

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 10 October 2018 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 19 September 2018 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - UK Land Investments Ltd, Blaydon Industrial Park, Chainbridge Road, Blaydon on Tyne (Pages 9 - 116)
4ii	No. 2 - 6 Coalway Lane, Whickham, NE16 4BX (Pages 117 - 126)
4iii	No. 3 - Karbon Homes, Land adj Starling Walk, Sunnyside, Newcastle upon Tyne (Pages 127 - 140)
4iv	No. 4 - 37 Grayling Road, Festival Park, Gateshead NE11 9ND (Pages 141 - 148)
4v	No. 5 - Land West of Pennyfine Road, Sunnyside, Newcastle upon Tyne NE16 5EP (Pages 149 - 188)
5	Delegated Decisions (Pages 189 - 196) Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 197 - 198) Report of the Strategic Director, Communities and Environment

- 7 **Enforcement Action** (Pages 199 - 206)
Report of the Strategic Director, Communities and Environment
- 8 **Planning Appeals** (Pages 207 - 220)
Report of the Strategic Director, Communities and Environment
- 9 **Planning Obligations** (Pages 221 - 222)



PLANNING AND DEVELOPMENT
COMMITTEE
10 October 2018

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement
Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers
delegated under Part 3, Schedule 2 (delegations to managers),
of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

Contents

Application Number	Site Location	Ward
1. DC/18/00533/FUL	Blaydon Industrial Park Chainbridge Road	Blaydon
2. DC/18/00542/HHA	6 Coalway Lane Whickham	Dunston Hill And Whickham East
3. DC/18/00566/FUL	Land Adj Starling Walk	Whickham South And Sunniside
4. DC/18/00627/HHA	37 Grayling Road Festival Park	Lobley Hill And Bensham
5. DC/18/00704/FUL	Land West Of Pennyfine Road Sunniside	Whickham South And Sunniside

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in June 2018 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

UPDATES

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

SPEAKING AT COMMITTEE

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings, occupied by between 3 and 6 unrelated individuals who share basis amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	Places of worship, church halls, clinics, health centres, creches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

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Committee Report

Application No:	DC/18/00533/FUL
Case Officer	Lois Lovely
Date Application Valid	11 July 2018
Applicant	UK Land Investments Ltd
Site:	Blaydon Industrial Park Chainbridge Road Blaydon On Tyne
Ward:	Blaydon
Proposal:	Mixed use retail/leisure development comprising of a discount foodstore (1767 sqm GIA), A1 retail store (2630 sqm GIA), A1 retail store (1170 sqm), A1 retail store (2160 sqm) with associated garden centre (700sqm), Starbucks drive-thru (167 sqm GIA) and a drive-thru restaurant (250 sqm NIA) (amended 19/06/18).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:

- 1.1 Blaydon District Centre lies to the West of Gateshead on the south bank of the River Tyne. It is located on the western fringe of the district of Gateshead but is separated from the rest of the borough by the River Derwent which enters the Tyne nearby.
- 1.2 Blaydon is one of several towns and villages in the west of Gateshead Borough. Winlaton, Dunston, Whickham and Ryton are all close neighbours, and have similar shopping centres at their heart.
- 1.3 The application site lies to the east, and on the edge of, Blaydon District Centre with a large Morrison's superstore located across Chainbridge Road from the site. Blaydon District Centre provides the town's prime retail location extending to 18,580 sqm with approximately 700 car parking spaces.
- 1.4 In 2014 Morrison's opened their new 6,503 sqm superstore. Other major retailers within the redeveloped Blaydon Shopping Centre include Home Bargains, B&M, Iceland, Boots, Superdrug, Lloyds Bank and McDonalds. This mix of A1 and A3 uses defines Blaydon Shopping Centre.
- 1.5 To the south-west of the site, on the other side of Chainbridge Road, is an established residential area.

- 1.6 The application site, which is broadly rectangular in shape, is 3.08 hectares and is currently occupied by a mix of employment uses. The uses to the north of the site are predominately B1 - business, B2 general industrial, B8 storage and distribution.
- 1.7 Chainbridge Road forms the site's southern boundary.
- 1.8 The site has good links to the A1 north and south, and a railway station to the north of the site links Blaydon with Newcastle and the Metro Centre to the east, and Hexham and Carlisle to the west.
- 1.9 Blaydon Highway links to the rest of Gateshead, Prudhoe, and Ryton, whilst Shibdon Road gives access to Dunston, Whickham, Winlaton and beyond. A large roundabout to the west of the site joins the local roads to Prudhoe, Ryton and Crawcrook. This also gives access to Blaydon bus station, a medium sized interchange providing a stopping point for all local buses passing east to Newcastle and Gateshead, and west to the Tyne Valley villages.
- 1.10 The application site benefits from close proximity to the National Cycling Network Route 141 which is part of The Keelmans Way, which links Wylam and the upper reaches of the Tyne with Central Gateshead and Newcastle and the Bill Quay area. It also benefits from an existing cycle path which runs along Chainbridge Road.
- 1.11 The site is part of a larger industrial estate which is populated by large industrial units surrounded principally by hard-standings and car parking. The existing buildings cover much of the site. The car park and surrounding areas are tarmac or concrete and form almost 100% hard-standing to the site.
- 1.12 The site is bounded to the north by the Blaydon Industrial Park, to the east by football pitches and to the west and south by Chainbridge Road / Shibdon Road. It is generally level although it sits at a lower level than the footpath that is on top of a retaining wall to the south.
- 1.13 The site is currently accessed directly from Chainbridge Road giving access to the buildings and also to the car parking and hard-standing areas to the front.
- 1.14 The site consists of a number of buildings of varying size that are surrounded predominantly by hard surfacing in the way of service roads, storage areas and car parking facilities.
- 1.15 There are a small number of grass covered verges located within the site, some of which contain some of the trees found within the site boundary.
- 1.16 There is an avenue of mature trees located adjacent to the southern site perimeter outside of the site.

- 1.17 The site itself does not contain any designated or known, non-designated heritage assets.
- 1.18 Although the site does not lie within a conservation area or contain listed buildings, development of the site has the potential to affect the setting of, or views of, a number of designated and non-designated heritage assets. These are Blaydon Conservation Area, Blaydon Cemetery including the Chapel and memorials, and Lodge. Some elements of this complex of heritage assets are statutorily listed grade II and some are included on the Local List.
- 1.19 The Shibdon Pond Site of Special Scientific Interest (SSSI) lies approximately 250m to the east of the site. This SSSI is part of the Shibdon Pond and Shibdon Pond West Local Nature Reserve and Gateshead Wildlife Sites. The SSSI citation identifies Shibdon Pond as one of a few large open water sites between the Tyne and Tees, and important as a wetland habitat within the industrial conurbation of Tyneside. The pond is fringed by extensive swamp and is an important site for breeding and wintering wildfowl and provides a spawning site for frogs and toads.
- 1.20 The land adjacent to the site is designated as a Local Nature Reserve and a Local Wildlife Site and both add to the habitat diversity of the area with extensive areas of grassland, scrub and tree planting present.
- 1.21 DESCRIPTION OF THE PROPOSAL
This application follows the grant of outline consent for a retail park in December 2016 (DC/16/01151/OUT) which was subject to the following conditions imposed in order to protect the vitality and viability of Blaydon District Centre:
- a restriction on the amount of floorspace / net sales (Condition 4);
 - restrictions on the types of goods that can be sold from the various units (Conditions 5, 6 and 10);
 - removing the applicant's permitted development rights in connection with the insertion of mezzanines (Condition 7) and changes of use from Use Class A3 to Use Classes A1 / A5 (Condition 9); and
 - restrictions on amalgamation and subdivision (Condition 8).
- 1.22 The current proposal is seeking substantial amendments to the approved outline scheme to accommodate the following:
- Aldi (1,767 sqm GIA);
 - TJ Hughes (2,630 sqm GIA);
 - B&M (2,160 sqm and 700 sqm Garden Centre); and
 - Drive thru Starbucks (167 sqm GIA).
- In addition, the application proposes:
- non-food retail unit(s) (1,170 sqm GIA total); and
 - a drive-thru Burger King restaurant (250 sqm NIA).
- 1.23 The scheme locates the largest scale buildings along the northern and eastern edges of the site in response to the scale of the existing industrial units which lie close to the northern boundary of the site. This groups together

service yards along the northern and eastern edges with a turning area in the south eastern corner visible from Chainbridge Road.

- 1.24 The two smaller drive thru units are proposed on the southern and western edges of the site either side of the proposed vehicular access from Chainbridge Road. A pedestrian access is proposed that would link with a crossing over Chainbridge Road. The external appearance of the proposed buildings is, for unit 1, the Aldi store composite panel monopitch roof, powder coated canopy over entrance, dark grey glazed curtain walling, horizontal grey and light grey spanning composite panels and a mesh enclosure to the rear for the refrigeration unit. Units 2, 3, 4 and 5 (the other retail units) are proposed to have a flat roof, to be in similar materials with vertical rather than horizontal spanning panels and include a timber effect brise soleil system entrance feature. Unit 6 has a monopitch roof and is proposed in horizontal dark grey spanning panels, dark grey glazed curtain walling, vertical spanning timber effect board cladding with a masonry effect pylon feature. Unit 7 is proposed in white aluminium curtain walling, cream panels, red sinusoidal cladding, glazed entrance doors, a yellow brick plinth, cedar wood effect cement cladding, red ceramic tiling and a metal canopy above the entrance and above the serving hatches.
- 1.25 The existing mature tree line fronting Chainbridge Road is proposed to be retained as this is a valued natural feature on site. Some limited additional soft landscaping is proposed within the site.
- 1.26 It is proposed that all new buildings will have the same finished floor level as the existing buildings and also at least 150mm above the existing ground level where appropriate.
- 1.27 Employment created by this development would be approximately 170 full or part time jobs, once operational and would create an estimated 95 additional jobs during the construction of the project.
- 1.28 The proposed access is direct from Chainbridge Road, achieved through introducing a new arm to the existing signalised junction of Chainbridge Road and Shibdon Road. A separate service access to the site would utilise the existing junction into the site from Chainbridge Road.
- 1.29 The layout indicates
Unit 1 100 car spaces that includes 6 accessible, 9 parent and child spaces, 1 covered cycle shelter for 12 cycles and 6 secure lockable cycle lockers
Units 2,3, 4 and 5 241 car spaces including 16 accessible spaces and 1 electric vehicle charging space, 6 motorcycle spaces, 3 covered cycle shelters to accommodate 32 cycles and 16 secure lockable cycle lockers.
Unit 6 has 8 car spaces including 1 accessible space, 2 cycle racks for 4 cycles and 2 secure lockable cycle lockers.
Unit 7 has 9 car spaces including 2 accessible spaces, cycle racks to accommodate 10 cycles and 5 secure lockable cycle lockers.
A total of 358 parking spaces of which 25 are accessible and 1 electric vehicle charging space, are distributed between the retail units. All of the entrances to

the new facilities are proposed to be at a grade to ensure accessibility for all, irrespective of ability.

1.30 The application is supported by:

- Design and Access Statement (DAS)
- A Flood Risk Assessment (FRA)
- Tree Survey
- Coal Mining Risk Assessment
- Ground Investigation
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- Planning Statement

1.31 PLANNING HISTORY

Planning application DC/13/00290/COU was granted on 16 May 2013 for the change of use of part of one of the buildings on the site to a waste transfer station. This permission was not implemented, and it lapsed on 16 May 2016.

Planning application DC/15/00894/OUT was refused for Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (additional info received 20/11/15 and amended 23/02/16) on July 2016. Refused by Planning and Development Committee on 29 July 2016. There were three reasons for refusal; loss of employment land; retail impact and impact upon the highway network.

An Appeal was lodged against this refusal however was withdrawn following the grant of planning permission DC/16/01151/OUT Outline application (all matters reserved excluding access) for mixed use retail/leisure development comprising of a discount foodstore (1936 sqm GFA), DIY bulky goods store (4755 sqm GFA), bulky goods unit (632 sqm GFA), pub/restaurant (600 sqm GFA) and a drive-thru restaurant (230 sqm GFA) (resubmission) (additional information received 15/11/16 and 30/11/16 and amended 30/11/16). Granted 20 December 2016. This application was a resubmission of application DC/15/00894/OUT.

DC/17/01393/REM Reserved matters application pursuant to DC/16/01151/OUT for appearance, layout, scale and proposed landscaping. The application could not be considered as reserved matters and was Withdrawn by the agent on 31.01.2018.

2.0 Consultation Responses:

Northern Gas Networks

Northern Gas Networks has no objections to the proposals.

Northumbria Water

NWL has no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy 001 March 2018". In this document it states that foul water from the proposed development will discharge to the combined sewer via manhole 8202.

With regard to surface water, the planning application does not provide sufficient detail with regards to the management of surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. Consequently, a pre-commencement condition seeking surface water disposal details has been requested by NWL.

Tyne And Wear
Archaeology Officer

There are no archaeological implications in relation to this scheme.

Coal Authority

The site falls within the defined Development High Risk Area.

As a result, the applicant has submitted a Preliminary Investigation Report (April 2015, prepared by Dunelm Geotechnical & Environmental Ltd) in support of the planning application.

The Report confirms that the physical investigation of the coal mining legacy features referred to will be required. Consequently, The Coal Authority has no objections to this planning application subject to the imposition of an appropriate planning condition to secure the site investigations referred to and any necessary remedial measures.

3.0 Representations:

- 3.1 Publicity for this application was carried out in accordance with articles 15 (3) and 15 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A press notice was published in the Journal on 25 July 2018.

- 3.2 Four letters of representation have been received.
- 3.3 One is from an immediate neighbour to the site and raises concerns about maintaining access to the existing unit during construction and the need for dust control during demolition and construction as this would contaminate the production of freshly powder coated materials.
- 3.4 A second objection has been received from an existing occupant of Blaydon District Centre, Costa Coffee who has concerns about viability of the existing store and shopping centre as a whole as the application is contrary to conditions imposed on the previous outline.
- 3.5 The third representation is from Home Bargains, an existing tenant of Blaydon Shopping Centre. The concerns they raise relate to their belief that the impact assessment undertaken by WYG is fundamentally flawed and misleading in the assessment of trade diversion and seeks to keep the impact of the proposal low to support the proposal whereas the objector is of the opinion that the proposal would compete directly with the existing offer.
- 3.6 A fourth representation has been received from Williams Gallagher, on behalf of Ellandi LLP (Ellandi) who have an interest due to its close proximity to Blaydon Shopping Centre. Ellandi acquired the shopping centre in December 2014.
- 3.7 The representation takes the form of a Planning Objection Report which raises a number of concerns in great detail, but to summarise:
- The current proposal makes substantial amendments to the approved outline scheme. The scheme has been marketed outside the terms of the extant outline permission since at least November 2017. Whilst the marketing document infers that there are restrictions on the operation of the Park, the associated imagery and tenant line up makes it quite clear that the Applicant will entertain all non-food enquiries. Ellandi notes that this confirms its suspicion that it was never the intention of the applicant to deliver the outline scheme in the format proposed – instead, it was a strategy to establish permission for a mixed use retail / leisure scheme and to then seek to secure seemingly ‘minor’ incremental changes in the future to facilitate an open A1 retail park consent.
 - Ellandi is strongly opposed to the proposed development as it has the potential to significantly and irreversibly undermine the vitality and viability of Blaydon District Centre. This includes the relocation of B&M which acts as a major anchor to Blaydon District Centre. It notes that the occupation of the proposed retail park by B&M would result in a clear and demonstrable 'like for like' significant adverse impact on Blaydon District Centre (including a significant void in the District Centre which will be extremely difficult to re-let in the current retail climate). It also states that the proposed retail park will also compete on a like for like basis with existing operators including Boyes, Morrisons, Boots, Poundworld, Home Bargains, Superdrug, Iceland, Shoe Zone, Cooplands, Subway, Greggs

and Costa Coffee - retailers / occupiers that are critical to attracting the footfall required to support local independent retailers such as Blaydon Carpets, News 4U, Studio Sun Solarium, Kentoci Café and the Glasses Factory.

- Ellandi has conducted its own retail impact assessment which suggests that the applicant has significantly underplayed the quantitative impact of the proposed development – its assessment shows the impact to be significantly higher in both monetary and percentage terms (for example, its assessment concludes that the total loss of comparison (non-food) goods retail revenue for Blaydon District Centre would be in the region of £4.5m – a combined impact of over 70%). It also notes that it has failed to undertake a sufficient assessment of the qualitative impacts of the proposal which is necessary to determine the overall impact of the proposal on the vitality and viability of Blaydon District Centre.
- The proposal will lead to the relocation of existing retailers and jobs from Blaydon District Centre and result in a significantly adverse impact on an allocated centre which has only just been the subject of significant investment.
- Ellandi hope that the application will be forcefully refused by the Council as it is only very recently that the outline scheme (in its current guise with significant restrictions) was approved and no attempt to market the scheme with the imposed planning restrictions has been made.

3.8 A more detailed review of Ellandi's objection is set out below. The objection is also appended to this Committee Report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

JE1 Primary Employment Areas

CS7 Retail and Centres

RCL5 District and Local Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

ENV54 Dev on Land Affected by Contamination

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV61 New Noise-Generating Developments

DC2 Residential Amenity

ENV9 Setting of Conservation Areas

ENV11 Listed Buildings

ENV18 Locally Listed Buildings

5.0 Assessment of the Proposal:

5.1 The main planning considerations are the principle of the development, ground conditions, drainage, the impact of noise on residential amenity, the impact on heritage assets, the impact of the design on visual amenity, biodiversity, the highway network and safety and landscape.

5.2 PRINCIPLE

Loss of employment land

The principle of the change of use to non-employment uses set out in this proposal is consistent with those in extant planning permission DC/16/01151/OUT.

5.3 Employment Land Policy

The site is located within the Blaydon/Derwenthaugh Primary Employment Area (PEA), allocated in saved UDP policy JE1.2, and is currently occupied by employment uses. Policy JE1 states that change of use to and development of, uses including retailing will not normally be permitted in PEAs.

5.4 However, the 2012 Employment Land Review (ELR) recommended that the PEA boundary be revised to exclude this site. The ELR based this recommendation on the site's potential for accommodating mixed-use development in an edge-of-centre location, and noted the site owner's interest in developing the site for residential and town centre uses.

5.5 The ELR's recommendation for a revised boundary at the Blaydon/Derwenthaugh PEA should be considered in the context of NPPF paragraph 120, which requires that applications for alternative uses on allocated land should be supported in instances where the local planning authority considers there to be no reasonable prospect of an application

coming forward for the allocated use, and where the proposed use would contribute to meeting an unmet need for development in the area. However, as the site remains a reasonably attractive and accessible location for employment uses that could come forward in the longer term, and while the predominance of retail uses proposed in this scheme are not associated with an unmet need for retail uses in this area, it is not considered that great weight should be given to NPPF paragraph 120 in this instance. For this reason, the UDP allocation of the Chainbridge Road site within the Blaydon/Derwenthaugh PEA remains in conformity with the NPPF. Therefore, policy JE1 should still be considered to apply to this site, and the proposed change of use to retail / leisure development is not in conformity with current policy.

- 5.6 However, it should be noted that the boundary of the Blaydon/Derwenthaugh PEA has been assessed through preparation of employment policies and allocations within the draft plan, Making Spaces for Growing Places (MSGP), informed and supported by evidence, including an up-to-date Employment Land Review. A publication draft MSGP was published in October 2017; although the emerging policies of MSGP can only be afforded limited weight, the publication of a new draft Local Development Document constitutes an update to the position set out in consideration of the 2016 planning application (DC/16/01151/OUT). The proposed employment policies of MSGP were supported by a 2017 draft Employment Land Review, which recommended that the employment area boundary is revised to exclude the former Churchill's site - acknowledging that the conclusions of the 2012 ELR in relation to this site remain valid and noting the 2016 outline permission for retail/leisure uses. The policies map that accompanied the draft MSGP included a proposed modification to the boundary of Blaydon Industrial Estate (a proposed "Main Employment Area" in MSGP), which excluded the application site.
- 5.7 Given the above, the proposal for retail development of the site is not in accordance with policy JE1 of the UDP, however an important material consideration would be the MSGP draft Employment Land policies, and evidence provided within the 2012 and 2017 ELRs.
- 5.8 **Employment Land**
On employment land the evidence base comprising the ELR 2012 and 2017 recognises the potential of the site to come forward for alternative uses including town centre uses in the wider context of there being a surplus of employment land in Gateshead as identified in the ELR.
- 5.9 A recently completed Employment Land and Property Demand Assessment supported the conclusions of the 2012 ELR regarding the total amount of employment land required to be accommodated in Gateshead (these conclusions informed the CSUCP requirement for 70ha of employment land to be allocated in Gateshead). This indicates that the 2012 ELR's conclusion that Gateshead has a quantitative surplus of employment land remains valid. A further, up-to-date review of employment sites prepared in 2017 to support MSGP, recommends revising boundaries of employment areas to allow

alternative uses on surplus employment sites. The site is in a sustainable edge of centre location which could be developed for alternative uses, as identified in the ELR - it could be taken forward as a departure from the Plan given available evidence (ELR) and as long as it is acceptable in all other terms.

- 5.10 Although the specific recommendations of the 2012 ELR in relation to the Blaydon/Derwenthaugh PEA were not scrutinised at the Examination in Public stage of the CSUCP (as the CSUCP did not propose to allocate non-strategic employment sites), the broad recommendations set out in the ELR should still be considered relevant to decision taking, as they provide an up-to-date evidence of employment land supply and demand. In particular, the ELR identifies that Gateshead has a sufficient supply of available employment land (when sites recommended for de-allocation are excluded from the portfolio of employment land). This view was endorsed in the Inspector's assessment that the CSUCP's approach to employment land provision, including that the minimum requirement for 70ha of employment land, was sound. The 2017 ELR supports the findings of the 2012 ELR.
- 5.11 The application site is an edge of centre site which, subject to any constraints being addressed or mitigated, would be likely to prove attractive to a range of uses, including residential and town centre uses. Therefore, while the 2012 ELR awarded the site a high score of 30 out of a possible 33 (meaning it is a good employment site), the ELR recommended the site was de-allocated from employment uses to encourage mixed use development. This conclusion is in keeping with the ELR's overall assessment of a sufficient quantity of employment land in Gateshead and, crucially also reflects the intention of the site's owners at the time to bring forward the site for residential and town centre uses. In this respect, the recommendation to apply a more flexible policy approach to the development of the site is consistent with planning practice guidance (Paragraph: 020 Reference ID: 3-020-20140306) which requires consideration to be given to landowners' intentions in the assessment of site availability.
- 5.12 The ELR's recommendation to deallocate the site concludes that the loss of this site from the PEA would not have a negative effect on the rest of the PEA.
- 5.13 Given the above, the proposal is considered to be acceptable in terms of loss of employment land and in accordance with the NPPF.
- 5.14 Retail Policy
This application seeks full planning permission for a mixed-use retail / leisure development and follows the grant of outline planning permission for a retail park on 20 December 2016 DC/16/01151/OUT.
- 5.15 Reflecting the types of goods proposed by the applicant at the time, the outline permission was subject to a series of strongly worded occupancy related conditions (as well as restrictions on floorspace and the removal of permitted development rights) imposed in order to protect the vitality and viability of Blaydon District Centre, and to ensure the scheme was

complementary as opposed to being in direct competition with Blaydon District Centre.

5.16 These were as follows:

- a restriction on the amount of floorspace / net sales (Condition 4);
- restrictions on the types of goods that can be sold from the various units (Conditions 5, 6 and 10);
- removal of the Applicant's permitted development rights in connection with the insertion of mezzanines (Condition 7) and changes of use from Use Class A3 to Use Classes A1 / A5 (Condition 9); and
- restrictions on amalgamation and subdivision (Condition 8).

5.17 This full application is required as the proposed development could not be considered as Reserved Matters submission, as the proposals would be in direct contravention of the majority of the abovementioned conditions.

5.18 As a result of these contraventions, the proposed development would be in direct competition with Blaydon District Centre. This includes the relocation of B&M to the proposed retail park resulting in a like for like impact on the Shopping Centre.

5.19 The site in question is located on the opposite side of Chainbridge Road from Blaydon District Centre, which is identified in Gateshead's retail hierarchy (Local Plan Policies CS7 and RCL5). The District Centre has recently been redeveloped and refurbished, comprising a new Morrison's convenience supermarket, other new retail units and refurbishment of the existing precinct.

5.20 Whilst the application site could be viewed as an accessible edge-of-centre site, the busy Chainbridge Road provides a strong and logical boundary separating the site from the District Centre.

5.21 There is a need for any scheme on this site to include measures to link and integrate the site into the existing District Centre to demonstrate it is complementary to it, in addition to undertaking sequential and impact assessments. If the site is not effectively linked then it is likely to operate independently from the District Centre with limited potential for linked trips, and a greater threat of trade being diverted from the District Centre's existing retail facilities, therefore resulting in a much greater impact on it.

5.22 The Applicant has stated that the proposal reflects "changes in retail sector requirements since 2016 which has meant slightly amending the size / mix of units offered on the site" (WYG Planning Statement (PS) Para 1.1).

- There is an additional 691sqm of floorspace and an additional retail unit proposed.
- The Discount food store is reduced in size by 169sqm.
- The DIY and bulky goods store now proposed to be general A1 retail - including TJ Hughes Department Store and a B&M store with external garden centre (the latter relocated from the existing town centre).

- A total of 6,088sqm of non-food retail store units are now proposed with 1170sqm stated as bulky goods.
 - An additional fast food drive-thru is proposed.
- 5.23 The amendments to the size and mix of units would result in the relocation of an existing anchor retailer (namely B&M) from Blaydon Shopping Centre – this is not considered to be ‘slight’.
- 5.24 For the scheme as proposed to be granted, the majority, if not all, of the occupancy related conditions imposed on Outline Permission DC/16/01151/OUT would have to be varied or omitted – conditions which were attached to protect the vitality and viability of Blaydon District Centre.
- 5.25 The proposed alterations to the scheme reflect the Applicant’s need for less restriction on how the proposed park can operate and it is considered that less restriction will have a significant adverse impact on Blaydon District Centre.
- 5.26 The permitted outline scheme was speculative other than Aldi which was a known tenant secured by S106 and at no time was there any suggestion /evidence put forward to suggest that there were tenants lined up to occupy the scheme / it was deliverable in its proposed form (with the possible exception of the discount food store).
- 5.27 It remains the case that without sufficient controls on the operation of the proposed retail park, and in allowing the proposed tenants to take occupation, the scheme will no longer be complementary to Blaydon District Centre (as was the intention when Members granted the original permission). The proposed development will instead result in the relocation of a major anchor store and would compete on a like for like basis with existing operators including Boyes, Morrisons, Boots, Poundworld, Home Bargains, Superdrug, Iceland, Shoe Zone, Cooplands, Subway, Greggs and Costa Coffee - retailers / occupiers that are critical to attracting the footfall required to support local independent retailers such as Blaydon Carpets, News 4U, Studio Sun Solarium, Kentoci Café and the Glasses Factory.
- 5.28 Sequential Assessment**
The catchment area used in the sequential assessment submitted with the application has been confined to the centres of Gateshead, Blaydon, Swalwell and Winlaton. The case put forward for not disaggregating the scheme, for the purposes of the sequential assessment, is accepted as was the case previously.
- 5.29 It is accepted that there are unlikely to be any in-centre opportunities across the catchment to accommodate a proposal of this scale in its entirety. The CSUCP does make provision for a large floorplate scheme to come forward in the Urban Core, but that is on a site in an area of Gateshead Centre which, for retail purposes, is classed as edge of centre, and therefore it is no more sequentially preferable than the application site, and in its current form is not immediately available. None of the centres considered have sufficient or

suitable opportunities to accommodate the proposal. Owing to the size and scale of retail development proposed, it would not be possible to accommodate the proposal within Blaydon Town Centre. Whilst this enables the Applicant to effectively circumvent the sequential assessment, it is precisely for this reason that the impact of the proposed development will be so damaging to the future vitality and viability of Blaydon District Centre.

5.30 However, on the basis of information available to officers the proposal has passed the sequential test.

5.31 The Applicant refers to the economic benefits of the proposal which amount to inward investment and job creation. This statement has been scrutinised and a summary of the conclusions drawn is given below.

5.32 Applicant Retail Impact Assessment – Summary

As with the previous outline application, this proposal is accompanied by a retail impact assessment in accordance with the NPPF and CSUCP policy CS7. The key points and conclusions relating to the assessment, and put forward by the applicant are as follows:

5.33 In relation to the new B&M store the assessment states the company are seeking much larger premises in order to trade from their 'Home Store' format, including a garden centre and 20% net sales area for convenience food sales. The store would have a net sales area of 1,728 sqm, comprising 346 sqm (20%) food and 1,382 sqm (80%) non-food (compared to the in-centre store which has a net sales area of 728sqm).

5.34 Excluding the transfer of B&M from Blaydon District Centre to the larger 'edge of centre' application site, impact on other facilities in Blaydon centre arising from the proposed new development would be just 1.8% - given that retailers in Blaydon have already adapted their pattern of trade capture and turnover to the presence of B&M - the main impact will relate to the 'additional' turnover of the larger B&M unit coupled with the change in occupancy of one of the retail units to accommodate TJ Hughes.

5.35 The statement acknowledges that the proposal will result in the loss of B&M from Blaydon Shopping Centre - leaving a 'gap' in the shopping centre and increasing the level of vacancy. However, it is also stated that the proposed occupancy changes will ensure that B&M remains in Blaydon by providing a unit of a size that allows the company to trade from its popular Home Store format - if they are unable to take premises on the Chainbridge site, Blaydon will lose the retailer completely.

5.36 In relation to the TJ Hughes store it is stated that TJ Hughes is a discount department store seeking representation in Blaydon. Net sales area would be 2,120sqm & no food items to be sold. TJ Hughes devote more than 60% of their sales floorspace to categories that fall under the traditional 'bulky goods' definition (with the exception of furnishing fabrics, bedding, linen and towels).

- 5.37 TJ Hughes has a sales density that is lower than many other retailers including those who trade within the traditional bulky goods retail sub sectors (Mintel UK Retail Rankings) - partly due to the focus on the home (and therefore bulkier items). The low-sales density results in comparatively low turnover and limited impact on nearby shopping centres. TJ Hughes are willing to enter into a legal agreement tying them to occupation of a 2,635 sqm GIA unit on the Chainbridge application site.
- 5.38 The exercise considers the recent outline planning permission for Aldi foodstore and bulky goods retail floorspace on the same development site and quantifies the cumulative impact that would arise following the introduction of TJ Hughes and B&M Home Store, utilising the trade draw patterns revealed in the household survey (market share approach).
- 5.39 As with the previous assessment, this assessment is underpinned by the Newcastle and Gateshead Comparison Goods Retail Study (undertaken by DTZ), published in 2012 with key variables updated, and for convenience goods a new household survey was commissioned by the applicant for the 2016 planning application which informs the convenience goods impact assessment.
- 5.40 A catchment area is defined taking into account the proximity of other B&M and TJ Hughes stores. The population of the area is derived using Experian software to identify the trend based forecast population for 2020, excluding growth resulting from new housing sites. Expenditure rates based on Experian data have been updated. Convenience goods expenditure growth will be marginal (less than £1m), but comparison goods expenditure will achieve growth of around +7.3% (£50.27m). It is stated that all centres and facilities will experience comparison consumer expenditure growth 2017-2020 that exceeds the trade loss that would occur following development/trading in 2020.
- 5.41 Turnover is derived utilising average sales density data. Taking into account the occupancy changes, the total turnover of the proposed development would be £13,351,060 (£12,068,090 comparison goods & £1,282,970 convenience). By comparison, the turnover of the permitted scheme (excluding Aldi) would be £9,783,820, the difference being +£2,284,270 comparison & +£1,282,970 convenience.
- 5.42 The Applicant considers that the increased turnover is primarily due to B&M transferring from Blaydon to a site accommodating a larger Home Store format - the associated turnover is not a net - B&M is currently trading in Blaydon - this turnover is reflected in existing shopping patterns. The existing store trades from 910 sqm gross/728sqm net floorspace (146 sqm food sales & 582 sqm non-food sales) - with a turnover of £2,158,060 comparison & £541,370 convenience. Deducting from the total turnover of the application proposal leaves £9,910,030 comparison goods sales and £741,600 convenience goods sales - when compared with the forecast turnover of the permitted scheme the net turnover increase of the application proposal is +£126,210 comparison and +£741,600 convenience goods.

- 5.43 Trade Draw; 85% of the turnover is from within the catchment area - the residual (15%) constituting inflow from outside the catchment area.
- 5.44 For convenience goods' trade draw, the additional impact is deemed, by the Applicant, to be low, taking into account the slight reduction in the size of the proposed foodstore, and the net additional convenience turnover from the food element of the proposed B&M store being limited, particularly when taking into account the existing B&M store - which other retailers have already adapted to. The additional convenience goods turnover (over and above that of the existing B&M store) is small in scale and will likely be captured from shoppers who will be drawn to Blaydon by the new Home Store. It will have an impact on the proposed Aldi due to the discount nature of both.
- 40% of the B&M store turnover derives from the existing centre
 - Next biggest impact on the permitted Aldi
 - Marginal impacts on other stores in Blaydon
 - 20% of the Home Store's convenience goods turnover will be captured from other B&M stores
 - Marginal additional impact on Morrisons with overall impact of 4.7% - although Morrisons generally performing well with store now established - therefore earlier household survey likely to underestimate sales
- 5.45 For comparison goods a large proportion of trade draw related to bulky goods - both operators seeking to accommodate their complete home/garden range.
- 5.46 Typical bulky goods quoted as occupying more than 60% of floorspace for both operators. Proposed comparison floorspace will include a mix of bulky and non-bulky goods - impact assessed on this basis
- 5.47 The Applicant suggests that, 18% of the comparison goods turnover of the application proposal will be accounted for by the transfer of the existing B&M store to larger premises on the application site (£2.158m).
- 5.49 The greatest impact - Team Valley Retail Park (-£2.427m) & Metro Retail Park (-£1.802m) - both out of centre
- 5.50 Officers consider the proposed retail park will also compete on a like for like basis with existing operators including Boyes, Morrisons, Boots, Poundworld, Home Bargains, Superdrug, Iceland, Shoe Zone, Cooplands, Subway, Greggs and Costa Coffee - retailers / occupiers that are critical to attracting the footfall required to support local independent retailers such as Blaydon Carpets, News 4U, Studio Sun Solarium, Kentoci Café and the Glasses Factory.
- 5.51 With regard to the comparison goods floorspace, the Applicant's retail assessment concludes that any impact on existing shopping centres will be small in scale and not raise any concerns about the town centre vitality and viability. The edge-of-centre location provides the opportunity to accommodate the larger floorplates required by comparison goods operators

at the same time as allowing the District Centre to benefit from an expanded retail offer.

5.52 Ellandi Objection

An alternative retail impact assessment prepared by Williams Gallagher on behalf of Ellandi as part of its Planning Objection Report.

5.53 This highlights a number of important findings regarding impact. To begin, it notes as follows:

- that the assessment fails to test the worse case scenario – in other words the sales densities for the proposed retail units have the potential to be higher than set out in the applicant’s Planning Statement;
- that the applicant’s assumptions overstate the trade draw of the proposal from outside of the immediate locality and as a result significantly underplay the trade that is likely to be drawn from Blaydon District Centre.

5.54 These conclusions mean that the retail turnover of the scheme is likely to be far higher than estimated by the Applicant, and that a greater proportion of that turnover will be drawn from Blaydon District Centre.

5.55 Williams Gallagher’s findings present a stark assessment of the likely impact on Blaydon District Centre. The following conclusions are drawn:

- that the applicant has significantly underplayed the quantitative impact of the proposed development – Williams’s Gallagher’s assessment shows the impact to be significantly higher in both monetary and percentage terms:
- the applicant’s assessment considers that only £2.2m of comparison goods trade will be drawn from Blaydon District Centre and presents an impact of only 1.84%;
- the Williams Gallagher assessment concludes that in actual fact, over £4.5m of comparison goods trade will be drawn from Blaydon District Centre resulting in an impact of up to 75%;
- that the applicant’s assessment considers that only £2.1m of convenience goods trade will be drawn from Blaydon District Centre and presents an impact of only 5.71%;
- the Williams Gallagher assessment concludes that in actual fact, £2.7m of convenience goods trade will be drawn from Blaydon District Centre resulting in an impact of 7.58%;
- it also notes that there would be a combined 23.86% impact on convenience goods outlets in Blaydon when Morrisons is excluded from the assessment.

- 5.56 It also notes that the applicant has failed to undertake a sufficient assessment of the qualitative impacts of the proposal which is necessary to determine the overall impact of the proposal on the vitality and viability of Blaydon District Centre.
- 5.57 This is important because whilst Blaydon Shopping Centre appears to be performing well on the surface, it, like many small centres, faces significant challenges - challenges which must be taken into consideration when assessing the impact of the proposed development on the Centre's vitality and viability.
- 5.58 Indeed, Williams Gallagher notes that vacancy levels at the Shopping Centre are the highest since it was substantially extended and refurbished in 2014. It is expected that there will be a further significant vacancy in due course owing to Poundworld going into administration in June 2018. It also notes that occupier demand for retail is highly subdued. This means that the expansion of the retail footprint of Blaydon will simply lead to the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be very difficult to fill owing to limited demand for retail space nationally.
- 5.59 Williams Gallagher note that whilst its quantitative impact figures far exceed those contained in the applicant's Planning Statement, it considers them to be reasonable when the following is taken into account:
- the size of the scheme relative to the size of the shopping centre (8,874 sqm gross compared with 18,200 sqm gross i.e. nearly 50% of the current floorspace;
 - the comparison goods turnover (excluding Aldi) could be as much as £20.5m in 2020 (rising to £22.7m including Aldi) – this far exceeds the turnover of Blaydon District Centre in 2020 (£4.3m);
 - the revised proposal will compete on a like for like basis with existing stores and facilities in Blaydon (this is unlike the approved scheme which was to be regarded as complementary; owing to the types of goods to be sold);
 - the expansion of the retail footprint of Blaydon, as a consequence of this application will simply result in the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be very difficult to fill owing to limited demand for retail space nationally and the new park being targeted at precisely the types of occupiers (value and convenience) that would take space in Blaydon Shopping Centre (where edge / out of centre opportunities at cheaper rents with free parking etc are curtailed);

- the proposed scheme will operate in isolation of Blaydon Shopping Centre as a result of the availability of free parking at the proposal site and the fact that the site is physically separated from the District Centre by a busy road.

5.60 Williams Gallagher goes on to note that the trade draw of the proposal would place existing businesses and occupiers in Blaydon District Centre under significant stress. Moreover, the various challenges faced by occupiers means that there is constrained capacity to absorb reductions in retail turnover that would arise from the scheme. At some point, the reduction in revenue would start to impact on levels of profitability, employment and business viability.

5.61 Therefore, either through jobs displacement or through a reduction in retail turnover (and the consequent impact on the number and range of retail occupiers), the retail offer in Blaydon Shopping Centre will be negatively impacted. In short, the jobs created at the retail park will be displaced from Blaydon District Centre. There is therefore no gain in employment.

