

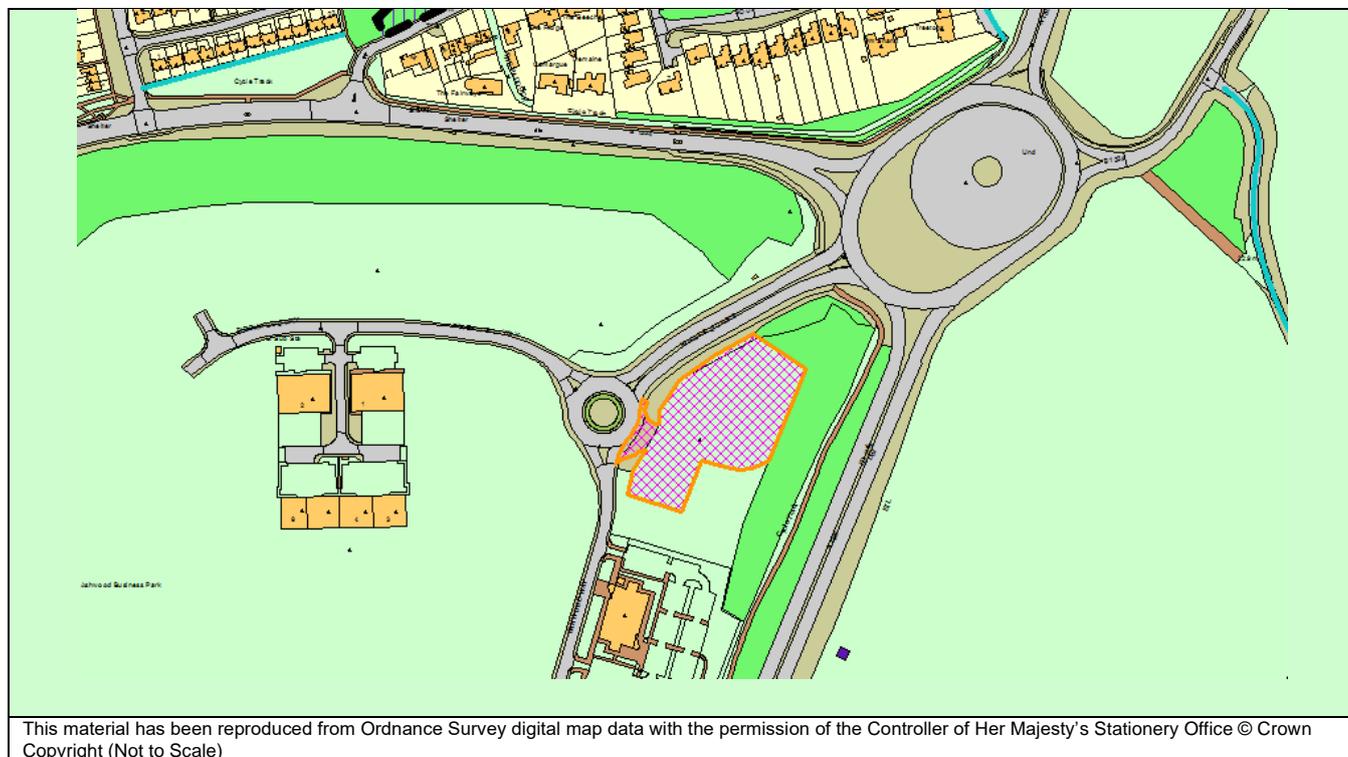


# Northumberland County Council

## Strategic Planning Committee, 2<sup>nd</sup> March 2021

<b>Application No:</b>	20/03097/FUL		
<b>Proposal:</b>	Proposed erection of Roadside Services comprising a Petrol Filling Station and Ancillary Retail Unit, Drive-Thru Coffee Shop and Associated Landscaping and Works.		
<b>Site Address</b>	Land North Of Bernicia Headquarters, Ashwood Drive, Ashwood Business Park, Ashington, Northumberland		
<b>Applicant:</b>	Euro Garages Group Euro House, Haslingden Road, Blackburn, BB1 2EE	<b>Agent:</b>	Ms Rachel Gee 5 Castle Terrace, Edinburgh, EH1 2DP
<b>Ward</b>	Seaton With Newbiggin West	<b>Parish</b>	Ashington
<b>Valid Date:</b>	21 October 2020	<b>Expiry Date:</b>	3 March 2021
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

