

Committee Report

Application No:	DC/21/01454/FUL
Case Officer	Ryan Cowley
Date Application Valid	17 December 2021
Applicant	The Metrocentre Partnership
Site:	Former Toys R Us Unit Metro Retail Park Pinetree Way Gateshead NE11 9XU
Ward:	Whickham North
Proposal:	Demolition of existing retail unit and erection of a replacement retail unit(s) with associated parking, delivery and service areas.
Recommendation:	GRANT subject to the resolution of outstanding highway and drainage matters
Application Type	Full Application

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

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 in April 2018, when 'Toys 'R' Us' ceased trading.

1.2 DESCRIPTION OF APPLICATION

This planning application has been submitted on behalf of The Metrocentre Partnership to demolish the vacant Toys R Us retail unit and replace it with a row of 3no. replacement retail units (Units A, B and C).

1.3 The supporting Planning Statement submitted with the application explains that the applicant has marketed the site since it became vacant and that interest has been expressed from retailers wishing to occupy this location in new replacement units. This application has been submitted to respond to this interest.

1.4 The replacement building is of a contemporary design, featuring double height glazing to the front and side with dark granite vertical piers, metal louvres and bronze coloured flat cladding panels. The proposal also features a contemporary flat roof design with canopy and has a total height of approximately 8.8 metres, matching that of the existing retail units in the retail park.

1.5 The replacement building measures approximately 43.5 metres by 57.5 metres externally, however will have a smaller footprint overall than that of the existing building. The existing building covers a ground floor area (measured externally) of approximately 4,150 sqm, whereas the replacement building covers a

ground floor area (measured externally) of just 2,500 sqm (approx.), within the existing footprint.

- 1.6 Each of the replacement units will however include a larger internal mezzanine floor which will be used as retail floorspace, compared to the smaller mezzanine installed in the existing unit and used as storage. The existing retail unit measures 5,034 sqm (gross internal area, including mezzanine). The proposed replacement retail units will have a combined gross internal area of 4,411 sqm split across the three units as follows;

Unit A - 1,765 sqm (929 sqm ground floor, 836 sqm mezzanine)

Unit B - 1,323 sqm (696 sqm ground floor, 627 sqm mezzanine)

Unit C - 1,323 sqm (696 sqm ground floor, 627 sqm mezzanine)

- 1.7 Despite the additional mezzanine floor space, the replacement units will in fact constitute a reduction in the overall gross internal area of the building of approximately 623 sqm.

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

- Planning and Economics Statement
- CIL forms
- Design and Access Statement
- Flood Risk Assessment
- Drainage Strategy
- Preliminary Geo-environmental Risk Assessment
- Transport Statement

1.9 **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.

- 1.10 The following recent planning history is considered to be relevant to the current application;

DC/19/00773/FUL - Planning permission was granted on 7th November 2019 for demolition of existing retail unit and erection of new retail unit, extension of existing service yard and other associated works. This permission has not been implemented however remains valid for 3 years (until November 2022).

2.0 Consultation Responses:

Northumbria Water No representations received.

Northumbria Police	No representations received.
Tyne And Wear Fire and Rescue Service	The Fire Authority have no objections to this proposal. Advice provided with respect to building regulations requirements and fire safety measures. Further comment will be made on receipt of a Building Regulations submission.
National Highways	The proposed development has no greater trip making potential than both the former and consented uses and, therefore, National Highways would not wish to offer any objection to the proposals.
Coal Authority	As the site falls within the Development Low Risk Area (DLRA) there is no requirement for The Coal Authority to be consulted. If foundations are required, such as piles, which disturb or pass-through coal seams then this may require a permit from the Coal Authority Permissions and Licensing team. As part of the permit process the technical matters associated with proposals are considered.

