

MINOR UPDATE

Application No:	DC/21/01454/FUL
Site:	Former Toys R Us Unit Metro Retail Park Pinetree Way Gateshead NE11 9XU
Proposal:	Demolition of existing retail unit and erection of a replacement retail unit(s) with associated parking, delivery and service areas.
Ward:	Whickham North
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Highways and drainage update and amended recommendation and planning condition wording.

HIGHWAY AND PEDESTRIAN SAFETY

Further to paragraphs 5.15 and 5.16 of the main report, additional information has been provided by the applicant with respect to the proposed service yard and access arrangements, and further discussions between the applicant and Council officers with respect to these matters and alterations to the existing car park have taken place.

The proposals include amendments to the existing service yard to the rear of the units and the provision of a new access point from Maple Row into the service yard. Council officers initially raised concerns that the proposed new access was in close proximity to other junctions and the submission was lacking swept path analysis or other details to justify the second access and demonstrate vehicles could manoeuvre in and out of the service yard safely. The applicant has since provided the requested swept path analysis details, and Council officers are now satisfied that this information provides the necessary tracking to demonstrate that manoeuvres can take place.

Notwithstanding this, further details are still required with respect to the final detailed design of the service yard and access proposals, as well as staff car and cycle parking provision, however it is considered these matters can now be secured by planning condition, and so additional conditions (18 and 19) are recommended accordingly.

In addition, discussions have taken place between the applicant and Council officers in respect of the proposed amendments to the existing car parking facilities between Pizza Hut and the proposed units. The proposals as submitted included amendments to the existing car park including an increase of 11 customer parking spaces, facilitated by the loss a pedestrian crossing

point, existing landscaping/planters, trolley bays and accessible parking spaces.

Whilst it is considered the increase in customer parking spaces is marginal when considered against the wider parking provision in the area, Council officers raised concerns with respect to reduced accessible parking provision and a reduction in pedestrian connectivity. Council officers have therefore requested that the applicant implement measures to provide a safer environment for pedestrians, including through the provision/retention of crossing points through the existing car park, improvements to the existing pedestrian crossing on Maple Row, implementation of a one-way system, provision of marked (blue) walkways for pedestrians, as well as additional accessible and parent and child parking provision.

Through further discussions with Council officers, the applicant has indicated that they are amenable to these measures, however final details of the amendments to the existing car parking facilities, as well as details of motorcycle parking and electric vehicle charging spaces, are required. Council officers are satisfied however that this information can now be secured by planning condition, and so additional conditions (20, 21, 22 and 23) are recommended accordingly.

Furthermore, in the interests of highway safety and to promote sustainable travel, Council officers expect that unit specific travel plans be provided, to link in with the wider Metro Centre travel planning initiatives, and an additional planning condition (24) is recommended accordingly to secure this.

Finally, in order to minimise the impact of the proposed works on the highway during demolition and construction, Council officers require that the applicant provides a Demolition and Construction Management Plan, and additional planning conditions (16 and 17) are also recommended accordingly to secure this.

In view of the above, it is considered that the proposed development is acceptable with respect to the impact on highway and pedestrian safety, subject to the identified planning conditions (set out in detail below), and in accordance with policies CS13 and MSGP15 of the development plan and relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

Further to paragraphs 5.19 and 5.20 of the main report, further clarification has been provided by the applicant with respect to the modelling of the existing drainage networks and the proposed drainage arrangements, and further discussions between the applicant and Council officers with respect to these matters have taken place.

The applicant has engaged with Council officers to address the queries raised and has submitted a revised microdrainage model and updated Drainage Strategy. Council officers are satisfied that the revised information provided by

the applicant is sufficient to demonstrate the site can be adequately drained and allow the application to be determined. However, further details in respect of surface water drainage to the existing car park and proposed alleviation measures to eliminate or reduce the risk of surface water flooding, as well as the detailed drainage design for the site and a Drainage Management Plan are required. Council officers are now satisfied however that these outstanding matters can be secured by planning condition, and so additional planning conditions (25, 26, 27 and 28) are recommended accordingly.

In view of the above, it is considered that the proposed development is acceptable with respect to flood risk and drainage matters, subject to the identified planning conditions (set out in detail below), and in accordance with policies CS17 and MSGP29 of the development plan and relevant paragraphs of the NPPF.

OTHER PLANNING CONDITION AMENDMENTS

Further to the above considerations and recommended additional planning conditions, a number of amendments to the original list of planning conditions (set out in detail below) are also recommended as follows;

Condition 1: Amendment to revision reference for plan 17412-104 (Proposed Site Plan) to reflect receipt of a revised site plan (Rev C) following discussions between the applicant and Council officers on transport/service yard issues.