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



## 1. Introduction

- 1.1. This application is being referred to Strategic Planning Committee in accordance with the County Council's scheme of delegation as the applicant is Advance Northumberland.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the erection of a petrol filling station and ancillary retail unit, a drive thru coffee shop and associated landscaping and works on land North of Bernicia HQ, Ashwood Business Park, Ashington.
- 2.2 The proposed site layout would see the creation of a new vehicular access off the Ashwood Drive roundabout extending into the site. The petrol filling station and ancillary retail unit would be located within the Northern section of the site whilst the coffee drive thru premises would be located towards the Southern boundary.
- 2.3 The proposed petrol filling station (PFS) and retail unit would measure 34.8 metres in length by 14.58 metres in width with an overall height of 5.25 metres. There would be an overhang of approximately 2 metres to the building frontage created by the sloping roof. Materials used would consist of isoclad composite panelling, grey fascia, capping and glazing surrounds and cementitious boarding.
- 2.4 The proposed drive thru coffee building would measure 21.88 metres in length by 15.8 metres in width with a roof height of 3.9 metres. A timber 'tower' addition upon the roof would protrude a further 3 metres. Materials would consist of eternity Equitone façade panelling, stone grey capping and flashings and timber panelling.
- 2.4 The site is allocated as an area for general employment and forms part of a wider business park environment. The parcel of land at present is overgrown grassed land with a soft landscaping boundary to the North and East where existing tree planting is located. Planning application reference no. was granted consent by the LPA in February 2021 for various engineering works to the site.

## 3. Planning History

N/A

## 4. Consultee Responses

Highways England	No objection.
Highways	No objection subject to recommended conditions.
Public Protection	No objection subject to recommended conditions.
County Ecologist	No objection subject to recommended conditions.
Ashington Parish Council	No response received.
Northumbrian Water Ltd	No comment.
Natural England	No objection.

Lead Local Flood Authority (LLFA)	No objection subject to recommended conditions
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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	20
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 30th October 2020

No Press Notice Required.

### Summary of Responses:

None received

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QH0KIZQSIXA00>

## 6. Planning Policy

### 6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP) (2007)

Policy GP1 - Location of development

Policy GP4 - Accessibility

Policy GP5 - Landscape character

Policy GP6 - Trees and hedgerows

Policy GP13 - Biodiversity and wildlife networks

Policy GP21 - Evaluation of archaeological sites

Policy GP22 - Flood risk and erosion

Policy GP24 - Pollution

Policy GP29 - Land contamination

Policy GP30 - Visual impact of development

Policy GP32 - Standards of landscape treatment

Policy EMP1 - General employment areas

Policy EMP2 - Business parks

Policy EMP8 – Retention of general employment sites

Policy T3 - Provision for cyclists

Policy T4 - Provision for walking

Policy T5 - Access for people with reduced mobility

Policy T6 - Traffic implications of new development

Policy CF6 - Water supply and drainage

Policy CF7 - Planning conditions and obligations

### 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance (NPPG) (2020)  
National Design Guide

### 6.3 Other Documents/Strategies

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

Policy STP 1 - Spatial strategy (Strategic Policy)  
Policy STP 2 - Presumption in favour of sustainable development (Strategic Policy)  
Policy STP 3 - Principles of sustainable development (Strategic Policy)  
Policy STP 4 - Climate change mitigation and adaptation (Strategic Policy)  
Policy STP 6 - Green Infrastructure (Strategic Policy)  
Policy ECN 1 - Planning strategy for the economy (Strategic Policy)  
Policy ECN 4 - Round 2 Enterprise Zones (Strategic Policy)  
Policy ECN 6 - General employment land allocations & safeguarding (Strategic Policy)  
Policy ECN 7 - Key general employment areas for B-class uses  
Policy ECN 9 - Additional flexibility in general employment areas  
Policy ECN 15 - Tourism and visitor development  
Policy QOP 1 - Design principles (Strategic Policy)  
Policy QOP 2 - Good design and amenity  
Policy QOP 4 - Landscaping and trees  
Policy QOP 6 - Delivering well-designed places  
Policy TRA 1 - Promoting sustainable connections (Strategic Policy)  
Policy TRA 2 - The effects of development on the transport network  
Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 2 - Biodiversity and geodiversity  
Policy ENV 3 - Landscape  
Policy WAT 2 - Water supply and sewerage  
Policy WAT 3 - Flooding  
Policy WAT 4 - Sustainable Drainage Systems  
Policy POL 1 - Unstable and contaminated land