3.0 Representations:

- 3.1 The Council sent neighbour notification letters to 24 surrounding businesses, as well as displaying 2 site notices in January 2022. A notice also appeared in the press on 26th January 2022.
- 3.2 No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

MSGP6 Retail and Other Uses in Centres

MSGP7 Retail and Leisure Impact Assessment

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

5.0 Assessment of the Proposal:

- 5.1 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the impact on highway and pedestrian safety, the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), the amenity and privacy of neighbouring land users, ecology and nature conservation, flood risk and drainage and contaminated land. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Site Allocations and Retail Planning Policy

- 5.2 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 policy CS7 of the CSUCP. Policy CS7 does however acknowledge the role of the Metrocentre, as an existing out-of-centre regional shopping destination and stipulates that this will be sustained and supported with proposals being assessed in line with national policy.

- 5.3 This planning application proposes the replacement of a single existing retail unit formerly occupied by Toys R Us with 3 smaller retail units. The proposal would therefore result in 2 additional retail units at the Metrocentre / Retail Park, albeit there would be a reduction in the overall retail floor space.
- 5.4 The site is in an out of centre location. Therefore Local Plan policies CS7 and MSGP7 require a proportionate assessment of retail impacts for the proposal. A supporting Planning and Economics Statement has been submitted as part of the planning application which includes a sequential assessment which considers if the proposal could be accommodated on a more sequentially preferable site, as well as a retail impact assessment that considers the impact of the proposed development on the vitality and viability of existing centres.
- 5.5 In terms of the sequential test the submitted 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.
- 5.6 In terms of the potential impact from the proposed development on existing centres, the starting point is to understand the potential turnover from bringing the vacant site back into retail use. The submitted information estimates that the replacement retail floorspace could generate around £29.8 million per annum based on an average turnover density of £6,760 (which would be less for bulky goods retailers). The supporting information compares this with impacts arising from similar proposals for retail development at the Metrocentre and conclude that typically such development have been found to have a very limited or negligible impact. Overall, it is concluded that diversion in 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. It is also noted that the amount of retail floorspace that is proposed is also lower than the vacant unit, and lower than that previously approved.
- 5.7 Council officers are overall satisfied with the finding of the impact assessment and sequential test, particularly when taking into account the existence of the current unit on the site which could be re-opened at any time and the extant planning permission. 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. It is therefore considered that the proposal accords with the aims and objectives of the NPPF and policies CS7 and MSGP7 of the Local Plan.

Metro Green Area of Change

- 5.8 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.

Use Class

- 5.9 It is noted that since the previous planning permission for this site, The Town and Country Planning (Use Classes) Order 1987 has been amended to introduce Use Class E, which now encompasses a range of uses previously considered separate to one another and that were defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e).
- 5.10 Retail uses, such as the use proposed in this instance, would previously have fell under Use Class A1 however now fall under Use Class E(a). As Use Class E now covers a broader range of uses, the unit once operational would have the ability to change use to any number of other uses within the same use class without planning permission, unless restricted by planning condition.
- 5.11 The application and the impact of the proposed development have been considered on the basis of the units being in retail use, and so Council officers consider that limitations on the use of the unit should be applied in this instance to prevent other Class E uses from using the unit, without subsequent planning permission. In particular, it is considered that if Class E(d) leisure/recreation uses were to come forward these could have implications for the extent of the sequential test (ie the Urban Core and not just the retail area) and impact assessment. A condition to restrict the use to Class E(a) retail use only, as per the previous permission, is therefore recommended in order to define the permission, protect the viability and vitality of other centres and to limit the impact on the highway network.

Principle of Development Summary

- 5.12 In view of the above, the principle of the development is considered to be acceptable, subject to the identified planning condition(s) and the consideration of all other relevant material planning considerations, as set out in further detail below.

HIGHWAY AND PEDESTRIAN SAFETY

- 5.13 A Transport Statement dated December 2021 has been submitted with the planning application. This Transport Statement assessed the expected trip demands associated with the proposed development.

