

**Committee Report**

<b>Application No:</b>	<b>DC/19/00773/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>31 July 2019</b>
<b>Applicant</b>	<b>The Metrocentre Partnership</b>
<b>Site:</b>	<b>Unit 6 Cameron Retail Park Metro Centre Gateshead NE11 9XU</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Demolition of existing retail unit and erection of new retail unit, extension of existing service yard and other associated works.</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO FINAL CONSIDERATION OF TRANSPORT STATEMENT AND NO OBJECTION BEING RECEIVED FROM HIGHWAYS ENGLAND</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF APPLICATION SITE**

1.2 The application site is unit 6, a vacant retail unit at the south end of the terrace of retail units which form Metro Retail Park at the Metrocentre. The unit was last occupied by Toys R Us. The unit became vacant at the end of April 2018.

**1.3 DESCRIPTION OF APPLICATION**

1.4 This planning application has been submitted on behalf of intu (The Metrocentre Partnership) to demolish the vacant Toys R Us retail unit and replace it with a new retail unit. The covering letter submitted with the application explains that intu has marketed the site since it became vacant and that interest has been expressed from retailers wishing to occupy this location in a new replacement unit. This application has been submitted to respond to this interest. The end occupy / future tenant of the new building is not known at this stage.

1.5 The new retail unit will have a smaller footprint to the existing retail unit. It will however include a larger internal mezzanine floor than the one installed in the existing unit. The existing retail unit measures 5,034 sqm (gross internal area). The proposed retail unit will measures 6,724 sqm (gross internal area). As a result of the additional mezzanine floor space the overall size of the replacement building will be 1,690 sqm (gross internal area) larger.

1.6 The planning application has been submitted with the following supporting information.

- Covering Letter/ Supporting Statement
- CIL forms
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Ground Conditions Report
- Transport Statement dated July 2019
- Transport Statement updated October 2019

### 1.7 PLANNING HISTORY

The Toys R Us unit was built as part of the Metro Retail Park which was constructed under the terms of the Gateshead No2 (Cross Lane/Dunston) Enterprise Zone scheme. The Enterprise Zone scheme limits the sale of food, drink and tobacco within shop units to no more than 250 square metres. Otherwise there is currently no restriction or limitation on the retail use of this site, the range of goods permitted to be sold or the size of the retail unit.

### 2.0 Consultation Responses:

Northumbria Water Has no comments to make.

Highways England Recommend that the application is not determined for a period of 3 months until 15 November 2019 to allow the applicant and Gateshead Council to address their comments on the Transport Statement dated July 2019.

Awaiting comments on the updated Transport Statement dated October 2019.

### 3.0 Representations:

3.1 The Council sent neighbour notification letters to 7 surrounding businesses, as well as displaying 4 site notices around the site during August 2019. A notice also appeared in the Newcastle Journal on 14 August 2019. No representations have been received.

### 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV54 Dev on Land Affected by Contamination

T1 Transport req for New Developments

RCL1 Retail Hierachy

RCL8 The MetroCentre

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

AOC2 Metrogreen

## **5.0 Assessment of the Proposal:**

5.1 The main planning issues are considered to be the principle of locating a new retail store at this out of centre location, the design of the unit, highway issues, the potential for contaminated land and flood risk/ drainage issues.

### **5.2 PROPOSED DEMOLITION**

5.3 There is no objection to the demolition of the existing retail building which is currently vacant and outdated in its appearance.

### **5.4 ECOLOGY ISSUES**

5.5 The site is located within 500 metres of 3 Local Wildlife Sites – Tidal River Derwent, The River Tyne and Cross Lane Meadows. No ecological information has been submitted with the planning application. The Council's Ecologist has however assessed the proposed development and confirmed that the site is of low ecological value, given that it is dominated by a single large retail building of modern construction with areas of hardstanding. Council officers are therefore of the opinion that due to the recent modern construction of the building, the

lack of nearby high quality foraging habitat and the impact of artificial lighting that the existing building to be demolished is likely to pose a negligible risk for bats. It is therefore considered that the proposed development is unlikely to have a significant adverse impact either directly or indirectly on designated ecology sites and / or ecological connectivity.

