees and other vegetation as appropriate;*
- h. Respond to opportunities to incorporate public art where possible; and*
- i. Incorporate appropriate street furniture, lighting and surface materials”*

7.17 Policy QOP 6 is also appropriate for this scheme as a robust analysis of the context and character of the site and the local area is advised.

7.28 In summary, the Cultural Hub will comprise the following:

- Three independent fully digital cinema screens, with capacities of 100, 60 and 40
- A Studio (for performance and events) with a capacity of 120 seated and 200 standing
- A smaller multipurpose space directed to arts, health and wellbeing activity
- A cafe bar appropriate to the above with capacity for wider custom
- A creative play facility engaging and supporting families and children

7.19 The existing toilet block in the Market Place will be refurbished as part of the proposed works and extensive public realm works will be carried out to the Market Place to create a vibrant destination space in the heart of Blyth. The works will include:

- Provision of a Market Place, edged with planting and seating;
- A dedicated area for Market Traders;
- Creative outdoor play space;
- Cloister garden adjacent to St Mary's Church with raised lawn and planting;
- A location for the Christmas tree.

7.20 The proposed hard and soft landscaping scheme will include green planting with extensive areas of seating which seeks to establish an area in which the community can gather and enjoy social interaction. Planting will be used to create a softer, more attractive and welcoming space for people to sit and relax.

7.21 The new Cultural Hub building would be positioned centrally and orientated to face east opening out into the Market Square with a redesign the public realm that includes soft landscaping, outdoor seating and a useable area of open space to support social cohesion. The contemporary building design would have an appearance of a double 'gable end' (approximately 18m & 13m high to the ridge) with substantial sections of facing brick without glazing or openings with the exception to the main entrance and some sections of the ground floor on the remaining elevations. The brick elevation is most notable on the southern side, facing towards Waterloo Road which is necessary due to the cinema at the upper floors. A projecting brick feature however, is proposed to add interest to the blank facades. The application highlights that these projecting features can be lit up from the landscape at night and during the day the sun will cast shadows offering relief to the facade. There was a request from the LPA to include more external features such as windows within the façade as NLP Policy QOP 3 supports 'Active Frontages' however, this was considered to conflict with the internal use of the building. The agent confirmed that:

*"The ambition for the project is to provide a major attractor that will increase vibrancy and footfall, bring visitors and spending to the town, encourage more of a night-time economy and stimulate the wider regeneration and renewal of the town. The brief for the proposed building; which includes 3 cinema screens, a studio for performance and events, a smaller multi-purpose space, a café bar and creative play space was extensively tested through discussions with potential operators during the design process to understand the operational requirements. The internal function requirements of some of the proposed uses and the advice from potential operators did not include glazing into these spaces due to the need for 'black box' type spaces for performances/screenings. As such, any additional glazing beyond that already provided would need to have the ability to be covered over internally to provide the level of black out required in order for the cinema, studio and multipurpose spaces to function as desired and therefore would not add any additional activation to the building. To mitigate for the lack of window openings on some elevations the design has incorporated a textured facade, using a projecting brick feature across the elevations, to help add animation through shadow. These projecting features can be lit up from the landscape at night and during the day the sun will cast shadows offering relief to the facade. Using the brickwork in this way celebrates the architectural form of the building whilst the landscaped setting of the Market Place softens the building and provides space for activation."*

7.22 It is acknowledged that the building lacks active frontages within the design however, the Cultural Hub is a scheme that seeks to bring vibrancy back into the market square, which will then stimulate the wider regeneration and renewal of the town and attract visitors to support the existing shopping frontages in Blyth town centre. The main glazed main entrance and larger windows on the upper foyer provide

a better visual connection to the marketplace and offer increased levels of daylight which would open out onto the retained area of open space. The remainder of the Market Place would see market stalls in a formal arrangement along the northern side, there would be various soft and hard landscaped areas, a “creative outdoor play space” to the rear of the building and a “cloister garden”.

7.23 Whilst the development of a building of this scale could initially appear an incongruent addition since the openness of the square has been a consistent feature since 1974, the new Cultural Hub has been designed to be scaled appropriately, taking into consideration the surrounding area and historical context of Market Place. It reflects the optimum location for seeking to collaborate with existing market traders and local businesses in creating a civic attraction in the core town centre location. The new building is positioned to avoid an overbearing impact to surrounding streets and shop frontages, yet maximising the space required for the intended use. It is therefore considered appropriate in terms of height, mass and scale and creates a contemporary civic aesthetic for Blyth and enhances the Market Place for increased public use.

7.24 It is welcomed that the proposed hard and soft landscaping scheme will include planting and biodiversity enhancements amongst areas of seating to create a place for social interaction.

7.25 The application proposes sustainable design and construction techniques that would accord with Policy QOP 4 & 5 to exceed Building Regulations in respect of the building’s Energy Performance Certificate. The accompanying Sustainability Statement provides a commitment to include the use of designing the building and plant to minimise operational energy use including the use of Solar PV air/ground source heat pumps. A conditions is also imposed to seek further details.

### *Built Heritage*

7.26 Policy ENV 7 relates to the historic environment and heritage assets. It states that development proposals will be assessed, and decisions made to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings.

