

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 (Intel 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.

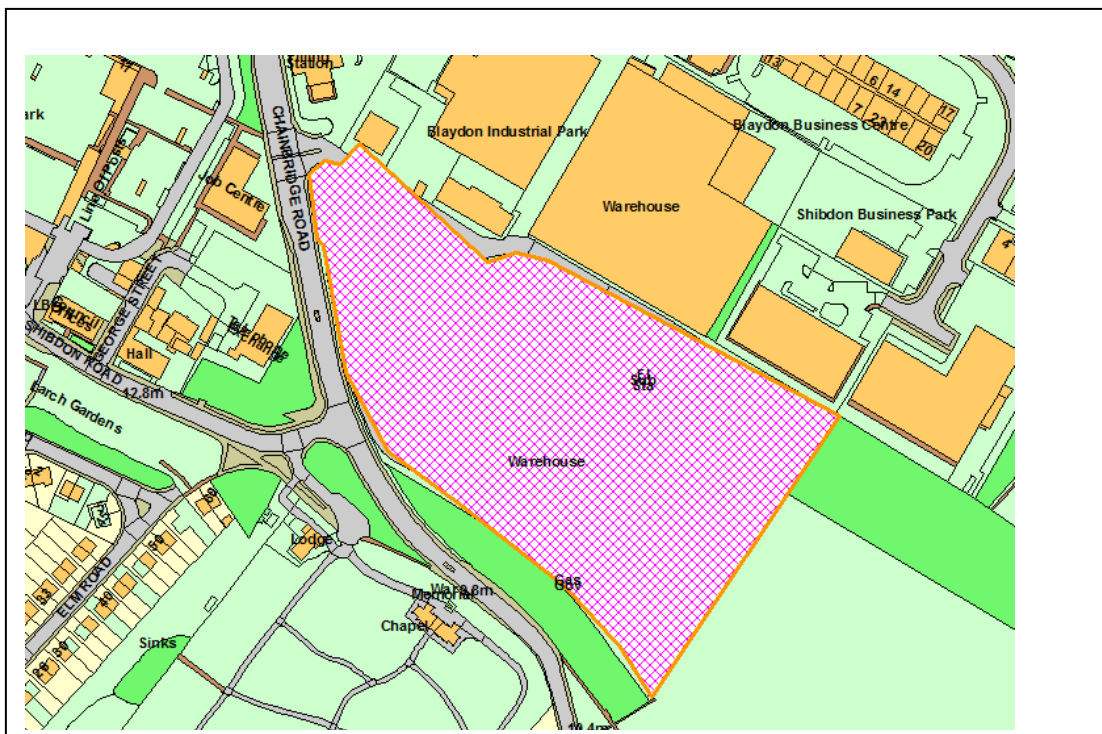
4

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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APPENDIX 1