5.62 Williams Gallagher therefore concludes that the economic benefits of the proposal as put forward by the applicant, whilst a material consideration in the determination of the application, are in fact economic displacement, which is not a benefit – in fact it should be seen as a significant dis-benefit. Accordingly, it concludes that there are no material considerations that outweigh the proposal's clear non-compliance with the adopted and emerging Development Plan and the National Planning Policy Framework.

5.63 Officer Assessment

Officers conclude from the Retail Impact Assessment that the loss of the existing B&M store from within Blaydon Centre represents a significant negative impact which is evidence that the current proposal will not complement but will undermine provision within the existing centre. The proposal will increase vacancy levels in the centre and extend convenience provision on the edge of the centre, the impact of which is considered to be understated in the application's assessment.

5.64 The loss of B&M to the centre because of this proposal is compounded by additional marginal trade draw impacts (when compared with the permitted scheme) on the Co-Op, Iceland, Morrison's and other stores in the centre.

5.65 There is no corroborating evidence to support the statement that the loss of B&M from Blaydon Shopping Centre will take place in the short term irrespective of unit accommodation becoming available on the Chainbridge application site.

5.66 The previously approved scheme was viewed as being very much complementary, additional and an extension of the district centre, and not as is the case with B&M, a replacement.

- 5.67 The outline scheme was deemed to be acceptable based on a significant part of the scheme being for large floorplate bulky goods accommodation with occupancy related conditions that also restricted sub-division.
- 5.68 The current proposal includes sub-division when compared with the approved scheme, with an additional unit proposed, and the character of the scheme is more mixed-A1 with less emphasis on bulky goods provision (a feature of the previous scheme which contributed to it being found acceptable). TJ Hughes is a department store selling a variety of goods which again the Council believes reflects a more mixed retail offer.
- 5.69 There is no operator signed up for the remaining 1170sqm unit, referred to as being non-food bulky goods - however, this creates uncertainty on top of the Council's view that the wider scheme in comparison terms is more mixed-retail rather than being bulky goods, with potential for further deviation from the extant permission and additional impacts on the centre.
- 5.70 It is accepted that the site is a strong edge of centre site where there is potential for linked trips with the existing centre. However, Chainbridge Road forms a barrier which would have to be effectively overcome to allow the site to function as part of the centre. Therefore, notwithstanding the above comments, effective and prominent crossing arrangements, and pedestrian and cycle links through the site, would be essential in terms of the scheme's acceptability from a retail policy perspective. This will be considered later in the report.
- 5.71 Given all of the above, it is considered that the scheme as proposed would have a significant adverse impact on the vitality and viability of the existing Blaydon District Centre and there are no material considerations or benefits associated with the proposed development which would outweigh the proposal's clear non-compliance with the adopted CSUCP policy CS7, or the emerging Development Plan or the NPPF.
- 5.72 Drive thru Burger King Hot Food Takeaway**
The proposed development includes a drive thru Burger King.
- 5.73 Policy CS14 Wellbeing and Health of the CSUCP states that the 'wellbeing and health of communities will be maintained and improved by... 3. Controlling the locations of and access to unhealthy eating outlets.'
- 5.74 The Hot Food Takeaway SPD provides clarity on the CSUCP in relation to the locations in which hot food takeaway (A5) premises are not appropriate. The proposal includes a mixed-use unit with A3 and A5, and therefore the SPD is relevant to the A5 element of this application.
- 5.75 Planning application considerations in the Hot Food Takeaway SPD
1. Locations where children and young people congregate

Planning consideration 1 of the SPD states that A5 uses should not be located within 400m of places where young people congregate. The

application site is located on Chainbridge Road, Blaydon, which is less than 400m away from Shibdon Park, and is therefore an unsuitable location on these grounds.

2. Locations where there are high levels of obesity

Planning consideration 2 of the SPD states that wards where there are high levels of obesity, defined as more than 10% of the year six pupils, are not appropriate locations for A5 uses. Blaydon ward has a year 6 obesity level of 19.7% (2016/17 NCMP), which is higher than the target and therefore this site is not an appropriate location.

The SPD also sets out more generic considerations that should be considered when assessing applications for A5 uses, namely:

6. Hours of opening
7. Extraction of odours and noise abatement
8. Anti-social behaviour
9. Disposal of waste products
10. Litter
11. Transport

3. Health Impact Assessment

The SPD also states that applications for A5 uses will be required to include a health impact assessment as part of their application. Where an unacceptable adverse impact on health is established, permission should not be granted. No health impact assessment has been submitted.

5.76 Given the above, the proposal would create access to an unhealthy eating outlet in a location where children and young people congregate and, in a location where there is a high level of obesity and is therefore considered to be unacceptable and contrary to the Hot Food Takeaway SPD and CSUCP policy CS14.

5.77 GROUND CONDITIONS

Areas of the site were previously occupied by "refuse heaps" in the 1950s before the site area was developed for its current commercial/ industrial use. The existing building has been identified as an unknown "Works" and an engineering works on various Ordnance Survey map editions since its construction circa 1960. The building has more recently been converted into various commercial units. In addition, potential sources of hazardous gas have been identified.

5.78 Following assessment by specialist officers it would be recommended that a number of conditions should be imposed to appropriately deal with historic land contamination issues if planning permission were to be forthcoming.

5.79 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal

mining features and hazards which need to be considered in relation to the determination of this planning application.

- 5.80 Appropriate mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Preliminary Investigation Report (April 2015, prepared by Dunelm Geotechnical and Environmental Limited), which accompanies this planning application.
- 5.81 The Coal Authority has no objection to the application subject to imposition of appropriate conditions should planning permission be forthcoming.
- 5.82 Given the above, the proposal is considered to be acceptable in terms of ground conditions and coal legacy subject to recommended conditions and in accord with the NPPF and CSUCP policy CS18 and Saved UDP policy ENV54.
- 5.83 **DRAINAGE ASSESSMENT**
Flood risk and drainage
The application site is located within Flood Zone 1 on the Environment Agency Flood Map and therefore deemed to be a low flood risk area.
- 5.84 Surface water flow routes are identifiable adjacent the south western boundary of the site within the Chainbridge road carriageway at the 1 in 30 year and 1 in 100 year storm event.
- 5.85 As the location of the surface water flow routes incorporates one of the main access routes on Chainbridge Road into the site, the application should include details relating to emergency planning set out procedures for managing the movement of people and traffic in the event of a surface water flooding event. The emergency planning procedures could have been dealt with by means of planning condition should permission have been forthcoming.
- 5.86 Given the above, whilst insufficient information has been provided in terms of the surface water flow routes and impact on the access route from Chainbridge Road into the site, this information could be secured by condition should planning permission be forthcoming.
- 5.87 Given the above the proposal could be considered to be acceptable in flood risk terms subject to imposition of appropriate conditions should planning permission be forthcoming and is therefore in accordance with CSUCP policy CS17 and the NPPF.
- 5.88 **SuDS**
The information submitted in respect of sustainable drainage is insufficient to assess as to whether it is considered the proposal would be acceptable in Sustainable Drainage terms. If planning permission was to be forthcoming conditions could secure the required detail in the form of an updated drainage assessment, detailed drawings, a standalone drainage maintenance

document, and a drainage construction method statement, in accordance with the NPPF, NPPG and CSUCP policy CS17.

5.89 NOISE

A noise assessment report was submitted with the previous outline planning application (DC/16/01151/OUT) in support of the proposed development. The report assessed the results of a noise survey and calculations, carried out in accordance with current guidance and included recommendations for noise mitigation as appropriate. An updated noise assessment has not been submitted in support of this application.

5.90 The principal sources likely to affect existing residential receptors as a result of the proposed development are likely to be additional road traffic on Chainbridge Road to the west of the site and Shibdon Road to the south, and plant noise from mechanical and electrical services associated with the proposed units.

5.91 The nearest residential properties are on Shibdon Road, south of the site; the Lodge, adjacent to the cemetery, south west of the site; residential properties on Elm Road, and on Lucy Street, west of the site.

5.92 The nearest noise sensitive receptors to the development works will vary depending on the phase of the development under construction. The levels of noise received at the receptors closest to the proposed development phases would depend on the sound power levels of the machines used, the distance to the properties, the presence of screening or reflecting surfaces and the ability of the intervening ground to absorb the propagating noise.

5.93 Given the potential distances between the construction activities and residential dwellings, the above activities have the potential to generate short term increases in noise levels, above those recommended in BS5228-1. The noise generated by the construction phase of the development may therefore have a short-term, adverse impact at the existing noise sensitive receptors located in close proximity to the construction phases of the development.

5.94 If planning permission were to be forthcoming it would be recommended that conditions be imposed to secure:

- mitigation measures required to reduce the scale of the potential effect.
- control noise from the mechanical services plant and deliveries such that the rating level of the mechanical services plant and delivery noise should not be greater than 5dB(A) above the average background (LA90) noise levels as measured on a typical day or night at existing receptors. It is recommended that conditions be imposed to secure these details.

5.95 Given the above, subject to the recommended conditions for the incorporation of suitable mitigation and noise level controls, the proposed development would not give rise to a significant adverse impact, and as such, complies with the requirements of the NPPF in terms of noise impact.

5.96 RESIDENTIAL AMENITY

In order to protect residential amenity, if planning permission were to be forthcoming it would be recommended that appropriate conditions be imposed to ensure that all external plant (details to be agreed prior to installation), delivery times to be restricted (particularly for the businesses closest to residents on Shibdon Road), odour control details for hot food and construction hours/management plan for noise/dust and details of a lighting scheme and that the hours of operation of the development restricted to ensure there is no noise or disturbance to residential properties.

5.97 Given the above and subject to relevant conditions the proposal could be considered to be acceptable in terms of its impacts upon residential amenity and in accordance with the NPPF, Saved policy ENV61 of the UDP and policy CS14 of the CSUCP.

5.98 HERITAGE ASSETS

The previous outline planning application DC/16/01151/OUT was accompanied by an archaeological desk top assessment and a heritage statement which set out the manner in which the development responded to the setting of heritage assets, having regard to saved UDP policy ENV 9 (views into/out of the conservation area) and NPPF 2012 paragraph 137 (new development within the setting of heritage assets should enhance or better reveal their significance).

5.99 The revised NPPF was published on 24th July 2018 and Paragraph 137 has been replaced by new paragraph 200, however, the wording remains that LPAs should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. This applies to designated and non-designated heritage assets.

5.100 The 2011 Historic England guidance on setting is also a relevant reference point. No updated assessment has been submitted. However, in terms of conservation issues, the proposed site is adjacent to the premises of Elddis Transport, which is a locally listed building. This building has considerable interest as an example of a largescale post war industrial development and was built as the north block of the Churchill Gears factory. It was innovative at the time due to the multi-barrel vault roof design and it is this striking architectural feature which gives the building its distinctive character. The other key feature is the large proportion of glazing within the curtain walling.

5.101 Also the site is located opposite Blaydon Cemetery which is on the local list of parks and gardens. The cemetery includes the locally listed Chapel and two Grade II Listed memorials. Blaydon Cemetery was established in 1873 and is visually prominent by virtue of its grand entrance from Shibdon Road / Chainbridge Road and the topography of the site, which slopes from the south west towards the proposed development site.

5.102 In terms of the impact on the above, the scale and massing of development is no greater than the existing block, there will be no harmful impact on any of

the identified heritage assets. The layout plan would generally be a smaller footprint of buildings on site compared to the existing buildings. The development would also provide an opportunity to allow views across part of the site from Chainbridge Road and enhance the setting and views of the locally listed assets.

5.103 The proposed layout is considered to be unlikely to result in harm to the identified heritage assets.

5.104 Given the above the principle of the proposal is considered to be acceptable in terms of impact upon the heritage assets and in accord with the NPPF, Saved UDP policies ENV3, ENV7, ENV15 and CSUCP policy CS15.

5.105 URBAN DESIGN

One of the key issues of this proposal is ensuring that the site has good pedestrian and cycle links internally and to the Blaydon District Centre, and that the scheme is not developed in isolation to the centre.

5.106 A high quality and high visual impact hard and soft landscaping pedestrian link is required to create an attractive link by way of some distinctive surface finishes and some ornamental shrub and large specimen (including semi-mature) tree planting along its edges to tie the proposal to the existing centre to ensure that it remains complementary. However, what is shown is a pedestrian crossing on Chainbridge Road that is not within the red edge plan and no details have been provided of the form the crossing would take. These details were the subject of a condition on the previous outline planning permission.

5.107 The proposed arrangement is with most of the buildings set to the rear of the site. This results in a large area of surfaced car park at the front of the site to the detriment of the streetscape on this main route.

5.108 The proposed restaurant and drive thru buildings given the 'pavilion' nature could be viewed from any angle. The service areas and bin stores are not proposed to be screened, that would address officer concerns regarding the appearance of the buildings and this could be the subject of a condition however highway safety issues would need to be taken into account.

5.109 Details of surface materials have not been included in any of the submitted plans or documents. Given the principle of the uses is not acceptable further details have not been sought from the applicant, however, such details could be secured by condition.

5.110 The proposed layout as submitted is considered to be unacceptable in urban design terms, however, subject to conditions in respect of surface materials and screening of elevations that have service areas and bin stores the proposal could be made to be acceptable and in accordance with CSUCP policies CS14, CS15 and the NPPF.

5.111 ECOLOGY

The proposed development site is located less than 300m west of Shibdon Pond Site of Special Scientific Interest (SSSI), and less than 100m west of Shibdon Pond West Site of Nature Conservation Importance (SNCI). An area of dense scrub/developing woodland occurs immediately east of the northeast corner of the proposed development site. This has been identified as a candidate extension of the existing SNCI.

- 5.112 The proposed development site is currently dominated by buildings and areas of hard standing, with areas of amenity grassland, shrub planting and individual and groups of trees. A belt of mature trees occurs along the south west boundary of the site adjacent Chainbridge Road.
- 5.113 An Extended Phase 1 Habitat Survey has been undertaken of the proposed development site including a 30m buffer around its boundary. This provides an assessment of the likely impacts of the development on designated sites, protected species and notable habitats and species. A full bat survey including activity surveys has also been undertaken in support of the application.
- 5.114 The submitted ecological survey report states that the proposals will have "no direct impact" on Shibdon Pond SSSI and/or Shibdon Pond West SNCI "during construction or operation", and "the sites are not hydrologically linked". It suggests that there is some low potential for the proposed development to have an indirect impact upon the aforementioned sites through increased recreational pressure.
- 5.115 The report also considers that without appropriate avoidance techniques or mitigation methods, the development will or could result in the following negative impacts:
- Direct loss of small areas of improved grassland
 - Direct loss of a number of permanent trees within the site
 - Direct loss of amenity tree and shrub planting suitable for nesting birds
- 5.116 The report recommends that the landscape planting associated with the proposed development include locally appropriate native species to increase the biodiversity value of habitats within the site.
- 5.117 In addition the report provides an assessment of the potential for habitats within and adjacent the site to support statutorily protected and/or priority species. It considers the following species to be absent/likely to be absent: great crested newt, reptiles, badger, otter, water vole and red squirrel.
- 5.118 Following detailed survey work roosting bats are considered not to be present on site and no negative impacts are anticipated. It is not considered that the removal of trees and shrubs during the construction phase of the development will have a significant impact on foraging/commuting bats.
- 5.119 The report recommends the development of an ecologically sensitive lighting scheme in accordance with the Bat Conservation Trust and the Institute of

Lighting Engineers' Bats and Lighting in the UK' guidelines to avoid negative impacts on foraging/commuting bats during the operational phase of the development.

- 5.120 Although a dedicated breeding bird survey has not been undertaken, the proposed demolition of buildings and removal of trees and shrubs associated with the proposed development is considered to have the potential to adversely impact breeding birds. If the application was looked upon favourably, it would be recommended that any buildings demolition and vegetation clearance works are undertaken outside the breeding season (March to August inclusive). Where this is not possible a breeding bird checking survey undertaken by a suitably experienced and qualified ecologist/ornithologist would be required no more than five days prior to the commencement of works on site. Where active nests are confirmed these must remain undisturbed until the young have fledged, and the nest is no longer in use. If planning permission was to be forthcoming conditions would be recommended to secure these details.
- 5.121 The presence of Japanese Knotweed has been confirmed immediately outside the north eastern corner of the site. It is highly likely that underground root material occurs within the proposed development site. A Japanese Knotweed Management Plan developed in accordance with the Environment Agency's Code of Practice would be required prior to the commencement of works on site.
- 5.122 Having considered the information provided in support of the application including the Extended Phase 1 Habitat Survey and Bat Survey reports, if planning permission was to be forthcoming it would be recommended that evidence be secured by condition supporting the claim that the proposed development site and Shibdon Pond SSSI are not hydrologically connected, and that activities associated with the construction of the proposed development (e.g. piling if proposed) will not have an adverse impact on the hydrological function of the SSSI.
- 5.123 Again if planning permission were to be forthcoming further assessment would be secured by condition of the potential for secondary impacts relating to e.g. increased access, noise and recreational pressure should be provided. Where impacts are predicted appropriate mitigation, including potentially off-site measures.
- 5.124 Despite the absence of records held by the Local Records Centre, badger, otter and grass snake are known to occur at Shibdon Pond SSSI/SNCI in close proximity (< 500m) of the proposed development site. Historic records of great crested newt also occur for Shibdon Pond. Whilst it is agreed the construction phase of the proposed development is considered to pose a low risk to those species listed, measures to reduce residual risks (e.g. badger checking survey prior to the commencement of works on site, suitable means of escape provided where excavations are left open overnight, hand search and strimming of vegetation to encourage the dispersal of reptiles prior to soil

stripping, etc.) should be provided. A condition would be recommended to secure these details if planning permission were to be forthcoming.

5.125 Biodiversity provision within the new development is minimal. The landscape strategy shows car parking extending into the retained trees along the south west boundary. The proposal includes the removal of two existing groups of trees including one along the eastern boundary of the site. The new service road will result in increased disturbance of the dense scrub/developing woodland located immediately east of the north-eastern corner of the site. Conditions would be recommended to secure final details of biodiversity mitigation measures if planning permission were to be forthcoming.

5.126 The proposals do not include the use of SuDS (e.g. retention ponds, detention basins, swales, green/brown roofs) as a means of managing surface water, reducing flood risk, improving water quality, and providing improved opportunities for biodiversity. This has been dealt with earlier in the report and conditions would be recommended if planning permission was to be forthcoming.

5.127 Given the above, the principle of the proposal could be acceptable subject to conditions if planning permission was to be forthcoming, and in accordance with the NPPF paragraphs 109 and 118, Policy CS18 of the CSUCP and Saved UDP policies ENV3, ENV44, ENV46 and ENV47.

5.128 HIGHWAYS

The scope of the TA addendum had been agreed prior to submission of this application in reference to the assessment of the vehicle impact on the local network, and specifically in relation to the trip rates, distribution and the junctions to be assessed. However, given the application is seeking a full planning permission a report providing significantly more details would be expected in relation to the site layout, with particular reference to:

- Parking proposals, how they have been calculated and how they fit in with the trip rates that have been presented.
- Servicing
- Sustainable access.

5.129 The travel plan submitted is the same document that was deemed unacceptable as part of the previous outline application for this site.

5.130 While the scope of the reassessment was agreed, the conclusions that have been drawn are not accepted, this is particularly relevant to the Shibdon Road/Shibdon Bank junction and the Blaydon Bank/Shibdon Road junction.

5.131 Shibdon Bank/Shibdon Road

Under the previous outline planning application approved for the site, the impact at this junction was carefully considered and on balance it was decided that mitigation was not required.

5.132 It is accepted that when comparing the results of this assessment to the assessment contained within the previous application, the modelled impact is

not severe, however when considering the impacts of this development against the base position the impact is significant and warrants mitigation.

5.133 The modelling clearly demonstrates that the development will result in this junction operating well beyond its practical capacity. In order to address this a mitigation scheme needs to be developed and tested through further modelling to determine how the impact can be managed.

5.134 Blaydon Bank/Shibdon Road

The additional impact the revised proposals have on this junction raise a high level of concern and without further analysis this cannot be deemed acceptable. The applicant correctly identifies that the Council have recently commissioned some further assessment work at this junction. This work involves testing the introduction of traffic signals, which the applicant's consultants previously dismissed as not being workable due to lack of space to house the associated equipment. The Council engineering design team have since revisited such a proposal and feel that signal equipment could be accommodated.

5.135 The assessment based on the introduction of traffic signals has not been concluded at this stage and discussions are on going in relation to how this is brought to an acceptable close.

5.136 As suggested above, until all appropriate options have been suitably considered for making improvements to the operation of this junction the findings of the TA addendum cannot be accepted by officers.

5.137 Layout

Based on the information provided the proposed layout is considered to be unacceptable in transport terms. It is considered that during busier periods the layout is likely to result in development related traffic backing up through the redesigned signalised junction linking the site to Chainbridge Road. This has been attributed to two design features;

- The position of the access relating to unit 6 (Starbucks Drive-Thru).
- The first right turn as vehicles enter the site which provides the frontage for unit 7.

5.138 Whilst pedestrian routes within the site were discussed at significant length as part of the previous application and generally the details shown are acceptable, the pedestrian facilities in the vicinity of the site access are not.

5.139 As detailed in the comments above, the parking details as presented have not in any way been justified. Aside from needing to agree the overall quantum of parking being proposed further details are required in relation to:

- Accessible parking
- Parent and child parking
- Taxi drop off/pick up facilities
- Motor cycle parking
- Electric Vehicle charging points

- 5.140 Servicing of the two drive-thru units remains a concern and potentially fundamental to the acceptability of the proposals.
- 5.141 Given all of the above, insufficient information has been provided with the planning application and the information that has been provided is such that the proposal is considered to be wholly unacceptable in transport terms contrary to CSUCP policy CS13 and the NPPF.
- 5.142 LANDSCAPE
The site is in a degraded urban-industrial area with the Blaydon viaduct in prominent view. The trees on site are the only positive contribution of this site to the surrounding streetscape. There are playing fields adjacent to the south east, and the site is bounded by Chainbridge Road a busy urban transport corridor. Blaydon town centre recently lost substantial areas of mature tree planting during redevelopment, and the neighbouring Morrisons petrol filling station had tree planting omitted because of the forecourt canopy and service runs along Chainbridge Road. These are strong factors when considering the redevelopment of this site.
- 5.143 The redevelopment of the site should be based upon retaining all of the existing trees; and improving the Chainbridge Road frontage with a wider planted belt containing more trees and including evergreen species other than Leylandii; and improving the boundary with the playing fields. If a new access is required at the traffic light junction, it would be desirable for the minimum of Leylandii to be removed, however all of the existing line of large conifers along Chainbridge Road are proposed to be removed and not replaced.
- 5.144 The redevelopment is an opportunity to combine surface SuDS features with an attractive, functioning landscape design.
- 5.145 The proposed site layout removes almost all of the trees within the site and some outside it. Most of the trees are around the perimeter, are young-maturing and in good health, and improve the amenity of the site and the surrounding area. There does not appear to be an over-riding reason why they cannot be retained.
- 5.146 The notes on the landscape strategy plan indicate that extents of the retained tree belt along the southern edge of the site will also be removed to create wide gaps. This tree belt will in any case be affected by the proximity of the development under the canopy and in the tree root protection area. This tree belt contributes significantly to the screening of the southern boundary, and the green corridor along Chainbridge Road. It provides a dense screen from ground level upwards, unlike the individual standard trees closer to the road, so is particularly effective from the viewpoint of pedestrians and road users.
- 5.147 The existing trees and hedgerow along the eastern boundary to the playing field are also proposed to be removed and replaced with smaller features.

- 5.148 The buildings and parking over fill the site with development leaving insufficient space for the necessary landscape treatment, which has previously been discussed with the developer, and should include substantial tree and screen planting, integrated SUDS features, improved pedestrian and cycling environment along Chainbridge Road and a pedestrian boulevard leading into and across the site, connecting it to the town centre on the other side of Chainbridge Road.
- 5.149 The tree survey from Elliot Consultancy Ltd May 2018 indicates trees to be retained where the works would surely damage them. The tree survey itself says further trees may be removed when the detailed design of levels is carried out. Group 4 currently overhangs the service road, but the proposal takes car parking spaces further under the canopy, further into the root protection zone, which would require new kerbing, surfacing, drainage, lighting etc, all at a level above or below the existing.
- 5.150 The trees in the parking areas are in gaps of barely 1m wide in the paving. There need to be generous planted strips to break up the car park. The only perimeter planting behind the units backing onto the playing fields is a hedge, and existing trees there are being removed, whereas a stronger screen should be created.
- 5.151 The appearance of the existing development on site retreats into the landscape behind the screen of trees. The proposed commercial retail and fast food development will by contrast seek prominence and tend to be busy, colourful, lit and visually distracting: potentially garish and confusing. The Chainbridge Road frontage needs a strong, green structure and setting to provide a legible streetscape.
- 5.152 The Chainbridge Road frontage also offers the opportunity to improve the street environment for pedestrians and cyclists with planting to create a human-scale environment. A green route along here would extend the woodland roadside planting and increase visual coherence of the street.
- 5.153 The proposed scheme as indicated on the Landscape Strategy Plan is not acceptable on landscape grounds. It is too damaging to the existing environment and allows insufficient space for an effective new landscape treatment.
- 5.154 Given the above, this proposal is not acceptable on landscape and visual grounds and is contrary to CSUCP policy CS18 and Saved UDP policies ENV3, ENV44, ENV47 and the NPPF.
- 5.155 CIL
CIL is charged on all new developments which create more than 100m² of floor space. The chargeable amount of CIL is calculated on the gross internal area of the net increase in floor area. The development proposed within this application is therefore subject to the CIL and the application site lies within Commercial Zone 3 of the CIL charging zones. Accordingly, Supermarkets are chargeable at £10 per sqm and retail warehouses at £50 per sqm.

6.0 CONCLUSION

- 6.1 The proposals will undermine existing retail provision within Blaydon District threatening the vitality and viability, contrary to Saved UDP policy RCL5 and CSUCP policy CS7, the NPPF and NPPG.
- 6.2 The proposal would have a harmful impact on the highway and the applicant has failed to provide sufficient information to demonstrate that the proposed measures would suitably mitigate the effects of development on existing transport networks contrary to policy CS13 of CSUCP.
- 6.3 Furthermore the proposed layout fails to accommodate existing trees and lacks space for proposed soft landscaping resulting in a poor quality public realm contrary to Saved UDP policies ENV3 and ENV44, CSUCP policies CS15 and CS18.
- 6.4 The proposal fails to include a well-designed pedestrian link between the existing district centre and the proposed retail park that would fail to link the proposals to the detriment of both the retail function of the District Centre and to the detriment of pedestrians and cyclists, contrary to Saved UDP policy RCL5 and CSUCP policy CS7, the NPPF and NPPG.
- 6.5 The design of the proposed scheme would result in a poor quality public realm due to loss of trees, without suitable replacement or provision for soft landscaping within the design contrary to Saved UDP policies ENV3 and ENV44, CSUCP policy CS15 and CS18 and the NPPF.
- 6.6 The proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet and is therefore contrary to the NPPF, the Hot Food Takeaway SPD and policy CS14 of the Core Strategy and Urban Core Plan.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The proposals will have a significant adverse impact on Blaydon District Centre, threatening its vitality and viability, contrary to Saved UDP policy RCL5 and Core Strategy and Urban Core Plan policy CS7, the NPPF and NPPG.

2

The proposal would have a harmful impact on the highway and the applicant has failed to provide sufficient information to demonstrate that the proposed measures would suitably mitigate the effects of

development on existing transport networks contrary to policy CS13 of CSUCP.

3

The proposal fails to include a well-designed pedestrian link between the existing district centre and the proposed retail park that would fail to link the proposals to the detriment of both the retail function of the District Centre and to the detriment of pedestrians and cyclists, contrary to Saved UDP policy RCL5 and CSUCP policies CS7 and CS13, the NPPF and NPPG.

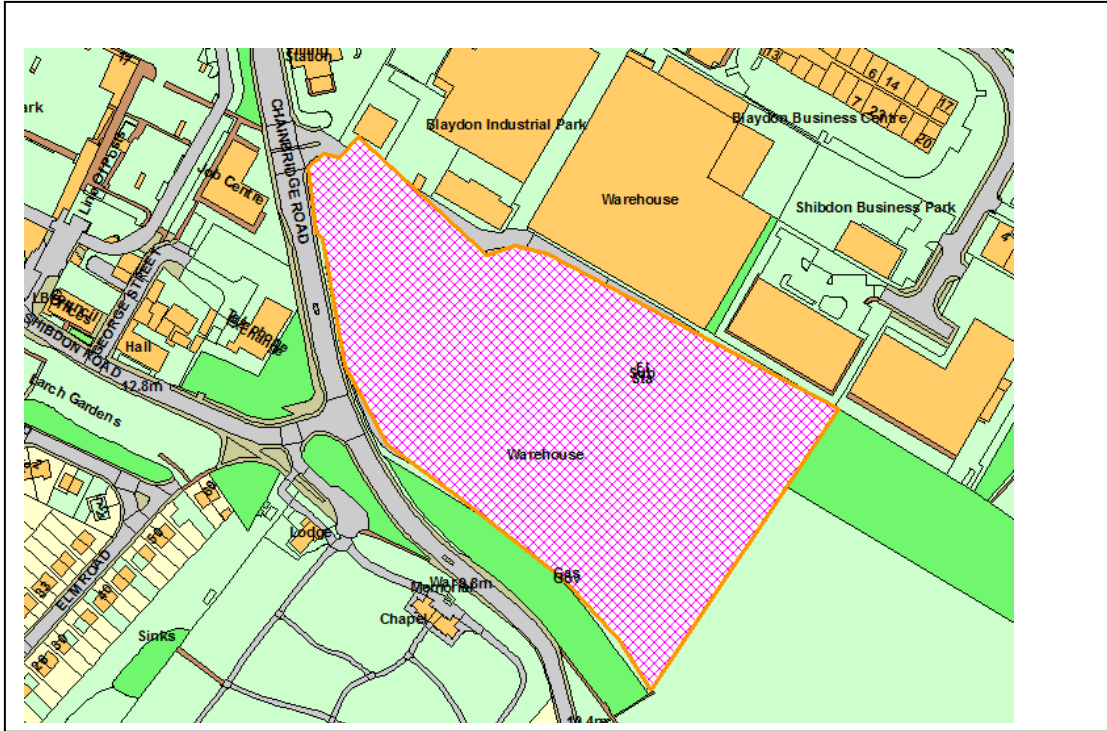
4

The design of the proposed scheme would result in a poor quality public realm due to loss of trees, without suitable replacement or adequate provision for soft landscaping within the design contrary to Saved UDP policies ENV3 and ENV44, CSUCP policy CS15 and CS18 and the NPPF.

5

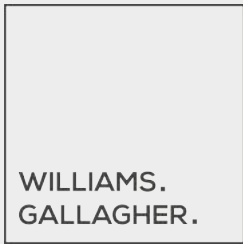
The proposal would create access to an unhealthy eating outlet in a location where children and young people congregate and, in a location, where there is a high level of obesity and is therefore considered to be unacceptable and contrary to the Hot Food Takeaway Supplementary Planning Document and Core Strategy and Urban Core Plan policy CS14.

APPENDIX ONE - Representation received from Williams Gallagher, on behalf of Ellandi LLP.



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Land at Blaydon Industrial Park
Chainbridge Road | Blaydon
Proposed Mixed Use Retail / Leisure Development
Application Ref: DC/18/00533/FUL

Planning Objection Report
on behalf of LSREF3 Tiger Blaydon S.A.R.L.
(c/o Ellandi LLP)

August 2018

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BLAYDON SHOPPING CENTRE

AH ME LADS

YE SHUD ONLY SEEN US GANNIN'
WE PASS'D THE FOAKS
UPON THE ROAD
JUST AS THEY WOR STANNIN'
THOR WES LOTS O'
LADS AN' LASSES
THERE, ALL WI' SMILING FACES,
GAWN ALANG THE
SCOTSWOOD ROAD
TO SEE THE BLAYDON RACES

Foreword

The challenges facing the UK High Street are well documented, but as seasoned investors and experienced asset managers, we understand that all markets are cyclical and despite the threat of online shopping, town and district centres such as Blaydon can thrive based on a mixture of vibrant uses anchored by national occupiers and supported by local independent retailers.

Indeed, Community Shopping Centres such as Blaydon benefit from the main drivers of retail growth; value and convenience. Being at the heart of their communities, they also benefit from being at the centre of everyday life and the resultant high footfall that this can bring. To thrive, there needs to be an appropriate mix of value, grocery, homeware, health, fashion and retail services, provided by both national and local businesses alongside civic functions. This creates an environment where retailers can trade profitably and offer cost-effective, affordable shops which underpins sustainable rents.

In every case where we have invested in a town / district centre, we have drawn upon our years of experience and made use of our extensive network of occupier contacts to ensure our centres are well tenanted and provide a vibrant mix of national and local retailers. This tenant-led strategy has been of significant benefit to the towns that our centres serve (and the local community as a whole) and has led to associated economic growth and job creation.

One of the biggest threats to our ability to invest and manage centres such as Blaydon however is the threat of uncontrolled development such as that proposed. These proposals serve to divert trade away from these sustainable locations, dilute occupier co-location and undermine attempts to attract new tenants leading to the relocation of existing stores and facilities. This is compounded by subdued occupier demand for existing retail floorspace nationally, with retailers evaluating the performance of their existing stores and looking to reduce overheads (through store closures etc).

Due to the seriousness of the issues that the proposed development gives rise to, we have employed the services of Williams Gallagher, town planning specialists, to submit this Planning Objection Report. This Report identifies that the proposed development poses a significant threat to the future of Blaydon District Centre.

We wish to underline how much of a threat the proposal is to the future of Blaydon District Centre and hope that you will take the time to review this report as an alternative and realistic assessment of the proposed development currently under consideration.



Mark Robinson
Property Director
Ellandi LLP



Jonathan Robson
Director - Asset Management
Ellandi LLP



Executive Summary

This Planning Objection Report has been prepared by Williams Gallagher on behalf of the owners of the Blaydon Shopping Centre in Blaydon, in respect of a planning application submitted on behalf of UK Land Investments Ltd ('UK Land') ('the Applicant') (LPA Ref: DC/18/00533/FUL).

The subject application seeks full planning permission for a mixed use retail / leisure development on land off Chainbridge Road, Blaydon and follows the grant of outline planning permission for a retail park on 20 December 2016 (LPA Ref: DC/16/01151/OUT).

Reflecting the types of goods proposed by the Applicant at the time, this outline permission was subject to a series of strongly worded occupancy related conditions (as well as restrictions on floorspace, permitted development rights etc) imposed by Gateshead Council in order to protect the vitality and viability of Blaydon District Centre (and in order to ensure the scheme was *complementary* as opposed to being in *direct competition* with Blaydon District Centre).

These were as follows:

- a restriction on the amount of floorspace / net sales;
- restrictions on the types of goods that can be sold from the various units;
- removal of the Applicant's permitted development rights in connection with the insertion of mezzanines and changes of use from Use Class A3 to Use Classes A1 / A5; and
- restrictions on amalgamation and subdivision.

This latest application by UK Land is required as the proposed development would be in direct contravention of the majority of the abovementioned conditions and as a result, would be in direct competition with Blaydon District Centre. This includes the relocation of B&M to the proposed retail park resulting in a like for like impact on the Shopping Centre.

The Applicant asserts that the proposal reflects "*changes in retail sector requirements since 2016 which has meant slightly amending the size / mix of units offered on the site*" (WYG Planning Statement (PS) Para 1.1).

This statement should however be regarded as disingenuous, because:

- The amendments to the size and mix of units would result in the relocation of an existing anchor retailer (namely B&M) from Blaydon Shopping Centre – this can hardly be regarded as 'slight'.
- In order for the scheme to be delivered in its proposed format, the Applicant would require Gateshead Council to vary or omit the majority, if not all, of the of the occupancy related conditions imposed in respect of Outline Permission Ref: DC/16/01151/OUT – conditions which were attached to protect the vitality and viability of Blaydon District Centre. As we demonstrate below, the proposed alterations to the scheme (resulting in the Applicant's need for far fewer conditions restricting how the proposed park can operate) will have a significant adverse impact on Blaydon District Centre.
- The permitted outline scheme was entirely speculative and at no time was there any suggestion / evidence put forward to suggest that there were tenants lined up to occupy the scheme / it was deliverable in its proposed form (with the possible exception of the discount food store). For example, at the time the application was submitted / approved, there were no national requirements for DIY stores in the location proposed and for the amount of retail floorspace permitted.
- Our strong view is that it was never the intention of the Applicant to deliver the outline scheme in the format proposed – instead, it was a strategy to establish permission for a mixed use retail / leisure scheme and to then seek to secure seemingly 'minor' incremental changes in the future to facilitate an

Open A1 retail park consent. This suspicion was confirmed when the marketing particulars for the Site were circulated (by a third party agent) to our client in November 2017 (less than a year after the scheme was granted planning permission). Whilst this document infers that there are restrictions on the operation of the Park, the associated imagery and tenant line up makes it quite clear that the Applicant will entertain all non-food enquiries.

It remains the case that without sufficient controls on the operation of the proposed retail park, and in allowing the proposed tenants to take occupation, the scheme will no longer be complementary to Blaydon District Centre (as was the intention of Gateshead Council when it granted the original permission).

The proposed development will instead result in the relocation of a major anchor store and compete on a like for like basis with existing operators including Boyes, Morrisons, Boots, Poundworld, Home Bargains, Superdrug, Iceland, Shoe Zone, Cooplands, Subway, Greggs and Costa Coffee - retailers / occupiers that are critical to attracting the footfall required to support local independent retailers such as Blaydon Carpets, News 4U, Studio Sun Solarium, Kentoci Café and the Glasses Factory.

We also have no doubt that should permission for the revised scheme be granted, the Applicant will simply come back with a revised proposal for the bulky goods unit(s) (employing the tried and tested incremental approach to securing permission for a wider range of goods / less restrictions on floorspace).

In this regard, we urge officers and members to hold firm on their original approval in the interests of protecting Blaydon District Centre and not to be distracted by the promise of potential new entrants to the area.

Report Conclusions

In regard to the Applicant's assessment of impact of the proposed development we conclude as follows:

- that it significantly underplays the quantitative impact of the proposed development - our own assessment shows the impact to be significantly higher in both monetary and percentage terms:
 - the Applicant's assessment considers that only £2.2m of comparison goods trade will be drawn from Blaydon District Centre and presents an impact of only 1.84%;
 - **our assessment concludes that in actual fact, over £4.5m of comparison goods trade will be drawn from Blaydon District Centre resulting in an impact of up to 75%;**
 - the Applicant's assessment considers that only £2.1m of convenience goods trade will be drawn from Blaydon District Centre and presents an impact of only 5.71%;
 - **our assessment concludes that in actual fact, £2.7m of convenience goods trade will be drawn from Blaydon District Centre resulting in an impact of 7.58%;**
 - we also note that there would be a combined 23.86% impact on convenience goods outlets in Blaydon when Morrisons is excluded from the assessment;
- that it has failed to undertake a sufficient assessment of the qualitative impacts of the proposal which is necessary to determine the overall impact of the proposal on the vitality and viability of Blaydon District Centre.