7.27 Policy ENV 9 relates specifically to Conservation Areas and states:

*“Development on public and private open spaces that are integral to the special character of a conservation area or form part of its setting, will be assessed in accordance with part 1b of this policy. Such spaces include those which: a. Contribute to the area’s special historic interest; b. Are important spatially and visually to the landscape or townscape qualities of the conservation area; c. Provide views or vistas into, out of or within the conservation area.*

Part 1b refers to the level of harm resulting from a new development:

*b. Development that would lead to substantial harm to (or total loss of significance of) any aspect of a Conservation Area that contributes to the reasons that it was so designated, will not be supported unless the exceptional circumstances set out in Policy ENV 7(4) apply; if the harm is less than substantial, this will be weighed against any public benefit that the same development may make to part 1(a) above, applying Policy ENV 7 (5)”*

7.28 The site is located in proximity to the Grade II listed St. Mary's Church and the Blyth Bondicar Terrace, Blyth Central and Blyth Heritage Conservation Areas. It is therefore considered that the development proposals have the potential to impact the setting and significance of the identified designated heritage assets.

7.29 Building Conservation has been consulted and consideration is afforded to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act which requires the local planning authority to have special regard to the desirability of preserving a listed building, its setting and its special architectural and historic interest. The National Planning Policy Framework (NPPF) is a significant material consideration and cognisance has been given to the advice in Chapters 12 'Achieving well-designed places' and 16 'Conserving and Enhancing the Historic Environment'. Paragraph 126 identifies that Good Design is a key aspect of sustainable development. Paragraph 130 advises that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to work, live and visit. Paragraph 197 directs local planning authorities to take account of '*the desirability of sustaining and enhancing the significance of heritage assets*' in the determination of planning applications. Section 199 stresses that 'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation'.

7.30 The nature and scale of the proposals will result in a significant change to the Market Place and consequently will impact the setting of the identified heritage assets. As noted, the Market Place's contribution to the setting and significance of the Bondicar Terrace and Central Conservation Areas derives from its role as a transitional space between the two designated heritage assets. While the Market Place is a significant local amenity space, its appearance fails to positively contribute to the setting and significance of the Conservation Areas.

7.31 The submitted Heritage Statement considers a series of viewpoints to assess the impact. It states that the proposed development "*would not adversely impact views towards heritage assets, nor views which include heritage assets*". However, Building Conservation observed that views from the Conservation Area towards the Market Place are channelled and that the listed building enjoys visual dominance. Our ability to appreciate and understand the listed building as a late 19<sup>th</sup> century Church, is informed by its setting, which in part is formed by the absence of buildings within the Market Place. This fortuitous setting of the heritage asset not only illuminates the Church's intended design but also positively contributes to the history and character of the townscape. The proposed scale of a new building in Market Place will harm this setting.

7.32 Paragraph 206 of the NPPF seeks to explore ways to maximise enhancement and avoid or minimise harm. It is considered that the proposals achieve the following enhancements which serve to ameliorate the identified harm:

- Restore and enhance the Market Place thereby positively contributing to the listed Church and its setting, and the setting of the Conservation Areas;
- Enhance and better reveal the immediate setting of the listed Church with improvements to Church Gardens, improving access to it thereby adding to the public experience of the asset;

- Introduce greater connectivity with the Church, Market Place and wider townscape to include the Conservation Areas, thereby improving interpretation of the assets, their setting and contribution to the town's character;
- Ameliorate impact to setting by good design - while introducing new structures within the setting of the Church, the carefully considered landscape design adds to the public appreciation of the heritage asset.

7.33 The submitted Design and Access Statement demonstrates how the scheme has been informed by an understanding of the site's history and established townscape, with focus on the site's evolution formerly occupied by a music hall, auditorium and cinema. It provides a detailed analysis of the prevailing scale, massing and proportion of the surrounding grain, layout and built form. Equally, considerable consideration has been given to the materiality of the scheme. The design has sought to embody the local material palette (fabric and colour) with modern components chosen for durability and compatibility in marine environments and the opportunity to incorporate renewables (photovoltaic panels).

7.34 The accompanying design narrative in the application serves to illustrate and justify the building's "clean, simple yet powerful silhouette". The result is a contemporary architectural expression of quality design which succeeds in its aspiration to become a new landmark building in the town. The overarching design positively mediates between the established character, connecting with the town core and re-establishing the once lost sense of arrival into the Market Place – the town's heart.

7.35 When the proposed development is evaluated having regard to the strategic design principles of Local Plan Policy QOP 1 (1a, b, c & d) and the NPPF (Paragraph 130, b, c, & d) which states that decisions should ensure that developments "*Are visually attractive as a result of good architecture, are sympathetic to local character and history, establish a strong sense of place, using materials to create attractive, welcoming and distinctive place to work and visit*", it is considered that the scheme accords with both. The only critique in respect of the design relates to the absence of openings to provide further visual interest while providing natural light. Building Conservation recommends that in any grant of permission conditions are attached in respect of external materials and lighting to include specifications and samples.