Conditions 3 and 4: Replaced with three separate conditions (now 3, 4 and 5) to distinguish between the various elements of the original condition (namely, Biodiversity Method Statement, Biodiversity Enhancement Strategy, and Landscape and Ecological Management Plan) and allow different 'trigger points' so that demolition on the existing building can commence once the Biodiversity Method Statement is agreed, to prevent any undue delay to the development, at the request of the applicant.

Conditions 5 and 6: Amended (now condition 6 only) following submission of the requested Asbestos Survey by the applicant.

Condition 7 and 9: Amended to clarify that demolition can commence before the condition is discharged.

Condition 11: Amended to require that the proposed landscaping at the western boundary and adjacent to the service yard accesses be limited in height, to protect sightlines in the interests of highway safety, at the request of Council officers.

Condition 12: Amended by Council officers to update wording to match standard condition wording and ensure appropriate maintenance of landscaping for a period of at least 5 years.

Condition 14: Amended to require final details of finished materials prior to construction above the damp course layer, at the request of the applicant, to allow greater flexibility in the event stated materials are unavailable.

Recommendation:

Further to paragraph 7.0 of the main report, Officers consider the recommendation should changes from;

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

To;

That permission be GRANTED subject to 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

And that the current list of recommended planning conditions should be replaced with the following revised list – reissued in full for clarity / completeness.

1

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

17412-100 Location Plan
17412-104 Rev C 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

Notwithstanding the submitted information, no works shall commence on site (including vegetation clearance, soil stripping or earthworks) until a Biodiversity Method Statement (BMS) has been submitted to an approved in writing by the Local Planning Authority. The BMS shall provide details of the measures to be implemented on site during the site clearance and construction phase to:

- Avoid/minimise the risk of harm to protected and priority/notable species
- To avoid the spread, where present, of invasive non-native species
- To avoid adverse impacts on retained habitats and species, including immediately outwith the development site

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37.

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 adverse ecological impacts.

4

Notwithstanding the submitted information, the development shall not progress beyond the damp proof course level until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved in writing by the Local Planning Authority. The BES shall include details of the habitats, soft landscaping and ecological features (e.g. integrated bat and bird boxes, bug hotels, etc.) to be created/provided on site to deliver enhanced opportunities for biodiversity. The submitted details shall include:

- Numbers, specifications and precise locations of integrated bat and bird boxes, bug hotels, etc.
- Ground preparation, soil type(s), planting schedules, seed mixes, sowing rates and a timetable for delivery.

Thereafter the BES shall be implemented in accordance with the approved details and timetable.

Reason

To provide replacement/enhanced opportunities for biodiversity in accordance with the NPPF and policies CS18 and MSGP37.

5

Notwithstanding the submitted information, the development shall not be brought into operation until a Landscape and Ecological Management Plan

(LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:

1. Description and evaluation of the features to be managed
2. Ecological trends and constraints on site that might influence management
3. Aims and objectives of management
4. Appropriate management options for achieving aims and objectives
5. Prescriptions for management actions
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period)
7. Details of the body or organisation responsible for implementation of the plan
8. Ongoing monitoring and remedial measures
9. Timetable for delivery

Thereafter the LEMP shall be implemented in accordance with the approved details and timetable.

Reason

To ensure the onsite habitat creation, soft landscaping and ecological features are successfully established and maintained for the life of the development in accordance with the NPPF and policies CS18 and MSGP37.

6

Following demolition of the existing building and prior to the commencement of any further development, a statement that verifies that the outstanding areas not surveyed within the submitted Asbestos Refurbishment Survey (Survey Date 02 April 2019), received 9th March 2022 by the Local Planning Authority, have been surveyed; and provides details of the methods, controls and management procedures implemented to ensure that any asbestos within the building has been safely removed, to reduce risks to potential workers, neighbours and other offsite receptors, shall be submitted to and 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.

7

No development shall commence (other than the demolition of the existing building) until details of land gas protection measures have been 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.

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

No development shall commence (other than the demolition of the existing building) until a Detailed Remediation and Verification Strategy has been 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.

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. The 'New landscaping' at the western boundary of the site within and adjacent to the 'Service Yard' (as shown on plan 17412-104 Rev C Proposed Site Plan) shall be limited in height to no taller than 0.6m, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of visual amenity and highway safety and in accordance with the NPPF and policies CS13, CS15, MSGP15 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 in accordance with British Standard 4428 (1989) 'Code of Practice for General Landscape Operations' for a period of 5 years commencing on the date of planting and during this period any trees which die, become diseased or are removed shall be replaced in the first subsequent planting season (October to March) with others of a similar size and species.

Reason

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

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

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

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies CS15 and MSGP24 of the Local Plan for Gateshead, and the Gateshead Placemaking SPD.

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.

16

No development (including any demolition) shall commence until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority. The DCMP shall set out how demolition and construction activities will be managed to minimise impact on the highway (both private and adopted).