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Wansbeck District Local Plan (WDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;
- Ecological impacts;
- Public protection;

- Water management.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLP (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

### **Principle of development**

- 7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The development plan comprises the Wansbeck District Local Plan (2007). This document is the starting point for determining applications as set out in the NPPF. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with the NPPF weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The latest version of the NLP was submitted to the Secretary of State for examination in May 2019 and the examination in public into the Plan has recently concluded. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 For the purposes of WDLP Policy GP1 the site lies within the defined settlement boundary of Ashington in a location where development generally is supported on greenfield sites if the site is allocated for development. In this regard the site forms part of a wider site allocated under Policy EMP1 as a site for employment development, with Policy EMP2 stating that the allocated site is to be developed as a business park. The employment status of the Ashwood Business Park site is carried over into the Council's emerging Local Plan and further strengthened with the business park site now having Enterprise Zone status which is supported by NLP Policy ECN 4.
- 7.5 Such policy reflects NPPF paragraph 80 which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 7.6 Whilst the proposals are not considered to fall under the use class categories B1, B2 and B8 (as per amended use class order 1<sup>st</sup> September 2020) which policy EMP 1 seeks to encourage within defined general employment areas, policy EMP 8 of the WDLP does allow development outside these use classes providing

- a) the use would generate a significant amount of employment or would have similar physical characteristics to the specified uses; or*
- b) the development would not significantly diminish the range of employment sites or premises available in the local area; or*
- c) the development has significant community benefits which over ride the need to maintain the site or premises for possible future employment development and the use cannot satisfactorily be accommodated elsewhere; or*
- d) the use is ancillary to a main employment use.*

7.7 In this instance, it can be considered that the proposed units would generate a significant level of employment whilst also having similar physical characteristics to the type of development expected within employment areas. The proposals would not considerably impact upon employment land available within the business park with a number of vacant plots remaining for B1, B2 and B8 use classes.

7.8 The proposal therefore represents an acceptable form of development in accordance with both local and national planning policy.

### **Design and visual character**

7.9 The wider site of which the application site forms part of has been developed as a business park in accordance with WDLP Policy EMP2. That policy makes reference to the distinguishing feature which differentiates business park sites such as this from other employment sites as being a high quality environment and in this regard specific reference is made to significant amounts of planting and other forms of landscaping. WDLP Policy GP5 states that development must respect the character of the District's landscape. Proposals will be assessed in terms of the siting, scale and design of buildings and materials and the effect on distant views. Development which would have an adverse effect on the character or appearance of those areas which contribute most to the quality and distinctiveness of the local landscape will not be permitted.

7.10 Policy GP30 further states that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character and quality of the surrounding environment will be refused.

7.11 Moving onto national planning policy, NPPF paragraph 170 further advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. NLP Policy ENV3 reflects the above Local Plan and NPPF policy.

7.12 In terms of the Wansbeck Design Guide, this document's Core Design Policy CD1 states that development proposals will be expected to contribute to the creation of high quality sustainable environments which enhance and complement the natural and built assets of Wansbeck. This will be achieved in a number of ways including through the protection and enhancement of rural open spaces. The Guide then offers advice in respect of a number of defined character areas. The application site lies within the 'Shed environment'

Character Area. In respect of this character area the Guide states that Ashwood Business Park does provide a higher quality environment. However, in general the former District's shed environments are not visually pleasing with the public realm not being sensitive to its location. Design guidance for these areas recommends enriching the environment with landscape, although no specific guidance is provided in relation to Ashwood Business Park itself.

