

Committee Report

Application No:	DC/21/00526/COU
Case Officer	Rebecca Norman
Date Application Valid	26 April 2021
Applicant	The Metrocentre Partnership
Site:	Metrocentre Unit 128 (Former Argos Unit) Lower Yellow Mall Gateshead NE11 9YG
Ward:	Whickham North
Proposal:	Change of use from retail (use class E) to a mixed use comprising leisure uses including motorised vehicles (electric go karting) and food and drink (sui generis) with further ability to change to retail (use class E(a)) or food and drink (use class E(b)) within a 10 year period (revised description 07.06.2021)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The application relates to floor space within Unit 128 of the MetroCentre. The unit was previously occupied by the retailer Argos however is currently vacant. The unit comprises a floor space of 3035msq.

1.2 DESCRIPTION OF APPLICATION

The application proposes the change of use of the unit from retail (Use Class E(a)) to a mixed use described as an active entertainment venue comprising leisure uses including a sports bar and restaurant and activities including electric go karting and e-sports (Sui Generis).

1.3 In addition, the application seeks planning permission to be able to revert from the proposed leisure use to a retail use (Use Class E(a)) or food and drink use (Use Class E(b)) within a period of 10 years.

1.4 The application seeks the change of use of the unit only; any internal arrangements shown on the submitted plans are therefore for illustrative purposes only. The application does not include any external alterations to the MetroCentre complex or any changes to car parking arrangements.

1.5 RELEVANT PLANNING HISTORY

None relevant to this application.

2.0 Consultation Responses:

None undertaken.

3.0 Representations:

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

3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

AOC2 Metrogreen

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

5.0 Assessment of the Proposal:

5.1 The main planning issues to be taken into consideration in the assessment of this application are the principle of the development, impacts upon highways/transport, impacts upon amenity and CIL.

5.2 BACKGROUND

Under the new Use Classes Regulations introduced in 2020 (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) retail (Use Class A1), food and drink (Use Class A3) and assembly and leisure (Use Class D2) all now fall within Use Class E. Under Class E, the change of use between retail, food and

drink and leisure uses (alongside other uses included within Class E) or a mixed use comprising two or more Class E uses does not require planning permission.

- 5.3 As set out in the supporting Planning Statement, Use Class E specifically excludes indoor sport and recreation uses involving motorised vehicles. Planning permission is therefore required in this specific instance solely because the proposed change of use includes electric go karting; if the proposed use were to exclude electric go karting then planning permission would not be required for the change of use as the other proposed uses (leisure and food and drink) would all fall within Use Class E. Officers therefore consider that this represents the fallback position in this case.
- 5.4 **THE PRINCIPLE OF THE DEVELOPMENT**
The application relates to the change of use of existing retail floor space within the MetroCentre, which is an established retail and leisure destination.
- 5.5 Policy CS7 of the Local Plan for Gateshead supports the role of the MetroCentre as an existing out-of-centre shopping destination. The proposed development would enable a vacant unit to be occupied and meet changes in customer demand for leisure activities, sustaining the role of the MetroCentre as a regional shopping destination.
- 5.6 Policy CS8 of the Local Plan for Gateshead requires leisure development to be focussed within the Urban Core and at other accessible locations. Local Plan policy AOC2 identifies the MetroCentre within a broader area of change (MetroGreen) in which leisure use is broadly acceptable.
- 5.7 The preferred approach to leisure provision at MetroGreen as set out in the Council's Options Report published in November 2015 is to concentrate leisure uses around the MetroCentre and Public Transport Interchange to encourage longer dwell times (length of visits) and use of public transport, rather than creating more car trips to the area.
- 5.8 In terms of the location of the proposed leisure use the proposal is therefore aligned with Local Plan policies CS8 and AOC2 and the preferred approach to leisure emerging at MetroGreen.
- 5.9 The application is supported by a Planning Statement which considers the impacts of the proposed development on existing town centres and details the business model of the proposed use, noting the benefits of the proposed location relative to alternative locations, as required by Local Plan policies CS7.4 and MSGP7. This identifies a growth in population and leisure expenditure within the catchment to 2029 of 3% and 17% respectively.

- 5.10 Officers are of the view that the proposed change of use is unlikely to result in a negative impact on the vitality and viability of existing centres within the Borough as in reality the impact will be spread out, including on other leisure facilities within the MetroCentre, and will be outweighed by overall growth in expenditure. Whilst the application does not include a detailed assessment of the impact of the proposed change of use upon the Urban Core, which is a suitable sequentially preferable location, there is support for leisure uses at MetroGreen and the proposed development would enable the re-use of a large vacant unit in an established leisure destination and Officers therefore consider that this is acceptable in principle.
- 5.11 The application also seeks planning permission for a 'dual consent' that would allow the unit to change to a retail use (use class E(a)) or food and drink use (use class E(b)) within a period of 10 years from the date of the grant of planning permission.
- 5.12 The provisions set out within Part 3 Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015 allow for a change of use *"from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted"*, provided that the change of use occurs within 10 years after the grant of planning permission and that it would not result in the breach of any conditions attached to that consent.
- 5.13 It is considered that the alternative uses proposed by the 'dual consent' would be acceptable in principle in this location.
- 5.14 Having regard for the above assessment Officers consider that the proposed development would have the potential to create economic benefits, would provide investment that will continue to support the MetroCentre and would be in a highly accessible location. It is therefore considered that the proposal would be in conformity with the NPPF and Local Plan policies CS7, CS8 and AOC2.
- 5.15 HIGHWAYS/TRANSPORT
NPPF Paragraph 109 states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.16 Highways Officers have considered the application and have requested the submission of additional information detailing proposed opening hours, trip generation and operational details relating to the proposed electric go karting use. Having due regard for what Officers consider to be the fallback position in this case (in which planning permission would not be required for a change of use to a mixed leisure use that excluded electric go karting) and the context of the site within an established and accessible leisure destination with