Reason

In order to minimise the impact on the highway (both private and adopted) during the demolition and construction phases of the development in accordance with the NPPF and policies CS13 and MSGP15 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 the impact on the highway (both private and adopted). This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of demolition and construction works and the manner in which they are undertaken could affect the operation of the highway.

17

The development shall be implemented in accordance with the Demolition and Construction Management Plan measures approved at condition 16.

Reason

In order to minimise the impact on the highway (both private and adopted) during the demolition and construction phases of the development in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

18

Notwithstanding the submitted details, no development shall commence (other than the demolition of the existing building) until final details of the rear 'Service Yard' layout (including works to facilitate the proposed new access and existing access widening, signage, road markings, staff car and cycle parking, and any necessary adjustments to junction radii) have been submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate provision of secure and weather proof cycle parking facilities for staff (including the number, specification and location of the cycle facilities).

Reason

To ensure appropriate servicing arrangements and staff parking facilities and in the interests of highway and pedestrian safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan and the Council's Cycling Strategy.

19

The 'Service Yard' details approved under condition 18 shall be implemented in accordance with the approved details before the units hereby approved are occupied and the approved 'Service Yard' arrangements shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate servicing arrangements and staff parking facilities and in the interests of highway and pedestrian safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan and the Council's Cycling Strategy.

20

Notwithstanding the submitted details, no development shall commence (other than the demolition of the existing building) until final details of amendments to the existing customer parking facilities (including details of cycle, motorcycle, accessible and parent/child parking, crossing points, pedestrian crossing on Maple Row, road markings and signage) have been submitted to and approved in writing by the Local Planning Authority. The details shall include appropriate provision of secure and weather proof cycle parking facilities for customers (including the number, specification and location of the cycle facilities).

Reason

To ensure appropriate parking provision and pedestrian connectivity and in the interests of highway and pedestrian safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan and the Council's Cycling Strategy.

21

The details of amendments to the existing customer parking facilities approved under condition 20 shall be implemented in accordance with the approved details before the units hereby approved are occupied and the approved amended parking facilities shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate parking provision and pedestrian connectivity and in the interests of highway and pedestrian safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan and the Council's Cycling Strategy.

22

Notwithstanding the submitted details, no development shall commence (other than the demolition of the existing building) until a scheme for the provision of electric vehicle (EV) charging apparatus (to include a minimum of 2no. EV charging bays) within the existing customer parking areas contained within the blue line boundary indicated on plan 17412-100 (Location Plan) and within the vicinity of the units hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate electric vehicle charging provision, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

23

The EV charging apparatus scheme approved under condition 22 shall be implemented in accordance with the approved details before the units hereby approved are occupied and the approved EV charging facilities shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate electric vehicle charging provision, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

24

Prior to the units hereby approved being brought into use, evidence shall be submitted to and approved by the Local Planning Authority of the measures being taken for each unit to reduce car usage and increase the use of public transport, walking and cycling amongst occupiers of each 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 into Metrocentre Travel Plan.
- Measures taken to offer the opportunity for personalised journey planning for each member of staff within the units.

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 units. At all times thereafter, the Travel Plan measures which have been implemented within each unit shall remain in operation.

Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

25

No development shall commence (other than the demolition of the existing building) until drainage to the existing car park has been investigated and details with calculations and plans to show the extent of flooding in the car park area (as indicted by the EA's surface water flood map) have been submitted to the Local Planning Authority. The hazard posed by surface water flooding in the car park is to be assessed and alleviation measures proposed, ideally to eliminate but, as a minimum, to ensure it represents a low hazard (Hazard Rating of less than 0.75 in accordance with Defra / EA Risks to People).

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan.

26

Notwithstanding the submitted details, no development shall commence (other than the demolition of the existing building) until a detailed drainage design for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design shall demonstrate attenuation of runoff to a peak rate of 5.8l/s under rainfall intensities of 1in100year return period that have been increased to suit the predicted effects of climate change in line with current EA guidance and allowing for downstream water levels. The design shall ensure that runoff is adequately treated in line with the Simple Index Approach described in The SuDS Manual (CIRIA C753), with sufficient evidence submitted to validate that the mitigation indices for each drainage component can be claimed. The drainage design shall be supported by plans and details to demonstrate the drainage model attenuation capacity can be physically provided and that runoff will be captured and conveyed as intended.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan.

27

Notwithstanding the submitted details, no development shall commence (other than the demolition of the existing building) until a Drainage Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Management Plan shall include the final approved drainage scheme layout and sufficient information to describe how the inspection, operation and maintenance of salient drainage components (i.e. swale, crated tank and permeable pavement, etc) will be undertaken and by who.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan.

28

The approved drainage scheme shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 27.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policies CS17 and MSGP29 of the Local Plan.

SEE MAIN AGENDA FOR OFFICERS REPORT.