We would also draw your attention to the fact that owing to the size and scale of retail development proposed, it would not be possible to accommodate the proposal within Blaydon Town Centre. Whilst this enables the Applicant to effectively circumvent the sequential assessment, it is precisely for this reason that the impact of the proposed development will be so damaging to the future vitality and viability of Blaydon District Centre.

Finally, we note that the Applicant refers to the economic benefits of the proposal which amount to inward investment and job creation.

As is the case with much of the Applicant's submission, this statement should be afforded a significant degree of scrutiny, not least because the purported economic benefits must be viewed in the context of the likely trade diversion of the proposed development.

The alternative retail impact assessment prepared by Williams Gallagher highlights a number of important findings regarding impact, for example:

- the assessment fails to test the worse case scenario – in other words the sales densities for the proposed retail units have the potential to be higher than set out in the PS;
- that the Applicant's assumptions overstate the trade draw of the proposal from outside of the immediate locality and as a result significantly underplay the trade that is likely to be drawn from Blaydon District Centre.

These conclusions mean that the retail turnover of the scheme is likely to be far higher than estimated by the Applicant, and that a greater proportion of that turnover will be drawn from Blaydon District Centre.

Our findings present a stark assessment of the likely impact on Blaydon District Centre. For example, our assessment concludes that the total loss of comparison goods retail revenue for Blaydon District Centre would be in the region of £4.5m – a combined impact of over **70%**.

This would place existing businesses and occupiers in Blaydon District Centre under significant stress. Moreover, the various challenges faced by occupiers means that there is constrained capacity to absorb reductions in retail turnover that would arise from the scheme. At some point, the reduction in revenue would start to impact on levels of profitability, employment and business viability.

Therefore, either through jobs displacement or through a reduction in retail turnover (and the consequent impact on the number and range of retail occupiers), the retail offer in Blaydon Shopping Centre will be negatively impacted. In short, the jobs created at the retail park will be displaced from Blaydon District Centre. There is therefore no gain in employment.

It can therefore be concluded that the “economic benefits” of the proposal as put forward by the Applicant, whilst a material consideration in the determination of the application, are in fact economic displacement, which is not a benefit – in fact it should be seen as a significant dis-benefit.

Accordingly, there are no material considerations that outweigh the proposal's clear non-compliance with the adopted and emerging Development Plan and the National Planning Policy Framework (the Framework / NPPF).

Taking into account the findings of this report, we conclude that there is no justification for the approval of this application. We therefore respectfully request that it be refused.

1.0 Introduction

- 1.1 This Planning Objection Report has been prepared by Williams Gallagher on behalf of LSREF3 Tiger Blaydon S.A.R.L. (c/o Ellandi LLP), owners of the Blaydon Shopping Centre in Blaydon, in respect of a planning application submitted on behalf of UK Land Investments Ltd ('UK Land') ('the Applicant') (LPA Ref: DC/18/00533/FUL). This Report is submitted further to a holding objection sent to officers on 6 July 2018 (see Williams Gallagher Holding Objection - **Appendix 1**).
- 1.2 Due to our client's interests, the report concentrates on the effect of the proposed development on Blaydon District Centre.
- 1.3 The application in question seeks full planning permission for a mixed use retail / leisure development on land off Chainbridge Road, Blaydon ('the Site'). It follows the grant of outline permission for a retail park in December 2016 (LPA Ref: DC/16/01151/OUT). This outline permission was subject to a series of occupancy related planning conditions (as well as restrictions on floorspace, permitted development rights etc) imposed by Gateshead Council, but wholly accepted by the Applicant as appropriate to facilitate the development they wished to pursue, in order to protect the vitality and viability of Blaydon District Centre. The key conditions included:
- a restriction on the amount of floorspace / net sales (Condition 4);
 - restrictions on the types of goods that can be sold from the various units (Conditions 5, 6 and 10);
 - removal of the Applicant's permitted development rights in connection with the insertion of mezzanines (Condition 7) and changes of use from Use Class A3 to Use Classes A1 / A5 (Condition 9); and
 - restrictions on amalgamation and subdivision (Condition 8).
- 1.4 This latest proposal by UK Land is seeking substantial amendments to the approved outline scheme. The scheme has been marketed outside the terms of the extant outline permission since at least November 2017 (see **Appendix 2** - Chainbridge Retail Park Marketing Particulars), demonstrating that, as anticipated, it was never the Applicant's intention to deliver the outline scheme in the format proposed.
- 1.5 The new application will instead facilitate the occupation of the scheme by the following occupiers:
- TJ Hughes (2,630 sqm GIA);
 - B&M (2,160 sqm and 700 sqm Garden Centre); and
 - Starbucks (167 sqm GIA).
- 1.6 In addition, the application proposes:
- a non-food retail unit(s) (1,170 sqm GIA total); and
 - a drive-thru restaurant (250 sqm NIA).
- 1.7 An Aldi store comprising 1,767 sqm GIA is also proposed, albeit a foodstore has already been approved in this location.
- 1.8 The Applicant refers to the proposed development as Churchills Retail Park.

Blaydon Shopping Centre

- 1.9 By way of background, Blaydon Shopping Centre is an open Community Shopping Centre – the full extent of which comprises Blaydon District Centre as defined by Saved Policy RCL5 of Gateshead Unitary Development Plan (GUDP) and the emerging Making Spaces for Growing Places Local Plan Document (MSGP LPD). The Centre was originally constructed in 1972 and comprises 18,200 sqm across 43 units.

- 1.10 The scheme is arranged over ground and first floor levels and was substantially refurbished and extended in 2014 to provide a new 70,000 sqft Morrisons Superstore and Petrol Filling Station (PFS). It is also home to a range of national multiples (including Costa, Specsavers, Domino’s, Home Bargains, B&M Bargains, Greggs, Iceland, Card Factory, Lloyds Bank, Superdrug and Boots), regional operators (including Cooplands) and a number of independent retailers / service providers. In addition, the scheme provides 624 free car parking spaces, a public library, health centre and bus station.

- 1.11 The 2014 redevelopment scheme was delivered in partnership with Gateshead Council and represented a £20m investment. Since this time and following the acquisition of the Centre LSREF3 Tiger Blaydon S.A.R.L., Ellandi has drawn upon its years of experience and made use of its extensive network of occupier contacts to ensure that the Centre is well-tenanted and provides a vibrant mix of national and local retailers. This tenant-led strategy has been of significant benefit to Blaydon and the local community as a whole and has lead to associated economic growth and job creation.



Figure 1: Blaydon Shopping Centre
Source: Ellandi LLP

- 1.12 The most recent health check of the Centre (conducted by Gateshead Council in April 2015 as part of the Gateshead Centres: Health Check Report Update April 2015 (GHCR, 2015)) notes that Blaydon is retained as an efficient and improving district centre which, located on the western edge of the built-up area of the Borough, is well placed to serve the needs of the local area and its rural hinterland. It goes on to state that the redevelopment of part of the Centre, including a new supermarket, has improved the quality and range of retail and other facilities, and the Centre's environment.
- 1.13 It should be noted however that over three years have passed since the GHCR was published. At present, there are 3 prominent vacancies at ground floor level of the Shopping Centre with a number of additional units being let on a temporary basis (meaning the tenant can vacate at any time).
- 1.14 There are a further 5 vacancies on the upper floors of the Shopping Centre. This is the highest vacancy rate the Centre has experienced since it was substantially extended and refurbished in 2014. It is expected that there will be a further significant vacancy in due course owing to Poundworld going into administration in June 2018.
- 1.15 It is also the case that a number of leases are due to expire in the next 1-2 years. Renegotiating / renewing these leases becomes a far more difficult task where the Centre's vitality and viability is undermined by an edge of centre, largely unrestricted A1 retail scheme such as that proposed.
- 1.16 Having regard to the proposed development, the biggest threat will be a reduction in the number of trips to the Centre as a result the closure of B&M and a reduction in trips to Morrisons, Home Bargains, Boyes and Iceland etc - these stores generate the footfall that is required to support smaller stores and facilities at the Shopping Centre. This decline in trips to the Centre arises due to the range of goods sold being substantially the same as those at Blaydon Shopping Centre, the availability of free parking at the proposal site and the fact that the site is physically separated from the District Centre by a busy road. As we have previously highlighted, our significant experience of these types of schemes is that the proposed retail park will operate in isolation of Blaydon Shopping Centre.
- 1.17 In this regard, the proposal poses a significant threat to the Centre's ability to retain existing occupiers (as a result of impact or relocation) as well as attract new occupiers. For a small District Centre such as Blaydon, even very modest reductions in the level of trade can have a significant adverse impact on existing investment and the District Centre's vitality and viability.
- 1.18 In addition to the above, it must be borne in mind that the UK high street (including those with a focus on the value and day to day convenience sectors within which Blaydon operates) continues to face unprecedented challenges.
- 1.19 According to Savills Research (April 2018¹), 10% fewer high street stores opened in 2017 than in 2016, with 5,855 outlets closing last year. There have also been several high profile retail failures in recent months with a number of other retailers entering into Company Voluntary Arrangements (CVAs) leading to store closures. The effect of this is that weaker retailers are now evaluating their existing portfolios, while stronger retailers defer decision-making to consider opportunist responses to this weakness. Demand for retail floorspace is expected to remain highly subdued for the foreseeable future (especially in more tertiary locations) with retailers looking closely at the performance of their existing portfolios and reducing overheads as opposed to expansion.

¹ UK Shopping Centre and High Street Spotlight (Savills, April 2018)

- 1.20 It is therefore the case that whilst Blaydon Shopping Centre appears to be performing well on the surface (as is articulated in the 2015 GHCR), it, like many small centres, faces significant challenges - challenges which must be taken into consideration when assessing the impact of the proposed development on the Centre's vitality and viability.
- 1.21 In this subdued market, the expansion of the retail footprint of Blaydon will simply lead to the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be very difficult to fill owing to limited demand for retail space nationally.
- 1.22 The outcome of allowing the new scheme will therefore be to significantly and irreversibly undermine the vitality and viability of the District Centre.
- 1.23 It is in the context of the above that these representations are made.

Report Summary

- 1.24 This Planning Objection provides evidenced scrutiny of the Applicant's case in respect of the proposed development and confirms that notwithstanding its claims, there are substantial grounds for refusal of the application, including:
- the planning application will have a significant adverse impact on Blaydon District Centre;
 - there are no material considerations or benefits associated with the proposed development which would outweigh the proposal's clear non-compliance with the adopted and emerging Development Plan and the National Planning Policy Framework (the Framework / NPPF).
- 1.25 We also draw your attention to the fact that owing to the size and scale of retail development proposed, it would not be possible to accommodate the proposal in Blaydon District Centre. Whilst this enables the Applicant to circumvent the sequential assessment, it is precisely for this reason that the impact of the proposed development will be so damaging to the future vitality and viability of Blaydon District Centre.
- 1.26 The report is structured as follows:
- a review of the application proposal;
 - an overview of the planning policy context;
 - a review of the Applicant's retail case; and
 - an overall assessment of the Applicant's planning case.

2.0 Review of Application Proposal

2.1 The subject application (LPA Ref: DC/18/00533/FUL) seeks full planning permission for a mixed use retail / leisure development on land off Chainbridge Road, Blaydon and follows the grant of outline planning permission for a retail park on 20 December 2016 (LPA Ref: DC/16/01151/OUT).

2.2 The Officer's Report to Committee confirmed that the approved outline permission will include the following:

- a discount food store (1,936 sqm GFA);
- a DIY bulky goods store (4,755 sqm GFA);
- a bulky goods unit (1,230 sqm GFA);
- a public house / restaurant (600 sqm GFA); and
- a drive-thru restaurant (230 sqm GFA).

2.3 Reflecting the types of goods proposed by the Applicant at the time, this outline permission was subject to a series of strongly worded occupancy related conditions (as well as restrictions on floorspace, permitted development rights etc) imposed by Gateshead Council in order to protect the vitality and viability of Blaydon District Centre (and in order to ensure the scheme was *complementary* as opposed to being in *direct competition* with Blaydon District Centre).

2.4 These were as follows:

- Condition 4: The gross and net sales floorspace of the units hereby permitted shall not exceed the areas as follows:
 - discount food store shall not exceed 1,936 sqm GFA, net sales area of 1,254;
 - DIY bulky goods store shall not exceed 4,755 sqm GFA;
 - bulky goods unit shall not exceed 632 sqm GFA;
 - pub / restaurant shall not exceed 600 sqm GFA;
 - the drive-thru restaurant shall not exceed 230 sqm GFA.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

- Condition 5: The DIY unit hereby permitted shall retail only those items defined as DIY and decorators supplies, tools and equipment for house and garden, and plants and flowers for gardens (as defined by the COICOP system used by the ONS - categories 04.3.1, 05.5.1, 05.5.2, 05.6.1 and 09.3.3 in the form and wording as it has effect on the date of this permission) and shall not retail any food at any time.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

- Condition 6: The bulky goods unit hereby approved shall retail only furniture and floor coverings, major household appliances (whether electric or not), audio-visual equipment and bicycles and shall not retail food at any time.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

- Condition 7: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no mezzanine floors shall be constructed within any of the units hereby permitted.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

- Condition 8: No individual unit hereby permitted shall amalgamate with another unit resulting in a larger floorplate, nor subdivide resulting in more, smaller, planning units.

Reason: In order to prevent large floor plate units being created, and to ensure that the development is complementary to Blaydon District Centre and in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

- Condition 9: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), the units hereby permitted with Use Class A3 shall not change to Use Class A1 or Use Class A5 at any time.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7, and the Hot Food Takeaway SPD.

- Condition 10: The DIY unit and the bulky goods unit hereby permitted shall at no time become food retail units.

Reason: To ensure that the development is complementary to Blaydon District Centre in accordance with Saved Policy RCL5 and CSUCP Policy CS7.

2.5 This latest application by UK Land is required as the proposed development would be in direct contravention of the majority of the abovementioned conditions. Instead, the application seeks to facilitate the occupation of the Site by the following tenants:

- TJ Hughes (2,630 sqm GIA);
- B&M Home & Garden (2,160 sqm and 700 sqm Garden Centre);
- Starbucks (167 sqm GIA).

2.6 In addition, the application proposes:

- a non-food bulky goods retail unit(s) (1,170 sqm GIA total) – the Applicant notes that this space will be subject to the same occupancy related conditions imposed by the extant permission (PS Para, 6.7) albeit the fact that the non-food retail unit is referred to in both the singular and the plural (e.g. PS Para, 3.1) does lead us to query whether the Applicant is seeking to avoid conditions that would prohibit subdivision (thereby enabling more than one retailer to take occupation) – the Design and Access Statement also implies that this unit could be sub-divided (see Figure 2); and
- an additional drive-thru restaurant (250 sqm NIA) - this replaces the pub / restaurant that was permitted as part of the approved outline scheme and is expected to be occupied by a Burger King or similar.

2.7 Save for the third non-food retail unit(s), there is little mention of the types of conditions that would be accepted by Applicant in respect of the above proposed uses for the Site, suggesting that it is seeking in the first instance to secure open A1 consent for the TJ Hughes and B&M units (with no restrictions on the types of goods sold, amalgamation, sub-division, the insertion of mezzanines and permitted development rights).

2.8 An Aldi store comprising 1,767 sqm GIA is also proposed, albeit a foodstore has already been approved in this location.

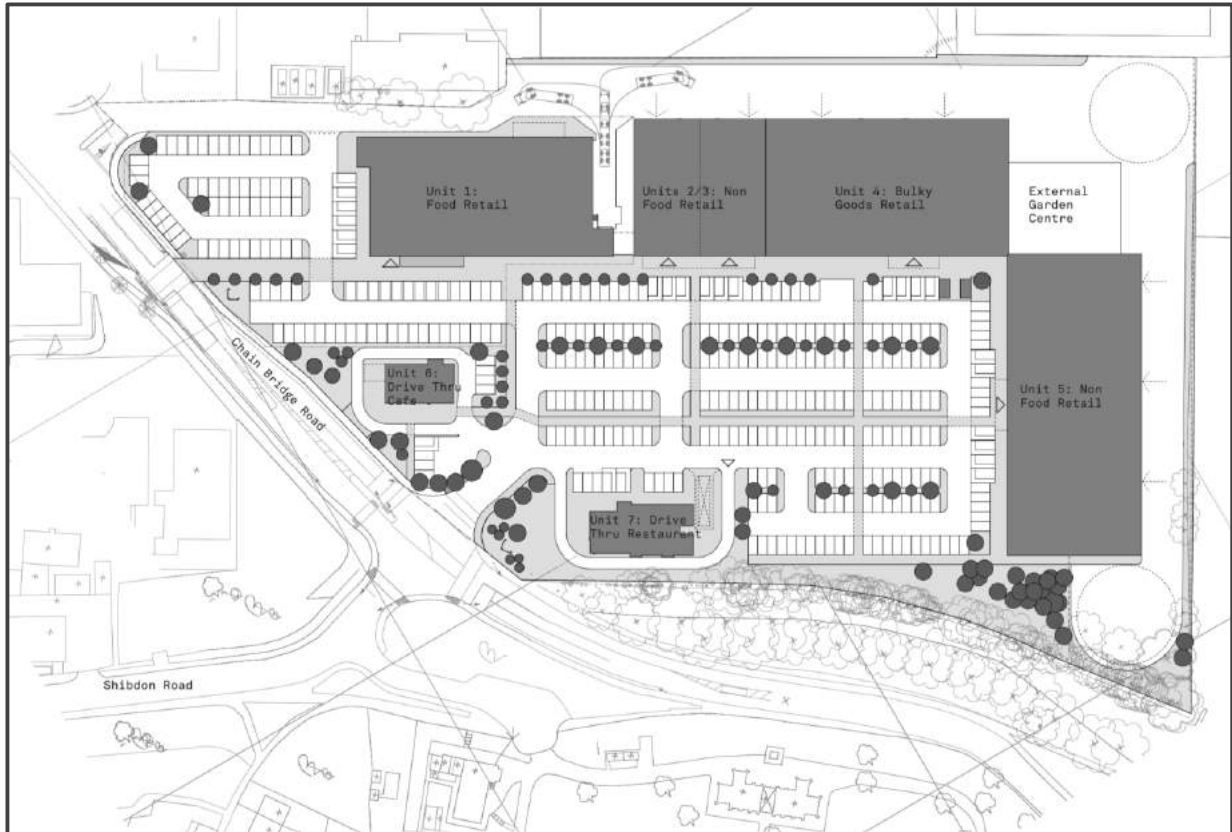


Figure 2: Proposed Layout
Source: Faulkner Brown Design and Access Statement

2.9 It is also notable that the Applicant’s Planning Statement (PS) for this latest application (and indeed the associated Planning Application Form and Design and Access Statement (DAS)) conveys the proposed floorspace as Gross Internal Area (GIA) as opposed to Gross Floor Area (GFA) (unlike the previous application, for example the October 2016 Planning Statement - refer to Para 3.1). This precludes a direct comparison of floorspace between the permitted application and this latest application. Net sales areas are however usefully provided which allows an assessment of the turnover of the proposed development to be conducted.

2.10 The Applicant states that this proposal reflects “*changes in retail sector requirements since 2016 which has meant slightly amending the size / mix of units offered on the site*” (WYG Planning Statement (PS) Para 1.1).

2.11 This statement should however be regarded as disingenuous, not least because:

- The amendments to the size and mix of units would result in the relocation of an existing anchor retailer from Blaydon Shopping Centre – this can hardly be regarded as ‘slight’.

- In order for the scheme to be delivered in its proposed format, the Applicant would require Gateshead Council to vary or omit the majority, if not all, of the of the occupancy related conditions imposed in respect of Outline Permission Ref: DC/16/01151/OUT – conditions which were attached to protect the vitality and viability of Blaydon District Centre. As we demonstrate below, the proposed alterations to the scheme (resulting in the Applicant’s need for far fewer conditions restricting how the proposed park can operate) will have a significant adverse impact on Blaydon District Centre.
- The permitted outline scheme was entirely speculative and at no time was there any suggestion / evidence put forward to suggest that there were tenants lined up to occupy the scheme / it was deliverable in its proposed form (with the possible exception of the discount food store). For example, at the time the application was submitted / approved, there were no national requirements for DIY stores in the location proposed and for the amount of retail floorspace permitted.
- Our strong view is that it was never the intention of the Applicant to deliver the outline scheme in the format proposed – instead, it was a strategy to establish permission for a mixed use retail / leisure scheme and to then seek to secure seemingly ‘minor’ incremental changes in the future to facilitate an Open A1 retail park consent. This suspicion was confirmed when the marketing particulars for the Site were circulated (by a third party agent) to our client in November 2017 (less than a year after the scheme was granted planning permission). Whilst this document infers that there are restrictions on the operation of the Park (Page 3), the associated imagery and tenant line up makes it quite clear that the Applicant will entertain all non-food enquiries (see **Appendix 2** – Churchill Retail Park Marketing Particulars).



Figure 3: Churchill's Retail Park Marketing Particulars
Source: CWM

- 2.12 It remains the case that without sufficient controls on the operation of the proposed retail park, and in allowing the proposed tenants to take occupation, the scheme will no longer be complementary to Blaydon District Centre (as was the intention of Gateshead Council when it granted the original permission).
- 2.13 The proposed development will instead result in the relocation of a major anchor store (namely B&M) and compete on a like for like basis with existing operators including Boyes, Morrisons, Boots, Poundworld, Home Bargains, Superdrug, Iceland, Shoe Zone, Cooplands, Subway, Greggs and Costa Coffee - retailers / occupiers that are critical to attracting the footfall required to support local independent retailers such as Blaydon Carpets, News 4U, Studio Sun Solarium, Kentoci Café and the Glasses Factory.
- 2.14 We also have no doubt that should permission for the revised scheme be granted, the Applicant will simply come back with further revisions to the proposal for the bulky goods unit(s) (employing the tried and tested incremental approach to securing permission for a wider range of goods / less restrictions on floorspace).
- 2.15 In this regard, we urge officers and members to hold firm on their original approval in the interests of protecting Blaydon District Centre and not to be distracted by the promise of new entrants to the area (in this case TJ Hughes).

3.0 Planning Policy Context

3.1 The Development Plan for the Site comprises the following:

- the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP) (Adopted March 2015) (Forms Parts 1 & 2 of the Gateshead Local Plan); and
- the Saved Policies of the Gateshead Unitary Development Plan (2007).

3.2 **Policy CS7 (Retail and Centres)** of the CSUCP is of particular relevance to the determination of this application. This seeks to maintain and enhance the vitality and viability of centres in the retail hierarchy and designates Blaydon as a District Centre which is to provide key services including shopping, local services, leisure, public and community facilities.

3.3 Section 3 of the Policy sets out a series of criteria in respect of retail proposals outside of the defined centres as follows:

- only permitting proposals where it can be demonstrated that there is not a sequentially preferable site in, or on the edge of, centres;
- requiring an impact assessment in accordance with national planning guidance; and
- considering impacts where there could be a significant adverse impact (regardless of development size) on a designated centre.

3.4 Also of relevance to the determination of the subject planning application is the Making Spaces for Growing Places Plan (MSGP) which is intended to form Part 3 of the Gateshead Local Plan. It is expected that this will:

- set out detailed policies to both assist applicants, and inform decisions made on planning applications;
- allocate land for particular types of development;
- designate land on the basis of its use or quality, including conservation areas, retail centres and local wildlife sites, for example;
- identify areas where there may be limitations on development.

3.5 As the Applicant highlights at Para 4.14 of the PS, the MSGP has yet to be adopted and as such limited weight can be ascribed to it. It does however, as the Applicant points out, provide an indication as to the direction of travel.

3.6 Of particular relevance to this report is **Draft Policy MSGP8 (Retail and Leisure Impact Assessment)**. This states that a retail impact assessment will be required for retail and leisure proposals of 500 square metres (net) or more in locations outside of designated centres in the retail hierarchy.

3.7 The supporting text to this Draft Policy (Para 4.17) notes that:

“Gateshead has a significant proportion of out of centre retail floorspace, and a number of designated centres which are struggling or at risk (centres which are underperforming but have the potential to improve). It is therefore considered appropriate to set a lower impact assessment threshold to protect against the effect of applications under the NPPF requirement of 2,500 square metres, and this principle is set out in CSUCP Policy CS7”.

3.8 Para 4.18 goes on to state that:

“The CSUCP gives priority and makes provision for retail development in allocated centres and it is important that the retail policies in this Plan support this approach. The objective of the locally set threshold is to ensure that the vitality and viability of existing centres is reinforced through new developments coming forward, and not threatened. Impact assessments for proposals outside of designated centres which exceed the threshold set out in the policy should be undertaken in a proportionate and locally appropriate way, and address the following:

- *the impact of the proposal on the vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal;*
- *the impact of the proposal on in-centre trade / turnover and on trade in the wider catchment area, taking into consideration current and future consumer expenditure capacity up to five years from the time the application is made”.*

3.9 Williams Gallagher lent its support to this Policy during the most recent consultation on the Plan in December 2017 (on behalf of Ellandi LLP)².

3.10 The Applicant correctly points out at Para 5.3 of the PS that of particular importance in the consideration of the planning application is ensuring that the proposed development supports the vitality and viability of Blaydon Town [District] Centre.

3.11 Indeed, given the site’s edge-of-centre location, it notes that Paragraphs 24 and 26 of the NPPF, together with Policy CS7 of the CSUCP, requires the application to be supported by a retail impact assessment in order to, first, consider the impact of the proposal on existing, committed and planned public and private investment within the catchment area of the proposal and, secondly, the impact of the proposal on the vitality and viability of Blaydon Town [District] Centre.

3.12 In addition, the Applicant notes that a sequential test is required which will need to demonstrate that there are no preferable sites within Blaydon Town [District] Centre, Gateshead’s Primary Shopping Area or the local centres of Swalwell and Winlaton, with preference then given to accessible sites that are well connected to Blaydon Town [District] Centre.

National Planning Policy Framework (2018)

3.13 Since the WYG report was submitted, officers will be aware that a Revised National Planning Policy Framework has been published by Government. This continues to reiterate that planning law dictates that applications for planning permission must be determined in accordance with the statutory development plan, unless material consideration indicate otherwise.

3.14 Its policies relating to town centres and retail can now be found at Chapter 7 of the NPPF.

² This included full support the Council’s intention to adopt this lower threshold for both retail and leisure uses, noting however that it appeared to conflict with the findings of the Report on Setting a Local Threshold for the Assessment of Retail (2017). This report indicates that the average unit in district centres is far lower than 500 sqm (it is in fact 64 sqm for comparison goods outlets and 263 sqm for convenience outlets) (NB the Morrisons in Blaydon skews the average unit size for convenience goods in this centre). On this evidence, we suggested that there are grounds to reduce the threshold for requiring impact further (to between 200 and 300 sqm) where proposals affect district centres.

3.15 Paras 86 – 90 are of most relevance:

86. *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
87. *When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*
88. *This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.*
89. *When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date 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 of gross floorspace). This should include assessment of:*
- a. *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; and*
 - b. *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*
- 90. *Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused [emphasis added].***

3.16 This revision to the NPPF does little to change the approach to determining applications for retail development such as that proposed. Indeed, it continues to state that applications which fail to satisfy the sequential test, or are likely to have a significant adverse impact on a town centre, should be refused.

3.17 Para 86 does however introduce a change to the sequential test which would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations are not available, or not expected to become available ‘within a reasonable period’³.

3.18 This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.

³ the Government’s response to the draft NPPF consultation (published alongside the revised NPPF) states that: “the support for the policy changes is welcomed and the Government intends to implement the changes as set out in the consultation. On the specific request for clarity in relation to ‘reasonable period’, further advice will be set out in updated national planning guidance to assist with the application of the policy”.

Summary

3.19 As can be seen from above, the following policies and material considerations are considered key in the determination of this latest application by UK Land:

- CSUSP Policy CS7 (Retail and Centres);
- Draft MSGP Policy MSG8 (Retail and Leisure Impact Assessment); and
- NPPF (2018) - Chapter 7 (Paras 86 - 90).

3.20 The remainder of this report seeks to demonstrate that the proposed development will be in direct contravention of these policies. Moreover, that there are no overwhelming economic, social and environmental benefits associated with the proposed development which would outweigh the adverse impacts we have identified above and in the remainder of this report.

4.0 Assessment of Applicant's Retail Planning Case

- 4.1 This section of the report provides a review of the Applicant's retail planning case which has been submitted in support of the application. In particular, it examines the Applicant's impact assessment provided in the PS by WYG (May 2018) that accompanies the planning application submission.
- 4.2 Given our client's interests, this section of the report concentrates on the effect of the proposed development on Blaydon District Centre.
- 4.3 In undertaking this review, the following reports, retail studies and material have been considered:
- the Planning Statement by WYG (May 2018) (PS) (including Appendices);
 - the Newcastle and Gateshead Strategic Comparison Goods Retail Capacity Forecasts Update (NGCGR Study, 2012); and
 - the Gateshead Retail Health Check Report (GHCR, 2015).
- 4.4 We have also drawn on independent research reports / press releases where necessary (these are referenced throughout the report) and evidence from our client regarding the performance of Blaydon District Centre.
- 4.5 We have not sought to summarise or repeat the case made by the Applicant, nor do we seek to comment on all the assumptions made in the PS. Instead, we concentrate on the issues which we consider to be of greatest relevance in applying retail planning policy to the consideration of this particular application. As such, the omission of any reference to a part of the PS does not indicate we agree with it, rather, that it is not key to the case we put forward.
- 4.6 The key focus of this review is on the impact of the proposed development on Blaydon District Centre. In this regard, we consider the assumptions made within the Applicant's quantitative impact assessment (PS, Section 6) which identifies a number of key concerns. Most notably, we conclude that the Applicant's assessment fails to present a 'worst case' quantitative impact figure and that the actual impacts on Blaydon District Centre could be significantly higher than set out in the PS.
- 4.7 To illustrate this point, we provide our own high level retail impact assessment. Our views on the likely levels of impact that will be experienced are then set out, followed by an assessment of how these levels of trade draw will affect the vitality and viability of Blaydon District Centre and investment within it (taking into account its current role, offer and performance).

The Proposed Development

- 4.8 The amount and trading characteristics of the proposed retail floorspace is key to understanding the likely trade draw of the proposed development and thus the levels of impact that may be experienced by surrounding centres and facilities. The scheme also includes x2 drive-thru restaurants (the second of which replaces the approved pub / restaurant) which will increase the overall attractiveness of the development. These uses will also divert some additional spend from existing town centres, and, whilst this may not be significant in isolation, will increase any impacts from the retail element.
- 4.9 The application forms confirm that the the proposed development is to comprise 8,844 sqm A1 / A3 Use Class floorspace (GIA), of which, for the purposes of the WYG retail impact assessment,

is assumed to equate to 6,727 sqm net of retail sales area. Various adjustments are made throughout the Applicant’s assessment to account for the extant outline permission for the Site (their approach to which we comment on later in this report). The net retail sales area does not include the x2 proposed drive-thru units, which are expected to comprise 417 sqm GIA in total.

4.10 The Applicant describes the trading characteristics of the proposed occupiers of the scheme at various intervals throughout the PS. Having reviewed in detail, we have concerns, not least because certain descriptions are somewhat misleading, whilst others have the potential to be inaccurate (having regard to the trading characteristics of existing comparable stores).

4.11 For example, the Applicant states at Para 6.48 of the PS that food shopping at the B&M Home and Garden will be ancillary and *“relates purely to ambient, non-perishable packaged goods, confectionery and drinks”*.

4.12 We are wholly unconvinced that this will be the case following a site visit to a comparable Home and Garden Store in Walsall in the West Midlands – a store which clearly stocks a range of chilled, perishable and frozen items (such as fresh milk, bread, butter, cream, eggs, cheese and meat):



4.13 We are also aware that this is a concept being rolled out nationally by B&M, presumably assisted by its recent acquisition of Heron Foods (which primarily sells frozen food, but also has a wide range of dry and chilled stock)⁴.

4.14 In addition to the above, we note that the Applicant has placed a great deal of emphasis on its assertion that the two named operators (namely B&M and TJ Hughes) will stock upwards of 60% of goods that fall within the bulky goods category (thereby implying that they will operate in a similar manner to retailers that would have been permitted to occupy the proposed retail park by the extant outline permission).

⁴ <http://www.thisismoney.co.uk/money/markets/article-5264023/Bargain-kings-B-M-set-sell-pizza-ice-cream.html>

4.15 We have a number of observations in this regard:

- Firstly, bulky goods as defined by Condition 6 of the outline permission extended to the sale of furniture and floor coverings, major household appliances (whether electric or not), audio-visual equipment and bicycles only. There are a number of other goods which proposed to be sold from the park which which are currently restricted by the extant permission and should be regarded as non-bulky. These includes, for example:
 - home decoration goods;
 - bathroom accessories;
 - all domestic household electrical goods;
 - fabrics;
 - bedding, linen and towels;
 - [small] pictures and mirrors.
- Secondly, the approved DIY unit (which was to comprise upwards of 4,000 sqm) did not restrict goods based on whether or not they were to be regarded as 'bulky', it instead only permitted the sale of DIY and decorators supplies, tools and equipment for house and garden, and plants and flowers for gardens. This suggests to us that the sale of goods outside of the DIY / garden centre category (including certain bulky goods) were regarded as having an adverse impact on Blaydon District Centre (therefore only one bulky goods unit comprising 1,230 sqm GFA was permitted).
- Lastly, there is no no explicit clarification within the PS as to what the Applicant regards to be 'bulky' with certain references in the PS suggesting to us that their interpretation of 'bulky' extends beyond that of the traditional definition. Indeed, even if one were to disregard Condition 6 as a definition of what is to be regarded as a bulky good and instead refer to the Planning Portal Glossary (which indicates that bulky goods are to be regarded as "goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display"), it is questionable as to whether all of the goods list at Para 6.55 of the PS could be regarded as 'bulky'. Indeed, whilst the Applicant acknowledges that it excludes furnishing fabrics, bedding, linen and towels - there are other goods that should also be excluded from the definition of bulky goods such as, for example, home decoration goods and small household electrical goods.

4.16 We note that the Applicant has adopted a granular approach to testing bulky and non-bulky goods trade draw in its assessment by applying a 50 / 50 split between the two categories (which it considers to be robust taking into account its assumption that the split will be in fact 60 (bulky) / 40 (non-bulky)). The turnover for both categories is however the same as the available data set (namely Mintel's 2017 Retail Rankings) does not differentiate - a bespoke turnover is however applied to the proposed garden centre.

4.17 Whilst this approach is to be welcomed, it remains the case that the Applicant appears to consider that the proposed occupiers provide a differentiated offer to stores in Blaydon District Centre which has ultimately influenced its trade draw assumptions. The fact of the matter is that a large number of the goods listed at Para 6.55 of the PS (whether bulky or not) are sold elsewhere in Blaydon District Centre and this must be acknowledged to a greater degree in the Applicant's assessment of impact. We return to this point later on.

4.18 A more detailed and evidenced breakdown of goods proposed to be sold is required before the Applicant’s PS can be relied upon.

4.19 The table below presents our own assessment of the proposed development and the national multiple stores currently in the District Centre that it will compete against on a like for like basis. This has regard to the types of goods that are sold from existing stores (both food and non-food) and is informed by site visits to comparable B&M and TJ Hughes stores. It will also draw some trade from a number of the smaller independents in the centre.

Anchor Retailers (Blaydon District Centre)	Proposed Occupiers - Chainbridge Retail Park Like for Like Impact?				
	Aldi	B&M Home Store	TJ Hughes	Non-Food Retail Unit(s)	Drive Thru Units
Morrisons	Y	Y	Y		
Home Bargains	Y	Y	Y	Y	
Poundworld	Y	Y	Y	Y	
Boyes	Y	Y	Y	Y	
Superdrug	Y	Y	Y		
Iceland	Y	Y			
B&M	Y	Y	Y	Y	
Boots	Y	Y	Y		
Card Factory		Y			
Greggs					Y
Cooplands					Y
Shoe Zone		Y	Y		
Lloyds Bank					
Specsavers					
Costa					Y
Domino's					Y
Subway					Y
McDonalds					Y

Table 1: Williams Gallagher High Level Assessment of Like for Like Impact (*Orange / Y Denotes Like for Like Impact*)

4.20 This assessment is the starting point for our own retail impact analysis which is set out below.

Review of WYG Quantitative Impact Assessment

- 4.21 We have identified a number of issues with the quantitative retail assessment undertaken by WYG at Section 6 of its PS (and indeed with how it is presented) that lead us to conclude that it underplays the likely impact of the proposed development on Blaydon District Centre.
- 4.22 We examine these issues in greater detail below. The implications in terms of the quantitative retail assessment are then set out (which is best illustrated through undertaking our own retail impact assessment).
- 4.23 To begin however, we have the following overarching comments:
- We have reviewed the Applicant's approach to forecasting population and expenditure growth for the catchment area and are broadly content that it is robust. The catchment area is also considered to be satisfactory, insofar as it recognises that the impacts of the proposed development will be contained to the local area (we comment on the Applicant's assessment of trade draw from stores and facilities in this area below).
 - Para 6.29 of the PS explains that the design year for the retail impact assessment is 2020, which recognises that planning permission has already been granted for retail development of the application site, and that subject to a favourable decision in respect of the proposed amendments to the occupancy conditions, construction work on the site would be able to take place. 2020 is therefore considered by the Applicant to represent the first full and settled year of trading. Whilst we regard this time frame as somewhat optimistic, we accept that the impact of the proposed development is unlikely to vary significantly should the design year be moved to 2021 (a more realistic timescale in our view). We have therefore employed the Applicant's design year in our own assessment for consistency and to allow for ease of comparison.
 - We note that the Applicant has applied an annual sales density growth rate to existing and proposed floorspace of 1% per annum as opposed to adopting forecast sales densities set out in Experian's latest Retail Planner Briefing Note 15 (December 2017). This will have implications for the overall impact assessment; however, given the multitude of issues already identified with the Applicant's assessment, the effect of such an approach is not interrogated any further at this stage.

Household Survey

- 4.24 The household survey is a critical part of any retail impact assessment as it is the interpretation of the household survey responses that provides the inputs to assessing the current performance of retail stores and centres and informs the trade draw assumptions for the proposed development. As a result, the impact assessment can only be considered sound if the household survey is sound. In this case, the retail impact assessment undertaken by WYG relies on two separate household surveys.
- 4.25 The convenience goods assessment relies on a household survey that was commissioned by the Applicant for the 2016 outline planning application submission – we are broadly content with this being re-used, albeit it should be noted that the Cooperative Foodstore no longer trades from Blaydon (it ceased trading in 2015). The Applicant has failed to account for the effects of this closure on trade patterns within its assessment (in fact it still seems to think it is trading – see Para 6.53 of the PS – despite it asserting that it has visited the Centre to undertake health checks).