7.36 The proposals incorporate various soft and hardscaping areas to include a "*creative outdoor play space*" a new "*cloister garden*" and the enhancement of the Church gardens immediately adjacent to St Mary's Church. The design retains the primary function of the Market Place. Of interest is the proposed incorporation of a rain garden, planting, hardscaping elements and street furniture. While the scheme includes the reuse of the existing paving at the site (offsetting carbon emissions for new build), the form, shape and materiality of new features serve to create a visually appealing and safe space which encourages congregation.

7.37 Building Conservation considers the proposed landscaping design enhances the setting of the Listed Church, compliments and positively contributes to the proposed new hub building resulting in a scheme of considerable design quality to accord with NPPF, Paragraph 134 (b). It is recommended that in any grant of permission conditions to cover detailed schedules, specifications and samples of materials and lighting to be used in the public realm.

7.38 The retention of the WC block is welcomed which occupies the western component of the Market Place. The re-use and sensitive refurbishment of this building assists in offsetting (reducing) the carbon emissions from the new build at the site. Alterations to this building are mostly contained within the building. However, it is recommended that a condition to cover the external materials and treatment of the building's brick envelope is conditioned in any grant of permission.

7.39 In conclusion, the application demonstrates how the scheme has been informed by an understanding of the townscape character and heritage assets and their significance, providing justification for the scheme, and demonstrates how the design (new build, landscaping & refurbishment works) has evolved to complement and enhance townscape character. The application accords with policies QOP 1, QOP 2, QOP 3, QOP 4, QOP 5, QOP 6, ENV 7 and ENV 9 of the Northumberland Local Plan, the purpose of which is to ensure that development contributes positively to the people, places, natural environment and enhance the public realm. Furthermore, to significant enhancements to the heritage assets serve to ameliorate the identified harm to the setting of the listed Church.

### **Residential Amenity**

7.40 Whilst the location and scale of the new building within Market Square will create a dominant physical presence, the surrounding area is mainly commercial and ground floor retail units to avoid direct impacts to habitable properties. The proposed building is also positioned at a distance to minimise an overbearing impact to surrounding buildings by retaining 23m to the south and 17m to the north. Any first-floor flats to the north will still enjoy adequate light and amenity facing towards the lower section of the building. There have been no objections received from local residents and a more in-depth assessment to the potential impacts from noise, odours and lighting has been separately appraised by the Environmental health Team that has raised no concerns subject to conditions. The application is in accordance with NLP Policy QOP 2.

### **Environmental Protection and Coal Mining Legacy**

7.41 Policy POL 1 of the NLP outlines that 'development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts'.

7.42 Policy POL 2 of the NLP is also relevant within this assessment and states that 'Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported'. Both of these provisions are mirrored within the NPPF.

### ***Contaminated Land***

7.43 The only historic records is of the former Central Cinema which was built in 1923/24 on the site of the former Central Hall (pre-1858) which was demolished following a fire in 1923. The Central Cinema was a much larger structure than the hall it replaced and had seating for 1400 people, it closed in 1961 and became a bingo hall following this and in 1974 was demolished to redevelop the centre of Blyth and made



way for the current marketplace area. The submitted Phase 1 report has recommended limited, further site investigations, including:

- The thickness and nature of Made Ground;
- The presence, concentrations, and leachability of substances of concern in shallow soils (including Made Ground) on-Site;
- Contaminants of concern in perched water/soil pore water or shallow groundwater beneath Site; and
- Ground gas and/or soil vapour intrusion into future on-Site building

7.44 The Environmental Protection Team have recommended conditions to the LPA to secure these investigations and for the applicant to address unexpected contamination should it be discovered during development and ground gas and/or soil vapour intrusion into future on-site building.

#### *Land Stability*

7.45 The Coal Authority notes the submitted Preliminary Geo-Environmental, Coal Mining & Mineral Safeguarding Risk Assessment (13 January 2023, prepared by Delta-Simons), which accompanies the application, and which confirms an assessment of up-to-date geological and mining information. The report confirms the mineral support conditions beneath the site to be satisfactory on the basis that sufficient competent rock cover existing between the shallowest coal seams and the ground surface. The Coal Authority therefore has no objection to this planning application.

#### *Ground Gas Protection*

7.46 The development site is in a location where the Environmental Protection Team requires ground gas protection being in a Coal Authority Development High Risk Area.

7.47 Gas protection will need to be to a minimum of Characteristic Situation 2 (CS2) as detailed in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings). For certain building types a certain score from protection elements needs to be achieved as detailed in the British Standard.

7.48 Conditions have been recommended to the LPA to require the applicant to submit details of the proposed gas protection and how that will be verified prior to development and a report of the verification following completion of the installation of the gas protection.

#### *Fixed Plant Noise & Cinema and "Studio Space" Noise*

7.49 The Environmental Protection Team had initial concerns with the application and sought additional information on potential noise impacts from any kitchen extraction facilities and ground floor room plant as this was not included within the submitted noise assessment.