5.6 It is therefore considered that the proposal is acceptable from an ecology point of view and accords with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Unitary Development Plan (UDP) and policy CS18 of the Core Strategy and Urban Core Plan (CSUCP).

## 5.7 RETAIL ISSUES

### 5.8 Retail Planning Policy

The site is situated within Metro Retail Park, adjacent to the Metrocentre, which is not identified as a centre in the Council's retail hierarchy as set out in the Local Plan. Policy CS7 of the CSUCP supports the role of the Metrocentre with proposals being assessed in line with national planning policy.

5.9 This planning application proposes the replacement of an existing retail unit formerly occupied by Toys R Us. The proposal would therefore not result in any additional retail units at the Metrocentre / Retail Park but rather provide a replacement retail unit to attract a new occupier. There would be an increase of 1,690 sqm in gross internal retail floor space as a result of a proposed larger mezzanine floor.

5.10 The site is in an out of centre location. Therefore policy CS7 of the CSUCP requires a proportionate assessment of retail impacts for the proposal. A covering letter / supporting statement has been submitted as part of the planning application which includes a proportionate assessment, in addition to a sequential assessment which considers if the proposal could be accommodated on a more sequentially preferable site.

### 5.11 Impact On Other Centres

To assess the potential impact from the proposed development the starting point is to understand the potential increase in turnover resulting from the net increase in retail floor space. The submitted information estimates that additional turnover from the proposal to be around £7.6 million pa based on average turnover density sourced from Mintel (which would be less for bulky goods retailers). Diversion expenditure will be dispersed given the extent of the Metrocentre catchment area, including facilities in similar out of centre retail parks. National planning guidance notes that retail uses tend to compete with their most comparable competitive facilities.

5.12 Council officers therefore accept that whilst the proposal is not an insignificant increase in retail floor space, in an out of centre location, impact on existing centres are likely to be minimal.

### 5.13 Assessment of Potential Alternative Sites

In terms of the sequential test the submitted covering letter / supporting statement examines whether the proposal could be accommodated on a more sequentially preferable site including within Gateshead Town Centre and Blaydon District Centre. The applicant notes the difference in the role of the Metrocentre compared to the Town Centre and Blaydon District Centre. The latter serving smaller more localised catchments and therefore not suitable locations in terms of serving the needs of the potential occupiers that the proposed unit is aimed at. On this basis Council officers accept that there are no sequentially preferable units or sites within the town centre or Blaydon Centre.

5.14 Council officers therefore consider the proposed development to be acceptable from a retail policy point of view. The potential impact on existing centres is likely to be minimal and there are no suitable sequentially preferable sites. The proposed development will also assist in supporting the role of the Metrocentre by providing a flagship new store for a retailer serving a regional catchment area. It is therefore considered that the proposal accords with the aims and objectives of the NPPF and policy CS7 of the CSUCP.

#### 5.15 METRO GREEN AREA OF CHANGE

5.16 The site is situated within the Metro Green Area of Change. Policy AOC2 of the CSUCP relates to the Metro Green Area of Change and sets a commitment to preparing an Area Action Plan (AAP) to guide development of the land in the area for residential, commercial and office uses. The AAP has not been produced to-date. Policy AOC2 states that proposals in advance of the AAP should not prejudice the development of the area. Given the nature of this proposal as a replacement retail unit Council officers are of the opinion that the proposal will not have any material impact on or prejudice the completion of the Area Action Plan or the delivery of the Metro Green vision.

#### 5.17 DESIGN ISSUES

5.18 The submitted Design and Access Statement explains the design approach to the proposed new building and shows how the development will result in improvements to the character and appearance of the site and surrounding area.