- 4.26 The comparison goods assessment relies upon the household survey results which support the Newcastle and Gateshead Comparison Goods Retail Study (NGCGS) (published in October 2012). This Study is now of some considerable age with the household survey that supports it being conducted in June 2012 – over 6 years ago. The Applicant notes that there has been little retail development activity in Blaydon and the surrounding area since the granting of planning permission in December 2016, and so the Study has been used again (although the key variables used in the exercise have been updated to reflect what is a more subdued consumer market).
- 4.27 Whilst there has been a limited amount of additional retail floorspace delivered during this time, there have been a number of improvements made to existing stores and facilities which will have had a fundamental impact on how and where people shop. This includes various alterations to the tenant line up at the numerous out of centre retail parks and indeed at the Metrocentre.
- 4.28 We would therefore question the validity of the results of this survey and their use by the Applicant as a basis for establishing trade draw patterns / turnover of existing stores and facilities in the catchment area.
- 4.29 In addition, we note that the Applicant has utilised the Study to ascertain market shares for both bulky and non-bulky goods (Para 6.57, PS). It should be noted that in estimating market shares and the existing turnover of retail stores and locations, the questions asked in a survey need to align with the purpose of the study they support and be sufficiently fine grain to ensure that the responses given are representative of the category of goods for which the expenditure will be assigned.
- 4.30 In this case, it is considered that the categories employed by the survey company in support of the NGCGS (and as referred to in the PS (Para 6.57) are insufficiently targeted to enable them to be attributed to either a bulky or non-bulky goods category.
- 4.31 For example, the 2012 survey includes a category which includes jewellery and watches, china, glassware and kitchen utensils, recreational and luxury goods. This range of goods is likely to comprise a range of both bulky and non-bulky goods. It is also unclear from the categories employed by the survey company as to where people shop for small products for the home (e.g. non-bulky ‘finishing touches’, wedding paraphernalia, stationary, decorative items etc) - a large proportion of which will be sold from B&M and to a lesser degree TJ Hughes and are already sold in Blaydon District Centre.
- 4.32 It is therefore considered that the Applicant has relied upon a household survey that is not fit for purpose and insufficiently targeted to establish a robust assessment of market shares for the sale of bulky and non-bulky goods.
- 4.33 Our view is that a revised comparison goods household survey needs to be conducted by the Applicant in order to establish a more up to date picture of the baseline trading performance of centres and facilities within the catchment area. The survey would have a stronger focus on the catchment area of the proposal (recognising that the impact of the proposal is likely to be confined to nearby stores and facilities) and also be better geared towards achieving a more detailed understanding of bulky and non-bulky trading patterns (which forms a key part of the Applicant’s assessment).
- 4.34 Updates are also required in respect of the convenience goods survey to account for the closure of the Cooperative in 2015.

Turnover of the Proposed Development

4.35 The Applicant’s assumptions in regard to the turnover of the development are set out at Paras 6.38 – 6.42.

4.36 To summarise:

- B&M – this unit is to comprise 2,160 sqm gross along with a garden centre of 700 sqm:
 - the enclosed part of the store will have a net sales area of 1,728 sqm, comprising 346 sqm (20%) food and 1,382 sqm (80%) non-food with a 2020 sales density of £3,708 per sqm (based on Mintel Retail Rankings 2017) - the turnover of the proposed store would therefore be £7,842,570, comprising £5,124,460 non-food and £1,282,970 food;
 - the garden centre will have a turnover of £1,435,140 based on a a 2020 sales density of £2,278 per sqm – the net sales area of this space is not defined by the Applicant but we have been able to approximate based on the information provided.
- TJ Hughes – this unit will comprise 2,630 sqm gross and will have a net sales area of 2,120 sqm – no food items are expected to be sold from the store (albeit we note that other TJ Hughes stores in the UK do sell a small amount of food / convenience goods / confectionary items). Mintel’s 2017 UK Retail Rankings publication identifies an average sales density for TJ Hughes of £786 per sqm (excl. VAT) at 2016, or £943 per sqm including VAT. Applying an annual sales density growth rate of 1% reveals a 2020 sales density of £981 per sqm. The turnover of the proposed store would therefore be £2,079,720.
- The residual floorspace (bulky goods), taking into account the proposed uses identified above, would be 1,170 sqm gross. Assuming an 85/15% split for sales/back of house, the unit would provide 995 sqm net sales area. Applying the ‘bulky goods’ sales density used in the 2016 planning application submission (£3,412 per sqm adjusted to reflect a 2020 design year - £3,446 per sqm) identifies a turnover of £3,428,770.
- The total turnover of the proposed development (taking account of occupancy changes) would therefore be £13,351,060, comprising £12,068,090 comparison goods sales and £1,282,970 convenience goods sales, excluding Aldi.

4.37 The table below sets out a summary of our interpretation of the Applicant’s assessment of the turnover of the proposed development (no such table is provided by the Applicant), alongside the turnover of the proposed Aldi store which is required in order to assess the cumulative impact of the proposal (2019 figure). Our detailed interpretation of the Applicant’s turnover of the proposed development is provided at **Appendix 3** (Williams Gallagher Retail Impact Assessment Part 1).

Unit	Gross Floorspace (GIA - sqm)	Net Sales (sqm)	Turnover (£ per sqm)	Total Turnover 2020 (£)	Total Turnover 2020 (£) (excluding Aldi)
B&M	2,160	1,728	£3,708 (comp & con)	£6,407,424	£13,351,054
B&M Garden Centre	700	630	£2,278 (comp)	£1,435,140	

Unit	Gross Floorspace (GIA - sqm)	Net Sales (sqm)	Turnover (£ per sqm)	Total Turnover 2020 (£)	Total Turnover 2020 (£) (excluding Aldi)
TJ Hughes	2,630	2,120	£981 (comp)	£2,079,720	
Bulky Goods Unit	1,170	995	£3,446 (comp)	£3,428,770	
Aldi	1,767	1,254	£8,849 (comp) £9,808 (con)	£12,058,523	
Total	8,427	6,727	-	£25,409,577	

Table 2: Williams Gallagher Interpretation of WYG Turnover of Proposed Development

Notes: Aldi store is based on 2019 turnover (as per the Applicant's 2016 assessment)

Con = Convenience
Comp = Comparison

4.38 This compares with the turnover of the approved development as follows (based on WYG assumptions) (again, our detailed interpretation of the Applicant's turnover of the proposed development is provided at **Appendix 3**):

Unit	Gross Floorspace (GIA - sqm)	Net Sales (sqm)	Turnover (£ per sqm)	Total Turnover 2020 (£)	Total Turnover 2020 (£) (excluding Aldi)
DIY Store	4,755	3,232	£1,894 (comp)	£6,121,408.00	£9,686,948.00
Bulky Goods Unit	1,230	1,045	£3,412 (comp)	£3,565,540.00	
Aldi	1,936	1,254	£8,849 (comp) £9,808 (con)	£12,058,523.00	
Total	7,921	5,531	-	£21,745,471.00	

Table 3: Williams Gallagher Interpretation of WYG Turnover of Approved Development

Notes: Aldi store is based on 2019 turnover (as per the Applicant's 2016 assessment)

Con = Convenience
Comp = Comparison

4.39 Our observations in regard to the abovementioned assumptions can be summarised as follows:

- Whilst it is acknowledged that the sales densities for both TJ Hughes and B&M have been obtained from a reliable data source (namely Mintel's 2017 Retail Rankings), we are concerned that neither turnover represents a 'worse case' scenario. There is no evidence put forward by the Applicant to suggest that either retailer is fully signed up and / or committed to the scheme and as such there is simply no guarantee that either retailer will take occupation. Moreover, we have no clear steer as to the conditions that the Applicant would be willing to accept in terms of the types of goods sold from the individual units. In these circumstances, an assessment of proposed turnover should be occupier blind and based on the details provided. Our concern is that there are all manner of comparable retailers that could take occupation of the proposed space based on the types of goods that could be sold. This includes, for example, Home Bargains (B&M's biggest competitor and an existing occupier of Blaydon District Centre) which turns over at over £6,000 per sqm (Mintel Retail Rankings, 2017).
- Both TJ Hughes and B&M have low sales densities when compared to their nearest

competitors. In this regard, it should be noted that we fully expect the sales densities of both named retailers to increase over the next 2-3 years. TJ Hughes, for example, whilst fairly tentative in its expansion following the acquisition of the brand by Lewis's Home Retail Ltd (following the brand falling into administration in 2011), has plans for further store openings in the future which will undoubtedly improve sales efficiencies. There are only 20 stores in the UK at present, however, the company plans to open further stores across the UK and has recently signed a deal to re-occupy a 170,000 sqft distribution centre in Liverpool⁵.

Similarly, B&M has recently posted a 25 per cent growth in pre-tax profit for the year (May 2018). In its summing up of the results, the Financial Times states that:

“The chain opened 47 new sites over the year (although closed eight) and said it planned to open at least a further 45 this year. The acquisition of convenience chain Heron Foods also boosted revenue over the period, it said. “The B&M model is highly relevant for the current difficult economic environment, with its strong position in the value and convenience areas of retailing where physical stores are winning. The business is well placed for continued profitable, long-term growth. In a retail sector beset by structural challenges B&M’s unique, disruptive model stands out as a success story,” said Chief Executive Simon Arora”⁶.

- 4.40 Our view is that the sales densities for both units should be increased by some margin to ensure that the full potential impacts of the proposal on Blaydon District Centre are properly tested. In other words, the assumed growth in turnover between 2017 and 2020 needs to be uplifted from the current 1% per annum, to allow for the considerably greater growth in turnover likely to be achieved by these two particular retailers in the immediate future. For example B&M has improved its sales density by more than 3% per annum in the most recent period shown in the 2017 Mintel Retail Rankings (2013 / 14 to 2015 / 16).
- 4.41 It is also necessary to consider the possibility of alternative retailers taking occupation of the Park in the event that B&M and / or TJ Hughes were to pull out of the scheme.
- 4.42 We seek to address this issue through our own retail impact assessment (set out and summarised below).

Trade Draw of the Proposed Development and Impact Assessment

- 4.43 The Applicant’s overarching trade draw analysis and impact assessments are presented at Para 6.51 (convenience goods) and Para 6.61 and Appendix 13 (comparison goods) of the PS.
- 4.44 Referring to the convenience goods assessment, we note as follows:
- that the Applicant does not envisage any trade being drawn from Iceland – we find this to be highly unlikely, especially because there is evidence to suggest that B&M Home is branching out into the sale of chilled and frozen food (see commentary above);
 - that the assessment assumes that both the Aldi store and B&M store will draw trade from the Cooperative Foodstore in Blaydon (a store which in their assessment, contributes to

⁵ <https://lbndaily.co.uk/resurgent-mersey-retailer-tj-hughes-returns-previous-distribution-centre/>

⁶ <https://www.ft.com/content/26757934-63d2-11e8-90c2-9563a0613e56>

the overall turnover of the Centre, against which the impact of trade draw is assessed) – this is clearly incorrect as the Cooperative store closed in 2015.

4.45 Our observations in regard to the Applicant's assumptions in regard to the proposal's comparison goods trade draw are as follows:

- The Applicant has assumed that over 8.0% of the total trade drawn will be from 'Other' locations (presumably outwith the catchment area) – this compares to only 0.66% from Blaydon District Centre. Clarification is required as to why this might be the case as at present, the Applicant fails to offer any explanation as to what this 'Other' floorspace might be. It is acknowledged that the NGCGS 2012 indicates that a significant amount of expenditure flows from the Blaydon catchment towards these 'Other' locations – without clarification as to what these 'Other' locations might be however, there can be no justification for this amount of trade draw. The schemes that are most likely to compete with the proposed development are already accounted for. This 'unknown' also serves to highlight the need for a more up to date and targeted household survey in respect of comparison goods shopping patterns.
- In addition, it must be borne in mind that the application proposal, whilst of a scale that will disrupt local shopping patterns (i.e. the displacement of trade from Blaydon District Centre), is not of a sufficient scale / nor does it provide a sufficiently differentiated / wide enough offer to divert trade away from much larger centres such as Newcastle City Centre, the Metrocentre and the numerous retail parks in Newcastle and Gateshead. People travel to these locations to benefit from the critical mass of retail in these locations, not simply to travel to B&M or TJ Hughes (in the case of Newcastle City Centre).
- It is simply inconceivable that over 63% of the total proposed turnover of the park will be diverted from these higher order centres (namely Newcastle City Centre, The Metrocentre, Gateshead Town Centre, Kingston Retail Park, Other Retail Warehouses in Newcastle, Metro Retail Park and Other Retail Warehouses) and only 0.66% of trade be diverted from stores and facilities in Blaydon (a figure which purports to account for the trade drawn from, inter alia, Home Bargains, Boyes, Poundworld, Superdrug, Boots and Morrisons).
- With the possible exception of the TJ Hughes unit (with no assurances that this occupier is actually signed up or evidence presented to suggest that there is conditional agreement in place), the proposed development simply replicates Blaydon District Centre's existing offer – it will not divert a significant amount of trade away from larger / higher order stores and facilities.

Presentation of Impact Assessment and Assessment of Cumulative Impact

4.46 The Applicant's final impact assessments are presented in the PS and at Appendix 13 (comparison goods only). They are presented in an acceptable format, save for one crucial detail – they present the impacts on Blaydon District Centre and the existing B&M *separately*, when the latter is clearly an integral part of the District Centre.

4.47 Moreover, the Applicant fails to account for the comparison goods floorspace that will be provided within the proposed Aldi store (which is to be regarded as a commitment and should therefore form part of the Applicant's assessment of cumulative impact).

4.48 Presenting the impacts on Blaydon District Centre and the existing B&M separately has the effect of masking the full quantitative impact of the proposal. Our view is that it is necessary to combine

the two to ascertain the true impact of the trade draw of the proposal (our detailed assessment of the combined impact of the proposal (based on WYG assumptions) provided at **Appendix 3** (Williams Gallagher Retail Impact Assessment Part 1):

Store / Facility	Total Comparison Goods Turnover	Total Trade Capture	Impact (%)
Blaydon District Centre	4,322,681	79,617	1.84%
Existing B&M Store, Blaydon District Centre	2,158,060	2,158,060	100.00%
Total	6,480,741	2,237,677	34.53%

Table 4: Combined Comparison Goods Impact on Blaydon District Centre (based on WYG assumptions)

Store / Facility	Convenience Goods Turnover (£)	Total Trade Capture (£)	Impact (%)
Co-op, Blaydon District Centre	2,357,879	68,229	2.89%
Iceland, Blaydon District Centre	1,752,707	36,611	2.09%
Morrisons, Blaydon District Centre	30,942,882	1,460,430	4.72%
Other Stores, Blaydon District Centre	1,858,832	30,757	1.65%
Existing B&M Store, Blaydon District Centre	541,370	541,370	100.00%
<i>Proposed Aldi Food Store, Chainbridge</i>	<i>9,837,420</i>	<i>290,820</i>	<i>2.96%</i>
Total	37,453,670	2,137,397	5.71%
Total (incorporating B&M within total turnover of Blaydon)	36,912,300	2,137,397	5.79%

Table 5: Combined Convenience Goods Impact on Blaydon District Centre (based on WYG assumptions)

4.49 As be seen from above, the true quantitative impact on Blaydon District Centre (based on the Applicant’s assumptions) is in fact as follows:

- Convenience: **5.79%**
- Comparison: **34.53%**
- All Sales: **10.08%**

4.50 It should be noted that the convenience goods impact figure highlighted in bold above (Table 5) accounts for an error within WYG’s analysis (in separating the B&M from the remainder of the Centre, it has failed to deduct this from the total turnover of the District Centre, thereby inflating the total turnover of the Centre).

4.51 We also note that the Applicant is likely to suggest that the combined comparison goods impact does not reflect the fact that the B&M unit could be re-occupied with an alternative occupier (thereby replacing some / all of the trade lost as a result of its relocation).

4.52 In response to this, we would refer back to our commentary on occupier demand (Chapter 1.0) and the recent difficulties our client has had in attracting new retailers to occupy the increasing number of vacant units in the Centre. It is therefore our opinion that such a re-letting is unlikely to be achieved in the short - medium term. Alternatively, should the Applicant consider there to be demand for this floorspace, then surely it would be far more appropriate for the proposed development to accommodate this demand instead of displacing an existing retailer.

Applicant Assessment Comparison Goods Impact (Excluding Consumer Expenditure Growth)

4.53 In addition to the assessment of comparison goods impact, the Applicant also sets out an assessment of impact against the turnover of selected shopping centres and facilities at 2017 which excludes expenditure growth, thus showing what it regards to be impact in real terms (Para 6.70):

Town / Facility	Turnover Growth 2017-2020 (£)	Application Proposal Trade Capture (£)	Impact (Excluding Expenditure Growth) £%	
Blaydon District Centre	£344,550	£79,620	+£264,930	+4.3
Gateshead Town Centre	£3,556,110	£260,930	+£3,295,180	+5.2
Team Valley Retail Park	£13,447,810	£2,426,670	+£11,021,140	+4.5
Metro Retail Park	£4,423,500	£1,802,280	+£2,621,220	+3.4
Prudhoe	£206,190	£0.00	+£206,190	+5.6
Whickham	£307,710	£40,775	+£266,935	+4.9
Other Retail Warehousing Gateshead	£1,011,490	£722,050	+£289,440	+1.7
Other	-	£4,577,705	-	-
Total	-	£9,910,030	-	

Table 6: Applicant Summary Table: Comparison Goods Impact (Excluding Consumer Expenditure Growth)
Source: WYG Planning Statement (Para 6.70)

4.54 In regard to the above table, the Applicant concludes that all centres and facilities will experience consumer expenditure growth over the 2017 to 2020 period that exceeds the trade loss that would occur following development and trading of the application proposal in 2020. It concludes therefore that the proposed development would not result in a “significant” adverse impact on Blaydon district centre or any nearby shopping centre or facility.

4.55 This part of the Applicant’s assessment should be treated with a significant degree of caution as it implies that the growth in turnover of the selected stores and facilities (including Blaydon Town Centre) can be used to offset the expected impact of the proposed development. Such an approach is highly misleading as it assumes that existing retailers and occupiers will remain in situ which, as set out above and below, may not be the case due to a decline in footfall and spending (as a result of the proposed development) or through general store closures as retailers seek to rationalise their national portfolio.

4.56 It also assumes that the retailers can afford to lose the anticipated growth in turnover, despite the certainty that their overheads and expenses including wages and business rates, will still increase during this period.

4.57 In any event, even if this approach were to be accepted, our own assessment of the trade draw impacts of the proposal (see below) suggests that the proposal would in fact cancel out and bring about a negative growth in turnover across the study period (i.e. we demonstrate that the application proposal’s comparison trade draw capture from Blaydon (excluding B&M) will be far

higher at £2.4m – see assessment below).

Conclusions on the WYG Quantitative Impact Assessment

- 4.58 The above analysis has identified a number of fundamental flaws with the assumptions employed by the Applicant in undertaking its retail impact assessment of the proposed development. As a result, we consider that the quantitative impact figures presented in the PS cannot be relied upon, as they significantly understate the trade draw from Blaydon Town Centre.
- 4.59 Moreover, the Applicant has failed to present an impact figure for the whole of the District Centre which for comparison goods, and based on WYG's assumptions, would equate to a concerning **34.53%** and **10.08%** on all retail sales.

Williams Gallagher Alternative Quantitative Impact Assessment

- 4.60 The retail assessment provided by WYG represents one possible trading scenario for the proposed development, but in our view cannot be regarded to be 'worst case'. Not only does it seek to suggest that turnover levels of the proposed development will be lower than could be the case, but the trade draw assumptions are simply unrealistic.
- 4.61 Given the identified flaws with the retail assessment provided by WYG, we have provided our own estimate of trade draw and impacts.

Williams Gallagher Comparison Goods Assessment

For comparison goods we have:

- reviewed the turnover of the proposed development taking an occupier-blind approach because what is being sought is open A1 Use Class (and therefore recognising that the Applicant has provided no evidence to confirm that either retailer is fully committed to the scheme) – to summarise:
 - we have adjusted the turnover of the B&M store to £6,000 per sqm – this largely reflects the sales density of B&M'S closest competitor, Home Bargains (see Mintel Retail Rankings 2017); and
 - we have also increased the sales density of the TJ Hughes store to align with the sales density of the proposed bulky goods unit(s)– this sales density is also comparable to that of the TK Maxx's Home Sense brand – a store which tends to sell a similar range of goods) (again, see Mintel 's 2017 Retail Rankings)⁷.
- provided our own estimates of trade draw based on realistic assumptions that are cognisant of the nature and scale of scheme proposed, to include:
 - changes to the trade drawn from the higher order centres (namely Newcastle City Centre, The Metrocentre, Gateshead Town Centre, Kingston Retail Park, Other Retail Warehouses in Newcastle, Metro Retail Park and Other Retail Warehouses) to better reflect current performance and proximity to the application site, also distinguishing between the trade draw for bulky and non-bulky goods;

⁷ <https://www.homesense.com/home>

- a reduction in the turnover drawn from ‘Other’ locations; and
- an increase in the amount of the trade drawn from Blaydon District Centre (in recognition of the fact that the proposed development as proposed will not only result in the relocation of an existing retailer, it will also compete directly with other existing tenants (e.g. Home Bargains, Boyes, Poundworld, Superdrug, Boots and Morrisons);
- accounting for the comparison goods turnover of Aldi (to establish total cumulative comparison goods impact on Blaydon District Centre)⁸; and
- provided an updated assessment of impact (including impact on individual stores and Blaydon District Centre as a whole).

4.62 The resulting assessment is provided in full at **Appendix 4** (Williams Gallagher Retail Impact Assessment Part 2) with a summary of our workings below. It should be noted that the final impact tables, like the WYG tables, do not account for the comparison goods retail floorspace to be provided within the Aldi store (to allow for ease of comparison). Doing so would increase the cumulative comparison goods impact of the proposal further.

4.63 In summary, and in respect of comparison goods, our revised assessment results in the following:

- a **56.36%** impact on stores and facilities in Blaydon District Centre (excluding B&M & Aldi’s comparison goods turnover);
- a **70.89%** impact on stores and facilities in Blaydon District Centre (including B&M & excluding Aldi’s comparison goods turnover);
- a **62.75%** impact on stores and facilities in Blaydon District Centre (excluding B&M & including Aldi’s comparison goods turnover); and
- a **75.17%** impact on stores and facilities in Blaydon District Centre (including B&M & Aldi’s comparison goods turnover);

4.64 Whilst it is noted that these figures far exceed those contained in the WYG assessment, they are considered to be entirely reasonable when the following is taken into account:

- the size of the scheme relative to the size of the shopping centre (8,874 sqm gross compared with 18,200 sqm gross i.e. nearly 50% of the current floorspace);
- the comparison goods turnover (excluding Aldi) could be as much as £20.5m in 2020 (rising to (£22.7m including Aldi) – this far exceeds the turnover of Blaydon District Centre in 2020 (£4.3m);
- the revised proposal will compete on a like for like basis with existing stores and facilities in Blaydon (this is unlike the approved scheme which was to be regarded as complementary (owing to the types of goods to be sold));

⁸ NB we have assumed a 50/50 split between bulky and non-bulky comparison goods in Aldi.

- the expansion of the retail footprint of Blaydon, as a consequence of this application will simply result in the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be very difficult to fill owing to limited demand for retail space nationally and the new park being targeted at precisely the types of occupiers (value and convenience) that would take space in Blaydon Shopping Centre (where edge / out of centre opportunities at cheaper rents with free parking etc are curtailed);
- the proposed scheme will operate in isolation of Blaydon Shopping Centre as a result of the availability of free parking at the proposal site and the fact that the site is physically separated from the District Centre by a busy road.

4.65 In addition to the above and as highlighted previously, we fully expect the Applicant to suggest that the combined impact of the proposal does not reflect the fact that the B&M unit could be re-occupied with an alternative occupier (thereby replacing the trade lost as a result of its relocation).

4.66 In response to this, we would refer back to our commentary on occupier demand (Chapter 1.0). Alternatively, should the Applicant consider there to be demand for such floorspace, then it would be far more appropriate for the proposed development to accommodate this demand instead of displacing an existing retailer?

Williams Gallagher Convenience Goods Assessment

4.67 For convenience goods we have:

- adopted the same trade draw assumptions as the Applicant in regard to the proposed Aldi store (acknowledging that planning permission for this store has already been granted) – the only adjustment we have made has been to reflect the fact that the Cooperative Foodstore has now closed (in doing so we have assumed that expenditure in this store has diverted to Morrisons; similarly the trade drawn from the Cooperative in the Applicant's assessment is instead drawn from Morrisons);
- provided our own estimate of convenience trade draw in respect of the remainder of the proposed development (to include trade draw from Iceland which takes account of the fact that B&M Home stores now sell frozen and chilled items);
- provided an updated assessment of convenience goods impact on Blaydon District Centre, presented as follows:
 - combined impact based on the turnover of Blaydon District Centre as presented by the Applicant (NB this is presented for completeness, however it should be reiterated that this impact figure will be incorrect as in separating the B&M from the remainder of the Centre, the Applicant has failed to deduct this from the total turnover of the District Centre, thereby inflating the total turnover of the Centre);
 - combined impact based on the convenience goods turnover of Blaydon District Centre which accounts for the abovementioned error; and
 - combined impact on convenience goods outlets in Blaydon (excluding Morrisons).

4.68 The resulting assessment is provided in full **at Appendix 4** (Williams Gallagher Retail Impact Assessment Part 2) with a summary of our workings below. Our conclusions are as follows:

- a combined convenience goods impact of **7.58%** on stores and facilities in Blaydon District Centre (when B&M is included within the existing turnover of the Centre); and
- a combined **23.86%** impact on convenience goods outlets in Blaydon excluding Morrisons.

COMPARISON GOODS IMPACT (WILLIAMS GALLAGHER ASSESSMENT)

Turnover of Proposed Development (Williams Gallagher Assessment)

Growth Programme (GIA - \$/sq)	Net Sales (\$/sq)	Concessions (\$/sq)	Turnover per sqm (GDD)		Competition (GDD)		Turnover of Proposed Store (\$)		Total Competition Turnover 2020 (\$)	Total Competition Turnover 2020 (Aid)
			Bully	Non-Bully	Bully	Non-Bully	Bully	Non-Bully		
186k	8,100	840	601	601	1,258	86,000	86,000	81,028,000	81,028,000	81,028,000
Golden Centre	700	0	650	650	86,276	86,276	86,276	81,435,140	81,435,140	81,435,140
73 Engage	8,630	0	1000	1,000	81,300	86,440	86,440	87,303,850	87,303,850	87,303,850
Bully Goods Unit	1,170	0	980	980	980	80,000	80,000	85,485,770	85,485,770	85,485,770
Aid (GDD/17sq)	1,707	1,005	801	801	801	69,837,454	69,837,454	81,028,000	81,028,000	81,028,000
Total	8,607	1,840	3,876	3,876	4,997	413,688,970	413,688,970	413,688,970	413,688,970	413,688,970

2020 Comparison Goods Impact (Williams Gallagher Assessment) (Excluding Aid)

Bully Goods Turnover	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Total Competition Goods Turnover	Total Trade Capture	Total % Trade Draw	Impact (%)
286,780,408	280,681	2.0%	0	0.0%	280,681	0.0%	0	0.0%	12,139,860,805	600,569	2.82%	0.8%
184,484,914	1,076,387	10.0%	0	0.0%	668,696	0.0%	0	0.0%	779,876	1,856,303	9.97%	0.8%
85,485,850	280,681	2.0%	0	0.0%	180,794	2.0%	280,681	2.80%	66,875,804	464,031	2.87%	0.8%
77,877,400	626,163	5.0%	149,940	10.0%	788,104	6.0%	674,658,038	6.0%	16,931,051	0	0.0%	0.0%
2,188,084	2,188,084	80.0%	474,560	28.0%	2,662,644	100.0%	1,118,048	50.0%	3,677,500	14,544,265	6.46%	0.7%
45,381,107	3,628,163	5.0%	694,790	35.0%	381,617,971	100.0%	1,188,814	10.0%	82,116,794	5,003,080	24.79%	6.1%
19,050,664	658,163	0.0%	64,970	0.0%	138,079	0.0%	283,986	0.0%	18,878,707	763,109	3.86%	4.1%
190,485,483	0	0.0%	0	0.0%	901,882,028	0.0%	0	0.0%	283,003,038	0	0.0%	0.0%
64,354,745	0	0.0%	0	0.0%	76,813,410	0.0%	0	0.0%	38,004,704	0	0.0%	0.0%
19,740,700	0	0.0%	0	0.0%	835,760,019	0.0%	0	0.0%	38,004,704	0	0.0%	0.0%
21,649,281	280,681	2.0%	37,388	0.0%	5,028,683	0.0%	0	0.0%	28,701,281	367,070	1.82%	1.0%
18,131,008	0	0.0%	0	0.0%	71,810,878	0.0%	0	0.0%	69,648,078	0	0.0%	0.0%
5,037,685	0	0.0%	0	0.0%	8,009,243	0.0%	0	0.0%	13,009,890	0	0.0%	0.0%
8,031,697	0	0.0%	0	0.0%	1,890,145	0.0%	0	0.0%	3,891,853	0	0.0%	0.0%
1,016,000	1,076,387	10.0%	169,940	10.0%	994,348	16.0%	179,478	16.0%	11,169,914	4,438,631	11.91%	86.8%
8,070,107	215,885	0.0%	0	0.0%	185,794	2.0%	29,245	2.0%	21,289,785	154,839	0.39%	0.8%
18,707,606	215,885	0.0%	37,388	0.0%	185,794	2.0%	29,245	2.0%	44,684,265	44,684,265	2.19%	1.0%
778,332	0	0.0%	0	0.0%	4,943,352	0.0%	0	0.0%	5,763,664	0	0.0%	0.0%
1,030,038,218	783,880	7.0%	144,131	7.8%	1,890,244,795	8.3%	198,318	13.3%	3,010,970,614	1,618,130	7.91%	0.8%
431,680	866,977	8.41%	64,745	8.41%	1,497,474	28.14%	866,966	28.14%	8,184,000	8,184,000	10.85%	100.0%
8,374,000,088	10,768,270	100.00%	1,893,401	100.00%	6,889,946	100.00%	1,189,914	100.00%	6,910,114,680	80,483,430	100.00%	-

2020 Comparison Goods Impact (Williams Gallagher Assessment) (Including Aid)

Bully Goods Turnover	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Total Competition Goods Turnover	Total Trade Capture	Total % Trade Draw	Impact (%)
898,720,408	282,881	2.0%	0	0.0%	282,881	0.0%	0	0.0%	13,139,860,805	671,387	2.89%	0.8%
184,484,914	1,170,784	10.0%	0	0.0%	703,000,600	10.0%	1,170,784	10.0%	8,000,600	2,001,600	9.99%	0.8%
85,485,850	280,681	2.0%	0	0.0%	180,794	2.0%	280,681	2.80%	66,875,804	81,844	2.97%	0.77%
77,877,400	626,163	5.0%	149,940	10.0%	788,104	6.0%	674,658,038	6.0%	16,931,051	0	0.0%	0.0%
2,188,084	2,188,084	80.0%	474,560	28.0%	2,662,644	100.0%	1,188,814	10.0%	82,116,794	5,003,080	24.79%	6.1%
45,381,107	3,628,163	5.0%	694,790	35.0%	381,617,971	100.0%	1,188,814	10.0%	18,878,707	763,109	3.86%	4.1%
19,050,664	658,163	0.0%	64,970	0.0%	138,079	0.0%	283,986	0.0%	18,878,707	763,109	3.86%	4.1%
190,485,483	0	0.0%	0	0.0%	901,882,028	0.0%	0	0.0%	283,003,038	0	0.0%	0.0%
64,354,745	0	0.0%	0	0.0%	76,813,410	0.0%	0	0.0%	38,004,704	0	0.0%	0.0%
19,740,700	0	0.0%	0	0.0%	835,760,019	0.0%	0	0.0%	38,004,704	0	0.0%	0.0%
21,649,281	280,681	2.0%	37,388	0.0%	5,028,683	0.0%	0	0.0%	28,701,281	367,070	1.82%	1.0%
18,131,008	0	0.0%	0	0.0%	71,810,878	0.0%	0	0.0%	69,648,078	0	0.0%	0.0%
5,037,685	0	0.0%	0	0.0%	8,009,243	0.0%	0	0.0%	13,009,890	0	0.0%	0.0%
8,031,697	0	0.0%	0	0.0%	1,890,145	0.0%	0	0.0%	3,891,853	0	0.0%	0.0%
1,016,000	1,076,387	10.0%	169,940	10.0%	994,348	16.0%	179,478	16.0%	11,169,914	4,438,631	11.91%	86.8%
8,070,107	215,885	0.0%	0	0.0%	185,794	2.0%	29,245	2.0%	21,289,785	154,839	0.39%	0.8%
18,707,606	215,885	0.0%	37,388	0.0%	185,794	2.0%	29,245	2.0%	44,684,265	44,684,265	2.19%	1.0%
778,332	0	0.0%	0	0.0%	4,943,352	0.0%	0	0.0%	5,763,664	0	0.0%	0.0%
1,030,038,218	783,880	7.0%	144,131	7.8%	1,890,244,795	8.3%	198,318	13.3%	3,010,970,614	1,618,130	7.91%	0.8%
431,680	866,977	8.41%	64,745	8.41%	1,497,474	28.14%	866,966	28.14%	8,184,000	8,184,000	10.85%	100.0%
8,374,000,088	10,768,270	100.00%	1,893,401	100.00%	6,889,946	100.00%	1,189,914	100.00%	6,910,114,680	80,483,430	100.00%	-

Combined Impact on Blaydon Town Centre (Williams Gallagher Assessment)

Bully Goods Turnover	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Outchman Trade Capture	% Trade Draw	Inflow Trade Capture	% Trade Draw	Total Competition Goods Turnover	Total Trade Capture	Total % Trade Draw	Impact (%)
1,016,000	1,076,387	10.0%	169,940	10.0%	994,348	16.0%	179,478	16.0%	11,169,914	4,438,631	11.91%	86.8%
1,449,680	1,449,680	100.0%	1,449,680	100.0%	1,449,680	100.0%	1,449,680	100.0%	1,449,680	1,449,680	100.0%	100.0%
1,449,680	1,449,680	100.00%	1,449,680	100.00%	1,449,680	100.00%	1,449,680	100.00%	1,449,680	1,449,680	100.00%	100.00%

CONVENIENCE GOODS IMPACT (WILLIAMS GALLAGHER ASSESSMENT)

Turnover of Proposed Development (Williams Gallagher Assessment)

Store / Facility	Gross Floor Space (GFA - sqm)	Net Sales (sqm)	Convenience (sqm)	Turnover per sqm 2020 (£)		Comparison (sqm)		Turnover of Proposed Store (£)		Total Turnover 2020 (£)	Total Turnover 2020 (£)	Total Convenience Turnover 2020 (£) (Including A&P)
				Bulky	Non-Bulky	Bulky	Non-Bulky	Bulky	Non-Bulky			
Co-op, Blaydon District Centre												
B&M	2,100	1,728	246	46,000	601	1,282	80,000	84,146,000	84,982,000	84,982,000	84,982,000	84,982,000
Garden Centre	760	680	0	0	0	0	84,278	81,488,140	81,488,140	81,488,140	81,488,140	81,488,140
TV Hub	4,950	2,120	0	0	1,000	2,120	45,446	85,618,760	85,618,760	87,306,150	87,306,150	87,306,150
Bulky Goods Unit	1,170	998	0	0	0	998	85,446	85,488,770	85,488,770	85,488,770	85,488,770	85,488,770
A&P (2019 Prices)	1,797	1,284	1,033	80,808	0	801	84,849	84,849,000	84,849,000	84,849,000	84,849,000	84,849,000
Total	6,027	6,727	1,069	2,076,000	3,976	4,487	1,781	411,913,484	411,913,484	411,913,484	411,913,484	411,913,484

2020 Convenience Goods Impact (Williams Gallagher Assessment)

Store / Facility	Discount Foodstore Trade Capture (£)	% Trade Draw	B&M Home Store Trade Capture (£)	% Trade Draw	Total Trade Capture (£)	% Trade Draw	Impact (%)
Co-op, Blaydon District Centre							
Island, Blaydon District Centre	36,611	0.37%	207,400	10.00%	244,011	8.09%	18.98%
Morrison's, Blaydon District Centre	1,419,019	14.43%	919,000	28.00%	1,938,019	16.87%	8.88%
Other Stores, Blaydon District Centre	84,872	0.88%	81,900	2.60%	166,772	0.64%	4.10%
Existing B&M Stores, Blaydon District Centre	0	0.00%	84,1970	86.08%	84,1970	4.64%	100.00%
Proposed A&P Food Store, Cambridge	0	0.00%	412,000	20.00%	412,000	2.49%	4.82%
Lidl, Sharnell Loan Centre	839,213	0.83%	0	0.00%	839,213	7.04%	11.04%
Aldi, Metro Retail Park / Centre	2,794,289	27.71%	0	0.00%	2,794,289	22.89%	10.70%
Asha, Metro Retail Park / Centre	88,891,644	18.09%	0	0.00%	1,779,798	14.91%	3.05%
M&S, Metro Retail Park / Centre	10,189,886	0.97%	0	0.00%	46,015	0.39%	0.46%
Co-op, Ryton District Centre	13,691	0.14%	0	0.00%	13,691	0.11%	0.31%
Aldi, Overgate	4,002,288	4.07%	0	0.00%	4,002,288	3.36%	2.33%
Twoo Metro, Bowditch Gull Loan Centre	6,981,141	2.87%	0	0.00%	6,981,141	5.81%	4.03%
Aldi, Gossett Town Centre	16,877,297	39.740%	0	0.00%	39,740%	3.35%	2.38%
Co-op, Prudhoe District Centre	5,092,686	0	0	0.00%	0	0.00%	0.00%
Other Stores, Prudhoe District Centre	480,764	0	0	0.00%	0	0.00%	0.00%
Aldi, Westgate	26,894,455	7.17%	0	0.00%	704,881	5.86%	2.70%
Morrison's, Two Ball Linnam	17,894,496	0.61%	0	0.00%	60,000	0.48%	0.28%
Morrison's, Danton Park Centre	39,081,851	2.16%	0	0.00%	212,703	1.79%	0.84%
Sainsbury's, Throckley	14,442,296	1.19%	0	0.00%	117,582	0.99%	0.81%
Twoo, Kingston Park District Centre	50,817,246	1.08%	0	0.00%	106,082	0.89%	0.54%
Other B&M Stores	8,981,010	0.00%	207,600	10.00%	207,600	1.74%	2.85%
Other	291,860,106	7.04%	135,330	6.46%	847,370	7.11%	-
TOTAL	9,497,484	100.00%	2,076,000	100.00%	11,913,484	100%	-

Combined Impact on Blaydon District Centre (Williams Gallagher Assessment)

Store / Facility	Turnover (£)	Discount Foodstore Trade Capture (£)	B&M Home Store Trade Capture (£)	Total Trade Capture (£)	Impact (%)
Co-op, Blaydon District Centre					
Island, Blaydon District Centre	1,782,707	36,611	207,400	244,011	13.98%
Morrison's, Blaydon District Centre	33,500,791	1,419,019	919,000	1,938,019	8.88%
Other Stores, Blaydon District Centre	1,889,832	84,872	81,900	166,772	4.10%
Existing B&M Stores, Blaydon District Centre	84,1970	0	84,1970	84,1970	100.00%
WFO Total	37,483,690	1,479,888	1,119,870	2,799,768	7.48%
Total (Including B&M within Existing Turnover of Blaydon)	36,614,000	1,479,888	1,119,870	2,799,768	7.88%
Total Impact on Store (Including Morrison's)	5,611,859	60,885	860,870	981,755	23.88%

Qualitative and Other Town Centre Impact Considerations

Consequences of Forecast Retail Impacts

- 4.69 In order to establish the full impact of a proposal, it is necessary to consider how its trade draw impacts will affect the overall health, vitality and future of town centres. This in turn must depend on an up-to-date understanding of the role and function of those centres, their current health and vulnerabilities. It is only in this context that it can be determined whether a particular quantitative impact, whether defined in monetary or percentage terms, will be significantly adverse, or indeed the weight that should be given to any adverse impacts.
- 4.70 In doing so, it is necessary to have regard to the following:
- Para 89 of the NPPF (2018) which includes a requirement to assess the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
 - Planning Practice Guidance which states that “a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact” (Paragraph: 017 Reference ID: 2b-017-20140306).
- 4.71 In this case, WYG’s PS lacks sufficient consideration of the qualitative impacts of the proposal which is necessary to determine the overall impact of a proposal on the vitality and viability of Blaydon District Centre.
- 4.72 Firstly, the Applicant’s health check of Blaydon District Centre appears to be missing from Appendix 2 of the PS (there are health checks for Gateshead, Winlaton and Swalwell, albeit these are very basic). There is therefore no indication whatsoever as to the Applicant’s baseline assessment of the health of Blaydon District Centre and therefore how vulnerable it is to trade diversion.
- 4.73 The only real assessment of the consequences of the trade draw of the proposal on the health of the Centre is provided at Para 6.80 of the PS. This states that:
- “Excluding the transfer of B&M from Blaydon district centre to the larger ‘edge of centre’ application site, impact on other facilities in Blaydon centre arising from the proposed new development would be just 1.8%. The impact of these comparison goods floorspace changes are not considered to be significant and would not in themselves, raise any concerns over the vitality and viability of Blaydon district centre. It is however recognised that the loss of B&M from Blaydon Shopping Centre will leave a ‘gap’ in the shopping centre in the short term, but at the moment the centre only exhibits 2 vacant units. The loss of B&M will increase the vacancy rate to 8.6% but this still falls well short of the GOAD national average”.*
- 4.74 In response to this, we refer back to our own assessment of the trade draw from Blaydon District Centre to the proposed development which shows the impact to be significantly higher than the Applicant in both monetary and percentage terms.
- 4.75 We also refer back to Section 1.0 of this report which sets out our own views on the health of the District Centre, alongside consideration of the wider challenges it faces. We would therefore question the source of the WYG vacancy figure as it is clearly not consistent with our own

information about vacancies in the Shopping Centre.