7.50 In terms of the potential noise from the cinema and studio space, the conclusions from the submitted noise report highlights is that given the cumulative noise from multiple sources already considered and included in the noise modelling, it is accepted that the impact of these additional sources is likely to be insignificant. In general, the

location is a busy town centre with a number of sources of noise including road traffic, fixed plant, people and any number of activities associated with a town centre location. Additionally, the number of residential receptors is limited and consist of upstairs flats with the noise level not impacting those properties on the building to the east of The Arcade and one flat on Bowes Street. The submitted noise report has recommended a number of attenuation elements which have been included in the acoustic model, including:

- Limits to the internal noise levels for the proposed Studio Space and Cinema,
- Additional mass barrier to be installed to the Studio Space ceiling, consisting of 150 mm void – acoustic hangers – quilt – 2 x 15 mm SoundBloc.
- Additional layer of plasterboard to be installed to the Cinema external wall.
- Sound reduction performance levels for doors have been taken from Allaway Acoustics

door	type	D101A	S35M.
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- Glazing specification with some 43dB of attenuation.

A condition will be imposed to ensure these are incorporated into the design of the building to reduce the noise impacts to the surrounding area.

7.51 The technical assessment of background noise levels on the impact from the proposed use, along with noise attenuation measures is considered to be acceptable by the Environmental Protection Team.

#### *Kitchen Extraction Odours*

7.52 The development includes a “commercial kitchen” with an extraction vent stack mounted on the roof on the north facing ridge of the higher roof area. The exhaust point of the stack appears to be at least one metre vertically above the weather surface and over 2.3 metres horizontally from weather surface complying with the building regulations as contained within Approved Document Part J.

7.53 The site is in a location where there are several hot food takeaways and restaurants with extracted kitchen fumes which are closer to the identified receptors.

7.54 Additionally, the stack is at almost 16.5 metres above the local ground level which is substantially higher than most “commercial kitchen” applying for planning permission. The nearest residential receptors are approximately 65 metres and 60 metres from the exhaust point.

7.55 Given all of this, there will be no requirement to assess the impacts of kitchen odour from the proposed development, however the odours should be risk assessed to inform the choice and design of the kitchen extraction odour attenuation. A condition has therefore been recommended for the applicant to consider and propose a kitchen extraction ventilation system with odour attenuation which meets the requirements of the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018.

#### *Air Quality / Dust*

7.56 The submitted construction management plan briefly addresses dust generation from the development but this seems to be mostly focused upon impacts to the highway.

7.57 However, it would appear that the amount and degree of site preparation and earthworks may be limited, and most receptors would be transitory or distant. This is acceptable and no further information is required in respect of construction dust, an informative has been included with information which may be of assistance to the applicant and their consultants.

### *Lighting*

7.58 The submitted External Lighting Assessment Report indicates that once the detailed design of lighting has been confirmed that a lighting assessment for lux levels at the nearest receptors and the Upward Light Ratio (ULR) will need to be carried out to confirm compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light, SKU: GN01-20, 2020.

7.59 The Environmental Protection Team concur with the consultant's consideration of the location as falling within environmental zone E3 - Suburban (medium district brightness) as contained within the ILP guidance which means any lighting installation would have to meet:

- 10 lux pre-curfew (vertical plane)
- 2 lux post-curfew (vertical plane)
- 5 per cent Upward Light Ratio (ULR)

7.60 It is likely that the immediate area already experiences a significant amount of light spill, however the Environmental Protection Team will need to confirm these impacts.

7.61 A condition has been recommended to secure lighting spill plans and any additional information to confirm the lighting impacts once the final lighting design has been confirmed.

7.62 Overall, the Environmental Protection Team has no objection to the application on issues relating to land contamination, ground gas, noise, odour and lighting. As such, the application is in accordance with NLP Policies POL1, POL 2, QOP 2 and the NPPF.

### **Highways**

7.63 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.

7.64 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”*

7.65 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.

### *Transport Assessment*

7.66 Highways Development Management (HDM) has been consulted and consider that the development will see a maximum of circa 8 staff at peak times such as weekends and large events. Therefore, it is considered the trips generated by staff are able to be absorbed into existing car park provision in Blyth. The submitted transport Statement recognises that the development site is located in a good area for public transport utilisation, together with connectivity to the site by walking and cycling which is supported by adequate connectivity subject to the provision of the highway works proposed. HDM agree that the development site is within a sustainable location for the proposed use class and acknowledges the measures that the applicant is proposing together with encouraging the use of sustainable modes by staff and visitors through the Travel Plan. A Framework Travel Plan shall be submitted before the site is occupied and a Full Travel Plan within 12 months of occupation will both secured by condition.

### *Highway Safety*

7.68 The submitted highways plan indicates a visibility splay of 2.4 x 43 in both directions on Waterloo Road which is acceptable and a scheme of works to protect pedestrian accessibility can be secured via condition. In respect to vehicle access control, the highways plan indicates proposed fixed bollards and demountable bollards to the north of the western access via Waterloo Road and the same system of bollards to the east. However, no vehicle control measures are shown at the access from Regent Street, and no details of signage have been provided at this stage. Therefore, a condition is required to secure these details.

7.69 With consideration of all matters, the application site has been examined within the context outlined above and it is considered that the proposals can be accommodated by the local highway network and when the development is completed it will not have any significant impact on the safety of road users of the highway in the area.

7.70 In order to address potential impacts during the construction phase, the applicant will be required to submit a Construction Method Statement and supporting plan which can be secured by condition.