- 7.13 As part of the application submission, detailed plans and elevations have been submitted to the local authority for assessment. The proposed scale and massing of the PFS and drive thru coffee unit are appropriate and would not result in overdevelopment of the site. It is noted that significantly larger units already exist within the business park to the South of the application site and also to the West. The choice of materials is consistent with existing premises located within the Business Park and is regularly used in these types of development, therefore ensuring that the visual character of the area would not be adversely impacted upon.
- 7.14 Existing soft landscaping is located upon the Northern and Eastern boundary of the application site and whilst some of this will have to be removed to facilitate the development, these works approved under application reference no. 20/03621/FUL, the majority of this shall be retained with additional soft landscaping also proposed within the curtilage of the application site. Due to the topography of the land and existing boundary treatments, the 2no units would not be readily visible outside the curtilage of the Business Park.
- 7.15 The proposal therefore accords with relevant local and national planning policy and represents good design.

### **Residential amenity**

- 7.16 Paragraph 127, part f) seeks for developments to ensure that there would be no adverse impact upon amenity when it states proposals should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.
- 7.17 Whilst the application site is located within a designated business park area, it is noted that existing residential properties are located to the North of the site, albeit separated by the existing B1334 public highway and the existing boundary treatments as referenced earlier in the appraisal. A separation distance of approximately 180 metres would exist between the rear elevation of these residential properties and the North facing elevation of the proposed PFS unit.
- 7.18 Consultation was undertaken with the local authority's Public Protection team with a noise impact assessment provided by the applicant. This report concludes that based upon a worst-case scenario, the resulting noise levels are deemed to be low impact and that because the area is dominated by road traffic noise, any noise would be indistinguishable from that.
- 7.19 The proposal therefore accords with relevant local and national planning policy in relation to residential amenity.

### **Highway safety**

- 7.20 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including buses, walking and cycling. Policy T3 states that improved facilities for cycling in the District will be sought. Cyclists will be provided for as part of highway and traffic management schemes and by developers as part of new developments. Provision will include the development of safe and convenient routes and cycle parking facilities. Developers will be required as a condition of planning permission to provide cycle parking as part of their developments.
- 7.21 Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.
- 7.22 Policy T5 advises that an environment which is accessible to all will be sought. Developers will be required to make appropriate provision for those with reduced mobility as part of their developments.
- 7.23 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLP Policies.
- 7.24 Consultation was undertaken with Highways Development Management who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. The creation of a new access to the site off the Ashwood Business Park roundabout would require the applicant to enter into a S278 agreement with the highways authority, out with the planning process, for the proposed works.
- 7.25 To ensure highway safety throughout the development phase, a condition is recommended for a construction method statement to be submitted to and approved in writing by the LPA prior to the commencement of development. Subject to recommended conditions, the proposal accords with relevant local and national planning policy in regards to highway safety.

### **Ecological impacts**

- 7.26 WDLP Policy GP13 states that the value to biodiversity of all sites proposed for development will be considered when planning applications are determined whether or not they are designated sites. Particular importance

will be attached to the protection of priority habitats and species in Wansbeck. Where proposals affect a habitat which contributes, or could potentially contribute, to a network of natural habitats the developer will be required to protect and enhance the network.

- 7.27 The NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken. It states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined. Emerging Local Plan Policies ENV1 and ENV2 reflect these objectives.
- 7.28 Consultation was undertaken with the local authority's ecologist who, following the submission of additional information, raised no objection to the proposals. The site is dominated by semi-improved natural grassland, with an area of damper grassland to the central south area, and scattered scrub to the boundaries. The grassland is not considered to be a priority habitat but has moderate species diversity and could under the correct management become more species rich. No evidence of notable or protected species were recorded on site however it will provide a resource for pollinators, birds and small mammals.
- 7.29 In the context of the wider grassland habitat on the Business Park, there is some potential for ground nesting birds such as Skylark, although informal use by dog walkers (as noted in the ecology report) would reduce its suitability. Never-the-less precautions should be taken during construction. A condition is also recommended to secure the installation of 2no integrated features to provide nesting habitat for birds within the fabric of the new buildings. This would demonstrate biodiversity net gains in accordance with the provisions of the NPPF.