- 5.14 National Highways have been consulted as the site is adjacent to the A1 and have confirmed that as the proposed development has no greater trip making potential than both the former and consented uses, they would not wish to offer any objection to the proposals.
- 5.15 Notwithstanding this, whilst Council officers also considered the applicant's assessment of trip generation is acceptable due to the reduction in overall floor area, officers have requested alterations to the existing car park and further information on the proposed service yard and access arrangements. Discussions are still ongoing regarding these matters between the applicant and Council officers.
- 5.16 An update on the outstanding highway issues will be reported to the Planning Committee.

FLOOD RISK AND DRAINAGE

- 5.17 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 for flooding from rivers and the sea). The submitted Flood Risk Assessment identifies however that there is a low, medium and high risk of surface water flooding to the service yard area and a low and medium risk of surface water flooding to the car park area.
- 5.18 No comments or objections have been received from Northumbrian Water.
- 5.19 Notwithstanding this, Council officers have reviewed the submitted flood risk and drainage details and have requested further clarification from the application with regard to the modelling of the existing drainage networks and the proposed drainage arrangement. Discussions are still ongoing regarding these matters between the applicant and Council officers.
- 5.20 An update on the outstanding drainage issues will be reported to the Planning Committee.

VISUAL AMENITY OF THE SITE AND CHARACTER AND APPEARANCE OF SURROUNDING AREA (INCL. LANDSCAPING)

- 5.21 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. The statement explains that the redevelopment of this site will create an opportunity for 3 new modern units, that will attract new tenants
- 5.22 The proposed building is of a contemporary and modern design, featuring double height glazing to the front and side with dark granite vertical piers, metal louvres and bronze coloured flat cladding panels. The proposals also features a contemporary flat roof design with high level canopy feature and is of a height

matching that of the existing retail units in the retail park. The proposed new building reduces the footprint of the existing building however maintains a frontage in a similar position to the existing. Customer entrances are provided serving each of the three units along the main frontage on the east elevation. The existing service yard to the rear is to be enlarged and re-configured to include additional parking and new landscaping. A strip of new landscaping is also proposed to the front (east) of the units, adjacent to the existing car park, and to the rear (west) to delineate the rear service yard area. Small areas of existing planting will be lost along the southern elevation of the existing building and within the existing car park to the south.

- 5.23 Overall, it is considered that the proposed scale, design, materials and landscaping of the proposed development will result in a high quality design which is appropriate for a new commercial retail building, within a commercial area of the Metrocentre. Architecturally the building is generally considered to be of a better quality design than the existing, in terms of both its appearance and materiality, and the units create active frontages along the two main elevations providing a welcoming environment for patrons. Furthermore, the proposed landscaping improves the quality of the public realm at the main frontage of the building and provides an attractive screen separating parking areas from the rear service yard.
- 5.24 A planning condition has been recommended to ensure that the external materials specified on the submitted plans and details are used in the interest of good design. Subject to the identified planning condition, it is considered that the proposals are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area (incl. landscaping), and in accordance with policies CS15 and MSGP24 of the development plan and relevant paragraphs of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

- 5.25 The proposed development is for a replacement retail building, within an established retail park, surrounded by other commercial and retail uses and with no sensitive (i.e. residential) land uses in the immediate vicinity. In view of this, it is considered that the proposals would not have a significant detrimental impact on the amenity and privacy of neighbouring land users by way of overshadowing, any overbearing effect, poor outlook, overlooking or undue noise and disturbance. In this context it is considered that it is not necessary to control the hours of opening by planning condition, and this is in line with the extant permission for this site.
- 5.26 The proposal is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbour land users, and in accordance with policies CS14, MSGP17 and MSGP18 of the development plan and the relevant paragraphs of the NPPF.