### *Cycle Parking*

7.72 A plan showing cycle parking for the development has been proposed which includes 23 no. standard cycle parking spaces, 3no. nonstandard cycle stands, and a proposed cycle stand cover. This is welcomed, however, it is recommended that these are relocated closer to the main building to avoid any potential for conflict between larger vehicles and cyclists, as the covered stand is located in close proximity to the loading bay for example and is near the escape route rather than the main entrance/lobby. In accordance with LTN 1/20 the requirement is for a total of 45 short-stay cycle spaces based on a ratio of 1 space per 50m<sup>2</sup> and a further 2 long-stay spaces as a minimum required for 8 members of staff (47 spaces total) based on the visitor numbers provided. Therefore, a condition is outlined below to secure these details.

### *Refuse Storage and Collection, Servicing*

7.73 Access for event vehicles will be provided for along with a service/loading bay, with controlled vehicle access to Market Place and a one-way circulation system from Waterloo Road via Church Street and Market Street to Regent Street proposed.

7.74 For refuse servicing, details of refuse storage are shown on the proposed site plan and street-side refuse pick up is proposed so that refuse vehicles do not enter the market place which would conflict with pedestrians. A condition is outlined below to ensure no external refuse is stored outside of the approved refuse storage area except for on the day of refuse collection. It is recommended that a Delivery and Servicing Management Strategy is secured by condition, which will detail the routes, vehicles and timing for deliveries and servicing of the site, together with a plan to monitor and review the effectiveness of the document and provide biennial reporting to the Highway Authority, by the Local Planning Authority.

### *• Access and Off-Site Highway Works*

7.75 The developer is required to enter into a S278 agreement with the highway authority pursuant to the Highways Act 1980 to carry out access works and all other associated highway works which are secured by condition. It is considered that traffic control measures, and pedestrian accessibility treatments are integral to the delivery of a successful scheme and full details must be secured by condition, with alterations required for the implementation of full highway works detailed below in the conditions. It must be demonstrated that safe and suitable access can be achieved to the site, especially for the most vulnerable of users.

7.76 Overall, HDM has no objection to the scheme and is in accordance with NLP policies TRA 1, TRA 2 and TRA 4.

### **Flood Risk**

7.77 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.

7.78 The proposed scheme is partly within Flood Zone 2 and a robust sequential test has been submitted that identifies that other sites within Blyth Town Centre are not available or suitable. Overall, the purpose of the scheme is to regenerate Blyth Town Centre and Market Square is the most sequentially preferable site to achieve this. In accordance with Environment Agency's (EA) Standing Advice, the development is identified to be a 'less vulnerable' use and ground levels have been raised as high as possible with a commitment to incorporate flood resilience measures into the design of the building. Furthermore, there is mitigation identified within the submitted Flood Risk Assessment to sign up to the EA's flood warning system and provide visitors with safe egress during a flood event. There are conditions imposed to seek further details on these issues.

7.79 The application states that surface water flood risk will be managed by the proposed surface water drainage strategy which utilises SuDS features such as tree pits and rain gardens to introduce greater biodiversity and pollution control to the existing site while reducing discharge into the existing combined sewer.

7.80 The Local Lead Flood Authority and Northumbrian Water has been consulted and has no objections to the scheme as an adequate drainage strategy has been submitted with an agreed discharge rates of 37l/s for all rainfall events. This is subject to conditions relating to securing the implementation, maintenance and management of the sustainable drainage scheme; details for the disposal of surface water during construction and a certification report to demonstrate that all drainage systems have been constructed as per the agreed scheme.

7.81 Overall, the application is in accordance with NLP Policy WAT 3 and WAT 4.

## **Ecology**

7.82 NLP Policy ENV 2 seeks to avoid significant harm to protected sites and any adverse impact will be mitigated with net gains secured. Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.83 The proposal is an opportunity to provide meaningful biodiversity into the centre of Blyth which can be a basis for future links and habitats throughout the urban area which currently lacks green spaces. This will provide opportunities for wildlife but also will improve the environment for people, and this is in turn known to lead to health and welfare benefits.

7.84 The current habitat is poorly thriving trees planted into gaps in the concrete via grates which look to be quite constricting. The scheme provides native species tree planting and bat and bird boxes has been identified.

7.85 The proposed new landscaping is part of the enhancement of the public realm which includes new native planting and rain gardens that would improve the natural features within Market Square and the setting of St Marys Church. There is no

objection to this scheme from the NCC County Ecologist with the details of the most recent lighting, bat and bird boxes and landscaping plans to be fully implemented as approved.

7.86 The Application is in accordance with Policy ENV 2 of the NLP and the NPPF.

### **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 seeks to bring vibrancy back into the market square to stimulate the wider regeneration and renewal of the town. The application demonstrates how

the scheme has been informed by an understanding of the townscape character and heritage assets and their significance, providing justification for the scheme, and demonstrates how the design and landscaping has evolved to complement and enhance townscape character.

8.2 There are no outstanding objections from consultees or any concerns received from Blyth Town Council or local residents.