### **Public Protection**

- 7.30 Policy GP22a of the Wansbeck District Local Plan states that development on unstable land will not be permitted unless satisfactory measures to stabilise the site are carried out and done so at the expense of the developer. If risk from unstable ground conditions is suspected, developers will be required to submit a stability report with their planning applications to demonstrate that the site is stable or can be made so and that the development will not affect land stability beyond the site.
- 7.31 Policy GP29 advises that where there is reason to suspect that land is affected by contamination, applicants for planning permission will be required to submit a report of a desk study of previous uses of the site and their potential for contamination. Unless the study clearly demonstrates that the risk to the proposed uses from contamination is acceptable, furthermore detailed investigations will be required before the application is determined to assess the risks and identify and appraise the options for remediation. Development will only be permitted if sustainable and feasible remediation solutions are adopted to secure the removal of unacceptable risk and make the site suitable for its new use. Contaminated materials should be decontaminated and re-used on site if this can be achieved economically and

without unacceptable adverse impacts upon the environment or the health and safety of the community.

- 7.32 Consultation was undertaken with the local authority's Public Protection team who raised no objection to the proposals, subject to recommended conditions. As the site is located within a coal risk advice area, conditions relating to ground gas protection are required to ensure a level of protection to end users of the building. Furthermore, a condition is required to deal with odour treatment at the site where details of any kitchen extraction system within the units must be submitted to and approved in writing by the local planning authority prior to installation.

### **Water management**

- 7.33 Policy GP22 of the Wansbeck District Local Plan states that developers are required to consider the risk to their development from flooding and to consider any possible effect of their development on flood risk elsewhere. Development in areas of flood risk will not be permitted unless a flood risk assessment has been carried out and it can be demonstrated that: a) there is no reasonable alternative development option available which would involve no risk or a lower risk of flooding; b) the development does not increase the risk of flooding elsewhere; and c) satisfactory protection measures can be carried out at the expense of the developer and maintained for the lifetime of the development.
- 7.34 Policy CF6 continues by stating that when considering all development proposals, the authority will take into account the availability of water supply, surface water drainage and sewage disposal facilities. Development will only be permitted if adequate services can be provided prior to occupation and without harm to the environment and existing uses. Sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes. Proposals for the long term maintenance and management of such systems should be established at the planning application stage.
- 7.35 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and in order to address flood risk given the size of the site, the applicant has submitted a Flood Risk Assessment (FRA).
- 7.36 Policies WAT3 and WAT4 of the emerging Local Plan likewise seek to ensure that developments are acceptable on drainage and flood risk grounds and incorporate sustainable drainage infrastructure where possible.
- 7.37 The application site lies wholly within Flood Zone 1 and therefore risk of flooding on the site is not considered to be high. There is already an existing surface water drainage system for the business park and the site as re-profiled would continue to connect into that system.
- 7.38 Consultation was undertaken with the Lead Local Flood Authority team who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. These conditions would deal

with how surface water shall be disposed of from the site during the construction phase whilst a verification report would demonstrate that sustainable drainage systems have been installed as per approved.

- 7.39 Overall, it is considered that the proposal is acceptable in relation to drainage, flood risk and foul sewage subject to conditions and would be in accordance with the Wansbeck District Local Plan, the emerging Local Plan and the NPPF

### **Equality Duty**

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

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

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

### **Human Rights Act Implications**

- 7.42 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.43 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.44 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 proposal represents an acceptable form of development in accordance with both local and national planning policy. The application is recommended for approval subject to recommended conditions as set out below.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

- 1) Location plan drawing no. 190630-PLNG-09 (received 21<sup>st</sup> October 2020)
- 2) Proposed drive thru elevations drawing no. 190630 - PLNG6(A) (received 26<sup>th</sup> January 2021)
- 3) Proposed site layout drawing no. 190630 - PLNG - 03(F) (received 26<sup>th</sup> January 2021)
- 4) Proposed tracking plan drawing no. 190630 - PLNG - 07(D) (received 26<sup>th</sup> January 2021)
- 5) Landscape layout drawing no. 01 Rev. B (received 23<sup>rd</sup> November 2020)
- 6) Mechanical Ventilation & Environmental Control Equipment report (received 23<sup>rd</sup> November 2020)
- 7) Cycle shelter details (received 18<sup>th</sup> November 2020)
- 8) Delivery management plan (received 18<sup>th</sup> November 2020)
- 9) Proposed PFS elevations drawing no. 190630 - PLNG5 (received 30<sup>th</sup> September 2020)
- 10) Proposed ancillary details drawing no. 190630 - PLNG8 (received 30<sup>th</sup> September 2020)
- 11) Lighting report Kingfisher lighting (received 30<sup>th</sup> September 2020)
- 12) Drainage impact assessment FRDS (received 26<sup>th</sup> January 2021)
- 13) Proposed site elevations drawing no. 190630 – PLNG4 (received 30<sup>th</sup> September 2020)