ECOLOGY AND NATURE CONSERVATION

- 5.27 The site is located within 500 metres of 3 Local Wildlife Sites (Tidal River Derwent, The River Tyne and Cross Lane Meadows), and is partly located within a designated Wildlife Corridor which links the River Tyne to Cross Lane Meadows LWS and LNR and Washingwell Woods/Watergate Forest Park to the south. No ecological information has been submitted with the planning application.
- 5.28 The Council's Ecologist has assessed the proposed development and has advised the proposed development is unlikely to have a significant adverse impact (either directly or indirectly) on designated sites and/or ecological connectivity, although there may be opportunities to enhance ecological connectivity via the provision of net gains for biodiversity within the site in accordance with the NPPF and Local Plan policies CS18 and MSGP37.
- 5.29 The site itself is considered to be of low ecological value, given that it is dominated by a single large retail building of modern construction with areas of hardstanding. Limited areas of more substantial amenity tree and shrub planting are situated immediately west of the proposed development site off Maple Row. Habitats within and immediately adjacent to the proposed development site afford limited opportunities for a narrow range of statutorily protected and/or priority species including breeding and foraging birds, foraging and commuting bats and small mammals (incl. hedgehog). Owing to its recent modern construction, the lack of nearby high quality foraging habitat and the impact of existing artificial lighting; the existing building (to be demolished) is likely to pose a negligible risk for a bat maternity roost(s) and a negligible to low risk for roosts containing individual/small groups of non-breeding bats.
- 5.30 In order to address any potential residual risks to statutorily protected and/or priority species associated with the site clearance/demolition phases of the development, and demonstrate how the development provides net gains for biodiversity, Council officers are of the view that the development should be supported by and carried out in accordance with an agreed Biodiversity Method Statement to address these matters, and a planning condition is therefore recommended to secure this accordingly, prior to commencement of development.
- 5.31 Subject to imposition of the above condition it is considered that the proposed development can be achieved within acceptable ecological limits and in accordance with national and local planning policies.
- 5.32 It is therefore considered that, subject to the identified condition, the proposal is acceptable with respect to the impact on ecology and nature conservation and in accordance with policies CS18, MSGP32 and MSGP37 of the development plan and relevant paragraph of the NPPF.

CONTAMINATED LAND

- 5.33 With respect to the risk from contaminated land, a Preliminary Geoenvironmental Risk Assessment has been submitted as part of the

planning application. This report considers the ground conditions at the site and the potential for land contamination.

- 5.34 Council officers are satisfied with the findings of the report and ultimately it is considered that there are no requirements for any further planning conditions with reference to a Preliminary Risk Assessment, intrusive site investigation with a Phase II Detailed Risk Assessment or remediation and gas monitoring / risk assessment.
- 5.35 Notwithstanding this, the submitted reports notes that sources of ground gas derived from both the made ground (both on and off site) and alluvium were identified and quantified. As a result, the site was classified as Characteristic Situation 2 (CS2) under which scenario ground gas protection will be required in new structures commensurate with the identified risks. In line with these conclusions, the Council's Contaminated Land Officer has requested details of gas protection measures, as well as a detailed remediation and verification strategy including verification proving those measures have been correctly installed. Conditions are also requested to deal with the treatment of any unexpected contamination encountered during the works and an asbestos survey (and plan detailing methods, controls and management procedures if found) for the existing building. These planning conditions are recommended accordingly.
- 5.36 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, and policies CS14 and MSGP20 of the development plan.

OTHER PLANNING MATTERS

Community Infrastructure Levy

- 5.37 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is 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 any additional floorspace to be created. The application has been accompanied by the requisite CIL forms and the CIL charge has been calculated as £0.00 as the proposal results in a net reduction in floor space.

Waste Management

- 5.38 Council officers have assessed this application from a waste servicing perspective and there are considered to be no issues in this respect There is ample space within the enclosed rear service for the storage of wheeled bins, with easy access for the HGV bin lorries to service them with minimal reversing. The application is therefore considered to be acceptable with respect to waste management issues and in accordance with Local Plan policy MSGP48.