4.76 To summarise, this indicates that:

- whilst the most recent health check of the Centre (conducted by Gateshead Council in April 2015 as part of the Gateshead Centres: Health Check Report Update April 2015 (GHCR, 2015)) indicates that Blaydon is an efficient and improving district centre, it has been over three years have passed since the GHCR was published;
- at present, there are 3 vacancies at ground floor level of the Shopping Centre with a number of additional units being let on a temporary basis (meaning the tenant can vacate at any time);
- there are further 5 vacancies on the upper floors of the Shopping Centre;
- the Centre is currently experiencing its highest vacancy rate since it was extended and refurbished in 2014 - it is expected that there will be a further vacancy in due course owing to Poundworld going into administration in June 2018;
- the Centre faces significant challenges brought about by a contraction in occupier demand.

4.77 It is therefore the case that Blaydon Shopping Centre faces significant challenges - challenges which must be taken into consideration when assessing the impact of the proposed development on the Centre's vitality and viability.

4.78 In addition to the above, it is worth noting that the Applicant places much emphasis on the application site's proximity to the District Centre, suggesting that there is likely to be a high incidence of linked shopping trips.

4.79 We remain firmly of the view that the expansion of the retail footprint of Blaydon will simply lead to the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be very difficult to fill owing to limited demand for retail space nationally and the new retail park being targeted at precisely the types of occupiers (value and convenience) that would take space in Blaydon Shopping Centre where edge / out of centre opportunities at cheaper rents with free parking etc. are curtailed.

4.80 It is also the case that the application proposes a significant amount of free surface level car parking and that the Site is physically separated from the District centre by a busy road. The nature of the human condition is such that customers are very unlikely to be inclined to walk across to the District Centre (which would require navigating a busy road with bags / shopping and walking across past Morrisons to reach the main shopping area) when the new retail park wholly replicates the range of goods offered at Blaydon Shopping Centre.

4.81 A further argument put forward by the Applicant is that the proposed development will extend the comparison goods offer of the District Centre and bring new shoppers to Blaydon, as well as encouraging existing shoppers to use the centre more frequently.

4.82 We would respond to this as follows:

- the proposed development will operate in isolation of the District Centre for the reasons identified above;
- far from increasing consumer choice and attracting new custom, the proposal will simply displace existing retailers / shoppers from the District Centre with those retailers left behind forced to re-evaluate whether or not it is in their interests to remain in the Centre when there is a competing scheme diverting footfall away from the main precinct (this includes local retailers and services which rely on the footfall driven by the larger anchor stores, including B&M, to drive trade);
- the application proposal, whilst of a scale that will disrupt local shopping patterns (i.e. the displacement of trade from Blaydon District Centre), is not of a sufficient scale / nor does it provide a sufficiently differentiated / wide enough offer to divert trade away from much larger centres such as Newcastle City Centre and the numerous retail parks in Newcastle and Gateshead - people travel to these locations to benefit from the critical mass of retail in these locations, not simply to travel to B&M or TJ Hughes (in the case of Newcastle City Centre);
- the proposed development largely replicates Blaydon District Centre's existing offer - it will not divert a significant amount of trade away from larger / higher order stores and facilities.

4.83 As a final point, it is worth noting that whilst WYG has included commentary on the impact of the proposal on investment in the District Centre, this is limited to a consideration of committed or planned investment (Para 6.73).

4.84 It fails to acknowledge that the NPPF also requires consideration of the effect on existing investment by both the private and public sectors. Further, any consideration of impact should not be limited to that affecting large scale investment plans, it should also include an analysis of the potential to affect the future investment decisions of individual businesses within town centres.

4.85 As such the assessment of impact on investment provided by WYG is incomplete.

Proposed Drive Thru Units

4.86 In addition to the above, it should be noted that the application proposal also includes other town centre uses (namely x2 drive-thru units), which although relatively small in the context of the proposed development, should also be assessed in terms of their impact on the existing town centres and whether they have met the requirements of the sequential test.

4.87 Indeed, the introduction of the additional drive-thru (replacing the pub / restaurant) is expected to have a further adverse impact on Blaydon District Centre, as the introduction of additional leisure uses including food & beverage outlets is an aim for the Centre, reflecting changing consumer needs and in order to address increasing voids as a result of stores closing alongside increasing dwell time.

4.88 In any area however, there is a limit to how many businesses of this type can be supported and potential operators. Allowing the replacement of the pub / restaurant with an additional A3 Use Class drive-thru will inevitably further increase any impact on Blaydon District Centre. The impact will fall on existing occupiers including Greggs, Costa, Cooplands, Subway, McDonalds and

Domino's.

Conclusions on Retail Impact

- 4.89 The trade draw from Blaydon District Centre to the proposed development has been shown to be high in both monetary and percentage terms. This loss of trade will take place in the context of a Centre that faces significant challenges not least of which is experiencing the highest level of vacancy since the refurbishment of the Centre in 2014.
- 4.90 The biggest threat will be a reduction in the number of trips to the Centre as a result the closure of B&M and a reduction in trips to Morrisons, Home Bargains, Boyes and Iceland - these stores generate the footfall that is required to support smaller stores and facilities at the Shopping Centre. This decline in trips to the Centre arises due to the availability of free, on-site parking at the proposal site and the fact that the site is physically separated from the District Centre by a busy road alongside the replication of the range of goods already sold in Blaydon Shopping Centre albeit in a smaller number of stores. As we have previously highlighted, our significant experience of these types of schemes is that the proposed retail park will operate in isolation of Blaydon Shopping Centre.
- 4.91 In this regard, the proposal poses a significant threat to the Centre's ability to retain existing occupiers as well as attract new occupiers. For a small District Centre such as Blaydon, even very modest reductions in the level of trade can have a significant adverse impact on existing investment and the District Centre's vitality and viability.
- 4.92 In addition to the above, it must be borne in mind that the UK high street (including those with a focus on the value and day to day convenience sectors within which Blaydon operates) continues to face unprecedented challenges.
- 4.93 According to Savills Research (April 2018), 10% fewer high street stores opened in 2017 than in 2016, with 5,855 outlets closing last year. There have also been several high profile retail failures in recent months with a number of other retailers entering into Company Voluntary Arrangements (CVAs) leading to store closures. The effect of this is that weaker retailers are now reevaluating their existing portfolios, while stronger retailers defer decision-making to consider opportunist responses to this weakness. Demand for retail floorspace is therefore expected to remain highly subdued for the foreseeable future (especially in more tertiary locations) with retailers closely at the performance of their existing portfolios and looking to reduce over-heads as opposed to expansion.
- 4.94 It is therefore the case that whilst Blaydon Shopping Centre appears to be performing well (as is articulated in the 2015 GHCR), more recent changes show it is vulnerable. There is already evidence of increased vacancies and it, like many small centres, faces significant challenges - challenges which must be taken into consideration when assessing the impact of the proposed development on the Centre's vitality and viability.
- 4.95 In this subdued market, the expansion of the retail footprint of Blaydon will simply lead to the displacement of retail from the existing Centre (including B&M which has been trading from Blaydon Shopping Centre for a number of years), leaving behind substantial voids which will be difficult to fill owing to limited demand for retail space. The effect will be to significantly and irreversibly undermine the vitality and viability of the District Centre.
- 4.96 The introduction of a further A3 Use Class drive thru unit will compound this issue by diverting trade away from existing outlets including Costa, Greggs, Cooplands, Domino's, Subway and McDonalds (a number of whom are relatively new entrants to the Centre and have served to

counteract subdued demand for retail floorspace).

5.0 Overall Assessment of Planning Case and Conclusions

- 5.1 This Planning Objection Report has been prepared by Williams Gallagher on behalf of LSREF3 Tiger Blaydon S.A.R.L. (c/o Ellandi LLP), the owners of Blaydon Shopping Centre in Blaydon, in respect of a planning application submitted on behalf of UK Land Investments Ltd ('UK Land') ('the Applicant') (LPA Ref: DC/18/00533/FUL). It has been submitted further to a holding objection sent to officers on 6 July 2018 (see Williams Gallagher Holding Objection - **Appendix 1**).
- 5.2 This latest proposal by UK Land is seeking substantial amendments to the approved outline scheme (Application Ref: DC/16/01151/OUT). Moreover, the scheme has been marketed outside the terms of the extant outline permission since at least November 2017 (see Appendix 2 - Chainbridge Retail Park Marketing Particulars), demonstrating that, as we previously anticipated in objecting to that scheme, it was never the Applicant's intention to deliver the outline scheme in the format proposed.
- 5.3 The revised application is required as the proposed development would be in direct contravention of the majority of the conditions applied to the outline permission for the Site. Instead, the application seeks to facilitate the occupation of the Site by the following tenants:
- TJ Hughes (2,630 sqm GIA):
 - B&M Home & Garden (2,160 sqm and 700 sqm Garden Centre);
 - Starbucks (167 sqm GIA).
- 5.4 In addition, the application proposes:
- a non-food retail unit(s) (1,170 sqm GIA total) - the Applicant notes that this space will be subject to the same occupancy related conditions imposed by the extant permission (PS Para, 6.7) albeit the fact that the non-food retail unit is referred to in both the singular and the plural (e.g. PS Para, 3.1) does lead us to query whether the Applicant is seeking to avoid conditions that would prohibit subdivision (thereby enabling more than one retailer to take occupation) - the Design and Access Statement also implies that this unit could be sub-divided; and
 - an additional drive-thru restaurant (250 sqm NIA) - this replaces the the pub / restaurant that was permitted as part of the approved outline scheme and is expected to be occupied by a Burger King or similar.
- 5.5 An Aldi store comprising 1,767 sqm GIA is also proposed, albeit a foodstore has already been approved in this location.
- 5.6 Save for the third non-food retail unit, there is little mention of the types of conditions that would be accepted by Applicant in respect of the revised proposal for the Site, suggesting that it is seeking in the first instance to secure open A1 consent for the TJ Hughes and B&M units (with no restrictions on the types of goods sold, amalgamation, sub-division, the insertion of mezzanines and permitted development rights). We would note that we do not consider any conditions that still result in the occupation of the scheme as described by the applicant would reduce the likely impact to less than significant.
- 5.7 In this regard, we urge officers and members to hold firm on their original approval in the interests of protecting Blaydon District Centre and not to be distracted by the promise of new entrants to the area (in this case TJ Hughes).

- 5.8 We also query the Applicant's description of the trading characteristics of the proposed occupiers which includes a statement that the food offer at the B&M Home and Garden will be ancillary and *"relates purely to ambient, non-perishable packaged goods, confectionery and drinks"*.
- 5.9 We are wholly unconvinced that this will be the case following a site visit to a comparable Home and Garden Store in Walsall in the West Midlands – a store which clearly stocks a range of chilled, perishable and frozen items (such as fresh milk, bread, butter, cream, eggs, cheese and meat). We are also aware that this is a concept being rolled out nationally by B&M, presumably assisted by its recent acquisition of Heron Foods (which primarily sells frozen food, but also has a wide range of dry and chilled stock).

Concluding Remarks

- 5.10 This Planning Objection Report has provided evidenced scrutiny of the Applicant's case in respect of the proposed development and confirms that notwithstanding its claims, there are substantial and compelling grounds for refusal of the application as follows:

- the planning application will have a significant adverse impact on Blaydon District Centre, in terms of trade draw, the decrease in consumer choice as a result of store closures and on investment;
- there are no material considerations or benefits associated with the proposed development which would outweigh the proposal's clear non-compliance with the adopted and emerging Development Plan and the National Planning Policy Framework (the Framework / NPPF).

- 5.11 In regard to the Applicant's assessment of impact of the proposed development we would conclude as follows:

- that it significantly underplays the quantitative impact of the proposed development – our own assessment shows the impact to be significantly higher in both monetary and percentage terms:
 - the Applicant's assessment considers that only £2.2m of comparison goods trade will be drawn from Blaydon District Centre and presents an impact of only 1.84%;
 - our assessment concludes that in actual fact, over £4.5m of comparison goods trade will be drawn from Blaydon District Centre resulting in an impact of between 70 - 75%
 - the Applicant's assessment considers that only £2.1m of convenience goods trade will be drawn from Blaydon District Centre resulting in an impact of 5.71%
 - our assessment concludes that in actual fact, £2.7m of convenience goods trade will be drawn from Blaydon District Centre resulting in an impact of 7.58%;
 - we also note that there would be a combined 23.86% impact on convenience goods outlets in Blaydon when Morrisons is excluded from the assessment;
- that it has failed to undertake a sufficient assessment of the qualitative impacts of the proposal which is necessary to determine the overall impact of the proposal on the vitality

and viability of Blaydon District Centre.

5.12 We would also draw your attention to the fact that owing to the size and scale of retail development proposed, it would not be possible to accommodate the proposal within Blaydon Town Centre. Whilst this enables the Applicant to effectively circumvent the sequential assessment, it is precisely for this reason that the impact of the proposed development will be so damaging to the future vitality and viability of Blaydon District Centre

5.13 As a final point, it is important to highlight that the Applicant refers to the economic benefits of the proposal which amount to inward investment and job creation.

5.14 It states as follows (Para 5.17, PS):

“In the short term, the development will result in additional construction jobs which are created across the supply chain, including direct construction jobs and job opportunities within those companies which can be considered to be part of the supply chain to the construction trade. Based on a construction cost of the proposed development of circa £6.5m this will result in around 95 FTE jobs created over the build period. In addition, in terms of the respective job creation as a result of the new uses on the site, this is likely to be in the region of 126 FTE jobs, which translates into 169 full and part-time employees”.

5.15 As is the case with much of the Applicant’s submission, this statement should be afforded a significant degree of scrutiny, not least because the purported economic benefits must be viewed in the context of the likely trade diversion of the proposed development and thus resulting job losses in the impacted stores.

5.16 The alternative retail impact assessment prepared by Williams Gallagher, and summarised at Section 4.0 of this report, highlights a number of important findings regarding impact, for example:

- the assessment fails to test the worse case scenario – in other words the sales densities for the proposed retail units have the potential to be higher than set out in the PS;
- that the Applicant’s assumptions overstate the trade draw of the proposal from outside of the immediate locality and as a result significantly underplay the trade that is likely to be drawn from Blaydon District Centre.

5.17 These conclusions mean that the retail turnover of the scheme is likely to be far higher than estimated by the Applicant, and that a greater proportion of that turnover will be drawn from Blaydon District Centre.

5.18 Our findings present a stark assessment of the likely impact on Blaydon District Centre. For example, our assessment concludes that the total loss of comparison goods retail revenue for Blaydon District Centre would be in the region of £4.5m – a combined impact of over **70%**.

5.19 This would place existing businesses and occupiers in Blaydon District Centre under significant stress. Moreover, the various challenges faced by occupiers means that there is constrained capacity to absorb reductions in retail turnover that would arise from the scheme. At some point, the reduction in revenue would start to impact on levels of profitability, employment and business viability.

5.20 Therefore, either through jobs displacement or through a reduction in retail turnover (and the consequent impact on the number and range of retail occupiers), the retail offer in Blaydon

Shopping Centre will be negatively impacted. In short, the jobs created at the retail park will be displaced from Blaydon District Centre. There is therefore no gain in employment.

5.21 It can therefore be concluded that the “economic benefits” of the proposal as put forward by the Applicant, whilst a material consideration in the determination of the application, are in fact economic displacement, which is not a benefit – in fact it should be seen as a significant dis-benefit. Accordingly, there are no material considerations that outweigh the proposal’s clear non-compliance with the adopted and emerging Development Plan and the National Planning Policy Framework (the Framework / NPPF).

5.22 We also have no doubt that should permission for the revised scheme be granted, the Applicant will simply come back with a revised proposal for the bulky goods unit(s) (employing the tried and tested incremental approach to securing permission for a wider range of goods / less restrictions on floorspace). In this regard, we would urge officers and members to hold firm on their original approval in the interests of protecting Blaydon District Centre and not to be distracted by the promise of new entrants to the area (in this case TJ Hughes).

Final Conclusions

5.23 The following policies and material considerations are considered to key in the determination of this latest application by UK Land:

- CSUSP Policy CS7 (Retail and Centres);
- Draft MSGP Policy MSG8 (Retail and Leisure Impact Assessment); and
- NPPF (2018) – Chapter 7 (Paras 86 – 90).

5.24 This report categorically concludes that the proposed development will be in direct conflict with these policies. Moreover, that there are no economic, social and environmental benefits associated with the proposed development which would in any way outweigh the adverse impacts we have identified in this report.

5.25 Taking into account the findings of this report, we conclude that there is no justification for the approval of this application. We therefore respectfully request that it be refused.

Appendix 1
Williams Gallagher Holding Objection dated 6
July 2018

6 July 2018

Lois Lovely
Gateshead Council Development Management
Civic Centre
Regent Street
Gateshead
NE8 1HH

Sent by Email



**WILLIAMS.
GALLAGHER.**

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Dear Lois

**Application Ref: DC/18/00533/FUL
Mixed Use Retail / Leisure Development
Blaydon Industrial Park Chainbridge Road Blaydon On Tyne
Holding Objection on behalf of LSREF3 Tiger Blaydon S.A.R.L. (c/o Ellandi LLP)**

We write to you on behalf of our client, LSREF3 Tiger Blaydon S.A.R.L. (c/o Ellandi LLP) (owners of the Blaydon Shopping Centre) to submit a **holding objection** to the above mentioned application.

It is understood that the application has been submitted on behalf of UK Land Investments Ltd ('the Applicant') and seeks full planning permission for a mixed use retail / leisure development on land off Chainbridge Road, Blaydon.

This application follows the grant of outline consent for a retail park back in December 2016 (LPA Ref: DC/16/01151/OUT) which was subject to the following conditions imposed by Gateshead Council in order to protect the vitality and viability of Blaydon District Centre:

- a restriction on the amount of floorspace / net sales (Condition 4);
- restrictions on the types of goods that can be sold from the various units (Conditions 5, 6 and 10);
- removing the applicant's permitted development rights in connection with the insertion of mezzanines (Condition 7) and changes of use from Use Class A3 to Use Classes A1 / A5 (Condition 9); and
- restrictions on amalgamation and subdivision (Condition 8).

The current proposal is seeking what we regard to be substantial amendments to the approved outline scheme (demonstrating that, as predicted, it was never the Applicant's intention to deliver the outline scheme in the format proposed). The scheme has been marketed outside the terms of the extant outline permission since at least November 2017 – see attached marketing particulars.

The application will instead facilitate the occupation of the scheme by the following occupiers:

- Aldi (1,767 sqm GIA);
- TJ Hughes (2,630 sqm GIA);
- B&M (2,160 sqm and 700 sqm Garden Centre); and
- Starbucks (167 sqm GIA).

In addition, the application proposes:

- a non food retail unit(s) (1,170 sqm GIA total); and
- a drive-thru restaurant (250 sqm NIA).

We are strongly opposed to the proposed development as it has the potential to significantly and irreversibly undermine the vitality and viability of Blaydon District Centre. This includes the relocation of B&M which acts as a major anchor to Blaydon District Centre.

Indeed, as we previously articulated in respect of the invalid reserved matters application (Ref: DC/17/01393/REM), the occupation of the proposed retail park by B&M would result in a clear and demonstrable 'like for like' significant adverse impact on Blaydon District Centre (including a significant void in the District Centre which will be extremely difficult to re-let in the current retail climate).

We would very much hope that the application will be forcefully refused by the Council as it is only very recently that the outline scheme (in its current guise with significant restrictions) was approved and no attempt to market the scheme with the imposed planning restrictions has been made.

The proposal will simply lead to the relocation of existing retailers and jobs from Blaydon District Centre and result in a significantly adverse impact on an allocated centre which has only just been the subject of significant investment.

We intend to submit a full objection to the proposal within the next 10 working days (which I trust is acceptable). In the meantime, please do not hesitate to contact me if you have any queries.

Yours sincerely

Kind regards

A handwritten signature in black ink, appearing to read 'HEARNELL' with a large, stylized initial 'H' and a long diagonal stroke extending from the end of the name.

Heather Arnell (Née Gallagher)
Williams Gallagher
Town Planning Solutions Ltd

Appendix 2
Chainbridge Retail Park Marketing Particulars



Churchills Retail Park

BLAYDON NE21 5AB

Up to 41,000 sq ft (3,820 sq m) of non-food retail

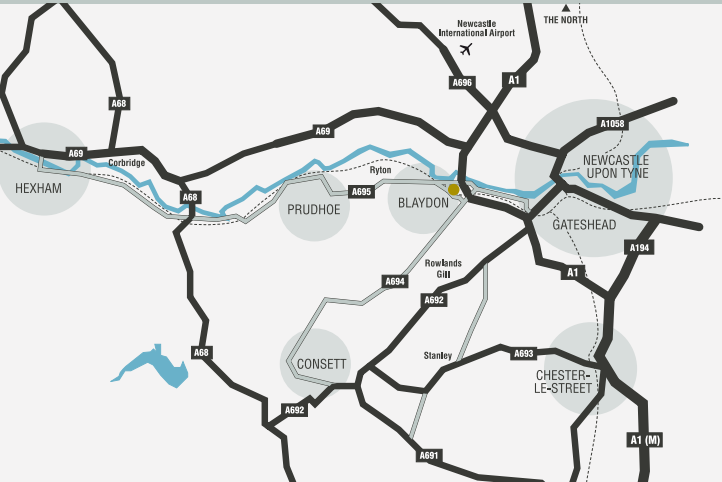
TO LET



LOCATION

Churchills Retail Park is located in a prime position within Blaydon town centre in the Metropolitan Borough of Gateshead, Tyne & Wear, approximately 5 miles west of Newcastle city centre. It is prominently positioned on the B6317 opposite Morrisons and the Blaydon Shopping Centre which underwent a major redevelopment in 2014. The Shopping Centre comprises 184,000 sq ft with retailers including Home Bargains, Iceland, Poundworld, Boots, Ladbrokes, Greggs, Superdrug and McDonalds.

Blaydon is situated on the south bank of the river Tyne approximately 2 miles west from the A1 Western Bypass and the A69 junction. There is a resident population of 15,155 and a catchment population of 539,557 based upon a 20 minute drive time isochrone. The site is within easy walking distance of the railway and bus interchange providing excellent access to the surrounding population from Newcastle in the east and Hexham in the west.



DESCRIPTION

Churchills Retail Park will comprise approximately 95,422 sq ft (8,865 sq m) of new retail and drive-thru accommodation together with 388 car parking spaces in a landscaped environment with rear service areas. Customer access will be via a new signalised junction providing all ways movement off Chainbridge Road and service access will be via the improved existing junction giving a complete separation of customer and service vehicles. Pedestrian access will be via a new surface level crossing providing direct access from the Blaydon Shopping Centre.

Proposed tenants include Aldi, B&M, Starbucks and Burger King.

PLANNING

Outline planning permission has been granted for mixed use retail and leisure development comprising discount food, DIY and bulky goods, pub/restaurant and drive-thru uses.

AVAILABILITY

The available accommodation comprises two blocks of 12,600 sq ft (1,170 sq m) and 28,500 sq ft (2,650 sq m) each which can be sub-divided to suit individual retailer's size requirements. The accommodation will be provided to a developer's shell specification, including shop front, with services brought to within and capped off.

TERMS

The accommodation can be made available by way of new Full Repairing and Insuring leases for a term of 15 years, subject to 5 yearly upward only rent reviews, at a commencing rent of £16.00 per square foot exclusive of rates and service charge, subject to contract.



TO MORRISONS AND BLAYDON SHOPPING CENTRE



Artist's Impression





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FURTHER INFORMATION

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Appendix 3
Williams Gallagher Retail Impact Assessment Part 1
(Interpretation of WYG Assessment)

COMPARISON GOODS IMPACT (BASED ON WYG ASSESSMENT)

Turnover of Proposed Development (Based on WYG Assessment)

	Gross Floorpace (GIA - sqm)	Net Sales (sqm)	Convenience (sqm)	Turnover per sqm 2020 (£)	Comparison (sqm)			Turnover per sqm 2020 (£)	Turnover (£)			Total Turnover 2020 (£)	Total Comparison Turnover 2020 (£) (Excluding Aldi)	Total Comparison Turnover 2020 (£) (Including Aldi)	
					Bulky	Non-Bulky	Total		Convenience	Comparison					
										Bulky	Non-Bulky				Total
B&M	2,160	1,728	346	£3,708	691	691	1,382	£3,708	£1,288,968	£2,568,228	£2,568,228	£5,124,456	£6,407,424		
B&M Garden Centre	700	630	0	-	630	-	-	£2,278	£0	£1,435,140	-	£1,435,140	£1,435,140		
TJ Hughes	2,830	2,180	0	-	1,050	1,130	2,180	£951	£0	£1,039,860	£1,039,860	£2,079,720	£2,079,720		
Bulky Goods Unit	1,170	995	0	-	995	-	995	£5,446	£0	£5,428,770	-	£5,428,770	£5,428,770		
Aldi (2019 Prices)	1,787	1,254	1,003	£9,808	-	-	251	£8,849	£9,837,424	-	-	£2,221,099	£12,058,523		
Total	8,427	6,787	1,349	-	3,376	1,781	4,497	-	£11,120,592	£8,465,998	£5,608,098	£14,289,185	£25,409,577	£12,058,086	£14,289,185

2020 Comparison Goods Impact (Based on WYG Assessment)

	Bulky Goods Turnover	Catchment Trade Capture	% Trade Draw	Inflow Trade Capture	Total Trade Capture	Non Bulky Goods Turnover	Catchment Trade Capture	% Trade Draw	Inflow Trade Capture	Total Trade Capture	Total Comparison Goods Turnover	Total Trade Capture	Total % Trade Draw	Impact (%)	
Newcastle City Centre	288,720,408	316,177	4.39%	0	316,177	1,021,274,685	24,240	0.79%	0	24,240	1,319,995,093	340,417	2.82%	0.03%	
Metrocentre, Gateshead	124,484,514	247,159	4.52%	0	247,159	703,008,960	24,240	1.12%	0	24,240	627,493,074	261,299	3.10%	0.05%	
Gateshead Town Centre	28,506,570	139,281	1.94%	42,343	181,624	38,471,238	56,340	1.84%	22,970	79,310	66,973,808	260,934	2.16%	0.39%	
Kingston Retail Park, Belvedere Retail Park	95,483,505	372,182	8.17%	99,249	471,430	67,331,976	88,480	2.89%	22,970	111,480	180,815,881	888,881	4.83%	0.36%	
Other Retail Warehouses in Newcastle	77,877,890	728,975	10.09%	119,215	848,190	67,488,393	285,450	8.67%	51,890	317,310	145,543,283	1,162,500	9.63%	0.80%	
Team Valley Retail Park	221,741,215	2,080,481	28.10%	195,246	2,223,027	33,410,474	169,100	5.52%	34,540	203,640	255,151,689	2,426,667	20.11%	0.95%	
Metro Retail Park	43,931,187	1,175,888	16.34%	238,405	1,414,891	38,188,597	242,420	11.18%	45,570	287,990	82,110,764	1,802,281	14.93%	2.19%	
Other Retail Warehouses, Gateshead	15,550,884	819,005	7.21%	178,804	697,808	3,348,203	24,240	0.79%	0	24,240	18,878,727	722,049	5.88%	3.52%	
South Shields Town Centre	43,039,961	0	0.00%	0	0	80,168,023	22,330	1.06%	0	22,330	123,207,974	22,330	0.27%	0.03%	
Silverlink Retail Park	160,483,623	0	0.00%	0	0	78,551,410	0	0.00%	0	0	229,035,033	0	0.00%	0.00%	
Sunderland City Centre	84,334,745	43,089	0.60%	0	43,089	303,730,019	33,860	1.11%	0	33,860	386,064,764	76,949	0.64%	0.02%	
Washington Retail Park	19,746,700	85,482	1.19%	29,210	114,892	795,291	0	0.00%	0	0	20,541,981	114,892	0.99%	0.50%	
Other Retail Warehouses, Washington	21,649,281	98,292	1.37%	29,782	128,074	5,052,583	0	0.00%	0	0	28,701,864	128,074	1.06%	0.48%	
The Galleries, Washington	18,131,502	0	0.00%	0	0	71,816,976	51,470	1.68%	16,860	68,330	89,648,078	68,330	0.57%	0.08%	
Jarrow Town Centre	5,037,643	0	0.00%	0	0	8,062,213	0	0.00%	0	0	13,099,896	0	0.00%	0.00%	
Frodhoe Centre	2,041,697	0	0.00%	0	0	1,850,128	0	0.00%	0	0	3,891,223	0	0.00%	0.00%	
Blaydon District Centre	1,016,030	16,711	0.23%	9,816	26,527	3,306,651	53,090	1.73%	0	53,090	4,322,681	79,617	0.66%	1.84%	
Stanley	9,276,107	0	0.00%	37,127	37,127	11,933,681	88,480	2.89%	0	88,480	21,229,788	125,617	1.04%	0.59%	
Consett	12,707,506	276,438	3.87%	80,628	359,066	31,977,317	117,980	3.82%	15,930	133,910	44,684,263	492,976	4.08%	1.10%	
Whickham	778,332	0	0.00%	12,378	12,378	4,984,328	28,400	0.93%	0	28,400	8,762,884	40,778	0.34%	0.71%	
Other	1,090,083,216	885,075	9.58%	131,640	818,713	1,960,943,796	184,190	8.02%	70,820	254,810	3,090,997,012	1,071,523	8.88%	0.04%	
Existing B&M Store, Blaydon District Centre	431,620	366,870	9.10%	64,750	431,620	1,726,440	1,467,470	47.93%	258,970	1,726,440	2,188,060	2,188,060	17.88%	100.00%	
Total	7,196,101	7,196,101	100.00%	1,869,900	8,465,999	4,537,114,994	3,061,780	100.00%	540,310	5,608,090	12,068,091	12,068,091	100.00%		
Net Increase (Excluding Existing B&M Store)														9,910,031	

Combined Impact on Blaydon Town Centre (Based on WYG Assessment)

	Bulky Goods Turnover	Catchment Trade Capture	Inflow Trade Capture	Total Trade Capture	Non Bulky Goods Turnover	Catchment Trade Capture	Inflow Trade Capture	Total Trade Capture	Total Comparison Goods Turnover	Total Trade Capture	Impact (%)
Blaydon District Centre	1,016,030	16,711	9,816	26,527	3,306,651	53,090	0	53,090	4,322,681	79,617	1.84%
Existing B&M Store, Blaydon District Centre	431,620	366,870	64,750	431,620	1,726,440	1,467,470	258,970	1,726,440	2,188,060	2,188,060	100.00%
Total	1,447,650	533,581	74,566	498,147	5,033,091	1,250,560	258,970	1,779,830	6,480,741	2,237,677	24.83%

CONVENIENCE GOODS IMPACT (BASED ON WYG ASSESSMENT)

Turnover of Proposed Development (Based on WYG Assessment)

	Gross Floorpace (GIA - sqm)	Net Sales (sqm)	Convenience (sqm)	Turnover per sqm 2020 (£)	Comparison (sqm)			Turnover per sqm 2020 (£)	Turnover (£)				Total Turnover 2020 (£)	Total Convenience Turnover 2020 (£) (Including Aisl)	Total Convenience Turnover 2020 (£) (Excluding Aisl)
					Bulky	Non-Bulky	Total		Convenience	Comparison					
										Bulky	Non-Bulky	Total			
B&M	2,160	1,728	348	£3,708	891	891	1,358	£3,708	£1,288,968	£2,958,228	£2,958,228	£1,124,456	£8,407,484	£1,288,968	£11,160,392
B&M Garden Centre	700	630	0	-	630	-	-	£8,278	£0	£1,435,140	-	£1,435,140	£1,435,140		
TJ Hughes	2,630	2,180	0	-	1060	1,060	2,120	£981	£0	£1,039,860	£1,039,860	£2,079,720	£2,079,720		
Bulky Goods Unit	1,170	995	0	-	995	-	995	£3,445	£0	£3,428,770	-	£3,428,770	£3,428,770		
Aisl (2019 Prices)	1,767	1,294	1,003	£9,808	-	-	251	£8,849	£9,537,494	-	-	£2,221,099	£12,058,523		
Total	8,427	6,727	1,349	-	3,376	1,781	4,497	-	£11,160,392	£8,465,998	£3,508,088	£14,289,185	£25,409,577		

2020 Convenience Goods Impact (Based on WYG Assessment)

Store / Facility	Convenience Goods Turnover (£)	Discount Foodstore Trade Capture (£)	% Trade Draw	B&M Home Store Trade Capture (£)	% Trade Draw	Total Trade Capture (£)	% Trade Draw	Impact (%)
Co-op, Blaydon District Centre	2,387,879	59,594	0.61%	8,635	0.67%	68,229	0.61%	2.89%
Iceland, Blaydon District Centre	1,782,707	36,611	0.37%	0	0.00%	36,611	0.35%	2.09%
Morrisons, Blaydon District Centre	33,300,761	1,359,420	13.82%	101,010	7.87%	1,460,430	13.13%	4.39%
Other Stores, Blaydon District Centre	1,858,832	24,272	0.25%	6,485	0.51%	30,757	0.28%	1.65%
Existing B&M Store, Blaydon District Centre	841,370	0	0.00%	841,370	42.20%	841,370	4.87%	100.00%
Proposed Aisl Food Store, Chainbridge	9,837,480	0	0.00%	290,820	22.87%	290,820	2.62%	2.96%
Lidl, Swallow Local Centre	7,801,981	839,213	8.53%	0	0.00%	839,213	7.85%	11.04%
Aisl, Metro Retail Park / Centre	25,329,108	2,726,258	27.71%	0	0.00%	2,726,258	24.52%	10.76%
Asda, Metro Retail Park / Centre	88,261,844	1,776,735	18.08%	0	0.00%	1,776,735	15.98%	3.05%
M&S, Metro Retail Park / Centre	10,189,855	46,015	0.47%	0	0.00%	46,015	0.41%	0.48%
Co-op, Ryton District Centre	2,872,496	15,691	0.14%	0	0.00%	15,691	0.12%	0.51%
Aisl, Congate	17,215,975	400,328	4.07%	0	0.00%	400,328	3.60%	2.33%
Tesco Metro, Rowlands Gill Local Centre	6,281,541	252,980	2.57%	0	0.00%	252,980	2.27%	4.03%
Aisl, Consett Town Centre	16,877,277	397,205	4.04%	0	0.00%	397,205	3.57%	2.32%
Co-op, Pruthoe District Centre	5,022,666	0	0.00%	0	0.00%	0	0.00%	0.00%
Other Stores, Pruthoe District Centre	466,784	0	0.00%	0	0.00%	0	0.00%	0.00%
Aisl, Westerhope	26,094,435	704,951	7.17%	0	0.00%	704,951	6.34%	2.70%
Morrisons, Two Ball Linnon	17,896,456	80,000	0.51%	0	0.00%	80,000	0.45%	0.28%
Morrisons, Denton Park Centre	39,081,851	212,703	2.16%	0	0.00%	212,703	1.91%	0.54%
Sainsbury's, Throckley	14,442,296	117,552	1.19%	0	0.00%	117,552	1.06%	0.61%
Tesco, Kingston Park District Centre	30,617,245	105,852	1.08%	0	0.00%	105,852	0.95%	0.34%
Other B&M Stores (2)	8,851,010	0	0.00%	282,890	19.71%	282,890	2.27%	2.86%
Other	291,926,105	714,040	7.29%	81,760	8.37%	795,800	7.19%	-
TOTAL		9,837,480	100%	1,882,970	100.00%	11,180,990	100%	-

Combined Impact on Blaydon Town Centre (Based on WYG Assessment)

Store / Facility	Convenience Goods Turnover (£)	Discount Foodstore Trade Capture (£)	B&M Home Store Trade Capture (£)	Total Trade Capture (£)	Impact (%)
Co-op, Blaydon District Centre	2,387,879	59,594	8,635	68,229	2.89%
Iceland, Blaydon District Centre	1,782,707	36,611	0	36,611	2.09%
Morrisons, Blaydon District Centre	30,942,822	1,359,420	101,010	1,460,430	4.72%
Other Stores, Blaydon District Centre	1,858,832	24,272	6,485	30,757	1.65%
Existing B&M Store, Blaydon District Centre	841,370	0	841,370	841,370	100.00%
Proposed Aisl Food Store, Chainbridge	9,837,480	0	290,820	290,820	2.96%
Total District Centre	37,453,670	1,479,897	687,900	2,137,397	5.71%
Total (incorporating B&M within total turnover of Blaydon)	36,912,300	1,479,897	687,900	2,137,397	5.79%
Total Impact on Stores (Excluding Morrisons)	8,969,418	120,477	826,490	676,967	11.34%