8.3 The application is considered to be a positive addition to Blyth and is supportive by the Northumberland Local Plan and the NPPF.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

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:

BCC-FBA-XX-ZZ-DR-A-01900 - Site Location Plan  
BCC-FBA-XX-ZZ-DR-A-01091 - Site Plan - Existing  
BCC-FBA-XX-ZZ-DR-A-01090 - Site Plan – Proposed  
BCC-FBA-XX-XX-DR-A-01552- Public WC's Proposed Elevations  
BCC-FBA-XX-XX-DR-A-01551- Public WC's Existing Elevations  
BCC-FBA-XX-XX-DR-A-01054- Proposed West Elevation  
BCC-FBA-XX-XX-DR-A-01053- Proposed South Elevation  
BCC-FBA-XX-XX-DR-A-01052-PO2 Proposed East Elevation  
BCC-FBA-XX-XX-DR-A-01051- Proposed North Elevation  
BCC-FBA-XX-XX-DR-A-01004- Building Section No.4  
BCC-FBA-XX-XX-DR-A-01003- Building Section No.3  
BCC-FBA-XX-XX-DR-A-01002- Building Section No.2  
BCC-FBA-XX-XX-DR-A-01001- Building Section No.1  
BCC-FBA-XX-RF-DR-A-01400- Proposed Level 04 Plan- Roof Plan  
BCC-FBA-XX-03-DR-A-01300- Proposed Level 03 Plan- Plant Deck  
BCC-FBA-XX-02-DR-A-01200-PO2 Proposed Level 02 Plan  
BCC-FBA-XX-01-DR-A-01100- Proposed Level 01 Plan  
BCC-FBA-XX-00-DR-A-01000- Proposed Level 00 Plan  
BCC-LDA-XX-00-DR-L-1101 Landscape General Arrangement Plan  
BCC-LDA-XX-00-DR-L-1105 Landscape Softworks Plan (uploaded 2<sup>nd</sup> May 2023)  
BCC-LDA-XX-00-DR-L-1103 Landscape Hardworks Plan  
BCC-LDA-XX-00-DR-L-1104 Landscape Furniture Plan  
BCC-LDA-00-XX-DR-L-02201 Paving Interface Details  
BCC-LDA-00-XX-DR-L-04106 Tree Retention and Removal Plan  
BCC-LDA-00-XX-DR-L-04301 Rain Garden and Seat Interface Detail  
BCC-LDA-00-XX-DR-L-04302 Rain Garden and Raised Edge Interface Detail  
BCC-LDA-00-XX-DR-L-04303 Rain Garden Interface Detail (Uploaded 12<sup>th</sup> May 2023)



BCC-LDA-00-XX-DR-L-04304 Lawn Edge Interface Details  
BCC-LDA-00-XX-DR-L-04306 Bench Details  
BCC-LDA-00-XX-DR-L-04308 Seat Details  
BCC-LDA-00-XX-DR-L-04309 Rain Garden and Tiered Bench Interface Detail  
BCC-LDA-00-XX-DR-L-04311 Stepping Boulders Interface Detail  
BCC-LDA-00-XX-RP-L-00019 Landscape Specification  
BCC-FBA-SK-040523-RM-001 Bat and Boxes  
Planting Schedule (uploaded 2<sup>nd</sup> May 2023)  
Drainage Strategy BCC-CIV-XX-XX-D-C-30001 P04 dated 12/05/2023  
Construction Management Plan (Uploaded 17<sup>th</sup> February 2023)

Documents:

Ecological Impact Assessment by Eco North  
Section 7 (Flood Risk Management) of Flood Risk Assessment by Civic Engineers  
Preliminary Geo-Environmental, Coal Mining and Mineral Safeguarding Risk Assessment  
External Lighting Assessment Report by JH Partners  
Noise Impact Assessment by Apex Acoustics  
Sustainability Statement by JH Partners  
Tree Survey by Eco North  
AIA by Eco North  
Transport Statement (with outline Travel Plan)

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

03. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

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

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

04. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 3, 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.

05. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have

been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation (Phase 2) shall be carried out as recommended by the Preliminary Geo-Environmental, Coal Mining & Mineral Safeguarding Risk Assessment (Delta Simons, Project No: 22-1096.01, Issued: January 2023) to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

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

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.

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

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

07. If during development, contamination not previously identified is discovered, then a 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 any measures proposed to deal with the identified 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.

08. Prior to the development being brought into use, or continue in use, the applicant shall provide full details of the kitchen extraction system to the Local Planning Authority for its written approval. The kitchen extraction system shall be designed to provide the

level of odour control shown by an odour risk assessment. The approved scheme shall be implemented in full.

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

09. Before the scheme is brought into use, or continues in use, the applicant shall submit a report to the local planning authority for its written approval. This report shall detail the lighting scheme to be used on site and demonstrating compliance with the pre and post curfew Lux levels for Environmental Zone E3 (Suburban -Medium District Brightness), as defined in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, Guidance Note 01/21, 2021. The approved scheme shall be implemented in full

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

10. Prior to the installation of the kitchen extraction system, the system being brought into use or continue in use, the applicant shall provide full details of the odour treatment system to be installed into the development which shall provide a Very High Level of odour control, as defined in the EMAQ guidance document "Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018". The details shall be submitted to the LPA for its written approval with the approved scheme shall be implemented in full.