Safety and Security

- 5.39 No comments or concerns have been received from Northumbria Police, the application is therefore considered to be acceptable with respect to matters of safety and security.

RESIDUAL MATTERS

Fire Safety and Building Regulations

- 5.40 Tyne and Wear Fire and Rescue has confirmed that they have no objections to the proposal, however have provided advice with respect to Building Regulations requirements and fire safety measures. Tyne and Wear Fire and Rescue will make further comment through the Building Regulations process. A suitable informative note to make the applicant aware of this is recommended accordingly.

Coal Authority Permit

- 5.41 The application site falls within the Development Low Risk Area with respect to coal mining risk and so there is no requirement for The Coal Authority to be consulted. However, the applicant has indicated in their submission that, whilst the associated risk from coal mining is considered to be low for the current foundation proposals, should the proposed development scheme change, or loads require piles to extend to and derive capacity from bedrock, further assessment of the mining risk will be required.
- 5.42 The Coal Authority has therefore been consulted in this instance and has advised if foundations are required, such as piles, which disturb or pass through coal seams then this may require a permit from the Coal Authority Permissions and Licensing team. As part of the permit process the technical matters associated with proposals are considered and so it is not considered necessary to duplicate this process through this planning application. An informative note is recommended however to make the applicant aware of the Coal Authority permitting requirements.

6.0 CONCLUSION

- 6.1 The application is considered to be acceptable with respect to the above-mentioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the development plan and relevant paragraphs of the NPPF. The development is therefore recommended for approval subject to the planning conditions set out below.

7.0 Recommendation:

That permission be GRANTED subject to the resolution of the outstanding highway and drainage matters and the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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 -

17412-100	Location Plan
17412-104	Proposed Site Plan
17412-105	Proposed GA Plan
17412-106 Rev B	Proposed Elevations

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 take place (including any demolition, ground works, site clearance) until a method statement for the demolition, site/vegetation clearance, aftercare and long term maintenance has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives, including:
 - measures to be implemented to avoid/minimise potential residual adverse impacts on statutorily protected and/or priority species; and
 - biodiversity enhancements proposed to provide net gains for biodiversity as part of the proposed development (e.g. integrated bat and bird boxes, all new landscaping to be locally native species of local provenance, lighting design strategy for biodiversity);
- extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

Reason

To avoid harm to statutorily protected and/or priority species and provided enhanced opportunities (net-gains) for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition and construction phases of the development can be carried out in a manner which minimises residual adverse impacts on statutorily protected and/or priority species.

4

The works agreed under condition 3 shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To avoid harm to statutorily protected and/or priority species and provided enhanced opportunities (net-gains) for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

5

No development (including demolition) shall commence until the developer either submits evidence that the building was built post 2000 or carries out an intrusive pre-demolition asbestos survey in accordance with HSG264 (second edition) and provides a mitigation plan (detailing methods, controls and management procedures in the event asbestos is found) to reduce risks to potential workers, neighbours and other offsite receptors to be approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the demolition phases of the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6

Where required, the development shall be implemented in accordance with the asbestos mitigation plan approved at condition 5.

Reason:

To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

7

Prior to the commencement of development, details of land gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development can be carried out safely without unacceptable risks to future users of the land, workers, neighbours and other offsite receptors.

8

The development shall be implemented in accordance with the gas protection measures approved at condition 7.

Reason:

To ensure that risks from land gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

9

Prior to the commencement of development, a Detailed Remediation and Verification Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details on:

- How to manage risks to human health in the permanent case via the permeation of potable water supplies.
- How to manage risks to human health and the built environment in the permanent case associated with hazardous ground gasses.

- How to manage risks to human health in the temporary case associated with hazardous ground gasses.
- How to manage risks to human health in the temporary case associated with ingestion, direct contact or inhalation of made ground derived soils.
- How to manage risks associated with unforeseen contamination discovered during construction.
- How to manage and control soils / fill imported and / or exported to and / or from the site.
- Verification documentation which proves that the gas protection measures have been correctly installed by an appropriately qualified installation contractor

Reason:

To ensure that risks from land contamination and gases are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development can be carried out safely without unacceptable risks to future users of the land, workers, neighbours and other offsite receptors.