Appendix 4
Williams Gallagher Retail Impact Assessment Part 2
(Alternative Retail Impact Assessment)

CONVENIENCE GOODS IMPACT (WILLIAMS GALLAGHER ASSESSMENT)

Turnover of Proposed Development (Williams Gallagher Assessment)

	Gross Floorpace (GIA - sqm)	Net Sales (sqm)	Convenience (sqm)	Turnover per sqm ROBO (£)	Comparison (sqm)			Turnover per sqm ROBO (£)	Turnover of Proposed Store (£)				Total Turnover ROBO (£)	Total Convenience Turnover 2020 (£) (Excluding Aids)	Total Convenience Turnover 2020 (£) (Including Aids)
					Bulky	Non-Bulky	Total		Convenience	Comparison					
										Bulky	Non-Bulky	Total			
B&M	2,160	1,728	246	£6,000	691	691	1,382	£6,000	£2,076,000.00	£4,146,000	£4,146,000	£8,292,000	£10,368,000		
Garden Centre	780	630	0	-	630	-	-	£2,278	£0.00	£1,435,140	-	£1,435,140	£1,435,140		
TJ Hughes	2,630	2,180	0	-	1060	1,080	2,180	£3,446	£0.00	£3,652,760	£3,652,760	£7,305,520	£7,305,520		
Bulky Goods Unit	1,170	995	0	-	995	-	995	£3,446	£0.00	£3,428,770	-	£3,428,770	£3,428,770		
Aldi (2019 Prices)	1,787	1,254	1,003	£6,808	-	-	951	£8,649	£9,837,494.00	-	-	£9,837,494	£12,058,293		
Total	8,507	6,727	1,849	-	3,376	1,761	4,497	-	£11,913,484	£12,668,670	£7,798,760	£28,688,829	£24,998,988	£28,076,000	£11,913,484

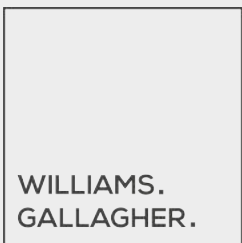
2020 Convenience Goods Impact (Williams Gallagher Assessment)

Store / Facility	Turnover (£)	Discount Foodstore Trade Capture (£)	% Trade Draw	B&M Home Store Trade Capture (£)	% Trade Draw	Total Trade Capture (£)	% Trade Draw	Impact (%)
Co-op, Blaydon District Centre	-	-	-	-	-	-	-	-
Iceland, Blaydon District Centre	1,728,707	36,611	0.37%	207,600	10.00%	244,211	2.08%	13.93%
Morrisons, Blaydon District Centre	33,300,761	1,419,015	14.48%	519,000	25.00%	1,938,015	16.27%	5.22%
Other Stores, Blaydon District Centre	1,658,832	24,272	0.28%	51,900	2.50%	76,172	0.44%	4.10%
Existing B&M Store, Blaydon District Centre	541,370	0	0.00%	541,370	26.08%	541,370	4.84%	100.00%
<i>Proposed Aids Food Store, Chainbridge</i>	<i>9,837,490</i>	<i>0</i>	<i>0.00%</i>	<i>415,200</i>	<i>20.00%</i>	<i>415,200</i>	<i>2.49%</i>	<i>4.22%</i>
Lidl, Swallow Local Centre	7,601,951	839,213	8.53%	0	0.00%	839,213	7.04%	11.04%
Aldi, Metro Retail Park / Centre	25,329,102	2,726,259	27.71%	0	0.00%	2,726,259	22.28%	10.78%
Asda, Metro Retail Park / Centre	55,281,644	1,776,736	18.06%	0	0.00%	1,776,736	14.91%	3.05%
M&S, Metro Retail Park / Centre	10,189,585	46,015	0.47%	0	0.00%	46,015	0.39%	0.45%
Co-op, Ryton District Centre	2,872,496	13,691	0.14%	0	0.00%	13,691	0.11%	0.61%
Aldi, Cowgate	17,215,575	400,268	4.07%	0	0.00%	400,268	2.30%	2.33%
Tesco Metro, Howlands Gill Local Centre	6,281,541	252,980	2.57%	0	0.00%	252,980	2.12%	4.05%
Aldi, Consett Town Centre	16,877,377	397,205	4.04%	0	0.00%	397,205	3.33%	2.35%
Co-op, Prudhoe District Centre	5,096,666	0	0.00%	0	0.00%	0	0.00%	0.00%
Other Stores, Prudhoe District Centre	466,764	0	0.00%	0	0.00%	0	0.00%	0.00%
Aldi, Westerhope	26,094,455	704,951	7.17%	0	0.00%	704,951	5.96%	2.70%
Morrisons, Two Ball Linn	17,896,458	50,000	0.81%	0	0.00%	50,000	0.42%	0.22%
Morrisons, Denton Park Centre	39,081,831	212,703	2.16%	0	0.00%	212,703	1.79%	0.54%
Sainsbury's, Throckley	14,442,296	117,522	1.19%	0	0.00%	117,522	0.99%	0.81%
Tesco, Kingston Park District Centre	30,617,245	105,852	1.08%	0	0.00%	105,852	0.89%	0.34%
Other B&M Stores	8,851,010	0	0.00%	207,600	10.00%	207,600	1.74%	2.35%
Other	291,926,108	714,040	7.29%	133,330	6.42%	847,370	7.11%	-
TOTAL	9,837,484	9,837,484	100.00%	2,076,000	100.00%	11,913,484	100%	-

Combined Impact on Blaydon District Centre (Williams Gallagher Assessment)

Store / Facility	Turnover (£) (1)	Discount Foodstore Trade Capture (£)	B&M Home Store Trade Capture (£)	Total Trade Capture (£)	Impact (%)
Co-op, Blaydon District Centre	-	-	-	-	-
Iceland, Blaydon District Centre	1,728,707	36,611	207,600	244,211	13.93%
Morrisons, Blaydon District Centre	33,300,761	1,419,015	519,000	1,938,015	5.22%
Other Stores, Blaydon District Centre	1,658,832	24,272	51,900	76,172	4.10%
Existing B&M Store, Blaydon District Centre	541,370	0	541,370	541,370	100.00%
WYG Total	37,465,670	1,479,898	1,519,870	2,999,768	7.48%
Total (Including B&M within Existing Turnover of Blaydon)	26,912,500	1,479,898	1,519,870	2,999,768	7.52%
Total Impact on Stores (Excluding Morrisons)	5,111,539	60,885	800,870	861,755	23.86%







UPDATE

**REPORT OF THE
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
10 October 2018**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.

MINOR UPDATE

Application No:	DC/18/00533/FUL
Site:	Blaydon Industrial Park Chainbridge Road Blaydon On Tyne
Proposal:	Mixed use retail/leisure development comprising of a discount foodstore (1767 sqm GIA), A1 retail store (2630 sqm GIA), A1 retail store (1170 sqm), A1 retail store (2160 sqm) with associated garden centre (700sqm), Starbucks drive-thru (167 sqm GIA) and a drive-thru restaurant (250 sqm NIA) (amended 19/06/18 and 24/09/18 and additional information received 06/09/18).
Ward:	Blaydon
Recommendation:	WITHDRAWN
Application Type	Full Application

Reason for Minor Update

The applicant has withdrawn the application.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/18/00542/HHA
Case Officer	Josh Woollard
Date Application Valid	30 May 2018
Applicant	Mr Paul Churnside
Site:	6 Coalway Lane Whickham NE16 4BX
Ward:	Dunston Hill And Whickham East
Proposal:	First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:**1.1 BACKGROUND**

This planning application was considered at the Council's Planning and Development Committee on 19 September 2018 where Members resolved to defer the application for a site visit. The site visit took place on 4 October 2018.

1.2 DESCRIPTION OF THE SITE

The application site is a link-detached bungalow of brick and tile construction. The host property has previously been extended by dormer windows to the rear roof plane to provide a second floor of living space and a single storey front extension. Land levels on the site are relatively flat, however, the topography of the area slopes steeply down towards the north, therefore each property is slightly set down from the neighbouring property to the south.

1.3 The streetscene comprises of linked detached bungalows with a staggered building line on the east side of Coalway Lane; two-storey semis and blocks of garages line the west side of the road. The bungalows all have an attached garage to the side (south) elevation which are set back from the front elevation. The bungalows have their main entrance door within their side elevation.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a first floor side extension and the creation of a car-port.

1.5 The application proposes the extension to be the full width of the existing single storey garage and would fill the void at first floor level between the side elevation of the host property and the gable wall of number 4 Coalway Lane. The extension would be 7.7m in length. The existing garage is set back 5.9m from the front wall of the dwelling, and the proposed extension would project 3.1m beyond the front elevation of the garage at first floor level. This section would be cantilevered, supported by steel beams.

- 1.6 To the front, a roof window is proposed within the brick-facing wall and would extend upwards into the roof slope. To the rear, the scheme proposes a dormer with a depth of 3.8m, obscurely glazed French doors and a Juliet balcony.
- 1.7 Materials used in the construction of the extension would match the existing dwelling.
- 1.8 RELEVANT PLANNING HISTORY

DC/04/00345/FUL - Installation of dormer windows on east side of dwellinghouse to provide additional living accommodation in roofspace. – Granted 15.04.2004

DC/10/00464/HHA - Erection of single-storey extension at front of dwellinghouse. – Granted 07.07.2010

DC/17/00661/HHA - Proposed erection of first floor side extension (amended 28/07/17 & 18/09/17). – Withdrawn 17.10.2017

2.0 Consultation Responses:

None received.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A total of 10 households have objected to the proposed development. In addition, a petition with 24 signatories has been received.
- 3.3 Further, an objection has been received from Ward Councillors Maughan and McClurey respectively.
- 3.5 The objections are summarized as follows:
- The proposal would lead to link-detached bungalows becoming semi-detached
 - Loss of property value
 - Overdevelopment
 - The extension at 2 Church Rise is not in-keeping and 6 Coalway Lane is even larger
 - Overbearing
 - Detrimental to the visual amenity of the local area and inappropriate use of the premises
 - The proposal will provide an otherwise unavailable outlook...negatively impacting on privacy of neighbouring properties

- No view of how the proposed extension will be attached to neighbouring property
- No site plan showing details of surrounding properties
- No construction dimensions that can be followed
- Plans are cynically designed with minimum information – Lack of dimensions
- Previous extension is unfinished and of poor quality
- Out of character
- Granting permission will only encourage others to do the same
- Noise and dust as a result of construction
- Requirement of 21m between neighbouring properties
- Details of mechanical ventilation included on plan
- Scanned document 14 (Location Plan) does not include conservatory
- Plans don't accurately show adjacent property number 4
- Queries regarding foundations
- Both gable ends have been built up...which is disproportionate
- 2 Church Rise is located on a corner plot and does not overlook other gardens. 6 Coalway is located in the middle meaning the impact of the proposed works will be greater
- Increased noise and disruption as a result of the extension
- Drainage problems as a result of foundations and construction works
- Article 1 (peaceful enjoyment of their possessions) and Article 8 (substantive right to privacy) of the Human Rights Act 1998
- Unable to maintain roof/chimney/gable wall of number 4
- 4 Coalway Lane would lose all use of the gable wall e.g. installing a Sky dish, flue or air vent
- Restricting future development at number 4
- Breach of deeds
- Built on Coal Authority High Risk Area
- Plans are not a true representation of what is on site, in terms of structure and layout
- Can the structure of the existing garage take the weight of the extension
- The proposal does not comply with Gateshead Council's HAESPD
- Openness and spaciousness of site will be lost
- The proposal is against the original planning of the estate
- Issues regarding workmanship of previous extensions

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the impact on the street scene/design, residential amenity, and highway safety.
- 5.2 **IMPACT ON STREET SCENE/DESIGN**
Saved Unitary Development Plan (UDP) policy ENV3 along with CSUCP policy CS15 requires that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by section 12 of the NPPF which places a strong emphasis on the requirement for good design.
- 5.3 In principle, the scheme proposes to infill the space above the garage between two properties. The proposal, as highlighted by an objection, will ultimately result in the character of the property changing from link-detached to semi-detached but this is not considered to result in such harm to the street scene to warrant refusal.
- 5.4 With regard to the specific design of the extension, Gateshead Council's HAESPD advises of the 'terracing'/linked effect which can occur as a result of first floor side extensions and the infilling of spaces between properties. To avoid this, the HAESPD outlines a range of design requirements that should be incorporated into the design of the extension such as a lower ridgeline and a first floor set back from the front elevation. It goes on to state that these requirements may not be necessary if there is a significant difference in ground levels with the neighbouring property.
- 5.5 The topography of the area slopes steeply downwards to the north, resulting in the host property being set down approximately 0.9m from its adjoining neighbour to the south, 4 Coalway Lane. Due to this difference, it is not considered necessary to incorporate a lower ridgeline into the design of the extension. In line with HAESPD guidance, the extension is set back approximately 2.8m from the front wall of the host property, and is also set back approximately 0.2m from the front wall of 4 Coalway Lane. It is considered that the proposed extension has been designed insofar as to reduce its impact on the street scene and appear subservient to the host property.
- 5.6 A number of objections raise the issue of overdevelopment of the site. The extension, however, exclusively utilises the airspace between the properties, does not constitute any further encroachment into the front or rear garden of the property, and is consistent with the prevailing height and form of the neighbouring properties. It is therefore considered that the proposal is sustainably designed.

- 5.7 A considerate design has been utilised to reduce the impact the extension would have on the street scene. In terms of the front elevation, the garage wall will be built up 1.5m with a pitched roof of matching shape and slope to the host property above. As a result, the extension would not project beyond the front elevation of number 4 Coalway Lane. To break up the expanse of brick, a small feature window is proposed. The scheme also proposes matching materials to the host property.
- 5.8 Taking into account the above assessment and all representations received, it is considered that the proposed extension would not result in an unacceptable impact on the street scene, and complies with the aims and objectives of the NPPF, Saved policy ENV3 of the UDP, CS15 of the CSUCP, and Gateshead Council's HAESPD.
- 5.9 RESIDENTIAL AMENITY
The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.
- 5.10 When assessing the effect of an extension on neighbouring properties, Gateshead Council's HAESPD advises that acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable room windows. It is the intention to achieve the same standards of spacing between extensions and adjacent dwellings which have not been extended. Where an adjacent house has been extended, the distance considered will be that to the wall of the house as originally built. In terms of overcoming problems caused by loss of privacy, the HAESPD recommends the use of opaque glass.
- 5.11 Regarding the neighbour to the north (8 Coalway Lane), it is considered that no unacceptable amenity impact would occur. The proposal would be 'shielded' from view by the existing dwellinghouse and no additional overlooking of existing garden space would occur.
- 5.12 In regard to the properties to the east along Church Rise, the minimum separation distance achieved is 18.6m between the proposed dormer and the rear elevation of the extension at 13 Church Rise. However, the distance considered will be to the wall of the house as originally built. The separation distance then increases to approximately 20.2m. Despite falling marginally short of the recommended distance, the proposal utilises obscure glazing which, as set out within the HAESPD, can be used to overcome any outstanding privacy concerns and this can be secured via condition (Condition 4). The proposal does incorporate a 21m separation distance between the extension and number's 11 and 15 Church Rise. In terms of overshadowing of these properties, the host property is located directly west. Taking into account

the separation distance, the obscure glazing, and the orientation of the host property, the proposal is not considered to have an unacceptable impact on the residential amenity of the properties along Church Rise.

- 5.13 In relation to 4 Coalway Lane, the host property is located to the north and the extension will be attached to/face a blank gable. The proposal would not project beyond the front elevation of number 4 and only a small section of the roof of the rear dormer would project beyond the roofline of number 4. The face of the rear dormer would be set back 0.5m from the rear elevation of number 4. As such, it is not considered that the proposal would have an unacceptable impact in terms of overshadowing or overbearing as it would be hidden within the shadow of the gable wall. Further, the rear window/door would not aid any unacceptable overlooking into windows associated with this property owing to their location. It is accepted that some minimal additional overlooking could occur into the garden space associated with this neighbour but this is limited due to the change in land levels, the staggered building line, and the condition securing the use of obscure glazing. Further, it is considered any noise transference between the proposed extension and 4 Coalway Lane would be residential in nature.
- 5.14 Considering the above, the development, subject to conditions, is considered to meet the aims and requirements set out in policy DC2 of the UDP, policy CS14 of the CSUCP, and the requirements of the NPPF.
- 5.15 HIGHWAY SAFETY & PARKING
Existing parking and highway access arrangements would be unaltered by the proposal and therefore the proposed development would not have an impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.16 OTHER MATTERS
The matters of design, residential amenity, and highway safety have been considered within the main body of the report.
- 5.17 Regarding the principle of residential use, the area is already characterised by residential properties and therefore additional residential development is considered to be both appropriate and acceptable.
- 5.18 In regard to this application setting a precedent within the area, each application will be judged on its own individual merits.
- 5.19 In regard to land stability, while material, The Coal Authority have indicated they do not wish to be consulted on applications of a householder scale. As such, any stability issues will be addressed/considered through the building regulation approval process.
- 5.20 In regard to inaccuracies within the plan, following receipt of amended plans, officers are of the view that the plans provide an appropriate amount of information and are sufficiently accurate to allow a sound decision to be made regarding planning permission.

5.21 Issues of devaluation of properties, property maintenance, The Party Wall Act, the quality of workmanship on previous extensions, property deeds, the proposed internal layout, drainage and foundations, noise and dust arising from construction, potential future development at neighbouring properties, and building against another person's property are not material planning considerations and as such are not afforded any weight.

6.0 CONCLUSION

6.1 Taking into account all the relevant issues, it is considered that the proposal is compliant with the aims and objectives of the NPPF, Saved UDP policies ENV3 and DC2, policies CS13, CS14, and CS15 of the CSUCP, and Gateshead Council's HAESPD.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location Plan

Roof Plan (Amended 27.08.2018)

NO.1D Proposed Bedroom above the Garage 08/09/2018

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

All external surfaces shall be completed in materials to match those of the existing building. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

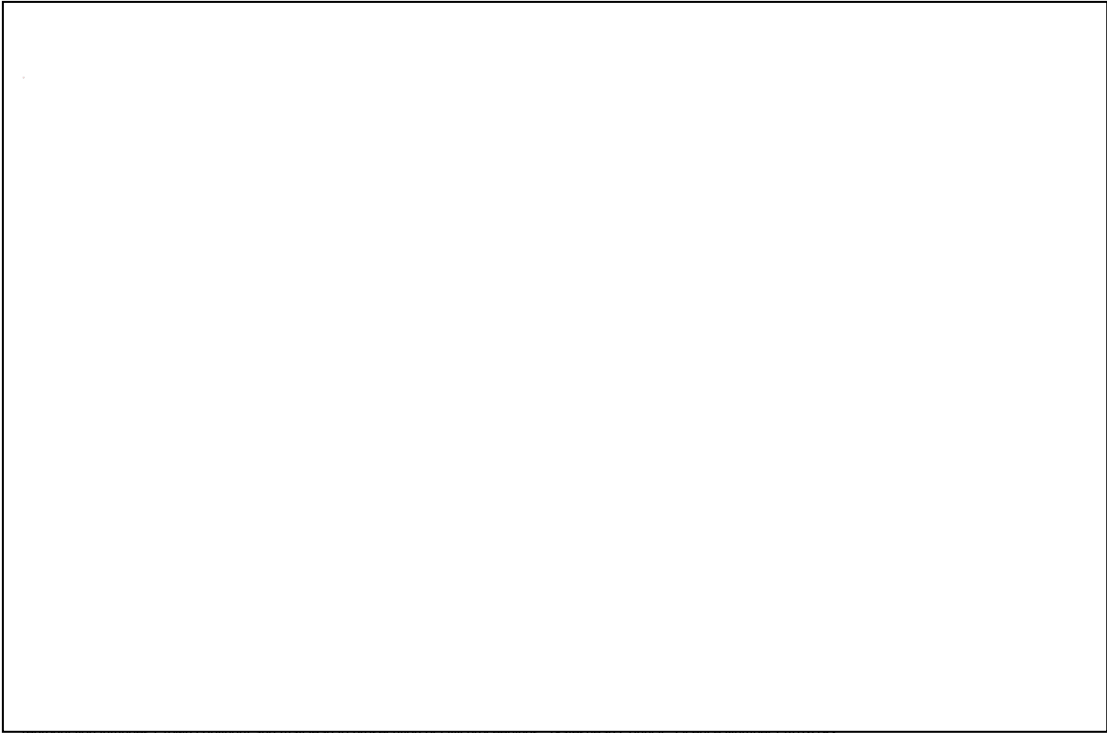
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

4

Prior to first use of the extension hereby approved, the doors located in the east elevation facing the common boundary with 13 Church Rise shall be installed using obscure glass at a level three or greater on the Pilkington scale. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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Committee Report

Application No:	DC/18/00566/FUL
Case Officer	David Morton
Date Application Valid	5 June 2018
Applicant	Karbon Homes
Site:	Land Adj Starling Walk Sunniside Newcastle Upon Tyne
Ward:	Whickham South And Sunniside
Proposal:	Erection of 10 dwellings with associated parking (amended 15/08/18).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 BACKGROUND**

This application was deferred at the meeting of the Planning and Development Committee on 19 September 2018 to allow the Committee to visit the site. Members visited the site on 04 October 2018.

1.2 DESCRIPTION OF THE SITE

The application site is located on Starling Walk, Sunniside. The application site is located to the rear of Sunhill retirement apartments.

1.3 The application was left vacant following the redevelopment of the site (DC/13/00328/FUL). As part of the redevelopment the original sheltered housing building was demolished and Sunhill retirement apartments were constructed. Six terraced bungalows are located to the east of Starling Walk (1012/99). There are residential properties located to the north of the application site (Ravensworth Terrace) and commercial premises are located to the south.

1.4 Land levels across the site are generally flat, with a change in land level to the north of the application site resulting in Sunhill retirement apartments being located at a lower land level.

1.5 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the erection of 10 dwellinghouses and associated works. More specifically, the application proposes the erection of four two-bedroomed dwellings, four three-bedroomed dwellings and two two-bedroomed bungalows. The application proposes that all dwellinghouses face out on to Starling Walk.

- 1.6 Parking would be located to the front of the properties and gardens would be to the rear. The rear of the properties would back on to the existing apartment communal garden and it is proposed that the existing two metre high fence would be retained.
- 1.7 It is proposed that the properties would be finished in brick with art stone heads and cills, roofs would be covered with grey tiles and all rainwater goods would be black.
- 1.8 Access would be provided from (the private) Starling Walk off the Gateshead Road A692.
- 1.9 The applicant has indicated the intention for the properties to be erected for social and intermediate tenure.
- 1.10 The application is accompanied by the following documents:
- Design and Access Statement
 - Drainage Assessment
 - Ground Investigation Reports
- 1.11 **PLANNING HISTORY**
The relevant planning history of the site is summarised as follows;
- DC/13/00328/FUL; Planning permission granted for 'Variation of condition 1 of DC/12/00648/FUL to allow revision of tenure of some of apartments, minor amendment to stepped gable between 2 and 2.5 storey, omission of render and brick proposed.' Date; 31 May 2013.
 - DC/12/00648/FUL; Planning permission granted for 'Demolition of existing buildings and erection of twenty-eight x two- bed apartments in two storey block with associated facilities and landscaping (amended 31/07/12 and 01/08/12).' Date; 20 August 2012.

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of seven individual letters from local residents, two letter from a Ward Councillors (Councillor Jonathan Wallace and Councillor Marilynn Ord) and a petition of 18 signatures have been received in objection to the proposal.
- 3.2 The issues raised by Ward Councillors are summarised as follows;
- The application site and wider areas has been identified for housing for elderly occupiers, the application undermines this;
 - The majority of the housing is out of character with Starling Walk; and
 - There will be a loss of privacy for the occupiers of Sun Hill given the type of housing proposed and changes in land levels.

- 3.3 The issues raised by local residents are summarised as follows;
- Assurances were offered which stated that the site would not be redeveloped;
 - The potential loss of green spaces has affected house sales and property value;
 - The proposal would cause overlooking;
 - There is no requirement for 'old people's housing';
 - The proposal represents urban sprawl;
 - The proposal should be for a smaller number of bungalows and not houses;
 - The proposed development would be over-bearing on existing residents; and
 - The proposal does not provide adequate parking levels which would impact on the A692.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

- 5.1 The detailed planning considerations are the principle of the proposed development, flood risk, sustainable drainage, land contamination, highway safety, design, visual and residential amenity, open space and play area provision and CIL.
- 5.2 **PRINCIPLE**
As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.3 The site forms a windfall site. The NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development.
- 5.4 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.5 Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of four family homes and accommodation for elderly residents. It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.6 Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.
- 5.7 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policy H4 of the UDP, policies CS10 and CS11 of the CSUCP as well as the NPPF.

5.8 DESIGN ISSUES

Overall, it is considered that the site provides a good quality design response to the constraints of the site.

5.9 The development looks outwards on two sides demonstrating an effort to engage positively with the surrounding area. A traditional approach to the design and materials has been adopted by the applicant, it is considered this is appropriate in the context of the site and the wider area.

5.10 Consideration has been given to the form and location of boundary treatments and a range of solutions have been offered, some incorporating soft landscaping.

5.11 Final details of materials and boundary treatments to be used across the site should be submitted to and approved in writing by the Local Planning Authority (Conditions 4 and 5) to ensure their acceptability.

5.12 It is considered that the proposed development is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

5.13 RESIDENTIAL AMENITY ISSUES

The proposed development would be located 21 metres from properties on Starling Walk to the east, 22 metres from properties on Ravensworth Terrace and 21 metres from Sunhill retirement apartments. Given the distances between the adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion (even when taking into consideration change in land levels).

5.14 Officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details regarding hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 5 and 6).

5.15 Officers are of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses would be acceptable. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

5.16 TRANSPORT ISSUES

The development will increase traffic movements in the area and to the site. The additional traffic movements associated with development would only add limited numbers to the existing highway network (including during the peak

periods). The level of increase is acceptable and can be accommodated on the existing network.

- 5.17 The layout of the scheme is acceptable in highway terms utilising the existing highway layout. The application does not include provision for a pedestrian link to the existing footpath network, however it is considered this requirement could be secured via planning conditions (Conditions 7 and 8).
- 5.18 The application proposes the provision of 10 resident parking spaces and three visitor spaces. The level of provision is appropriate given the nature and location of the development proposed.
- 5.19 Cycle parking would be provided within a storage shed within the curtilage of the dwellings. The provision of the cycle storage could be secured through an appropriate planning condition (Condition 9).
- 5.20 To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. These measures can be secured through an appropriately worded planning condition (Condition 10).
- 5.21 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.22 FLOOD RISK/DRAINAGE
A drainage assessment has been submitted and it has been demonstrated that a greenfield runoff rate is achievable. The scheme comprises permeable paving on driveways and geo-cellular storage with a hydro-brake. Given the small scale of the site and the risk, the proposed approach is proportionate.
- 5.23 It is accepted, that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site. However, officers consider additional information is required and should be secured by conditions. It is considered necessary to condition the following:
- a detailed drainage scheme including detailed drainage drawings, electronic model, adoption arrangements and health and safety assessment in accordance with the Council's SuDS Guidelines (Conditions 11 and 12);
 - SuDS and landscape management plans to be agreed and implemented for lifetime of development (Conditions 13 and 14) and;
 - construction management plan to be agreed and implemented for lifetime of development (Conditions 15 and 16).
- 5.24 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.

5.25 LAND CONTAMINATION

Given the sensitive end use a Contaminated Land Risk Assessment has been submitted in support of the application. The submitted report concludes that no remedial measures are required and officers agree with this conclusion. However, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (conditions 17).

5.26 The proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.27 OPEN SPACE

The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.28 PLAY SPACE

Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.29 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.30 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.31 OTHER ISSUES

The issues of house sales and property value (as raised by objectors) are not material planning considerations, as such these matters are not afforded weight in the formulation of the recommendation.

5.32 It is considered that all material planning considerations raised by objectors have been considered fully within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable subject to the planning conditions below and therefore accords with the aims and objectives of both national and local planning policies. It is therefore recommended that planning permission be granted.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

01 - Location Plan

07_L - Proposed Site Layout - Option F

HT_200_1_E - B1 - 2B3P Bungalow - M4(1)

HT_200_2_D - T2 - 2B4P House - M4(1)

HT_200_3_A - T3 - 3B5P House - M4(1)

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan

and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

The construction control plan approved under condition 5 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

Prior to commencement of the development hereby approved the final details of a pedestrian link between the application site and Gateshead Road (including timetable for implementation) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

8

The details of the crossing location approved under condition 7 shall be implemented in full accordance with the approved details in accordance with the approved timetable.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

9

The cycle parking facilities associated with each individual property (shown on approved plan 07_L - Proposed Site Layout - Option F) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

10

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

11

No development shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The final drainage scheme shall be carried out in full accordance with the details approved under condition 11 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved

Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 11 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The drainage scheme approved under condition 11 shall be managed in full accordance with the management plan approved under condition 13 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 11 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The drainage scheme approved under condition 11 shall be constructed in full accordance with the construction management plan approved under condition 15.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved

Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

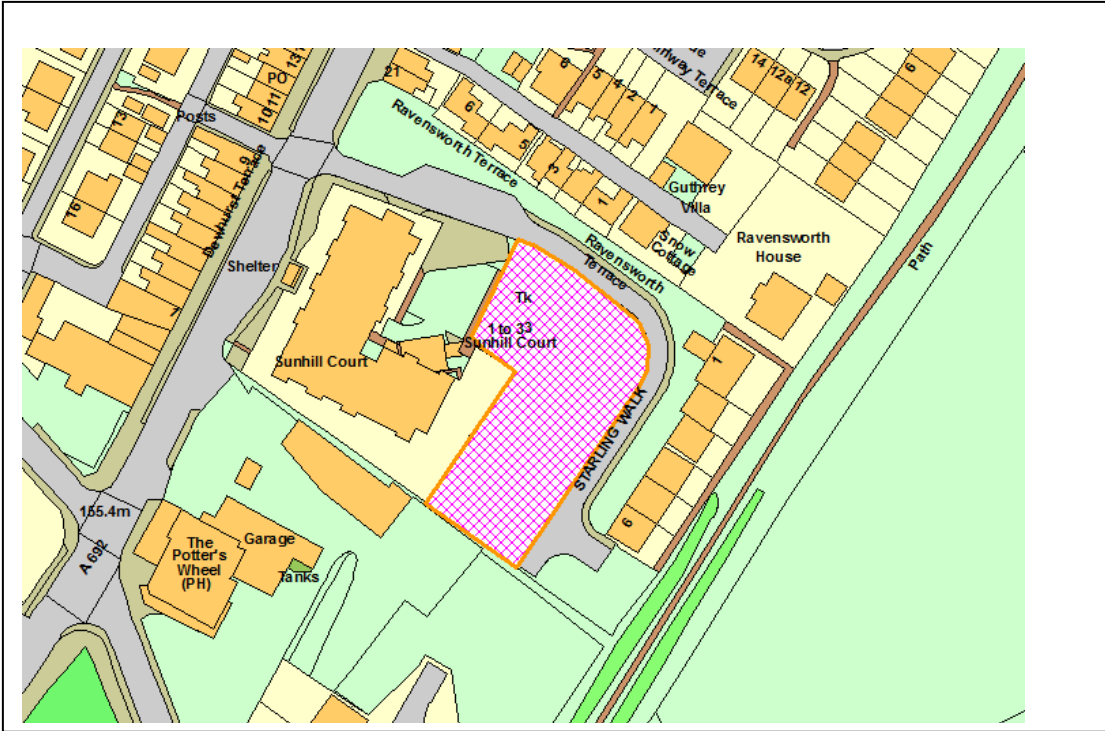
17

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.



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Committee Report

Application No:	DC/18/00627/HHA
Case Officer	George Spurgeon
Date Application Valid	20 June 2018
Applicant	Mr Steve Cunningham
Site:	37 Grayling Road Festival Park Gateshead NE11 9ND
Ward:	Lobley Hill And Bensham
Proposal:	Extension to existing detached garage
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application concerns 37 Grayling Road, Festival Park. The property is a large detached house located in a residential street, at the north eastern end of the cul-de-sac. The house is orientated so that the front elevation is opposite the side elevation of number 38 Grayling Road.

1.2 To the front of the property there is already a large detached outbuilding which is used as a garage and an office. The garage has a width and length of 5.7 metres, with a ridge height of 5.1 metres and an eaves height of 2.5 metres. In the application form the applicant states that the office is used to allow home working. There is a large box dormer window in the rear north east facing elevation of the garage. There is a distance of approximately 2 metres between the side of the garage and the boundary with number 38. There is a small shed located in this gap, positioned towards the front of the garage.

1.3 Externally the property is finished in red facing brick and the dwelling features a pitched roof finished in dark grey concrete tiles. The detached outbuilding is also finished in red facing brick and features a pitched roof finished in dark grey concrete tiles.

1.4 The property benefits from a large amount of space directly in front of the house, as there is a distance of 16.5 metres between the very front of the house and the boundary with number 38 and a distance of 8.5 metres from the front of the house and the side of the detached garage. This space is covered by white pebbles.

1.5 The properties on Grayling Road are broadly similar in style, incorporating forward projecting elements and gable roofs, with the external walls tending to be finished in red facing brick or a white coloured render. Many of the properties have been previously

extended or altered in various ways, including most commonly loft conversions and extensions to the rear.

1.6 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for an extension to the outbuilding to the front of the property.

1.7 The proposal would see the existing building extended by a further 8.08 metres from the rear north eastern elevation. The width of the proposed garage would be 3.5 metres. An additional extension, to provide storage space, is proposed to extend from the south west side of the existing garage, leaving a gap of 0.2 metres from the boundary with number 38 Grayling Road. The store would be set back from the front of the existing garage by the length of one brick and would replace the existing shed, although with a larger footprint.

1.8 The eaves height of the proposed extensions would match that of the existing outbuilding, 2.5 metres. The proposed garage features a pitched roof with one side hipped and the other forming a gable end. The ridge height would be 4.2 metres. The store features a hipped lean-to roof. The external materials of the new development are proposed to match the existing.

1.9 The proposed development is described as a garage on the submitted plans. Two garage doors are proposed to be in the elevation facing the front of number 37, along with three roof lights facing the same direction. No other windows are proposed to be installed in the new development.

1.10 PLANNING HISTORY

DC/11/01237/HHA - Erection of part two-storey/part single storey extension at the side and rear of dwellinghouse, formation of new front entrance and part rendering of front elevation, installation of dormer windows in roof space at front and rear including raising of roof height and installation of dormer windows in roof space at rear of existing detached garage to allow first floor garage. Withdrawn 16.12.2011.

DC/12/00012/HHA - Erection of part two storey/part single storey extension at the side and rear of the dwellinghouse, installation of dormer windows to the rear and installation of two rooflights in roof space at the front, including raising of roof height and installation of Juliet balcony at the side of dwellinghouse, installation of dormer window to the existing detached garage (revised application). Granted 23.02.2012.

DC/13/00197/FUL - Variation of Condition 1 of planning permission DC/12/00012/HHA to allow raising of garage roof height, additional masonry/painted panels to gables, additional windows to existing garage dormer, replacement of door with window to front and additional

door to rear of garage, removal of two windows to side elevation of dwelling, addition and rearrangement of windows to rear elevation (amended 28/03/13) (retrospective application). Granted 23.04.2013.

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 Two letters of objection have been received, summarised below:

- The proposed development will be used for storage for the applicant's business rather than a garage to park vehicles;
- The proposed development will result in the devaluation of house prices in the area;
- The proposed development will be overbearing;
- Loss of sunlight.

3.4 The application is being determined at the Planning and Development Committee at the request of a ward councillor (Councillor Donovan).

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

5.2 IMPACT ON STREET SCENE

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 require that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by Section 12 of the NPPF (2018) which places a strong emphasis on the requirement for good design.

- 5.3 When considering proposals to alter or extend residential properties the Council's Household Alterations and Extensions Supplementary Planning Document (HAESPD) advises that applications for detached buildings:

“will be assessed on their individual merit, having full regard to the effect of the development on the character and appearance of the street scene.” and “Be of an appropriate scale, size and shape to allow development to be in a manner in keeping with existing properties in the locality and to reflect the character of the local area”

- 5.4 The only part of the proposal that will be visible from the street is the proposed store to the side of the existing garage. This appears as a small sympathetic addition to the existing garage so is not considered to have an adverse impact upon the character of the area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials is recommended (Condition 3).

- 5.5 Subject to this condition, it is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

5.6 HIGHWAY IMPACTS

The proposed garage would be accessed from the existing dropped crossing to the original driveway, so it is considered that no highway works are required, and that the proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.

- 5.7 Beyond each of the two new garage doors, the internal depth of the proposed garage is 3 metres with an overall width of 7.8 metres. The HAESPD states that the minimum dimensions of usable garage space are 5 metres by 3 metres. It would not be possible to park a car in the proposed garage due to its depth. However, the garage would be able to be used for general storage or for smaller vehicles, such as motorcycles. The applicant has indicated that he intends to park his quadbike and trailer in the garage, and in any case the existing single car space garage would remain, as would a large amount of driveway

to enable vehicles to be parked off road. Therefore, the proposal does not warrant refusal on this point.

5.8 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a key aspect of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

5.9 This application proposes a garage and store that has a total length of 13.7 metres and will be located 0.2 metres from the boundary with number 38 Grayling Road. The eaves height of the new garage will be 2.5 metres, with a sloping pitched roof up to a ridge height of 4.2 metres.

5.10 The HAESPD advises that detached garages should not adversely affect neighbouring properties and the amenity enjoyed by the occupants. An objection was received by a neighbour in relation to concerns over the proposal being overbearing and causing a loss of sunlight.

5.11 The proposal would extend from the rear of the existing garage by a further 8.08 metres and would be located 0.2 metres away from the boundary with number 38 Grayling Road. 38 Grayling Road has a single storey extension and a conservatory that projects a total of 8.6 metres from the rear wall of the house. The proposed garage in this application would project approximately 5.5 metres beyond the end of the conservatory at number 38. As there would be a small gap between the side of the new garage and the boundary with number 38 and the eaves height would be 2.5 metres, the proposal is not considered to have an unacceptable overbearing impact on number 38.

5.12 The proposed garage would be located to the north west of number 38. Due to this orientation the proposed garage would not cause any loss of light or overshadowing of the rear garden of number 38.

5.13 After undertaking a site visit it is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.14 OTHER MATTERS

Both objections refer to concerns that the proposed garage would be used in connection with the applicant's business and specifically to

provide more storage space for this business that he runs from home. This application is a household application for an extension to an existing outbuilding. Although it is acknowledged that the garage is too short to be able to park a car in, it is feasible to park a motorcycle in or to use for general storage and the applicant has indicated his intentions to park his quadbike and trailer in the new garage.