5.19 The proposed building is of a contemporary and modern design. The basic form of the new building is cuboid and this form is carried through all elements of the proposed building design. External materials include large areas of glazing, brick walls, light grey cladding, as well as a large sculptural / decorative feature which is a large expanse of perforated bronze metal, which can be backlit to create visual interest.

5.20 The proposed new building replicates and slightly reduces the footprint of the existing building. The parapet height of the new building is the same as the adjacent unit occupied by Oak Furniture Land. Customer entrances are provided to both the main frontage on the east elevation and to the south elevation. The entrance canopy proposed on the east elevation will be higher in

height to provide an entrance feature to the unit. The existing service bay to the rear of the unit is to be removed and is to be replaced with an open sprinkler and plant enclosure.

- 5.21 Council officers consider that the proposed size, design and materials of the proposed unit will result in a high quality design which is appropriate for a new commercial retail building, within a commercial area of the Metrocentre. The submitted Design and Access Statement explains that the redevelopment of this site will create an opportunity for a new landmark retail unit that will not only be fit for purpose in attracting a new tenant but will also take the opportunity to lift the design standard and replace a poor quality outdated building
- 5.22 A planning condition has been recommended (CONDITION 11) to ensure that the external materials specified on the submitted drawings are used in the interest of good design. Subject to the above planning condition the proposal is considered to be acceptable from a design point of view and accords with the design aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.23 AMENITY
- 5.24 Given that the proposed development is for a retail building, within a retail park, surrounding by other commercial and retail uses Council officers are of the opinion that it is not necessary to control the hours of construction works or hours of opening by planning conditions.
- 5.25 The proposal is therefore considered to be acceptable from an amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.26 FLOOD RISK / DRAINAGE ISSUES
- 5.27 A Flood Risk Assessment and Drainage Strategy have been submitted as part of this planning application. National and local planning policies advise that development should be directed towards the areas at the lowest risk of flooding. The application site is located within Flood Zone 1 (area of lowest risk). It is therefore considered to be an appropriate location for the proposed retail redevelopment.
- 5.28 The Drainage Statement sets out a series of measures to manage foul and surface water drainage on the site. The drainage hierarchy has been followed and practical/feasible options for managing surface water runoff have been considered. A range of measures are proposed as part of the new development to achieve betterment in surface water run off rates, including permeable paving to the south and east of the building and the use of oversized pipework to store greater volumes of water runoff from the roof area of the building. A drainage operation and maintenance plan has also been provided as part of the submitted Drainage Strategy which is considered to be acceptable by Council officers.

- 5.29 The submitted documents show that development is acceptable from a flood risk point of view both to the site and to the surrounding area. The documents also show that a suitable drainage scheme can be provided for the new development which minimises and controls surface water run off.
- 5.30 A number of planning conditions (CONDITIONS 12-13) have been recommended to ensure the proposed drainage scheme is provided prior to the new store opening and the maintenance of the drainage system once installed.
- 5.31 Subject to the above drainage conditions the proposed development is considered to be acceptable from both a flood risk and drainage point of view. It is therefore considered that the development accords with the aims and objectives of the NPPF and policy CS17 of the CSUCP
- 5.32 POTENTIAL FOR CONTAMINATED LAND
- 5.33 Council officers consider that the site is likely to be contaminated due to historic uses. A Phase 1 desktop ground conditions report has been submitted as part of the planning application. This report considers the ground conditions at the site and the potential for land contamination. The report recommends that a ground investigation will be required to assess the risks of contamination and if any remediation measures are required. Council officers agree with this recommendation.
- 5.34 It is therefore considered that a number of planning conditions (CONDITIONS 3-7) are necessary to require site investigations, a remediation strategy where required, a verification report if required, as well as controlling any unidentified contamination that may be discovered on the site.
- 5.35 Subject to these conditions, it is considered the proposed development would be acceptable from a contaminated land point of view and would 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.
- 5.36 TRANSPORT ISSUES
- 5.37 A Transport Statement dated July 2019 was submitted with the planning application. This Transport Statement examines the potential vehicle movements associated with the proposed development and whether they could be accommodated on both the adjacent A1 and the local roads surrounding the Metrocentre.
- 5.38 Highways England have been consulted as the site is adjacent to the A1. Highways England responded on 15 August 2019 stating that the information provided was insufficient for Highways England to be able to assess the impact of the proposed development. Highways England therefore recommended that the planning application is not determined for a period of 3 months until 15 November 2019 to allow the applicant to address their detailed comments