10

The development shall be implemented in accordance with the detailed Remediation and Verification Strategy approved at condition 9.

Reason:

To ensure that risks from land contamination and gases are minimised in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

11

Notwithstanding the submitted details, the construction works associated with the development hereby approved shall not progress beyond the damp course layer until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of visual amenity and in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

12

The hard and soft landscaping scheme approved under condition 11 shall be implemented in full accordance with the approved details prior to the occupation of the units hereby approved and shall be maintained thereafter for a minimum of 5 years.

Reason

In the interests of visual amenity and in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

13

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 and policies CS14 and MSGP20 of the Local Plan.

14

The development hereby permitted shall be constructed entirely of the external materials detailed in the following plans and documents:

17412-106 Rev B Proposed Elevations
17412 Design and Access Statement (November 2021)

Reason

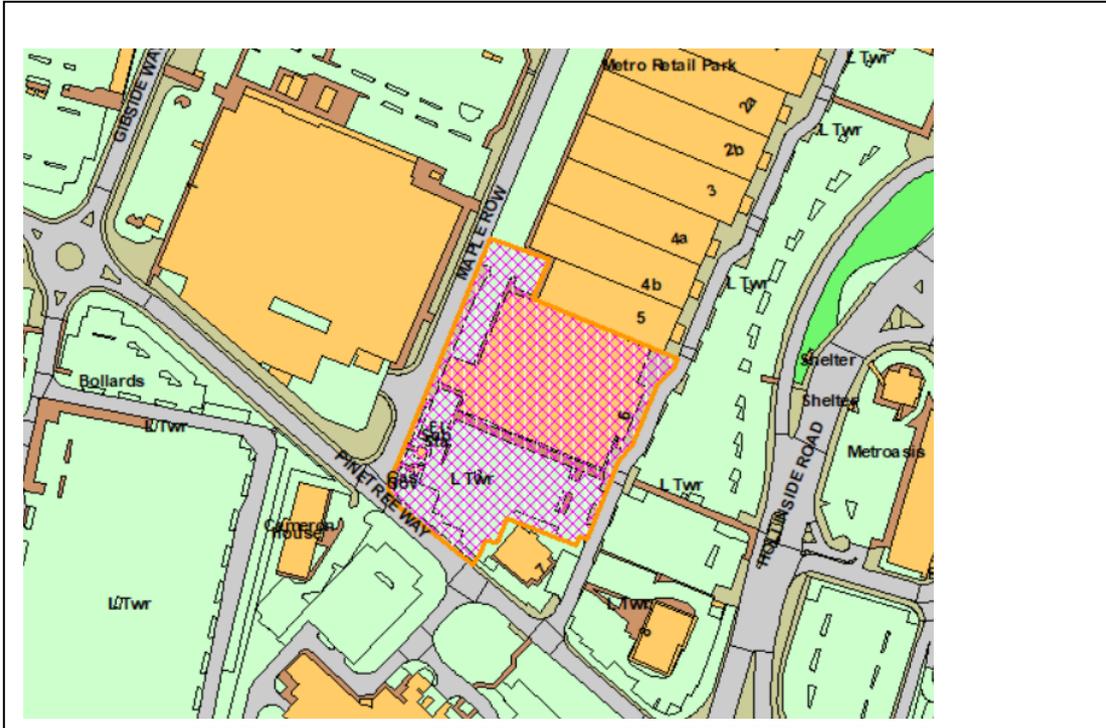
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Policy CS15 of the Core Strategy and Urban Core Plan.

15

The development hereby approved shall be used for Class E(a) retail use(s) 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), and not for any other use, including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order. 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 E(a) 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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