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

11. During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. 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.

12. Prior to the commencement of development above foundation level a schedule of the types and colours of all materials to be used on the external elevations of the proposed developments shall be made available for inspection on site and approved in writing by, the Local Planning Authority. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of the Northumberland Local Plan.

13. Notwithstanding any description of the materials in the application, no development shall be commenced above foundation level until precise details, to include samples, of the materials to be used in the construction of the external walls and roofs of the buildings have been made available for inspection on site and approved in writing by, the Local Planning Authority. All roofing and / or 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 the Northumberland Plan.

14. Prior to the commencement of development to the public realm a schedule of the types and colours of all materials and lighting to be used in the public realm shall be made available for inspection on site and approved in writing by, the Local Planning Authority. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of the Northumberland Local Plan.

15. Prior to the first occupation of the development, a detailed landscape management plan shall be submitted to, and approved in writing by, the Local Planning Authority and the approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of the Northumberland Local Plan.

16. No building shall be occupied until the applicant has submitted to and approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan. The approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site in accordance with the NPPF and Northumberland Local Plan.

17. Prior to the commencement of development above foundation level, precise details of the flood resilience measures identified in the Flood Risk Assessment (by Civic Engineers February 2023) shall be submitted to, and approved in writing by, the Local Planning Authority and the approved plan shall thereafter be implemented in complete accordance with the approved details.

Reason: To limit the risk of flooding in accordance with the NPPF and Northumberland Local Plan.

18. Notwithstanding the details submitted with the application, prior to the construction of any building above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and measures shall be implemented in full prior to first occupation and retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

19. The implementation, maintenance and management of a scheme for surface water using a sustainable drainage scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be in broad accordance with drawing No Drawing number BCC-CIV-XX-XX-D-C-3001 Rev P04 Proposed Drainage Strategy dated 12/05/2023 and designed to dispose and attenuate surface water up to the 1 in 100 year plus climate change event from the development and shall limit discharge from the development to 37l/s (22l/s + 15l/s), for all rainfall events. The scheme shall be implemented in accordance with the approved details, which shall include:

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

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

20. 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.

21. Prior to the first use of the development, 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);
- \* Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures, all raingardens and any other SuDS components.
- \* 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.

22. Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The 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
- vi. Construction traffic management strategy which covers timing and numbers of movements.

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.

23. The development shall not be occupied until details of the external lighting of the buildings and external areas have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

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

24. The development shall not be brought into first use until a Deliveries and Servicing Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Deliveries and Servicing Management Strategy shall be adhered to in perpetuity. This Deliveries and Servicing Management Strategy must include:

- i. details of the access, routes and vehicles associated with the site;
- ii. details of the timings for deliveries and servicing of the site;
- iii. details of the annual numbers of HGV's associated with the deliveries/servicing of the site;
- iv. a plan for monitoring and reviewing the effectiveness of the Deliveries and Servicing Management Strategy; and;
- v. a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority.

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

25. Development shall not be occupied until details of the highway works, including: full scheme of highways works, including alterations to the U9503 and B1328 to provide vehicle control measures, pedestrian access points, lighting, drainage, signage, resurfacing, street furniture, road markings and all other associated works, 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.

26. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

27. 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.

28. The development shall not be occupied until details of a Framework Travel Plan in respect of each of the occupiers of any building on the application site have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan 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 Co-ordinator;
- 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 and Policies TRA1 and TRA2 of the Northumberland Local Plan.

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

- i. details of and results from 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 and Policies TRA1 and TRA2 of the Northumberland Local Plan.

30. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety,

in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

31. No development shall commence unless in accordance with the landscaping plans:

- Landscape General Arrangement Plan (DWG.NO BCC-LDA-XX-00-DR-L-1011)
- Tree Retention and Removal Plan (DWG.NO BCC-LDA-XX-00\_DR-L-4106)
- Landscape Specification (LDA Design, January 2023)
- Landscape Furniture Plan (DWG.NO BCC-LDA-XX-00-DR-L-1104)
- Landscape Hardworks Plan (DWG.NO BCC-LDA-XX-00-DR-L-1103)
- Landscape Softworks Plan (DWG.NO BCC-LDA-XX-00-DR-L-1105) version submitted 2nd May 2023
- 8185- Blyth Culture Hub- Planting Schedule version submitted 2nd May 2023

To be fully implemented during the first full planting season (November – March inclusive) following the commencement of development. A report will be provided to the LPA confirming that the landscaping has been implemented as agreed.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policies QOP4 and ENV2 of the Northumberland Local Plan.

32. No work will be undertaken unless in accordance with the recommendations of the report Ecological Impact Assessment NCC Blyth Market Place (Econorth, February 2023), including precautionary working methods during the nesting bird season. Bat and Bird Boxes as shown on the Drawing BCC-FBA-SK-040523-RM-001 will be installed as agreed. Prior to first occupation or use of the building a verification report and/or photographic evidence will be submitted to and approved by the LPA demonstrating that this work has been done.

