

Report of the Town Clerk

18/01184/FUL | Retail Development; 5 no. retail (Use Class A1) units; 2 no. food & drink/drive-thru units (Use Class A1/A3/A5); Access, Parking, Servicing, Landscaping, Regrading & Associated Works | Land South West Of Morrisons Loaning Meadows Berwick-Upon-Tweed Northumberland TD15 1UN

The application proposals are for a new retail park consisting of five retail units, two food and drink / drive-thru units along with associated car parking, servicing and access arrangements. The new retail park will include a replacement Aldi store, along with a new Home Bargains store and a new The Food Warehouse store.

Policy background

Members are reminded of paragraph 14 of the National Planning Policy Framework (our emphasis):

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

local planning authorities should positively seek opportunities to meet the development needs of their area

Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

For decision-taking this means:

approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Elsewhere, the NPPG guidance states:

“Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

Local planning authorities should assess and plan to meet the needs of main town centre uses in full, in broadly the same way as for their housing and economic needs, adopting a ‘town centre first’ approach and taking account of specific town centre policy. In doing so, local planning authorities need to be mindful of the different rates of development in town centres compared with out of centre.”

Existing or emerging local policies

The extent to which the council should consider or give weight to existing or emerging policies is not a fixed point, but members should at least take account of these policies when responding to this consultation. In particular, members should be aware that the NPPG specifically excludes reference to out of date policies, and the Local Plan has not yet been submitted to inspection or referendum.

Policy C35 of the Berwick Local Plan of 1999 states

“Within the town of Berwick-upon-Tweed, the development of new shopping floorspace, including the extension, alteration or improvement of existing shops, will be permitted provided that: i) it will not adversely affect the amenity of adjoining uses, land or the environment; ii) it will not adversely affect the vitality and viability of Berwick town centre; iii) it accords with Policies elsewhere in the Plan; and, where the development is of a new shop: iv)(a) it is a local shop primarily serving a population within a convenient walking distance; or, iv)(b) it is located within the existing town centre of Berwick; or, if no suitable site is available, it is located at the edge of the town centre; and only if no suitable site is available in, or at the edge of, the town centre, it is located elsewhere within the town of Berwick-upon-Tweed.”

The Draft Local Plan 2018 (Pre submission copy) states

Policy BNDP 26:

Berwick Town Centre Development located within Berwick Town Centre, as defined on the Policies Map, will be supported where it helps to maintain and contribute to the role, vitality and viability of the Town Centre by:

- a. Locating main town centre uses within the Primary Shopping Area, as defined on the Policies Map;*
- b. Supporting the development of more places to eat and drink in the Town Centre;*
- c. Supporting the re-use or redevelopment of vacant buildings and sites within the Town Centre for retail (A1), Financial and professional services (A2) or Food and drink (A3) at ground floor level; and*
- d. Meets the requirements of Policy BNDP 3.*

All retail development beyond the Primary Shopping Area and proposals for other town centre uses beyond the Town Centre boundary, will be subject to a proportionate and appropriate sequential test in relation to: the scale of the proposal and its nature in terms of the type of service or goods offered. Where it is demonstrated that a town centre use can only be accommodated at an edge or out of centre location, priority should be given to accessible sites that are well connected to the town centre and where possible, well related to residential areas, existing services and public transport.

The following developments will be subject to impact testing:

- a. Proposals for more than 1000m² gross retail floorspace outside the Primary Shopping Area;
- b. Proposals for leisure-related buildings of 2500m² gross floorspace, not linked with wider open space activities or hotel use, that are outside the Town Centre boundary; and
- c. Proposals for office uses that are more than 2500m² gross floorspace outside the Town Centre boundary.

Planning permission will be refused for any town centre use in an out of town location unless:

- d. The developer can demonstrate that there are no alternative town centre or edge of centre sites; and
- e. The developer can demonstrate to the satisfaction of the Local Planning Authority that an impact assessment concludes that there is no adverse effect upon the town centre or local centres in terms of vitality and viability, and no adverse effect on existing or proposed investment in these centres.

Policy BNDP 27:

Local Centres Developments within the Local Centres of Tweedmouth, Spittal and Newfields, as defined on the Policies Map, will be supported where it strengthens the vitality and viability of the centre. Applicants will be required to demonstrate that the development would: a. Not have an unacceptable impact on residential amenity; b. Have appropriate access and car parking provision; and c. Not have a detrimental impact on the appearance and the environment of the Local Centre, in accordance with the requirements of Policy BNDP 3.

Para 7.14 of the Draft Plan states

“The Newfields Local Centre is focused on a retail park adjacent to the A1, offering a major convenience store, but with further convenience offerings along North Road. This Local Centre services the second largest population centre, being the residential properties bounded by Castle Terrace and the 3 Fields Estates. This is also [a] thriving Local Centre.”