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

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

06. 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/High/Medium level of odour control, as defined in the EMAQ document "Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The details shall be submitted to the LPA for its written approval with the approved scheme implemented in full.

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

07. The development shall not be occupied until the car parking areas indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

08. Development shall not commence until details of the proposed highway works (new vehicular access/egress from the internal roundabout within Ashwood Business Park - from a fourth arm of the existing roundabout, with footway and cycleway connections to the existing footway/cycleway network within the business park, and any associated drainage, street lighting, signage, and line markings) 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.

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

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

10. 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 the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

11. 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.

12. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is

occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

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

13. Development shall not commence until a Construction Method Statement, together with 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

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

14. No external refuse or refuse container 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.

15. No ground clearance or other vegetation removal shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law.

16. All works on site shall be carried out in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

17. Prior to first occupation or use of the development hereby approved two integrated features providing nesting habitat for birds must be constructed within the fabric of the new buildings; one on the north aspect of the petrol filling station and one on the eastern aspect of the coffee drive through building.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and

around developments, especially where this can secure measurable net gains for biodiversity.

18. 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);
- \* 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.

19. 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.

### **Informatives**

- 1) It is likely that the activity will require an environmental permit under The Environmental Permitting (England and Wales) Regulations 2016 (as amended), the prescribed process for the “unloading petrol into storage at petrol stations” is cover the delivery of petrol by tankers to the station (Stage I) and dispensing of petrol into vehicles (Stage II). The applicant should appraise themselves of any regulatory requirements under The Environmental Permitting (England and Wales) Regulations 2016 (as amended) and whether they require an environmental permit for these operations.

It is recommended that an application for a permit is made as soon as possible to the Environmental Protection Team at Northumberland County Council as the process can take up to three months:  
<https://www.northumberland.gov.uk/Protection/Pollution/Pollution.aspx#pollutioncontrol-environmentalpermitting>

- 2) Our adopted guidance provides a guide to what should be included in a gas protection proposal and is included in Appendix 2 of the YALPAG Technical Guidance - Verification Requirements for Gas Protection Systems, Version 1.1 Dec 2016, which can be accessed in the “related documents for environmental protection in development” section at:

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

Verification of the gas protection should be proposed to address the first gas condition, once the buildings are erected to floor level then the second gas

protection condition can be discharged and the verification should match what is proposed but should broadly consist of the items listed in Appendix 3 of the above guidance document. This may be achieved through

- A recognised gas membrane fitted as a gas membrane - taped or welded, top-hats on services taped or welded to the membrane, fabricated internal corners taped or welded to the membrane following CIRIA C735 and BS 8485:2015+A1:2019.
- A Reinforced concrete ground bearing foundation raft with limited service penetrations that are cast into slab.

Assuming a gas regime (Characteristic Situation) of CS2 and Building Type B or C (Table 3 of BS8485:2015+A1:2019) the development will have to achieve a score of 3.5 or 2.5, respectively.

Therefore, the applicant should propose gas protection measures meeting the requirements of CIRIA C735 and achieving the necessary 3.5 or 2.5 point in BS 8485:2015 for CS2. BS 8485 includes the following to assist in the choice of which building types the structures would fall under:

Building Types (Table 4 of BS 8485)

Building Type A = residential dwellings

Building Type B = Type B building: private or commercial property with central building management control of any alterations to the building or its uses but limited or no central building management control of the maintenance of the building, including the gas protection measures. Multiple occupancy. Small to medium size rooms with passive ventilation of rooms and other internal spaces throughout ground floor and basement areas. May be conventional building or civil engineering construction. Examples include managed apartments, multiple occupancy offices, some retail premises and parts of some public buildings (such as schools, hospitals, leisure centres) and parts of hotels.