- 5.39 A revised Transport Statement dated October 2019 was submitted on 11 October 2019 to address the comments made by Highways England. Highways England have been reconsulted and the Council is currently awaiting their response.
- 5.40 The Council is also currently reviewing the updated Transport Statement dated October 2019.
- 5.41 An update on the highway issues will therefore be reported to the Planning Committee.
- 5.45 **COMMUNITY INFRASTRUCTURE LEVY**
- 5.46 On 1<sup>st</sup> 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 a retail development which is located within Commercial Charging Zone 2. Currently there is a levy of £50 per square metre for this type of development for the additional floorspace to be created. The application has been accompanied by the requisite CIL forms and the CIL charge has been calculated as approximately £84,500.

## **6.0 CONCLUSION**

- 6.1 This planning application will enable a vacant site to be brought back into use with a development of a high standard of design.
- 6.2 The Council is considering an updated Transport Statement and awaiting comments from Highways England to confirm whether the revised Transport Statement dated October 2019 has addressed their earlier comments.

## **7.0 Recommendation:**

That permission be GRANTED SUBJECT TO FINAL CONSIDERATION OF THE TRANSPORT STATEMENT AND NO OBJECTION BEING RECEIVED FROM HIGHWAYS ENGLAND and 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 -

2062-X01-D	Location plan as existing
2062-P01	Site/GF plan as proposed
2062-P02	Mezzanine floor as proposed
2062-P03	Roof as proposed
2062-P04	Elevations as proposed
2062-P05	Elevations as proposed
2062-P06	Sections as proposed

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 shall commence (other than the demolition of the existing building) until a Phase 2 intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings has been submitted to and approved in writing by the Local Authority.

The site investigation shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use. 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.

Reason

In ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1(p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

4

No development shall commence (other than the demolition of the existing building) until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by 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.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

5

The development shall be carried out in full accordance with the scheme and timetable approved under condition 4.

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

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason For Pre Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations and remediation works after development has commenced on constructing the new building.

6

Following completion of the remediation measures approved under condition 4, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the

Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

7

In the event that contamination is found at any time when carrying out the 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 and implemented. 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 are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

8

No cycle parking facilities shall be provided at the site until a scheme for the provision of secure and weather proof cycle parking facilities for staff and visitors which includes the number, specification and location of the cycle facilities has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

9

The cycle parking facilities approved at condition 8 shall be provided at the site prior to the building being brought into use and shall be retained thereafter.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

10

Prior to the unit hereby approved being brought into use, evidence shall be submitted to and approved by the local planning authority of the measures being taken to reduce car usage and increase the use of

public transport, walking and cycling amongst occupiers of the unit, in line with the measures set out in the intu Metrocentre Travel Plan, March 2013 (or any subsequent update). The evidence shall include:

- Measures taken to raise awareness of the objectives and actions set out in the intu Metrocentre Travel Plan.
- Measures taken to offer the opportunity for personalised journey planning for each member of staff within the unit.

The evidence shall also include details of the timescales within which the travel plan measures are to be implemented. Evidence of travel plan measures being successfully implemented shall be submitted to and approved in writing by the Local Planning Authority within 12 months of occupation of the approved unit. At all times thereafter, the Travel Plan measures which have been implemented within the unit shall remain in operation.”

#### Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

11

The development hereby permitted shall be constructed entirely of the external materials detailed and shown on drawings :

Elevations as proposed	2062-P04	dated 18/07/19
Elevations as proposed	2062-P05	dated 18/07/19

#### Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policy ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

12

The approved drainage scheme as shown in figure 5 of the Drainage Statement by Cundall (document reference : 1022004.RTP.CL.002 Revision C dated 19 July 2019) shall be fully provided on site prior to the development being brought into operation.

#### Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

13

The drainage at the site shall be operated and maintained in accordance with the Operation and Maintenance Plan in section 4.2.2 on pages 11 - 12 of the Drainage Strategy by Cundall (document reference : 1022004.RTP.CL.002 Revision C dated 19 July 2019).

Reason

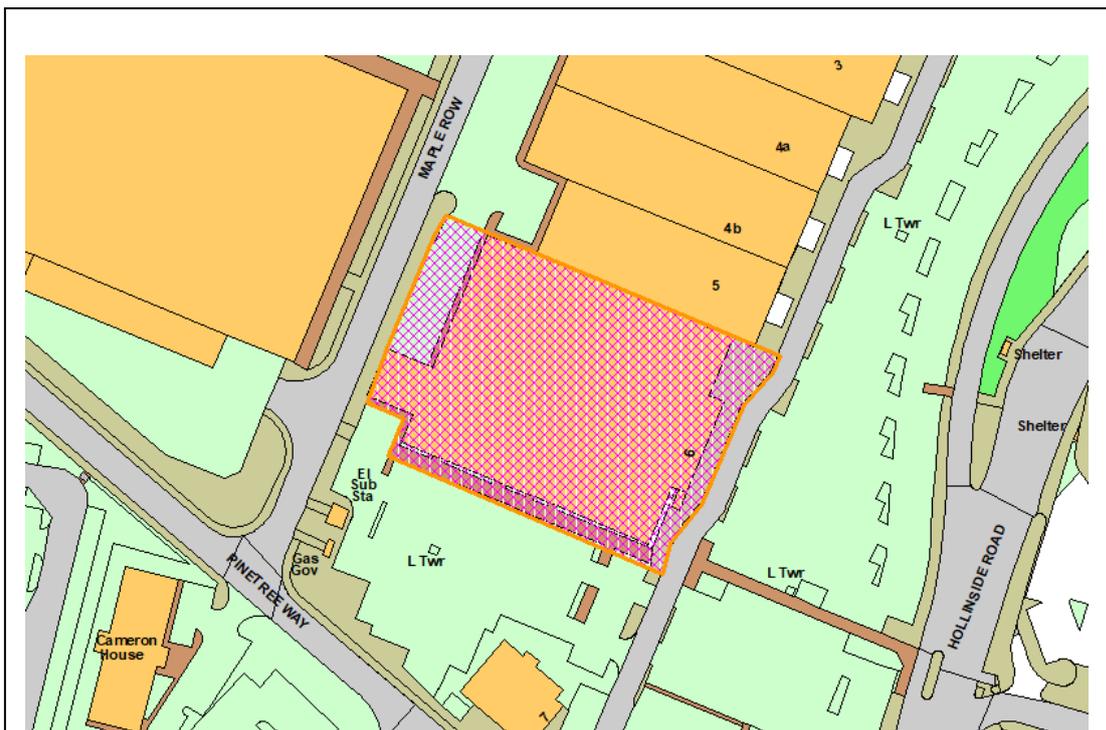
To ensure the correct functioning of the drainage system in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

14

The development hereby approved shall be used for the sale of any goods except food, drink or tobacco for consumption off the premises where such sales exceed 250sqm of gross floor area of the retail unit. The operation of any café or restaurant selling hot or cold food and drinks for consumption on or off the premises shall at all times remain ancillary to the Class A1 retail use of the unit.

Reason:

In order to protect the viability and vitality of retail centres and to limit the impact on the highway network in accordance with the NPPF and the adopted Core Strategy and Urban Core Plan.



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