The Berwick Local Economic Plan (prepared by the Coastal Communities Team) states, at p.16

The Market Town Benchmarking work, undertaken in Berwick in 2013, measured the performance of town centres and compares this with other towns across the country and through user and business surveys reported:

- *79% of town centre users stayed in Berwick town centre for less than 2 hours,*
- *90% of businesses and 73% of town centre users stated that car parking was a negative aspect of Berwick town centre,*
- *85% of town centre users felt the variety of shops in the town centre was either 'Very Poor' (43%) or Poor (42%) which is 38% higher than the National Small Towns average. Improvements to the retail offer was one of the main suggestions made by town centre users,*
- *The report noted a limited market traders offer, noticeably lower than regional and national averages,*
- *74% of town centre users felt the physical appearance of Berwick was either 'Poor' (51%) or 'Very Poor' (23%), 48% higher than the National Small Towns average,*
- *74% of town centre users stated that 'shopping' was a negative aspect of Berwick,*
- *When businesses were asked what the positive aspects of having a business located in Berwick town centre, 85% identified that potential tourist customers were a positive aspect, with only 5% identifying it as a negative aspect.*

Issues

Is this the right site?

Development of out of centre sites for 'town centre uses' requires a sequential approach to site selection and an impact test.

What is a sequential test?

The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

What is an impact assessment?

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m²). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in 5 years, the impact should also be assessed up to 10 years from the time the application is made

The applicants have submitted a retail impact assessment, which explains their approach to the sequential test and which states;

“The proposed development will principally serve the needs of residents within Berwick-upon-Tweed and the surrounding area. A detailed sequential assessment has been carried out which considers the potential suitability and availability of a number of sites within, on the edge of, and outside of Berwick-upon-Tweed town centre. The availability of sites for development is limited within and on the edge of the town centre owing to the historic environment and the heritage assets within the town. Whilst the historic nature of the town centre forms an important part of its attraction, it does act as a barrier to significant expansion or the ability for comprehensive redevelopment to deliver modern larger floor plate retail units within or on the edge of the centre.”

Broadly, the applicants appear to be arguing that, whilst there are vacant sites in Berwick Town Centre, these are not of a size or format suitable for modern retail usage. If members accept the evidence and reasoning contained in the retail impact assessment, especially the detailed appraisal of available sites in Section 4 of the Retail Impact Assessment, there is no evidenced reason to object to the location of this proposed development on the basis of its impact on town centre viability or the availability of alternative sites.

Impact on the ecology of the area

There are some objections concerning the impact of the development on the ecology of the site, and the wider ecological diversity.

At time of writing we have not had sight of the report of the County Ecologist, but it would be reasonable to object to development unless the County Ecologist is satisfied that the application addresses all the concerns of local residents about the impact of the development on wildlife and the natural environment.

Economic impact

The application proposes to create the equivalent of 84 full time jobs. The Retail Impact Statement suggests there will be no impact on existing retail in Berwick Town Centre. Paras 2.18 to 2.20 of the Retail Impact Statement set out the applicants reasons for stating that the existing Home Bargains and Iceland stores in Berwick will not be affected by this new development. As such there appears to be no evidenced reason to object to the development on the grounds of its economic impact.

Highways Impact

At the time of writing the views of Northumberland County Council's Highways Development officers were not available.

Vehicular and pedestrian access will be via Loaning Meadows from North Road. It is proposed that a mini roundabout will be constructed on Loaning Meadows at the north eastern corner of the site where it turns to form the Morrisons service road. Loaning Meadows will then be extended in a south westerly direction to form the access to the proposed site. The proposed footway will be situated on the south eastern side of the proposed access from Loaning Meadows and will join with the existing provision on Loaning Meadows. As part of the approved residential scheme on the north western corner of the site, there is a proposed pedestrian link to Loaning Meadows, which incorporates a ramp. A further pedestrian / cycle link is also proposed to the future residential link road extension from Countess of Buchan Way which joins to the A1167 North Road.

Objections have been made on the basis of the impact on the existing junction adjacent to Morrisons, and on the risk of creating a rat run effect in adjacent residential areas. The proposal does not show any vehicular connection into adjacent residential areas other than for cycles.

Given the absence of comments (at this time) from Northumberland County Council Highways Engineers it would be reasonable to object to the application unless a suitable Highways solution and sustainable transport plan are prepared to the satisfaction of Northumberland County Council officers, and which includes suitable safe cycle and pedestrian access to the site.

SUMMARY

There are potential reasons to object given that the Highways proposals, travel proposals and ecological impact of the development do not appear to have been fully assessed.

It is therefore RECOMMENDED:

1. That council object to the development, as proposed, until such time as Northumberland County Council's officers are satisfied that the Highways proposals and Sustainable Transport Plan are capable of delivering a safe and sustainable development that does not have an unreasonable impact on residential amenity, and
2. That council object to the development, as proposed, until such time as Northumberland County Council's officers are satisfied that the delivery of the proposed development will not have an unreasonable impact on wildlife and environmental diversity already evidenced at the site.