Building Type C = commercial building with central building management control of any alterations to the building or its uses and central building management control of the maintenance of the building, including the gas protection measures. Single occupancy of ground floor and basement areas. Small to large size rooms with active ventilation or good passive ventilation of all rooms and other internal spaces throughout ground floor and basement areas. Examples include offices, some retail premises, and parts of some public buildings (such as schools, hospitals, leisure centres and parts of hotels).

Building Type D = large volume industrial style buildings Building Type B requires meeting a score of 3.5 (CS2 and building type B) and Building Type C requires meeting a score of 2.5 (CS2 and building type B).

Structural Barrier (Table 5 of BS 8485)

A cast in-situ ground bearing floor slab would achieve a score of 0.5, whereas a well reinforced cast in situ monolithic reinforced ground bearing raft or

reinforced cast in-situ suspended floor slab with minimal penetrations would achieve a score of 1.5.

#### Gas Membrane (Table 7 of BS 8485)

A gas membrane can achieve a score of 2.0 if it meets the requirements of Table 7 of BS 8485, which are:

- a) sufficiently impervious, both in the sheet material and in the sealing of sheets and sealing around sheet penetrations, to prevent any significant passage of methane and/or carbon dioxide through the membrane;
  - b) sufficiently durable to remain serviceable for the anticipated life of the building and duration of gas emissions;
  - c) sufficiently strong to withstand the installation process and following trades until covered (e.g. penetration from steel fibres in fibre reinforced concrete, penetration of reinforcement ties, tearing due to working above it, dropping tools, etc); and to withstand in-service stresses (e.g. settlement if placed below a floor slab);
  - d) capable, after installation, of providing a complete barrier to the entry of the relevant gas; and
  - e) verified in accordance with CIRIA C735 [N1].
  - f) Membrane must meet the gas transmission specification in BS 8485 for methane not to exceed 40ml/m<sup>2</sup>/day/atm.
- 3) The applicant should ensure that as well as any top-hats being secured to the membrane (taped or welded) that the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) is filled with a gastight, closed cell sealant such as FILOseal+ or FILOseal+HD produced by Filoform UK Ltd: <https://www.filoform.co.uk/catalog/category/view/s/re-enterable-ductsealingsystems/id/9/>
  - 4) Any fixed, external lighting installed as part of this development should have regard for the ILP Guidance on the Reduction of Obtrusive Light, 2012: <https://www.theilp.org.uk/documents/obtrusive-light/> The applicant should ensure that lighting does not cause an annoyance to any nearby receptors. Experience of lighting installations has shown that complaints about floodlighting normally arise from poorly designed or installed lighting schemes. It is recommended that the applicant ensures the lighting contractor installs the proposed lighting scheme in line with submitted proposals and that the ILP guidance is adhered to minimise the impact of lighting as part of this development.
  - 5) Should the application be granted it is strongly recommended that the applicant contact the Commercial Team in the Public Health Protection Unit through the Information Centre 0345 600 6400, at an early stage to ensure compliance with food safety / health & safety legislation.

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

<http://www.northumberland.gov.uk/Protection/Environmentalhealth/Business.aspx#toiletprovisioninfoodpremises>

- 6) Should any clarification be required on toilet provision, then please contact the Council and ask to speak to someone in the Commercial Team within the Public Health Protection Unit.
- 7) 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.
- 8) This permission does not give consent to any advertisement(s) intended to be displayed on the site for which separate Express Consent may be necessary under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as Amended/Revoked)
- 9) 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.
- 10) The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: new vehicular access/egress from the internal roundabout within Ashwood Business Park - from a fourth arm of the existing roundabout, with footway and cycleway connections to the existing footway/cycleway network within the business park, and any associated drainage, street lighting, signage, and line markings.
- 11) 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.
- 12) You are advised to contact the Councils Lighting Section on [HighwaysStreetLighting@northumberland.gov.uk](mailto:HighwaysStreetLighting@northumberland.gov.uk) before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.
- 13) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the Highway

**Date of Report:** 10<sup>th</sup> February 2021

**Background Papers:** Planning application file(s) 20/03097/FUL