5.15 An enforcement investigation took place to see if the applicant was running a business from home and if this was the case, if this would require planning permission for a Change of Use. No evidence was found suggesting that the applicant runs his business from 37 Grayling Road and from several site visits there was no indication that deliveries relating to the applicant's business were sent to his home address. The applicant admits to sometimes working from home, but the property is still mainly used as a residential dwelling and there was no evidence of any business deliveries being sent to the property. Therefore, this does not require a Change of Use as it is ancillary to the main residential use of the property.

5.16 The application cannot be refused on the basis that in the future the garage may be used in connection with the applicant's business and at this time there is no evidence to suggest this will happen. However, if the extensions are granted planning permission and subsequently built, and the applicant went on to use the space as extra storage for his business, then an assessment would need to be made at that time whether this amounted to a material change of use that would, itself, require planning permission. Granting this application does not grant the applicant planning permission to use the garage as storage space for his business.

6.0 CONCLUSION

6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions.

7.0 Recommendation:

That planning permission be GRANTED and that the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the planning conditions (as set out below as headings) as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location Plan 1:1250

Proposed Site Plan 1:50

Proposed Ground Floor Plan 1:50

Proposed Roof Plan 1:100
Proposed Elevations 1:100

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

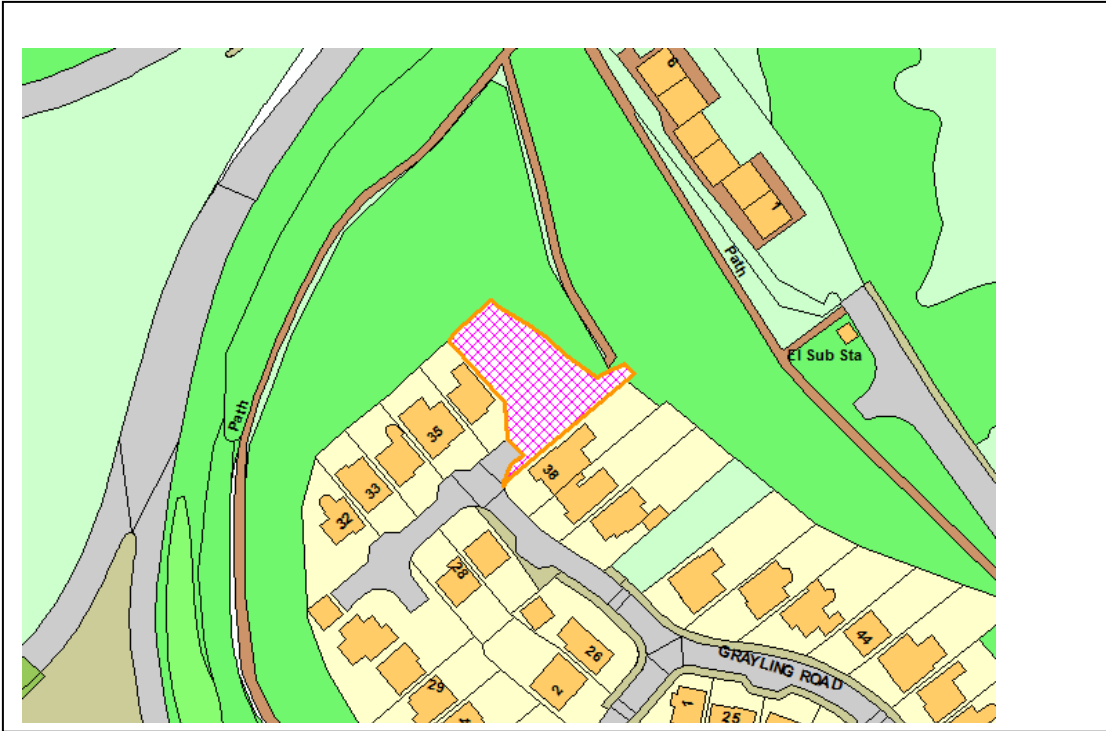
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

All external surfaces shall be completed in materials to match those of the existing detached garage. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne



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Committee Report

Application No:	DC/18/00704/FUL
Applicant	Avant Homes, Buckley Burnett Ltd and S and B T Douglas
Date Application Valid	9 July 2018
Site:	Land West of Pennyfine Road Sunniside Newcastle Upon Tyne NE16 5EP
Ward:	Whickham South And Sunniside
Proposal:	Construction of 89 residential dwellings, including access to Pennyfine Road and associated infrastructure and landscaping (amended 18/07/18, 28/08/18 and 04/09/18 and additional information received 31/07/18, 04/09/18 and 14/09/18).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located to the west of Pennyfine Road and south east of the Tanfield Railway bridlepath in Sunniside. The site comprises 3.885ha of land and is a mix of greenfield and brownfield land across three adjoining parcels of land.

1.2 There are three distinct areas defined by ownership boundaries. The northern part of the site is greenfield. It shares a boundary with the Tanfield Railway path to the north and the curtilage of the residential property Carraig Thura to the south. The north eastern corner includes a dense area of woodland between the site and the Tanfield Railway path, including a public footpath connection which lies outside of the red edged plan. A barn that lay in the eastern area of the site has recently been demolished.

1.3 The central area comprises the large residential curtilage of Carraig Thura although historically accommodated a series of dairy buildings which were demolished around 2012. The central area is predominantly brownfield. The boundaries of the central area are defined by substantial tree belt including leylandii to the north.

1.4 The southern area of the site is the largest and incorporates existing buildings and former growing areas that formerly supplied fresh vegetables for the shop, a bungalow and extensive hardstanding associated with the Douglas Brothers Koi carp business. The area is predominantly brownfield.

- 1.5 The boundaries to the wider site are well defined by well established mature trees and hedgerows along the Tanfield Railway Path to the north with the Local Centre and main settlement of Sunnyside beyond
- 1.6 There is a mix of gappy hedgerow and mature trees to the western boundary with Green Belt land beyond and the southern boundary also has gappy hedgerow and mature trees however there are residential properties that share the boundary including Invercauld, Linniefine House and The Cottage.
- 1.7 The eastern boundary to Pennyfine Road is defined by a mix of hedgerows, trees, fences and open areas. On the opposite side of the road is a single row of dwellings fronting Pennyfine Road extending the full length of the application site.
- 1.8 A number of the trees on the site are the subject of a Tree Preservation Order (TPO).
- 1.9 There are currently a number of vehicular accesses from Pennyfine Road serving the Douglas Brothers business, Carraig Thura, and a number of agricultural access points.
- 1.10 The Tanfield Railway bridlepath provides safe and convenient off road connections to Gateshead via Watergate Park to the north east and to the Sustrans Regional Route 11 to the south, which follows the route of the Bowes Railway Cyclepath. The Path provides a link between The Birches and Burdon Lodge.
- 1.11 The junction to the north of Pennyfine Road with Gateshead Road (A692) is a simple priority junction, whilst to the south it provides access to a number of farmsteads and Westacres Stables, eventually connecting to Lamesley.
- 1.12 **DESCRIPTION OF THE PROPOSAL**
The application is a detailed planning application for 89 dwellings accessed from a single vehicular access from Pennyfine Road. The proposed development is largely aligned with the boundaries defined by Policy GV7 allocation, however, the existing dwelling Carraig Thura and an element of its curtilage and the private access from Pennyfine Road are to remain.
- 1.13 The proposed vehicular access is located in the northern part of the application site, between the Tanfield Railway Path and Carraig Thura. The access initially serves a row of eight semi and detached properties along the northern boundary and a combined footway / cyclepath connection to the Tanfield Railway Path, with a sub station adjacent to the path to the east, and a play area and SuDS basin to the west of the proposed path.
- 1.14 The access road turns south through the site serving a series of smaller cul de sac with shared drives at the end of each.
- 1.15 The proposed dwellings comprise a mix of two (6 No.), three (32 No.), four (46 No.) and five (5 No.) bedroom family style properties (89 in total). Eleven

house types are proposed, providing a mix of types and sizes. The proposals include 15% on site affordable housing provision (equating to 13 dwellings).

- 1.16 The dwellings proposed along the eastern (Pennyfine Road) boundary have direct pedestrian access to Pennyfine Road, however, vehicular access is through the proposed development.
- 1.17 Off street car parking is proposed including 165 on plot parking spaces, 67 garage parking spaces and 21 visitor parking spaces (253 total spaces). Cycle storage is proposed within garages.
- 1.18 The supporting documents include:
 - A Design and Access Statement
 - A Landscape Strategy
 - Planning, Sustainability and Affordable Housing Statement
 - Archaeological Trenching Report
 - Ecological Impact Assessment
 - Bat Survey
 - Flood Risk Assessment
 - Ground Investigation Documents
 - Noise Impact Assessment
- 1.19 PLANNING HISTORY
There is no relevant planning history.

2.0 Consultation Responses:

Northumbrian Water

Surface water should be dealt with in accordance with the submitted strategy. A condition is required to deal with foul water.

Tyne and Wear
Archaeologist

In the first phase of investigation a possible late Neolithic structure was revealed in the northern part of the site.

The second phase of investigation (central area of the site) comprised five evaluation trenches targeting anomalies identified through geophysical survey. No significant archaeological features were located.

The only archaeological feature to be identified lies in the northern part of the site. This possible structure will need to be recorded fully through a process of strip, map and record. No further archaeological mitigation is required for the remainder of the site.

Conditions are required to secure: archaeological fieldwork to record the feature, a report to be prepared on the findings; and publication of the report.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Letters were sent on 29th August 2018 and the 12th September 2018.
- 3.2 A press notice was published in The Journal on 12th July 2018 and the 25th July 2018.
- 3.3 Site notices were posted on 25th July 2018.
- 3.4 20 representations have been received. 16 letters of objection and one letter of support. The concerns raised relate to:
 - Inadequate car parking
 - Increase of traffic

- Danger for horseriders and cyclists accessing bridleways
- Loss of privacy - by the homes proposed overlooking us and as they are family homes we can expect much more noise and many more cars as most families have at least two or more. The land behind will be public open space people will be able to stand just beyond my fence and see into all of my previously completely private garden;
- Loss of trees
- Out of character with Streetgate
- Overbearing
- Overdevelopment
- Proposal will attract potential vandals
- Residential Amenity
- Increased Traffic
- during the winter Pennyfine Road becomes blocked by snow
- road is too narrow for the cars and commercial vehicles that use it already
- Gateshead Road already has tailbacks at certain times this will add to disruption and tailbacks will occur in Pennyfine Road when cars can only join the main road one at a time
- Which school will the children from this development attend as the nearest school in Marley Hill has been closed
- Increase in noise and disturbance due to comings and goings from 89 dwellings much greater than the few vehicles using Douglas Brothers car park at present
- Outlook onto large fencing/trees also
- Blocking out natural light
- The environment will be greatly effected - wildlife all around and in some cases endangered species such as bluebells
- Loss of peace and quiet
- Red edge included land that is not in applicant ownership – rectified by submission of amended red edge plan by applicant
- Nuisance from exhaust fumes and vehicles just the other side of my hedge;
- Amenities in Sunnyside village are already overstretched and the GP and local schools would not be able to cope
- Bought houses on Pennyfine Road because it is currently a semi rural road with properties not being overlooked
- Properties could lose value
- Dog walkers, cyclists and walkers enjoy the countryside and it is well used
- This proposal if passed could lead to many more builders applying to build around us
- Need to preserve our green fields and trees and the wildlife

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

GV7 Sunnyside

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

CS21 Waste

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV28 Green Corridors

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

GPGSPD Gateshead Placemaking Guide SPG

H1 Rate of Housing Provision

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

H5 Housing Choice

H9 Lifetime Homes

MWR28 Provision of Facilities in new Developments

CFR28 Toddlers' Play Areas

DEL1 Infrastructure/Developer Contributions

PO2 Planning Obligations – Employment/Training

5.0 Assessment of the Proposal:

5.1 When determining this application the main planning issues to be considered are the principle of residential development, impacts on highway safety, archaeology, ground conditions, flood risk and drainage, biodiversity, landscape, trees, urban design, residential amenity, noise and visual amenity.

5.2 PRINCIPLE

The application site is allocated for residential development under policy GV7 of the CSUCP having been deleted from the Green Belt. The policy allows for approximately 90 dwellings on this site (Sunniside South East) with a further approximate 48 dwellings on the Sunniside North East site. Being an allocated site the proposal is in accordance with the Spatial Strategy for Growth set out within CSUCP policy CS1 and the Spatial Strategy for Rural and Village Area set out within policy CS4.

5.3 It is expected that the development will take 3.5 years from commencement to completion making a contribution to housing supply in accordance with Saved UDP policies H1 and H2 and CSUCP policy CS10.

5.4 RANGE AND CHOICE OF HOUSING

5.5 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Policy GV7(1) states that this allocated site should provide a mix of predominantly family housing. The plans show the proposal is for the development of 89 dwellings comprising 6 x 2 bedrooms, 32 x 3 bedroom, 46 x 4 bedroom and 5 x 5 bedroom dwelling houses which satisfies the above policy requirements.

5.6 Affordable Housing

The NPPF at Annex 2 of the revised NPPF (July 2018) amends the definition of affordable housing and makes it clear that affordable housing is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

- 5.7 Policy CS11 of the CSUCP requires developers to provide 15% affordable homes on all developments of 15 or more dwellings, subject to development viability. The applicant is committed to providing the required 15% of affordable homes within the planning application site. The tenure of these homes has been agreed as 65% affordable rent and 35% subsidised home ownership. The proposed affordable units are defined on the layout plans and comprise two and three bedroom Cranford and Ashton housetypes. The affordable housing requirement will be secured through s.106 legal agreement and subject to this is considered to be policy compliant.
- 5.8 Lifetime Homes and Wheelchair accessible homes
CSUCP Policy CS11 (2) and saved UDP policies H9 and H10 require Lifetime Homes and Wheelchair Standard housing, within developments of 25 or more dwellings, or on sites of 1.0 ha or more.
- 5.9 The proposal does not indicate whether there is provision of Wheelchair Housing and Lifetime Homes, as required by CSUCP Policy CS11 (2), and saved UDP policies H9 and H10, for 2% of dwellings to meet Wheelchair Housing Standards, and 10% Lifetime Homes, within developments of 25 or more dwellings. To accord with policy, the development should contain 2 houses that meet Wheelchair Housing Standards, and 9 houses that meet the Lifetime Homes Standard. These can be secured by condition.
- 5.10 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered that based on the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space.
- 5.11 OPEN SPACE AND PLAY
- 5.12 The site is a village growth area allocated by the Core Strategy and Urban Core Plan policy GV7, which states inter alia that development is required to provide open space, sport and recreation facilities where necessary.
- 5.13 The site is located within a residential neighbourhood that is deficient in open space provision. The proposed layout includes the provision of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.14 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.
- 5.15 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this

area and therefore cannot seek any further obligations in respect of these matters.

5.16 Therefore, whilst the proposal is not in total accordance with open space and play policies it is also not possible to require any contribution for offsite play or open space provision in this case, based on the above assessment.

5.17 SITE SPECIFIC REQUIRMENTS REQUIRED BY POLICY GV7

5.18 Whilst the site is allocated for residential development within the CSUCP the policy GV7b does set out a series of requirements that need to be considered as part of any development proposal and these are:

- o Mitigation of cumulative traffic impacts;
- o Contribution towards local school provision;
- o Evidence of foul and surface water drainage capacity;
- o Mitigation of effects on biodiversity;
- o An adequate landscape buffer; and
- o A positive response to the potential to use SuDS.

5.19 Each of the above matters are considered below.

5.20 HIGHWAYS

The application is supported by a Transport Assessment (TA) and Interim Travel Plan. The principle of the development is acceptable.

5.21 The layout comprises a spine road into the site from a single access point from Pennyfine Road with several cul-de-sacs running off it leading on to a number of shared private drive. The layout has been designed to reduce speeds to 20MPH by the introduction of table tops and build outs into the carriageway. The adoptable surface treatment of the table tops are required to be in a contrasting material to the black asphalt road finish and a condition is recommended to secure all surface treatment materials.

5.22 As originally submitted the layout included an insufficient number of visitor parking (VP) bays that were unevenly spread across the site. The layout has been amended and the number of VP bays has been increased (one per three dwellings) and are now considered to be acceptable.

5.23 A number of the VP bays are provided within the carriageway with buildouts to protect the bays. The final details of the build outs are to be agreed in relation to the suitability to sustain trees/shrubs and the requirement to ensure the design of the feature is acceptable from a road safety point of view. Details can be secured by condition.

5.24 The site is to be designed as a self enforcing 20 MPH zone. Final construction details can be secured by condition. A calming measure is proposed near to Pennyfine Road to slow traffic and to create a raised feature and road narrowing that is designed to give pedestrians priority from the estate to the link path to the Tanfield Railway path. The inclusion of the footpath linking the

Tanfield Railway path with the site is supported however the final design of the link is required and can be secured by condition.

- 5.25 There are some visibility concerns across the site that need to be addressed for example the drawings submitted show a tree and hedgerow to the northwest of the access, these are likely to fall within the visibility splay and should be removed. Also the boundary treatment plan identifies a number of potential conflict areas. Splays of 2mx2m should be maintained either side of driveways. These can be achieved by imposition of a condition requiring low level planting only.
- 5.26 Some provision of electric vehicle charging points is proposed by the applicant. The details provided suggest that only 11 plots will have EV charging points. A condition is considered to be reasonable to secure an acceptable scheme for EV charging point provision.
- 5.27 Cycle parking proposals are proposed for each plot as a shed inclusive of Sheffield stand, and this approach is acceptable. Full details are required including locking mechanism and can be secured by condition.
- 5.28 ACCESS TO SITE
The applicant has demonstrated that a suitable visibility splay of 2.4m x 90m can be achieved at the site access, and the long sections demonstrate this is achievable in the vertical as well as horizontal plain. Achieving the required visibility is subject to a significant amount of vegetation clearance to the south, as a large proportion of the hedges that require removal are under private ownership, a management plan will need to be developed and agreed to ensure this can be achieved and maintained at a suitable level going forward. This can be secured by condition.
- 5.29 The tie in of the site to existing pedestrian infrastructure is considered to be unacceptable as proposals to provide an extension of the footway on the western side of Pennyfine Road to the site entrance are required. It has been demonstrated by officers that based on highway adoption and council land ownership records, there is no reason why this fundamental piece of infrastructure improvement cannot be delivered. This is seen as fundamental to the accessibility of the site and can be secured by condition.
- 5.30 Speed surveys carried out in the vicinity of the access demonstrate that 85%ile speeds at 37-38MPH are significantly higher than the 30MPH speed limit, while the characteristics of Pennyfine Road will change as a result of the proposed development concerns remain about the recorded speeds. As a consequence a traffic calming scheme is required to be developed to encourage slower speeds along this section of the network. Linked to this is the desire to improve connections to the Tanfield Railway Path where it crosses Pennyfine Road. The traffic calming scheme and required visibility splays along Pennyfine Road would need to be implemented prior to the site access being brought in to use. A stage 1 road safety audit is required to be undertaken and will be covered by an update report. The final details of the scheme and delivery timetable can be secured by condition.

- 5.31 Traffic surveys, covering turning counts and queue lengths were carried out in order to facilitate modelling of key junctions along the A692. The Transport Assessment concludes, in paying reference to the NPPF that the impact of the proposed development cannot be described as severe. It should be noted however that the results of the modelling clearly demonstrates that the network is running over capacity, in both the without and with development scenarios, and any additional traffic adds to the significant levels of delay being experienced both now and under the future design year projections.
- 5.32 Considering the above, it would be appropriate for the application to deliver mitigation that addresses even the restrained additional impact the model identifies the development has on the network. However, the Council has recently carried out a period of review, investigating measures to improve the flow of traffic in this area. This resulted in an upgrade to existing signalised junctions. Beyond this the Council's engineering design team consider there to be little scope for further improvement without significant investment, which on its own would be outside the scope of this development. On this basis it is felt the most appropriate approach would be for the application to include additional measures which enhance accessibility to the site and wider area, to further promote trips by non motorised modes of travel. This would also tie in with the claims made within the TA around the level of accessibility the site holds.
- 5.33 The measures deemed essential to improve the accessibility of the site and necessary to determine the application acceptable in transport terms are as follows:
- o New link from the site directly on to the Tanfield Railway as proposed as part of the submission. The final details of the proposals are to be secured by condition;
 - o New footway linking the site with the existing footway on the western side of Pennyfine Road (Condition or S106 Legal Agreement);
 - o Improvements to the Tanfield Railway Path between Pennyfine Road and the A692, including the introduction of a facility on Pennyfine Road to tie in with the wider traffic calming scheme and aid crossing.(Condition or S106 Legal Agreement); and
 - o An agreed residential travel plan that contains measures and initiatives that will suitably encourage modal shift, including a suitable budget and monitoring regime. This can be secured by condition.
- 5.34 As noted within the application, there are ongoing discussions in association with development proposals at Dunston Hill to improve the junction of the A692 and Whickham Highway, and associated works on Lobley Hill Bank. Improvements to this junction are also a policy requirement of this site. Given the additional traffic that will be generated at this part of the network as a result of this development, the Council would not be seeking for a contribution

towards a future scheme, subject to agreement to implement the other works identified as part of these comments.

- 5.35 Given the above and subject to the recommended conditions and s106 it is considered that the proposal is acceptable and in accordance with CSUCP policies CS13 and GV7.
- 5.36 **ARCHAEOLOGY**
An archaeological geophysical and evaluation reports have been submitted in support of the application. Evaluation trenching was undertaken in advance of this application. A geophysical survey (magnetometry) followed on from earlier archaeological work on land immediately to the north and south of the current site, with evidence for a Neolithic structure being identified in a field to the north.
- 5.37 No significant archaeological features were located in the central part of the site, the western 20th half of which has been extensively disturbed during the demolition of late Century structures. No further archaeological work would be appropriate in this central sector of the site, with the focus of a strip, map and record being in the field to the north where evidence for the Neolithic structure was located. This can be secured by condition.
- 5.38 Given the above the proposal is considered to be acceptable and in accordance with the NPPF and Saved UDP policies ENV21 and ENV22.
- 5.39 **GROUND CONDITIONS**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is considered that there is a potential low to medium risk of some soil contamination being present from a range of previous site uses. A Phase 1 Desk Top Study (PRA) has been provided.
- 5.40 The site was formerly agricultural land with private houses until development of the nursery (agriculture) during the 1980s. A railway, sidings and coal depot was previously present adjacent to the northern site boundary.
- 5.41 Officers agree with the findings of the submitted report and the requirement for Phase 2 site investigations to investigate the potential for contamination and to inform foundation design and to undertake a Phase 2 risk assessment to assess risks from ground contamination. This can be secured by appropriate conditions.
- 5.42 Following the Phase 2 risk assessment a Remediation Statement and Verification Report will be required and conditions are recommended to secure the reports.
- 5.43 **Coal Mining**
There is a low risk of the site being affected by shallow unrecorded mine workings. No remedial measures are considered to be required.

- 5.44 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54 and CSUCP policy CS14.
- 5.45 FLOOD RISK, DRAINAGE AND WATER QUALITY
- 5.46 Flood Risk
A Flood Risk Assessment has been submitted in support of the application. The site lies within flood zone 1 which is appropriate for residential use. The assessment considers the flood risk of the site itself as well as surface and foul water drainage proposals.
- 5.47 There is an area within the south-western part of the site which is at high risk of surface water flooding based on the Environment Agency's Flood Map for Surface Water and Gateshead's Strategic Flood Risk Assessment. The development has followed a sequential approach, avoiding the location of more vulnerable dwellings in the area at high risk of surface water flooding, and maintaining the existing surface water flow route through the play space within the layout of development, which is in accordance with Core Strategy Policy GV7.7 and NPPF paragraph 163a.
- 5.48 In the submitted Flood Risk Assessment and Drainage Strategy it states that surface water from the proposed development will discharge to the existing watercourse-Black Burn.
- 5.49 SuDS
It is important to ensure that the development maintains the existing greenfield runoff rates up to 1 in 100 year event including climate change allowances, using SuDS, in accordance with Core Strategy Policy GV7.7/9iii and the SuDS technical standards. The SuDS design should be in accordance with the Lead Local Flood Authority's advice reflecting NPPF paragraph 165a.
- 5.50 Culvert
Whilst the development follows the drainage hierarchy and is proposing to discharge surface water into a watercourse in accordance with Core Strategy Policy CS17:4 and the NPPG (ID: 7-080), this surface water discharge route has not been adequately demonstrated. The drainage strategy paragraph 5.3 states 'a condition assessment of the culvert is required to be carried out at the earliest opportunity with the detailed design of the site to assess the culvert condition, capacity and maintenance requirements' A condition is recommended requiring a thorough assessment of the culvert including: CCTV, watercourse tracing, structural inspection, hydraulic assessment and repair and/ or maintenance strategy.
- 5.51 Drainage
A drainage layout drawing is required that includes a cross section across the detention basin that defines the extents of surface water flooding as identified on the Gateshead Strategic Flood Risk Assessment and demonstrate that the extents of the drainage basin (and any other groundworks) lie outwith this

zone. An updated drainage assessment is required with confirmed final discharge rates and volumes and a survey of the condition of the existing culvert. The final design of the SuDS scheme including: storage volumes, discharge rates, and maximising the amenity and ecological benefits is also required. It is recommended these details be secured by condition.

- 5.52 The final drainage scheme and SuDS management plan will need to be the subject of appropriate conditions to ensure that the SuDS are maintained over the lifetime of the development.
- 5.53 Given the above and subject to the recommended conditions, the measures set out within the FRA and the Drainage Strategy are considered to be acceptable and in accordance with CSUCP policies CS17 and GV7, paragraphs 163 and 165 of the NPPF and the National Planning Practice Guidance (ID 7) and (ID 34).
- 5.54 BIODIVERSITY
- 5.55 The proposed development site is located within 2km of several designated nature conservation sites, including Lottie's Wood Local Wildlife Site (LWS) c. 125m north west and Sunnyside Wood LWS 350m south west. Extensive areas of open countryside comprising agricultural fields bound by hedgerows, woodland and forestry are located immediately south and east of the proposed development site. The Tanfield Railway Path is located immediately north west of the proposed development site.
- 5.56 The application is accompanied by an Ecological Impact Assessment, Bat Survey and Breeding Bird Survey dated July 2018. Habitats on site were assessed as being of low to parish conservation value. 2no. invasive non-native plant species listed in Schedule 9 of the Wildlife & Countryside Act, 1981 (as amended) were recorded on site (i.e. small leaved cotoneaster and yellow archangel).
- 5.57 Detailed survey work has confirmed the presence of roosting, foraging and commuting bats utilising the proposed development site. Common toad were recorded to the north of the site within terrestrial habitat. Hedgehog is considered likely to forage and potentially breed on site. Of the 33 species of bird occupying 82 breeding territories within the study area (i.e. the proposed development site incorporating a 50m buffer), 12 species are recognised as being of conservation importance. These include 7 Birds of Conservation Concern (BoCC) red listed species and 5 BoCC amber listed species. Of these 10 are listed as a National priority species. The most valuable habitats for nesting and foraging birds are the boundary hedgerows, scrub, scattered trees and areas of grassland.
- 5.58 The proposed development will result in the direct loss of the majority of existing habitats/features and their associated interest from within the core of the site. The construction phase of the development has the potential/is likely to result in the temporary disturbance/displacement of wildlife from within retained areas of habitat including immediately outwith the red line boundary.

Occupation of the site has the potential/is likely to result in various direct/indirect impacts on wildlife, including disturbance/displacement resulting from increased light, noise and activity levels; disturbance/predation by pets and increased recreational pressure on nearby designated sites. The construction and operational phases of the development are likely to result in reduced ecological connectivity.

- 5.59 In accordance with the mitigation hierarchy enshrined within the NPPF the proposed development has sought, where possible, to avoid impacts on biodiversity and ecological connectivity. This includes retention of the existing hedgerow and hedgerow trees along the south west boundary of the site. Where impacts on biodiversity are predicted/unavoidable, measures have been proposed to minimise/reduce the risk of harm, including to individual species. In some instances the provision of on-site compensatory measures are proposed (e.g. provision of replacement potential bat roost features). However, despite the provision of mitigation and onsite compensation measures, it is considered that the construction and operational phases of the development will result in significant residual impacts on biodiversity, including priority habitats and species, and ecological connectivity. In such instances the provision of off-site ecological compensatory measures are generally required to address the significant residual impacts of the development on biodiversity and ecological connectivity; and ensure the no net loss of biodiversity. This is to be secured by a s.106 legal agreement contribution.
- 5.60 It is recommended that a Biodiversity Method Statement, a Lighting Design Strategy, a Landscaping Scheme are secured by way of a planning condition(s) and the offsite ecological compensation is secured by way of a planning obligation to ensure that the proposed development can be delivered within acceptable ecological limits, and in accordance with both national and local planning policies:
- 5.61 Given the above, and subject to the recommended conditions and s106, the proposal is considered to be acceptable and in accordance with Saved UDP policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51, CSUCP policy CS18 and the NPPF.
- 5.62 **LANDSCAPE AND VISUAL IMPACT**
The application is supported by a Landscape and Visual Impact Assessment although the principle of development of this site has already been established through the CSUCP allocation. The LVIA provides detail of the main change in relation to the Landscape Character of the site and that is it will change from a mix of pastoral and commercial use to a residential development, infilling the existing residential areas to the north and east of the site.
- 5.63 The proposed reinforcements to the existing landscaped boundaries and buffer to the green belt, landscaped areas and open spaces seek to ameliorate the negative changes on the landscape character with an overall improvement by removal of large scale commercial buildings and hardstanding areas.

- 5.64 Structural and low level planting is proposed in the submitted landscape strategy to maximise habitat creation on site and it is recommended that this be secured by a series of conditions.
- 5.65 Information on proposed and existing ground levels is required along with an amended Landscape Strategy drawing. These details can be secured by condition.
- 5.66 Given that the site is largely contained by existing topography and vegetation and as such the development is considered will integrate into the southern settlement edge of Sunnyside and is in accordance with Saved UDP policy DC1 and CSUCP policies GV7, CS18 and CS15.
- 5.67 TREES
A number of the trees on the western and southern boundaries of the site, and one tree on the eastern part of the site within the Carraig Thura curtilage are subject to a Tree Preservation Order. The layout has respected the constraints of the Root Protection Areas of all trees on site. An Arboricultural Impact Assessment has been submitted in support of the application and includes measures for the protection of trees during the construction period and it is recommended that these be secured by condition.
- 5.68 Given the above the proposal is considered to be acceptable and in accordance with the CSUCP policy CS18 and Saved UDP policy ENV44.
- 5.69 URBAN DESIGN
The proposal is for a low-density development form of mainly detached dwellings. It seeks to deliver one less than the approximate number referred to in CSUCP policy GV7.
- 5.70 The layout accommodates a 10m wide buffer of retained and enhanced mature tree planting to the green belt edge, retained and enhanced tree belt planting to the Pennyfine Road boundary to the east, to the north the back drop to the SuDS detention basin / open space and toddler play area is the mature planting that lines the Tanfield Railway Path and to the south existing mature tree planting all of which provides a sylvan foil to the site.
- 5.71 The SuDS basin whilst adequate to fulfil its function as indicated has an engineered appearance however it is considered that it should have a more naturalistic design and a condition is recommended for the final detail.
- 5.72 The proposed scheme comprises in the main two storey detached dwellings with 12 link terraced properties. The proposed house types are from the applicants contemporary design using a mix of brick and render. Final materials will be secured by condition. Final boundary treatment details will also be secured by condition.

- 5.73 Elevationally, the housetypes Cranford and Ashton are somewhat bland and should include comparable architectural embellishments similar to those seen on other house types. This can be secured by condition.
- 5.74 Given the above the layout, house types, boundary treatments and proposed landscaping are considered will create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.
- 5.75 RESIDENTIAL AMENITY
There are four existing residential properties that share a common boundary with the application site. They are Curraig Thura, Linniefine House, Invercauld and The Cottage.
- 5.76 There are also residential properties on the opposite side of Pennyfine Road that face the application site.
- 5.77 The property and curtilage of Curraig Thura are proposed to be bound on all sides by the proposed development and Pennyfine Road. The curtilage is generous and gives no concerns in respect of overlooking or loss of privacy.
- 5.78 The application site bounds the rear and northern boundaries of Linniefine House. Plot 83 shares the rear boundary. The proposed gable end of the dwelling is some 10m from the rear elevation of the existing dwelling. A gated access from Linniefine House onto the shared surface serving plots 79 - 82 is included in the proposals.
- 5.79 The resident who occupies Invercauld also has a leylandii hedge on the northern boundary. The layout has taken this into account as the hedge provides a pleasant foil to the proposed development.
- 5.80 The fourth property that shares a boundary with the application site is The Cottage. The existing tree belt that runs along the shared boundary with The Cottage is not to be disturbed.
- 5.81 The properties that face the application site on the opposite side of Pennyfine Road are some 30m from the nearest proposed dwelling and there is no opportunity for harmful overlooking or loss of privacy or any overbearing impact on existing residential amenities. The tree belt that forms the boundary of the site with Pennyfine Road is to be retained and enhanced with further planting that will soften the outlook of the existing residents by screening the development.
- 5.82 The proposal is considered to be acceptable in terms of its impact on existing residential amenities.
- 5.83 The layout as proposed has been assessed in terms of the impact on the residential amenities of the future residents of the proposed dwellings. Adequate separation distances are provided, there is no opportunity for overlooking, each dwelling has private garden space, bin and cycle storage, and either a private drive or a garage and drive. The proposal is considered to

be acceptable in terms of its impact on residential amenities of future residents.

- 5.84 Given the above the proposal is considered to be acceptable and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.85 **NOISE**
A Noise Survey has been submitted in support of the application. The report indicates that prevailing noise levels (road noise from Pennyfine Road) have been measured in detail and assessed according to representative "worst case" conditions. Detailed noise measurement has been carried out on a typical weekday.
- 5.86 On the basis of the proposed layout, noise amelioration measures are given in Section 6 of the report. These relate to the inclusion of additional sound insulation measures in the building envelopes at those facades affected by road traffic noise. These would afford, the residents of the proposed dwellings with acceptable internal and external (private amenity areas) noise environments. It is recommended that the measures be secured by an appropriate condition.
- 5.87 In order to protect the residential amenities of existing residents and future occupants of the early completions on the site it is considered necessary to condition a construction methodology statement that should include details of the compound, car park and a further condition restricting the hours of construction.
- 5.88 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV61 and CSUCP policy CS14.
- 5.89 **STATEMENT OF COMMUNITY INVOLVEMENT**
A public consultation event was held in June 2018 at Sunnyside Social Club. The event was well attended. A total of 43 comments forms were completed. Only 5 recorded an objection whilst 11 recorded support in particular the quality of the design, landscaping and layout as well as positive contribution to supporting vitality and viability of local services and facilities within Sunnyside. The remainder identified concerns. The most recorded concern related to the capacity of the local road network to accommodate the additional traffic associated with the development. 74% of comments identified highways as a concern. Delays at signalised junctions as well as queues on the A1692 from Lobley Hill and Pennyfine Road being used as a rat run if there were delays on the A1.
- 5.90 **Community Infrastructure Levy (CIL)**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the application site is within Residential Zone A and the levy is £60 per sqm for market housing with an exception provided for the onsite affordable housing. The CIL contribution is

likely to be in the region of 500k but the final figure will not be calculated until the decision is issued.

5.91 OTHER MATTERS

Objectors have made reference to loss of property value. This is not a material planning consideration. Objectors also felt that housing should not be built on this land. The site is an allocated housing site that was removed from the Green Belt.

5.92 A section 106 legal agreement is required to secure the requirements of CSUCP policy GV7 and these are:

Affordable housing in perpetuity
Highway mitigation works
Biodiversity mitigation
Local workforce commitments

5.93 In addition, the proposed development would comprise approximately £160,00 in annual council tax receipts and £640,000 in New Homes Bonus receipts from the Government to be spent by the local authority where it is most needed.

6.0 CONCLUSION

6.1 The proposed development is consistent with the allocation of the site delivering 89 family homes that includes 15% affordable on site housing. The development as proposed integrates with the surroundings linking to the Tanfield Railway Path and the centre of Sunnyside. The design is sympathetic to the site constraints and character of the area and includes open space and landscape buffers to lessen the visual impact. The proposed development will make a significant contribution to the local economy.

7.0 Recommendation:

GRANT SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

- 1) The agreement shall include the following obligations:
Affordable housing in perpetuity
Highway mitigation works
Biodiversity mitigation
Local workforce commitments
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.
- 3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) And that the conditions shall include:

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Site Layout Plan 1013-AVA 100 Rev O
Boundary Treatment 1013-AVA 101 Rev C
Surface Treatment Plan 1013-AVA 102 Rev C
Adoption Plan 1013-AVA 103 Rev C
Landscape Strategy 1052_100 Rev C
Road Cross Sections N17197-903_P2
Long Sections N17197-210_P1
Long Sections N17197-211_P1
Long Sections N17197-212_P1
Long Sections N17197-213_P1
Construction Plan SUN_CP_01B

TPP. Pennyfine No.1,
TPP.Pennyfine.South.No.1,
TPP.Pennyfine.North.No.1,
Pre Development BS5837 Arboricultural Implications Assessment
Pennyfine Road 2018 prepared by Jim Richardson dated 18th June
2018

FRA N1719 Rev 2 July 2018 Dan Hodgson Patrick Parsons
Interim travel plan A089225-1 by David Groves of WYG dated 4th July
2018
LVIA Part 1, 2, 3, 4 and 5
Noise Impact Assessment LA Environmental "Proposed Residential
Development at Pennyfine Road, Sunnyside, Assessment of Noise
Levels and Noise Amelioration Measures" prepared By Louise
Anderson dated 27th June 2018
Construction Method Statement Rev A
Flood Risk Assessment and Drainage Strategy Rev 2 (28.08.2018)
Landscape Strategy 1052_100 Rev A

West boundary sections 1052_110

Drainage Strategy Plan N17197-901_P3

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No development approved by this Planning permission shall be commenced until a Phase 2 intrusive site investigation is undertaken, (based on the findings of the Patrick Parsons Phase 1 report dated April 2018), and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling, chemical laboratory testing, and geotechnical testing of samples to assess potential contamination issues and to inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with, where relevant, recommendations for ground gas mitigation measures.

The site investigation and Phase 2 report should also include, where applicable, Permeability tests and an assessment of potential contamination issues in relation to any proposed / required SUDS features.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

4

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 3 shall be implemented prior to commencement of the development hereby permitted.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

5

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed soft landscape areas.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

The details of remediation measures approved under condition 5 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

9

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Internal works within dwellings shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

10

Prior to commencement of the development hereby permitted (except for remediation works and tree protection measures) a Surface Water Drainage Scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and a Foul Water Drainage Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the scheme shall also include details of maintenance and management responsibilities for all components of the scheme for the design life of the development.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

11

Prior to first occupation of the development hereby permitted the details approved under condition 10 shall be wholly implemented in accordance with the approved details and retained for the life of the development thereafter.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

12

No development approved by this Planning Permission shall be commenced until a drainage layout drawing with accompanying cross section(s) through the flood zone and basin has been submitted. This

shall define the extents of surface water flooding as identified on the Gateshead Strategic Flood Risk Assessment and demonstrate that the extents of the drainage basin (and any other groundworks) lie outwith this zone.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

13

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated drainage assessment has been submitted showing the final drainage scheme, with confirmation of final discharge rates and volumes and including full Microdrainage modelling results. The assessment shall contain existing culvert condition survey, proposed repair or replacement works, and evidence of agreement with landowner and Northumbrian Water of the acceptability of the maintenance proposals. The assessment shall demonstrate the drainage hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C697) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until the culvert has been repaired and/ or replaced to the satisfaction of the Lead Local flood Authority, Northumbrian Water, and the Landowner.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated drainage assessment has been submitted. This shall include:

- o Demonstration that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, and that the drainage

hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C753).