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

33. Prior to the commencement of development above foundation level, details of the acoustic design elements (including doors, glazing, details of the Studio Space ceiling, additional attenuation to the cinema walls etc.) shall be submitted to the Local Planning Authority for approval in writing. The building envelope shall be constructed so as to provide sound attenuation against internal noise, to achieve façade noise levels of 30dB LAeq at NSR1 and 26dB LAeq at NSR2 (as detailed in the Noise Impact Assessment produced by Apex Acoustics Ltd, report ref: 9333.5 – Rev B dated 20 April 2023). The details submitted should clearly demonstrate that these facade noise levels will be achieved at the nearest noise sensitive receptors.

Reason: To protect future occupants from undesirable noise impacts.

34. Prior to the commencement of development above foundation level, details of the fixed plant to be installed (including air handling units, air source heat pump(s), kitchen extraction system etc.) shall be submitted to the Local Planning Authority for approval in writing. The selected fixed plant and any required attenuation shall achieve façade noise levels of 38dB LAeq at NSR1 and 39dB LAeq at NSR2 (as detailed in the Noise Impact Assessment produced by Apex Acoustics Ltd, report ref: 9333.5 – Rev B dated



20 April 2023). The details submitted should clearly demonstrate that these facade noise levels will be achieved at the nearest noise sensitive receptors.

Reason: To protect future occupants from undesirable noise impacts.

35. Prior to the commencement of development to the public realm, details of the 'creative outdoor play space' shall be submitted to and approved in writing by, the local planning authority. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of the Northumberland Local Plan.

36. Prior to the commencement of development to the public realm an updated landscape or site plan shall be submitted to and approved in writing by, the Local Planning Authority to identify the locations of the proposed rain gardens, stepping boulders and 'creative outdoor play space'. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of the Northumberland Local Plan.

## **Informatives**

### **Statutory Nuisance**

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice. In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

### **Ground Gas Protection**

The site is within an area where the Public Health Protection Unit will expect ground gas protection to be installed in any habitable dwellings being erected. (Please see Environmental Protection Team comments or contact the Council for more advice on the BS 8485:2015+A1:2019 "*Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings*," as there is a scoring system for the gas risk and building type that applies to this site.

Please note our adopted guidance - YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, which is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation).

The British Geomembrane Association website is:

<http://www.britishgeomembraneassociation.co.uk/>

### **Sealing of the Annulus on Service Penetrations**

Sealing of the annulus of service penetrations should also form part of the gas protection proposals and verified after installation. FiloForm produces a range of duct/service sealing products, including gas resistant sealants such as FiloSeal and FiloSeal+HD.

Please note that on other developments, NWL have confirmed that the FiloSeal range of products are acceptable for use with alkathene water pipes, details of the FiloForm products can be found at:

<https://www.filoform.co.uk/catalog/category/view/s/re-enterable-duct-sealingsystems/id/9/>

Please note that verification of the sealing of the service ducts will be required to fully discharge the gas protection verification condition.

### **Dust Management Plan**

Dust minimisation and control shall have regard to guidance such as :

The Institute of Air Quality Management has produced very current documentation entitled “Guidance on the Assessment of Dust from Demolition and Construction” available at: <http://iaqm.co.uk/guidance/>

Additionally, the Mayor of London’s office has produced robust supplementary guidance document entitled “The Control of Dust and Emissions During Construction and Demolition” which is available at: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/control-dust-and>

The HSE also provide guidance on construction dust:

<http://www.hse.gov.uk/construction/healthrisks/hazardoussubstances/construction-dust.htm>

As do the CITB through the Construction Dust Partnership:

<https://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-dust-partnership/>

### **Odour Risk Assessment**

The DEFRA Guidance on the control of odour and noise from commercial kitchen exhaust systems which was withdrawn on the 15 September 2017.

This guidance has been replaced by the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018, available from:

<https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-fromcommercial-kitchen-exhaust-systems>

This guidance includes the pro-forma for the odour risk assessment which guides the applicant on the level of odour control that will be required for any proposed “commercial kitchen” extraction system.

### **Food Safety & Health & Safety Advice**

It would be expected that such a food business is already registered with the Council, however given the changes it may be useful to discuss the implications of any changes with the Commercial Team. Therefore it is recommended that the applicant contact

the Commercial Team within the Public Health Protection Unit at an early stage to ensure compliance with food safety / health & safety legislation.

They can be contacted on:

Telephone: 01670 623870

Email: [public.protection@northumberland.gov.uk](mailto:public.protection@northumberland.gov.uk)

### **Toilet Provision**

Please see our webpages for details of the requirements for toilet provision in catering premises within Northumberland:

<http://www.northumberland.gov.uk/Protection/Environmental-health/Businesses.aspx#toiletprovisioninfoodpremises>

Should any clarification be required on toilet provision, then please contact the Council and ask to speak to someone in Commercial Team within Public Protection.

### **Agreement and works in adopted highway**

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.

### **Highway condition survey**

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).

The applicant should note that any damage caused to the existing highway carriageway must be made good prior to the development being brought into use.

### **Contact Traffic Management**

You are advised to contact the Council's Traffic Management Section at [streetworks@northumberland.gov.uk](mailto:streetworks@northumberland.gov.uk) before and during the construction period in respect of any required temporary traffic management measures to allow access to the site.

### **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)