existing car parking and public transport connections it is however considered that, on balance, the additional information requested would not be reasonable or necessary to ensure the acceptability of the proposed development in planning terms.

5.17 In order to promote sustainable travel, in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead, conditions are recommended to be imposed requiring the submission of a Travel Plan (CONDITIONS 3-4).

5.18 On balance, subject to the conditions recommended above, Officers therefore consider that the proposed development would not conflict with the highway aims and objectives of the NPPF and Local Plan policies CS13, MSGP14 and MSGP15.

5.19 **IMPACTS UPON AMENITY**

The application does not propose any physical alterations as part of the proposed development and would therefore have no impact upon the visual amenity of the site or surrounding area.

5.20 The proposed change of use is considered to be commensurate with the established retail and leisure uses contained within the MetroCentre and would not give rise to any detrimental impact upon residential amenity or the amenity of nearby commercial premises.

5.21 The development is considered to accord with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 in these respects.

5.22 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted subject to conditions as the proposed development is considered to be acceptable in principle and would comply with the aims and objectives of the NPPF and the relevant policies of the Local Plan for Gateshead.

7.0 Recommendation:

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

1

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

Drawing Number N201517-D09-01

Drawing Number N201517-A09-01

Drawing Number N201517-A02-01

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

Within three months of the date of the first opening of the premises to the public for the use hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall outline measures being taken to reduce car usage and increase the use of public transport, walking or cycling and how this accords with measures being delivered as part of the MetroCentre Travel Plan, March 2013 (or any subsequent update).

The Travel Plan shall include:

- Clearly defined objectives, targets and indicators;
- Details of proposed measures;
- A detailed timetable for implementing measures;
- Proposals for maintaining momentum and publicising success;
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the Plan.

Reason

In order to promote sustainable travel in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead.

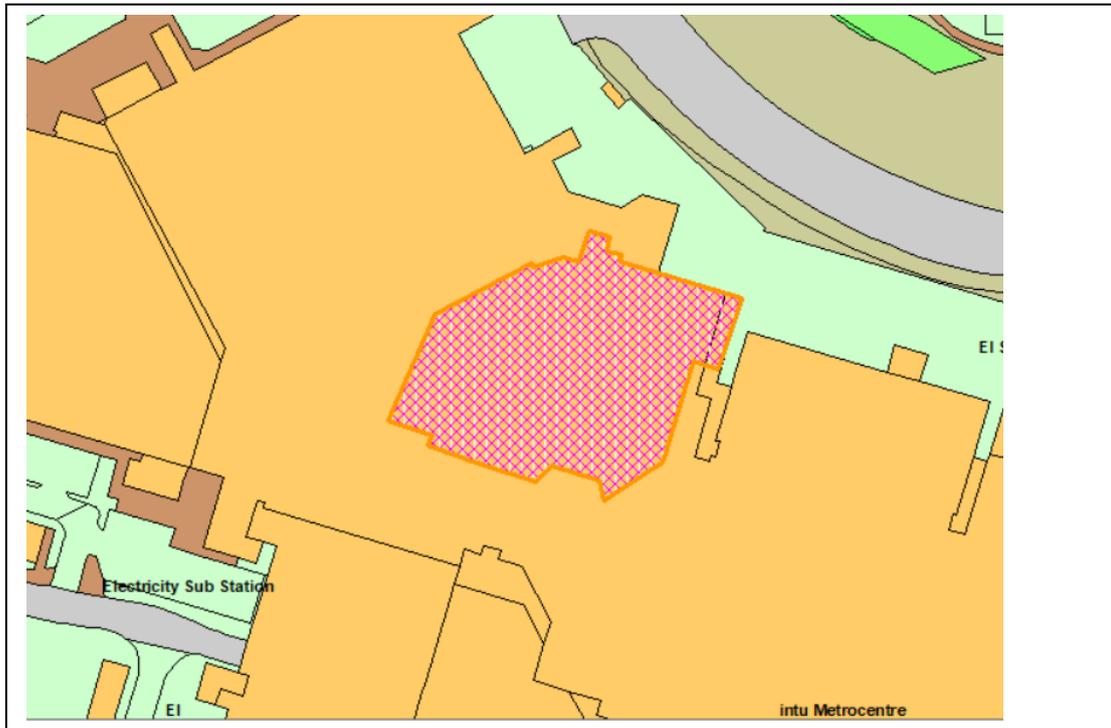
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Evidence of the implementation of the Travel Plan approved under condition 3 over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to promote sustainable travel in accordance with the NPPF and policies MSGP14 and CS13 of the Local Plan for Gateshead.



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