- o An existing culvert condition survey, details of proposed repair or replacement works, and evidence of agreement with landowner and Northumbrian Water of the acceptability of the repair or maintenance proposals.
- o Detailed drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Proposed contours, highway levels and finish floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections of the proposed drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, seeding, hardworks and play features in and around SuDS features, including planting schedules.
- o SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS system is required.
- o All necessary consents required for off-site works.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The details of SuDS measures approved under condition 15 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and maintained for the life of the development

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

A standalone drainage maintenance document is required that shall include confirmation of expected lifespan of underground storage, treatment device, and flow control, and detailed specification and methodology for their replacement if within the lifespan of the development. The maintenance document shall define the SuDS and drainage features, include specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development. Confirmation of parties responsible for the system maintenance is required. The report shall include required maintenance to make the basin play area safe and useable after any inundation.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

18

The details approved under condition 17 shall be wholly implemented prior to first occupation of any of the dwellings hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

19

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a drainage construction method statement has been submitted containing:

- o Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.
- o Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

21

The development hereby permitted shall be undertaken wholly in accordance with the Construction Method Statement prepared by Amy McFaulds dated 25th September and construction plan SUN_CP_01 Rev B for the duration of the construction period

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity in accordance with Saved UDP policies ENV3, DC2 and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

22

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until the developer has provided a positive response to the requirements of policy GV7.9.iii. by submission of details for the formalisation of drainage along the former railway line to mitigate flood risk to Burdon Park for the consideration and written approval of the Local Planning Authority.

Reason

To provide a positive response to the potential to manage surface water flood risk in the Burdon Park area in accordance with GV7.9.iii.

23

The details approved under condition 22 shall be wholly implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

To provide a positive response to the potential to manage surface water flood risk in the Burdon Park area in accordance with GV7.9.iii.

24

The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until full details of finished floor level and finished ground levels have been submitted for the consideration and written approval of the Local Planning Authority

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

25

The details approved under condition 24 shall be implemented wholly in accordance with the approved details prior to first occupation of the relevant plot and retained thereafter for the life of the development

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

26

Notwithstanding the drawings SUNN/CRD/001 and ASN/001 full details of the elevations of the housetypes Ashton and Cranford shall be submitted for the consideration and written approval of the Local Planning Authority. The details shall include include comparable architectural embellishments similar to those seen on other house types

Reason

In the interests of the appearance of the development and to create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

27

The details approved under condition 27 shall be wholly implemented in accordance with the approved details prior to first occupation of the relevant dwelling of the development hereby permitted

Reason

In the interests of the appearance of the development and to create an acceptable development in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

28

The noise amelioration measures detailed at Section 6 of a report entitled "Assessment of Noise Levels and Noise Amelioration Measures" by LAEnvironmental dated 27th June 2018 shall be wholly implemented prior to the first occupation of the relevant plot and retained for the life of the development

Reason

To protect the residential amenities of future occupants in accordance with the NPPF, Saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The development hereby permitted shall not progress above damp proof level, until final details of kerb edging materials, colours and finishes to be used have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

30

The surface materials approved under condition 30 shall be fully implemented prior to first occupation of the relevant part of the development and retained thereafter for the life of the development

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

31

Prior to the development hereby permitted progressing above damp proof course on the first dwelling commenced full details of the link between the sub station adjacent to plot 8 and the Open Space to the west connecting the site access road to the Tanfield Railway Path shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure the sustainability of the site and in accordance with CSUCP policy CS13 and the NPPF.

32

The details approved under condition 32 shall be wholly implemented in accordance with the approved details prior to first occupation of the first dwelling hereby permitted and retained thereafter for the life of the development.

Reason

To ensure the sustainability of the site and in accordance with CSUCP policy CS13 and the NPPF.

33

Prior to commencement of construction (except for tree protection measures and site investigations) details of a scheme to maintain a 20 MPH speed limit shall be submitted for the consideration and written approval. The proposals should allow for legal orders, signs and road markings.

Reason

In the interests of highway safety and in accordance with policy CS13 of the CSUCP and the NPPF.

34

The details approved under condition 34 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter

Reason

In the interests of highway safety and in accordance with policy CS13 of the CSUCP.

35

Each driveway shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm

Reason

In the interests of highway safety and in accordance with CSUCP policy CS13 and the NPPF

36

Prior to the first occupation of any dwelling hereby permitted final details of Electric Vehicle charging points for a minimum of 100% of the dwellings hereby permitted shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP

37

The details approved under condition 37 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP

38

Prior to the first occupation of any dwelling hereby permitted final details of cycle storage for each plot to include details of the locking mechanism and anchor point to be located in each garage or shed shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

39

The details approved under condition 39 shall be implemented wholly in accordance with the approved details prior to the first occupation of each relevant dwelling and retained for the life of the development

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

40

Notwithstanding the housetypes hereby permitted, full details of two plots that meet Wheelchair Housing Standards, and nine plots that meet the Lifetime Homes Standard shall be submitted prior to the construction of foundations of any of the dwellings hereby permitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure provision of wheelchair and lifetime homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

41

The details approved under condition 41 shall be wholly implemented in accordance with the approved details prior to occupation of the relevant dwellings and retained for the life of the development

Reason

To ensure provision of wheelchair and lifetime homes and in accordance with CSUCP policy CS11(2) and saved UDP policies H9 and H10.

42

Prior to commencement of construction (except for tree protection measures and site investigations) details of:

- a scheme to introduce traffic calming measures on Pennyfine Road including improvements where the Tanfield Railway Path crosses Pennyfine Road;
- visibility splay details;
- footway connection along the western edge of Pennyfine Road;
- together with a timetable for delivery shall be submitted for the consideration and written approval.

The proposals should allow for legal orders, signs and road markings.

Reason

In the interests of highway safety and in accordance with policy CS13 of the CSUCP and the NPPF.

43

The details approved under condition 43 shall be wholly implemented in accordance with the approved details prior to the new access being brought into first use and retained thereafter for the life of the development

Reason

To ensure highway safety and in accordance with CSUCP CS13 and the NPPF.

44

No dwellings hereby approved shall be occupied until the submission of a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the hereby approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

45

The Travel Plan approved under condition 45 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

46

The development hereby permitted shall not commence (except for intrusive site investigations) until samples have been made available for inspection and subsequent approval in writing by the Local Planning Authority.

Reason

To ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

47

The development hereby permitted shall be undertaken wholly in accordance with the details approved under condition 50 and retained for the life of the development thereafter.

Reason

To ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

48

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive), and in accordance with the agreed careful working method as recommended in the Mount Pleasant Road, Birtley Extended Phase 1 Ecology Survey report dated January 2015. Where this is not possible a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

49

Notwithstanding the information submitted and avoiding duplication with any activities and mitigation subject to licencing; a Biodiversity Method Statement covering:

- o habitats/ecological features to be retained on site
- o protected and priority species including bats, breeding birds, hedgehog, badger and common lizard, and;
- o invasive non-native species

shall be submitted to and approved in writing by the Council prior to the commencement of works on site. The content of the method statement shall including details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with

CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

51

The Biodiversity Method Statement approved under condition 55 shall be implemented in full and retained thereafter for the life of the development.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

52

Prior to first occupation of the development hereby permitted, a lighting strategy for biodiversity for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- o identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- o show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

53

The details approved under condition 53 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

54

Development hereby permitted shall not above progress above damp proof level, until final details of a fully detailed scheme for the play on the way equipment and its location has been submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of residential amenity and in accordance with policies CFR28, CFR29 and ENV2 of the UDP and policy CS14 of the CSUCP.

55

The details approved under condition 57 shall be implemented in full prior to first occupation of the dwellings on plots 6, 17, 30 and 31 hereby permitted

Reason

In the interests of residential amenity and in accordance with policies CFR28, CFR29 and ENV2 of the UDP and policy CS14 of the CSUCP.

56

The development hereby permitted shall only be carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy Revision " dated 1 July 2018

Reason

To reduce the risk of flooding to the proposed development and future occupants and in order to accord with the NPPF and policy CS17 of the CSUCP

57

Prior to commencement of the development hereby permitted details of measures to improve the visibility splay of the access to Linniefine House shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of highway safety and in accordance with CSUCP policy CS13 and the NPPF

58

The details approved under condition 58 shall be wholly implemented prior to commencement of construction including site remediation

Reason

In the interests of highway safety and in accordance with CSUCP policy CS13 and the NPPF

59

Development hereby permitted shall not above progress above damp proof level, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of biodiversity and wildlife habitats within the site has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works (except for the erection of tree protection measures, site security hoardings and site investigation) on site.

The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e) , ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

60

The details approved under condition 22 shall be fully implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e) , ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

61

No groundworks or development shall commence until a programme of archaeological fieldwork (strip, map and record) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

62

The dwellings hereby permitted shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 62 has been submitted to and approved in writing by the Local Planning Authority.

Reason

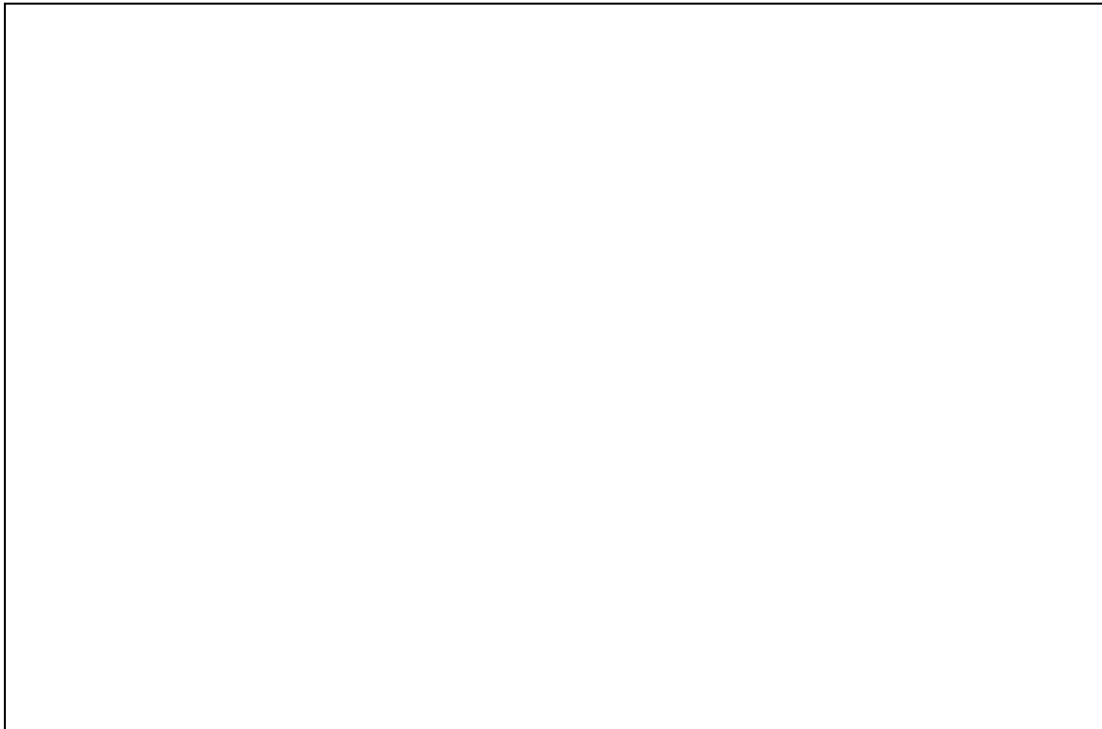
The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

63

The dwellings hereby permitted shall not be first occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 10 OCTOBER 2018

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/16/01243/FUL	Replacement of existing windows, alterations to window positions, removal of one chimney and replacement of existing roof covering (retrospective).	The Station, Hills Street,	Refused;	Bridges
DC/18/00570/FUL	Erection of a van valeting building	Arnold Clark Birtley Motorstore, Portobello Road,	Granted;	Birtley
DC/18/00602/HHA	Single storey side extension	24 Meacham Way, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00664/ADV	Display of various illuminated and non-illuminated totem, directional and projecting signs, all advertising Trinity Square (amended 21.09.2018).	Trinity Square, Gateshead,	Temporary permission granted;	Bridges
DC/18/00760/HHA	Two storey side extension (amended 19.09.18)	Haymeads, 1 Field Lane,	Granted;	Pelaw And Heworth

DC/18/00702/FUL	Construction of new dwelling.	Land Adjacent To 106 Kepier Chare, Crawcrook,	Granted;	Crawcrook And Greenside
DC/18/00700/COU	Conversion of offices (B1 use) to a mixed use comprising five bedrooms, offices and associated facilities for residents and staff (Sui Generis).	11 Gladstone Terrace, Bensham,	Granted;	Bridges
DC/18/00851/HHA	Stepped fence with a maximum height of 2.4m along north west boundary (retrospective) and decking to rear and side	14 Tower Gardens, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/00723/FUL	Conversion of barn to form residential extension, internal and external alterations to barn and existing dwelling, demolition of open sided brick pole barn, rebuilding and refurbishment of existing lean-to building on east elevation of barn.	Pawston Birks Farm , Pawston Road,	Granted;	Winlaton And High Spen
DC/18/00724/LBC	Conversion of barn to form residential extension, internal and external alterations to barn and existing dwelling, demolition of open sided brick pole barn, rebuilding and refurbishment of existing lean-to building on east elevation of barn	Pawston Birks Farm , Pawston Road,	Granted;	Winlaton And High Spen

DC/18/00726/HHA	Two storey side and single storey front extension (as amended 26.09.2018)	13 Western Way, Axwell Park,	Granted;	Blaydon
DC/18/00767/CPL	CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT: Loft conversion including alteration from hipped to gable roof and flat roof dormer window to rear	26 Glenbrooke Terrace, Low Fell,	Granted;	Low Fell
DC/18/00768/HHA	Proposed single storey rear extension (description amended 19.09.18, amended plans received 19.09.18, 20.09.18)	2 The Pavilion, Swalwell,	Granted;	Whickham North
DC/18/00772/HHA	Two storey side and single storey rear extension	2 Berkdale Road, Chowdene,	Granted;	Low Fell
DC/18/00777/COU	Change of use of part of field from agriculture to horsiculture, including the erection of boundary fencing, stable block with paddock and formation of access from Westfield Lane. Part retrospective (boundary fence/subdivision of field and access) (description amended 29.08.2018) (amended plan 11/09/18).	Land South Of Westfield Lane, Ryton,	Granted;	Ryton Crookhill And Stella

DC/18/00778/HHA	Resubmission of DC/18/00129/HHA for a first floor side extension over garage and a single storey rear extension (amended 07.09.18)	7 Limetrees Gardens, Low Fell,	Granted;	Deckham
DC/18/00779/FUL	Change of use of part of the highway to the front of 126-144 (evens) Saltwell Road to private garden. Associated works include the provision of level access platforms, 1000mm high decorative steel railings and landscaping, with the addition of a small retaining wall to front of 128 and 130 Saltwell Road (retrospective)	Land At Saltwell Road, Bensham,	Granted;	Saltwell
DC/18/00843/HHA	Two storey side, single storey rear extension and front porch	1 Deepdale Close, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00783/HHA	Proposed single storey side and rear extension	134 Victoria Road, Gateshead,	Granted;	Dunston And Teams
DC/18/00789/LBC	Listed Building Consent: Demolition of wooden porch	7 Claremont Place, Bensham,	Granted;	Lobley Hill And Bensham
DC/18/00792/FUL	Erection of security fencing to rear yard/parking area and minor landscaping alterations	Redforrest House , Queens Court North,	Granted;	Lobley Hill And Bensham

DC/18/00795/FUL	Demolition of existing stables and outbuildings and erection of single storey dwelling (revised application).	Low Thornley Farm , Thornley Lane,	Refused;	Winlton And High Spen
DC/18/00798/FUL	Change of use and extension of existing stables into two new dwellings (revised application).	Low Thornley Farm , Thornley Lane,	Granted;	Winlton And High Spen
DC/18/00813/ADV	Display of various internally illuminated fascia,projecting signs and lettering advertising, 'Morrisons'	34 Durham Road, Birtley,	Temporary permission granted;	Birtley
DC/18/00816/HHA	Modular metal mesh access ramp to allow disabled access from front door and the laying of paving slabs to create pathway to new rear access in boundary fence.	22 Brown Crescent, Eighton Banks,	Granted;	Lamesley
DC/18/00818/FUL	Erection of an outdoor office/training room	Site Of Eslington House , Eslington Park,	Granted;	Dunston And Teams
DC/18/00829/HHA	Single storey rear extension	Thornlea , Front Street,	Granted;	Lamesley
DC/18/00833/HHA	Proposed two storey side extension (amended plans received 24.09.18)	352 Saltwell Road, Bensham,	Granted;	Saltwell

DC/18/00834/FUL	Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 9 no apartments, demolition of single storey extension, erection of first floor extension in Church Hall, creation of a seating gallery, hall and office at first floor, replacement windows, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp (revised application).	Durham Road Baptist Church , Gladstone Terrace,	Granted;	Bridges
DC/18/00835/LBC	LISTED BUILDING CONSENT: Conversion of Church, erection of mezzanine floor and installation of 10 rooflights to create 9 no apartments, demolition of single storey extension, erection of first floor extension to Church Hall, to provide religious and community facilities, removal of section of existing wall and railings and erection of extension to existing ramp (revised application).	Durham Road Baptist Church , Gladstone Terrace,	Granted;	Bridges
DC/18/00837/TPO	Tree works at Lidl, Hexham Road	Lidl Uk , Hexham Road,	Granted;	Whickham North

DC/18/00840/ADV	Display of various illuminated and non- illuminated fascia, totem signs and lanterns	The Highwayman, Whickham Highway,	Temporary permission granted;	Dunston Hill And Whickham East
DC/18/00839/HHA	Extend existing garage to the side of the property forward to be flush with the front wall of the house	56 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00866/HHA	Single storey side and rear extension	10 Coldstream Drive, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00874/TELF UL	Replacement of existing head frame and antennae with replacement head frame, antennae and ancillary equipment (including the installation of 9 remote radio units and a GPS module)	Land Adj Earls Park Trade Park, Earls Park North ,	Granted;	Lobley Hill And Bensham
DC/18/00858/HHA	Single storey rear extension	6 Grange Nook, Whickham,	Granted;	Whickham South And Sunnside
DC/18/00847/HHA	Single storey rear extension with roof lantern	48 Follingsby Drive, Felling,	Granted;	Wardley And Leam Lane
DC/18/00853/HHA	Installation of 2No rooflights to front elevation; Installation of 2No rooflights to rear elevation.	17 Mansion Heights, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/18/00854/TPO	Tree works at Castle Hill Crawcrook Lane	Castle Hill , Crawcrook Lane,	Granted;	Crawcrook And Greenside

DC/18/00868/FUL	Conversion of five existing car parking bays into four electric vehicle parking bays (equipped with bumper stops) to include two new charging units, two new signs and one feeder pillar	Car Park Between Central Library And Council Offices, Prince Consort Road,	Granted;	Saltwell
DC/18/00893/TPO	Tree works at The Sycamores	The Sycamores , Bates Lane,	Granted;	Blaydon
DC/18/00956/CPL	CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE: Use as online ridesharing booking office	Office 101, First Floor,	Granted;	Lobley Hill And Bensham

TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

3. It is recommended that the Committee note the report.

Within the month commencing 26.08.18 and ending 26.09.18, the enforcement team has received **135** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	355	49	29	38	2
HIGHWAYS	195	26	8	22	0
WASTE	505	60	28	46	18
TOTALS	1055	135	65	106	20

COURT HEARINGS

The Enforcement Team attended **six** Court Hearings, **three** of which were finalised, resulting in **£580** fines and **£842** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
Sample date 2018

TITLE OF REPORT: Enforcement Action

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged to look at the costs of carrying out work in default
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	
4.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 th October 2017	19 th October 2017	23 rd November 2017	4 th January 2018	Complaints were received regarding the condition of the garden. the enforcement notice was not complied with and the owner was therefore prosecuted. The defendant attended court on the 13 th June and was found guilty and ordered to pay a £300 fine and £100 costs. Estimates have been received to do works in default. Officer are currently assessing the quotes against the proposed timescales to complete the works.
5.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	29 th November 2017	26 th December 2017	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged. The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site. A site visit was undertaken on the 26th September to see if work had re commenced on site. Although there were no builders on site at the time of the visit, it appears that development has re commenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected.
6.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
7.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28 th April 2018	<p>Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.</p> <p>Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted.</p>
8.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to breach of condition 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
9.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
10.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
11.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
12.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to breach condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>
13.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to clearance heights beneath the electricity power lines. This condition has not been discharged</p> <p>Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
14.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to breach condition 26 to require the submission of details for the illuminate activities on site. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
15.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
16.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to breach of condition 28. To require submission of details for alternative provision for Sand Martin nesting and other bat and bird boxes and a timetable for implementation. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
17.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to breach of condition 31. To require the submission of details for reflective road marking scheme adjacent to the site access on Lead Road. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
18.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Notice served in relation to breach of condition 32 to require the Submission of a timetable for the early restoration of the north east corner of the site. This condition has not been discharged Details for each breach of condition notice were submitted on 15.05.18, Officers are currently reviewing the information submitted
19.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.
20.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal has been received but no start date has been given yet.
21.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								An appeal has been received but no start date has been given yet.
22.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished
23.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property.
24.	3 Westwood View, Crawcrook, Ryton, NE40 4HR	Crawcrook and Greeside	Untidy Land	21 st August 2018	23 rd August 2018	20 th September 2018	23 rd October 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring works to be undertaken to repair the garage roof, utility roof, windows, facias and gutters and the land to be cleared and tidied.

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TITLE OF REPORT: Planning Appeals

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **two** new appeals lodged since the last committee:

DC/17/01358/OUT - Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Dunston Hill, Gateshead NE11 9XE

Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access.

This application was a committee decision refused on 7 March 2018.

DC/18/00244/ADV - 592-596 Durham Road, Gateshead NE9 6HX

Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation.

This application was a delegated decision refused on 19 April 2018.

Appeal Decisions

3. There have been **two** new appeal decisions received since the last Committee:

DC/17/00562/HHA - Glen View, Stannerford Road, Clara Vale, Ryton

Two side extensions, rear extension and replacement of roof. Demolition of existing garage to create driveway.

This application was a delegated decision refused on 29 March 2018.

Appeal dismissed 18 September 2018.

DC/17/01087/FUL – Woodlands, Birtley Lane, Birtley DH3 2LR

The felling of 5 Tree Preservation Order (TPO) trees and the replacement with 7 new trees and the erection of a Use Class C3 detached dwelling-house, with three bedrooms and two floors (one within pitched roof void) on existing rear garden lands, with associated new access, hardstandings and car parking spaces (as resubmission and re-siting of DC/16/1289/FUL).

This application was a delegated decision refused on 1 February 2018.

Appeal dismissed 6 September 2018.

Details of the decisions can be found in **Appendix 2**

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 28th August 2018

by **Alison Roland BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/H4505/D/18/3204922

Glen View, Stannerford Road, Clara Vale, Ryton, NE40 3SN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wayne Stewart against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref: DC/17/00562/HHA, dated 16 May 1982, was refused by notice dated 29 March 2018.
 - The development proposed is reconfiguration of existing dwelling, including an extension to both sides and small extension to rear. New roof to height of existing and demolition of existing garage to create driveway.
-

Procedural Matters

1. The date of the application cited in the header above is derived from the planning application forms and is clearly an error. I note the appeal form gives the date of the application as 5 September 2017 and the Decision Notice gives it as 22 May 2017. However, this matter is not of importance since the appeal is dismissed.
2. The works to which this appeal relates have been completed. I shall therefore deal with this appeal as an application for retrospective planning permission.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in this appeal are (1) whether the proposal amounts to inappropriate development in the Green Belt (GB) and if so, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development and (2) the implications of the proposal for the character and appearance of the area.

Reasons

5. The National Planning Policy Framework (the Framework) states at paragraph 145 that the extension or alteration of a building is not inappropriate development in the GB provided that it does not result in disproportionate additions over and above the size of the original building.
-

6. The Council say that the original dwelling was 85.3sqm and the proposals have increased this to 449.2sqm. The appellant cites a volume of 468.8m³ for the "existing dwelling" (presumably the dwelling prior to implementation of the proposals) compared against 546.9 m³ for the "new dwelling" (presumably the current dwelling). However, the former figure appears to include outbuildings and the previous extension to the property carried out in the 1980's. The volume given for the original property alone is 191.2m³.
7. Annex 2 of the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Clearly, the 1980's extension cannot be included in the definition of the original building. Neither do I consider the term can reasonably extend to the garage and dog shelter, as the evidence suggests these were detached outbuildings. By any measure, whether one relies on the calculations of the Council or appellant, the original property has been very substantially enlarged as a result of the proposals.
8. This is particularly evident when a comparison is made between its present size and massing and its original condition as can be discerned in the aerial photograph submitted with the appeal. The resultant increase in scale and massing leave me in no doubt that the proposals would amount to a disproportionate addition to the original dwelling. It follows that they would amount to inappropriate development in the GB. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances.
9. Added to the harm by reason of inappropriateness would be a moderate loss of openness to the GB as a result of the increased scale and massing of the dwelling. The modest proportions of the original L-shaped bungalow have been substantially increased in width and depth. This harm would be localized, but paragraph 144 of the Framework states that the decision maker should ensure that substantial weight is given to any harm to the GB.
10. In relation to the second main issue, the Council say that the original dwelling has been engulfed in extensions and it is very hard to distinguish in the mass of built form. Whilst that is certainly true, the appearance of the resultant dwelling harmonises perfectly well with others along this stretch of road and it is of unremarkable appearance. It appears the property has been completely remodelled, but the result is a cohesive design which, whilst slightly more contemporary than many others in the street, by no means draws the eye. Whilst the white painted render finish is somewhat brighter than the brickwork of surrounding properties, I note that the previous building had a white painted finish. I thus find on the second main issue that the proposal would integrate comfortably with the prevailing character and appearance of the area.

Other Considerations raised by the appellant

11. The appellant raises a number of considerations in favour of the appeal. It is claimed that the work was undertaken following advice from a Planning Officer about the extent of permitted development rights which could potentially be exercised, which were depicted on a plan. It is further asserted that the appellant implemented a scheme which did not utilise those rights to the full.
12. It is difficult to come to a view on what the plan purports to show as it is a very basic floor plan and not three dimensional. I also understand a more recent

Planning Officer has questioned its accuracy. If indeed the appellant believes that what has been implemented is lawful, it is open to him to have the matter determined under Section 191 or 192 of the Town and Country Planning Act 1990. However, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Act and it has no bearing on the planning merits. The appellant further argues that the exercise of permitted development rights could have resulted in a larger building. However, no specific scheme in three dimensional form has been put before me to demonstrate this.

13. The appellant says that alternative plans were submitted to the Council which had previously been agreed with them in 2014 and these have been supplied with the appeal. The position of the Council on these plans at that time is unclear from the email correspondence supplied and the appellant implies that they have since revised their position. The comment from the Planning Officer that the scheme is "generally there" subject to the removal of permitted development rights is not synonymous with an outright approval. Furthermore, the calculations in the emails compare what was then the existing property, with the proposed scheme, rather than comparing the resultant volume against the *original building*, which is the correct approach as outlined in paragraph 7 above. On the available evidence, I am not persuaded therefore, that they represent a legitimate fallback position.
14. The appellant highlights that the Inspector in a previous planning appeal at the site (APP/H4505/D/14/2215596) acknowledged that some form of extension would be acceptable. Paragraph 10 of that decision states that there was the "potential for some extensions to be constructed" if that appeal were unsuccessful. However, this appears to have been simply an acknowledgement of the fact that alternative schemes could be devised using permitted development rights at that time and was not intended to give a steer on the scale of extensions likely to be acceptable. He also went on to say that such extensions would not be as harmful as the scheme that was then before him. I do not consider therefore that the Inspectors' comments fetter my discretion in this appeal.
15. Information submitted in relation to the immediately adjoining properties (Norbreck and Meadowvale) demonstrates that the appeal property is smaller in volume and floor area than both. The fact the property is sited in a row of dwellings, including some larger properties, does slightly mitigate the impact of the proposal on the openness of the GB. However, whether a proposal amounts to inappropriate development in the GB in the first instance is not contingent on the scale of nearby properties. I therefore attribute some, albeit limited weight to this point.
16. I understand the appellant is aggrieved with the way the Council dealt with the application the subject of this appeal and earlier correspondence prior to that. However, those are not matters I can take into account in assessing the planning merits.

Overall Balance and Conclusion

17. I have found on the first main issue that the proposal would amount to a disproportionate addition to the original property which would render it inappropriate development in the GB. Added to that harm would be a moderate loss of openness to the GB. This would bring it into conflict with Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

2010-2030 (March 2015) (CS), which seeks to ensure that development in the GB complies with national policy, including the Framework. I attach substantial weight to these findings.

18. In relation to the second main issue, I have found that the proposal would integrate comfortably with the prevailing character and appearance of the area. I thus find no conflict with Policy CS15 of the CS, saved Policy ENV3 of the Gateshead Council Unitary Development Plan (2007), or the guidance in the Framework. These seek to secure high quality design that responds positively to local character and identity. It would not comply with the guidance in the *Householder Alterations and Extensions* Supplementary Planning Document (2012), which requires that extensions are in keeping with and do not dominate the original building. However, its appearance is not at all out of place in its context. Nonetheless, this amounts to a neutral or absence of harm factor, rather than a positive one in the overall GB balance.

19. For the appeal to succeed, the combined weight of the other considerations raised by the appellant must be sufficient to clearly outweigh the totality of harm identified. Overall, I conclude that the other considerations raised by the appellant, would not clearly outweigh the identified harm. It follows that the very special circumstances necessary to justify the development do not exist. The appeal therefore fails.

ALISON ROLAND

INSPECTOR



Appeal Decision

Site visit made on 13 August 2018

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2018

Appeal Ref: APP/H4505/W/18/3200117

Woodlands (former the Copse) and land adjoining, Birtley Lane, Birtley, Gateshead Borough DH3 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Oliver against the decision of Gateshead Council.
 - The application Ref DC/17/01087/FUL, dated 3 October 2017, was refused by notice dated 1 February 2018.
 - The development proposed is described as *'the felling of 5 Tree Preservation Order (TPO) trees and the replacement with 7 new trees and the erection of a Use Class C3 detached dwelling-house, with three bedrooms and two floors (one within pitched roof void) on existing rear garden lands, with associated new access, hardstandings and car parking spaces (as resubmission and re-siting of DC/16/1289/FUL)'*.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Notwithstanding the description of development as set out in the application, the appellant has clarified that the development proposed involves the felling of six protected trees, not five as originally indicated and I have dealt with the appeal accordingly.
3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, replacing that published in March 2012. I wrote to the parties and invited their submissions in respect of the new Framework and any implications for their cases and have had regard to the comments received.

Main Issue

4. The main issue in this case is the effect of the proposed removal of protected trees, along with any long term effects on adjacent protected trees, on the character and appearance of the area.

Reasons

5. The appeal site forms part of the garden of Woodlands and includes a number of trees which are subject to a Tree Preservation Order (TPO). Woodlands is situated adjacent to Birtley Golf course which I saw at my site visit has a parkland appearance, laid out with lines and groups of trees between fairways. Visually, the protected trees at the appeal site form a continuation of the groups of trees at the golf course and contribute to the sylvan character of this

<https://www.gov.uk/planning-inspectorate>

part of Birtley and the character and appearance of Birtley Lane, which otherwise has an urban appearance.

6. It is proposed that a detached chalet type dwelling of modest proportions is erected at the appeal site. To accommodate the proposed dwelling, six protected trees would be felled, with 7 trees planted, and the proposal is supported by arboricultural reports which I have taken into account.
7. The Council accepts that the removal and replacement of Ash trees, identified as T0461 and T0464 would be beneficial for the overall health of the TPO group. From my observations during my site visit, I agree that tree T0461 is a poor specimen which contributes little to the amenity of the group. Tree T0464 is an attractive tree with considerable amenity value, but given the Tree Bore Test and evidence of a large wound, I do not disagree with the parties in respect of this tree. The removal of trees T0458, T0460, T0462 and T0463 is disputed.
8. Tree T0458 is a beech tree which the arboricultural reports state is in a poor condition. However, whilst the bore tests indicate decay, its removal is not recommended on safety grounds. Although the tree is not good quality in terms of its form and shape, it does have amenity value as part of the group and whilst it should be monitored, from all that I have read and seen, I consider that the tree could continue to contribute to the amenity of the group for a reasonable period.
9. Beech tree T0460 is identified as a well-formed healthy mature tree without significant decay. I observed that the tree is of significant amenity value in its own right and as part of the group, and note from the arboricultural reports that it could continue to contribute to amenity for many years to come.
10. Tree T0462 is an ash tree situated towards the front of the site. Whilst the tree is not noted as experiencing decay, I concur with the appellant that it does not have good shape or form. It does however contribute positively to amenity of the area as part of the group of trees and has the potential to do so for a reasonable time into the future.
11. Tree T0463 is a large beech tree situated on the Birtley Lane frontage of the site. The parties agree that it is a prominent tree with a good form and at my site visit I noted that it has significant amenity value, especially to the streetscene. On the balance of evidence, I do not find the loss of this tree due to its condition, unavoidable and am not convinced that the tree requires to be felled for safety reasons in the absence of any detailed consideration of possible remedial works. Whilst there is some discussion in the evidence regarding potential remedial and mitigation measures, no details have been provided.
12. I find therefore that trees T0458, T0460, T0462 and T0463 together have significant amenity value as part of a group, with T0460 and T0463 having high individual amenity value. Whilst the trees have generally grown in close proximity and have uneven crowns and trunks, on the balance of evidence, I do not agree that trees T0458, T0460 and T0462 will need to be felled and replaced soon. Whilst tree T0463 has issue with decay, I am not convinced that its immediate loss is unavoidable in the absence of consideration of remedial works.

13. The proposed dwelling would be sited in close proximity to the retained protected trees and I note it would overlap the root protection area shown for tree T0459 which is a large dominant specimen beech with high amenity value, with an estimated remaining contribution of between 20 and 40 years.
14. I must have regard to the long term future of the retained protected trees and consider that with trees growing in such close proximity to the proposed dwelling, there might be future pressure to top, lop or fell the trees due to damage such as from root spread or on safety grounds. Whilst I have considered the appellants comments in this regard and that any such proposals for works to the protected trees would require consent, the erection of the proposed dwelling would nevertheless increase the prospect of such pressure and weighs against the proposal. Whilst the appellants state they wish to live in the dwelling, I must have regard to all future occupiers.
15. I have taken into account the appellants comments about the design of the modest sized dwelling, the design policies of the Framework and development plan cited, but consider that overall, the scheme would be harmful to the character and appearance of the area. I note that whilst the Councils Urban Design Unit did not object to the proposal, the Councils objections relate to arboricultural matters.
16. The appeal scheme includes the planting of 7 trees around the periphery of the appeal site. Whilst such planting would go some way to mitigating the proposed loss of protected trees, the new trees would take time to grow to maturity and the harmful effects of the loss of protected trees would be significant for many years. The appellants suggest that the proposal could be low impact in respect of the trees such as through the use of screw foundations. However, I have not been provided with sufficient details to consider. I also note that a number of the trees would benefit from works as identified, but have not been convinced that such works could only be achieved as a result of the appeal scheme.
17. The appeal scheme would, through the removal of protected trees and prospect of future pressure to top, lop or fell the retained trees, have an unacceptable effect of the character and appearance of the area. The proposal conflicts with Policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 which are concerned with place making and green infrastructure and the natural environment respectively. It also conflicts with saved policies ENV3 and ENV44 of the Gateshead Unitary Development Plan which are concerned with character and design and woodland, trees and hedgerows respectively.

Other matters

18. I have regard to the small contribution that the dwelling would make to housing supply and comments in respect of the new homes bonus. The appellants refer to the Written Ministerial Statement: Planning for Growth, but the revised Framework, in basis terms, is now the Government's statement of national planning policy. Whilst it may be possible to erect buildings on the site under permitted development rights, the trees are protected and therefore such permitted development should not have adverse effects on their amenity value.

Conclusion

19. For the above reasons and having had regard to all matters raised, I conclude that the appeal should fail.

Philip Lewis

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/00562/HHA	Glen View Stannerford Road Clara Vale Ryton NE40 3SN	Two side extensions, rear extension and replacement of roof. Demolition of existing garage to create driveway.	Written	Appeal Dismissed
DC/17/01087/FUL	Woodlands Birtley Lane Birtley DH3 2LR	The felling of 5 Tree Preservation Order (TPO) trees and the replacement with 7 new trees and the erection of a Use Class C3 detached dwelling-house, with three bedrooms and two floors (one within pitched roof void) on existing rear garden lands, with associated new access, hardstandings and car parking spaces (as resubmission and re-siting of DC/16/1289/FUL)	Written	Appeal Dismissed
DC/17/01358/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill	Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access	Written	Appeal in Progress

	NE11 9XE			
DC/18/00105/FUL	Smileys Car Wash Nobles MOT Centre Sunderland Road Gateshead	VARIATION OF CONDITION 2 (Hours of Operation) of permission DC/12/00577/COU to allow opening Mon - Sat 08:00 -18:000 and Sunday 09:00 - 18:00 (currently limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays)	Written	Appeal in Progress
DC/18/00244/ADV	592-596 Durham Road Gateshead NE9 6HX	Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation.	Written	Appeal in Progress
DC/18/00390/GPDE	31 Calder Walk Sunniside Newcastle Upon Tyne NE16 5XS	Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, with a maximum height of 3.9m, and eaves height of 2.8m.	Written	Appeal in Progress
DC/18/00440/TPO	9 Axwell Park Road Axwell Park Blaydon NE21 5NR	Felling of one Sycamore tree in garden of 9 Axwell Park Road.	Written	Appeal in Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

10 October 2018

TITLE OF REPORT: Planning Obligations

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there has been **one** new payment received in respect of planning obligations:

DC/16/01288/FUL - £60,000 paid for Highways contribution prior to occupation of Food Store.

North Eastern Co-Op Society Ltd, High Street, Gateshead NE9 7JR
Erection of foodstore (1,254sqm net) landscaping, parking and associated works following demolition of existing foodstore. (Amended 02.03.2017).

5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 10 October 2018.

Recommendations

6. It is recommended that the Committee note the report.

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations