

**Item No:** 5.2  
**Application No:** 16/01162/FUL Author: Maxine Ingram  
Date valid: 22 July 2016 ☎: 0191 643 6322  
Target decision date: 16 September 2016 Ward: Camperdown

Application type: full planning application

**Location: The Killingworth Centre, Citadel, Killingworth, NEWCASTLE UPON TYNE, NE12 6YT**

**Proposal: Construction of two new units, circulation unit and amendment to car park layout. Unit F1 - Sui Generis (Bookmakers), Unit F2 - A1 Retail**

Applicant: DS Jersey Retail Limited, Mr Spears Fifth Floor 37 Esplanade St. Helier JE1 2TR Jersey

Agent: WCEC Group Ltd, FAO Mr Daniel Compton Carrwood Court Carrwood Road Sheepbridge Chesterfield S41 9QB

**RECOMMENDATION:** Minded to grant on expiry of consultation

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues in this case are:

- Whether the principle of the development is acceptable on this site;
- Whether the impact on residential amenity is acceptable; and
- Whether sufficient parking and access would be provided.

#### 2.0 Description of the Site

2.1 The site to which this application relates forms part of the frontage of the existing Killingworth Centre. Killingworth Town Centre takes the form of an enclosed shopping centre, with some units fronting onto an extensive area of car parking. It comprises of a variety of a convenience and comparison stores. Fast food outlets and a public house are located to the north of the main centre. The White Swan Centre is located to the east of the site.

2.2 Members are advised that works, relating to planning approval 15/01091/FUL, have commenced on site.

#### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of two commercial units (over two floors), a circulation area to provide access to the existing unit sited at the first floor and amendments to the existing parking provision.

3.2 The proposed units would have a total length of approximately 34m. Units F1 and F2 would have a total depth of approximately 9.1m. The circulation unit would have a total depth of approximately 6.8m.

3.3 The proposed units would accommodate an A1 retail use (approximately 195 square metres (sqm)) and a sui generis use (betting shop) (approximately 204.4sqm).

3.4 The proposed hours of operation are 08:00-22:00 on any day.

3.5 The proposed development would result in the loss of eleven car parking spaces.

#### 4.0 Relevant Planning History

4.1 The site has an extensive planning history. The original application is detailed below:

97/01927/OUT New Town Centre to include demolition of existing Morrisons Store; A1, A2, A3 and D2 uses including food retail, no food retail, leisure, petrol filling station, car wash, public house, fast food drive through restaurant. Associated car parking and public transport interchange. New highway and alteration to existing highway. - Approved July 1998

13/01597/FUL - Construction of two A1 retail units, creation of unit to provide access to existing play gym to first floor and amendment to car park layout – Permitted 14.11.2013

15/01091/FUL - Construction of two new retail units, circulation unit and amendment to car park layout – Permitted 26.08.2015

16/00873/AMEND - Non Material Amendment of application 15/01091/FUL - alterations to the front entrance to unit F1, alterations to the rear doors to units F1 and F2, alterations to the facade and material finishes – Permitted 16.06.2016

#### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)  
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main issues

The main issues in this case are:

- Whether the principle of the development is acceptable on this site;
- Whether the impact on residential amenity is acceptable; and
- Whether sufficient parking and access would be provided.

7.2 Consultation response and representations received as a result of the publicity given to this application are set out in the appendix to this report.

7.3 Members are advised that the principle of retail development on this site has previously been agreed under officer delegation. This consent is currently being implemented on site. This application seeks consent for one retail unit and a betting shop rather than two retail units as previously approved.

### 8.0 Principle of development

8.1 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

8.2 The NPPF sets out the core planning principles which should underpin decisions and notes that planning should, amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In relation to retail development it remains the main thrust of national policy to promote town, district and local centres as the main focus for uses such as retail, leisure, commercial and community uses.

8.3 The NPPF states that local planning authorities, amongst other matters, should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should also promote competitive town centres that provide customer choice, and a diverse retail offer and which reflect the individuality of town centres.

8.4 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include betting shops. There are no specific statements on the subject of betting offices in NPPF. However, NPPF says that Local Plans should ensure that in town centres the needs of leisure uses are met and are not compromised by limited site availability (NPPF, paragraph 23).

8.5 In preparation of the Local Plan Pre-Consultation Draft (2015), the Council has updated its Retail and Leisure Study (2014). This study recognises Killingworth as a main town centre. The Local Plan Pre-Consultation Draft

supports sustainable development in designated centres. Successful centres play a crucial role in sustainable development allowing people to do 'top up shopping' reducing the need to travel, whilst also maintaining and enhancing North Tyneside's prosperity.

8.6 This study advises that Killingworth is the smallest of the four town centres, comprising of a purposed built shopping centre. The centre includes a good mix of comparison stores but does not include some of the uses normally associated with a traditional town centre. However, as a destination for convenience and comparison goods for local residents, it is performing well in a difficult trading environment. This study also advises that Killingworth is in a principal area within the borough with a high comparison goods turnover and a large number of retail units. The centre is anchored by a Morrison's store. Matalan and Wilkinson's are the key comparison anchor stores.

8.7 UDP Policy S4 states 'The redevelopment of Killingworth central area as shown on the proposals map, for shopping and other mixed uses appropriate to a town centre will be supported'.

8.8 UDP Policy S4/1 states 'In determining planning applications for retail development within the area identified in policy S4 the LPA will take into account: the potential impact of the proposal on the vitality and viability of other established shopping centres; the design of the proposal in relation to existing buildings to be retained in the town centre, and to nearby residential areas and the provision made to accommodate access by public transport'.

8.9 The development proposes two additional commercial units and a circulation unit. The betting shop would equate to approximately 204.4 square metres (sqm) of floor space and the retail unit would equate to approximately 195 sqm of floor space. The proposed development would be accommodated to the east of the main frontage leading into the purpose built shopping centre. The units would be sited adjacent to existing units that have an external frontage outside of the main shopping centre. These existing units accommodate Greggs, a betting shop, access to the children's play gym and a photo shop. This existing external frontage accommodates an existing range of A1 uses and non retail uses. The remaining retail units are accommodated internally within the main shopping centre. The development will provide additional units to this existing shopping centre. Therefore, there will not be any net loss of existing retail provision within the shopping centre.

8.10 The addition of a further A1 retail unit would provide additional retail investment to the area, promoting competition and customer choice. It is considered that the addition of a further retail unit would complement the vitality and viability of the existing town centre. Members will need to consider whether the addition of a further betting shop is considered to be an acceptable use within the town centre. It is considered that alternative uses within existing town centres can add to its vitality and viability, by supporting and promoting the role of these existing centres and delivering a balance of shops and appropriate uses to the customer. Betting shops can attract a number of customers, some of which may combine a visit to the betting shop with shopping or provide them with the opportunity to use the other facilities within the centre. Accordingly, given the fact

that betting shops attract a reasonable number of customers, it is not considered that the addition of a further betting shop would harm the underlying viability of the shopping centre.

8.11 A large percentage of the existing retail units within the shopping centre remain in retail use. Therefore, the addition of a further betting shop would not result in a shopping centre that is dominated by non-retail uses.

8.12 Members must consider whether the principle of the development is acceptable. It is officers' advice that based on the 2014 Retail and Leisure Study the Killingworth Centre performs quite well. Whilst there is a vacant retail unit within the centre this is not considered a reason to refuse the application. Officers remain of the opinion that the expansion of retail provision at Killingworth would provide scope to strengthen the performance of this existing centre and improve its vitality and viability. This proposal complies with the aims and objectives set out in NPPF.

## 9.0 Design and Layout

9.1 The NPPF states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

9.2 UDP policy S2 promotes high quality design in the borough's shopping areas.

9.3 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected.

9.4 The overall design of the development is similar to that previously approved, in that it is two storeys and the footprint remains the same. The proposed units are simple in their design and form. Features from the main centre have been incorporated into the design and the shop frontages are similar to the existing units which overlook the car park.

9.5 Members must decide whether the proposal complies with the NPPF, UDP policy S2 as well as LDD11. It is the advice of officers that the development is acceptable in terms of its impact on the character and appearance of the area.

## 10.0 Impact on residential amenity

10.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

10.2 Policy E3 of the UDP seeks to minimise the impact of pollution on the environment including existing land uses and on proposed development.

10.3 UDP policy H13 states that applications for non residential development within or adjacent to residential areas will be approved only where the local planning authority considers that that they would not adversely affect residential amenity. Uses that generate excessive noise, smell, fumes, traffic or on street parking problems will not be allowed.

10.4 Due to the siting of the units in relation to the residential properties located to the east of the site it is not considered that the residential amenity of these properties would be affected in terms of noise and disturbance. It should be noted that there are more intensively used units sited closer to these properties (the public house and fast food outlets).

10.5 The Manager for Environmental Health has been consulted. She has advised that the proposal is acceptable, subject to conditions.

10.6. Members must decide if the scheme complies with NPPF and policy H13. It is officer advice that the proposed development is acceptable and would not have an adverse impact on the amenities of existing residents provided conditions are imposed.

#### 11.0 Highway and parking issues

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.2 LDD12 'Transport and Highways' SPD provides guidance on the Council's planning policies relating to transport and highways considerations. The SPD sets out the procedures that North Tyneside Council follows in order to ensure that the transport implications of new developments are rigorously and consistently assessed and appropriate measures secured.

11.3 UDP Policy S11 Retail Facilities states that Local Planning Authorities will take into account the provision made for safe and secure environment within any parking areas; the provision made for access for non car users including pedestrians; cyclists; public transport and taxi users amongst other matters.

11.5 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclist's needs are considered as part of new development and where appropriate require that facilities including parking are provided to satisfy operational requirements and standards.

11.6 Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

11.7 Policy T11 states that car parking requirements will be kept to the minimum commensurate with location, operational needs, the need to encourage alternative forms of transport and the need to protect environmental quality.

11.8 Traffic surveys were previously carried out which analysed parking provision within the adjacent car park. The site also benefits from good links with public transport and within walking distance of a large catchment of local residents. Cycle parking is also proposed to be included for both visitors and staff.

11.9 This application would result in the loss of 11no. parking spaces. Offices note that the applicant has not submitted any up to date traffic surveys of the existing car park at peak times. However, it is noted that surveys were undertaken for the previously approved planning application (13/01597/FUL). These surveys confirmed that the existing car park had sufficient capacity during peak times to accommodate the loss of 11no. parking spaces. Furthermore, the site is well served by local bus services.

11.10 The Highways Network Manager has been consulted. He has raised no objections.

11.11 Members must determine whether the proposal is acceptable in terms of the impact of the proposal on the highway network and whether the proposed parking is acceptable. It is officer opinion, having regard to the NPPF, that the development in terms of traffic generation will not have a severe impact on the highway network.

## 12.0 Other Matters

12.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

12.2 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development and will support and encourage measures including the monitoring of pollution to reduce it to the lowest practicable levels.

12.3 The Contaminated Land Officer has been consulted. He has raised no objections to the proposed development.

12.4 Northumbrian Water have been consulted. They have raised no objections.

## 13.0 Financial Benefits

13.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

13.2 Economically there would be benefits in terms of the provision of jobs associated with the construction and operation of the units.

## 14.0 Conclusion

14.1 It is officer opinion that the principle of the proposed development for retail and a sui generis betting shop is acceptable and it will not have an adverse

impact on the character of the area, residential amenity, traffic generation, car parking, access or any of the other issues raised.

14.2 The scheme will sit comfortably on the site and is considered a positive form of development for the area. The development provides an opportunity to support retail investment and economic development.

14.3 It is the view of officers that the development is in accordance with the NPPF and policies in the UDP and having regard to all representations received, approval of the application is recommended subject to conditions.

**RECOMMENDATION:** Minded to grant on expiry of consultation

**It is recommended that members indicate they are minded to approve the application subject to the consultation period expiring and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

#### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications:

- Application form
- Location Plan Dwg No A (PL) 01 Rev B
- Existing site plan Dwg No A(PL) 02 Rev B
- Proposed site plan Dwg No A(PL) 05 Rev D
- Proposed building plan Dwg No A(PL) 07 Rev F
- Proposed first floor building plan Dwg No A(PL) 08 Rev E
- Existing elevations Dwg No A (PL) 03 Rev A
- Proposed elevations Dwg No A (PL) 06 Rev C
- Proposed below ground, drainage layout, general arrangement Dwg No

D/001 Rev C2

- Proposed sections A-A and B-B Dwg No A (PL) 09 Rev D
- Proposed section Dwg No A (PL) 10 Rev D
- Glazing details Dwg No A (PL) Rev 15

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL                      MAN02 \*

3. Materials External Surfaces to Match              MAT01 \*H13

4. The premises shall not be open for business outside the hours of 08:00 and 22:00 on any day.



Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

5. There shall be no deliveries to the units outside the hours of 07:00-22:00 Mondays - Saturdays and 09:00 - 22:00 on Sundays.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

6. Notwithstanding Condition 1, within one month of the date of this decision a Construction Method Statement for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include an site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policies H13 of the North Tyneside Council Unitary Development Plan 2002

7. Flood Lighting Scheme Details LIG01 \*H13

8. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

9. Notwithstanding Condition 1, no new plant or equipment shall be installed at the units, hereby approved, until a noise scheme has been submitted to and approved in writing by the Local Planning Authority. The noise scheme shall be produced in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter, the development shall be carried out in accordance with these agreed

details and permanently retained.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding Condition 1, prior to any unit, hereby approved, being brought into use details of facilities to be provided for the storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

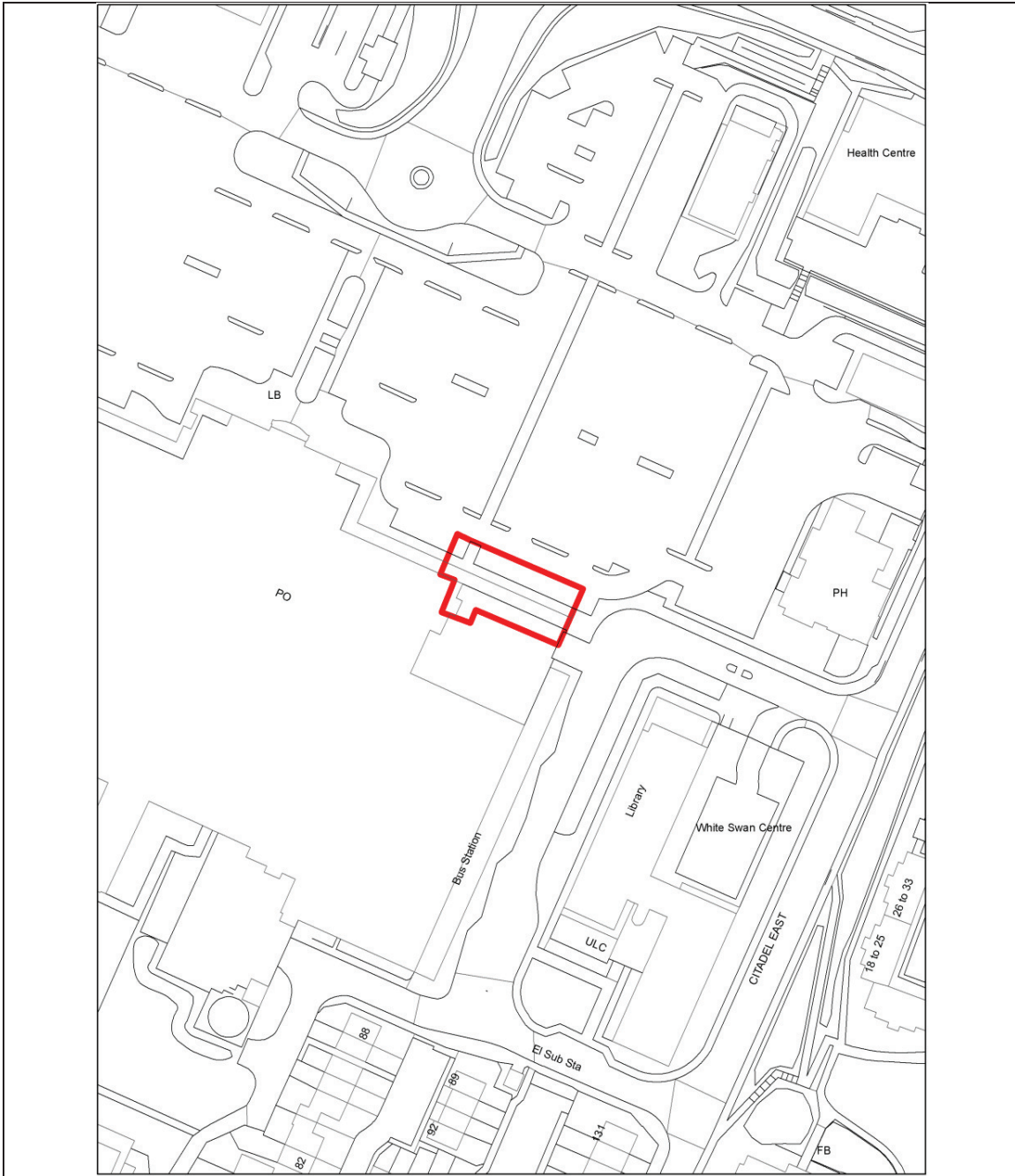
Consent to Display Advertisement Reqd (I04)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority: -Discharge into ground (infiltration); -Discharge to a surface water body; -Discharge to a surface water sewer, highway drain, or another drainage system; -As last resort, discharge to a combined sewer.

It is recommended that WAC testing is performed on all soil produced on-site before disposal to a suitably licensed facility.



**Application reference: 16/01162/FUL**

**Location: The Killingworth Centre, Citadel, Killingworth**

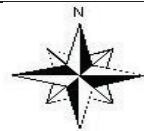
**Proposal: Construction of two new units, circulation unit and amendment to car park layout. Unit F1 - Sui Generis (Bookmakers), Unit F2 - A1 Retail**

Not to scale

Date: 01.09.2016

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**Appendix 1 – 16/01162/FUL  
Item 2**

**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor Gary Bell has requested for this planning application to be presented at Planning Committee.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for the construction of two new units, circulation unit and amendment to the car park layout. Unit F1 - Sui Generis (Bookmakers), Unit F2 - A1 Retail.

2.3 Surveys were previously undertaken for planning application (13/01597/FUL) at various times throughout the day and it is considered that there is sufficient parking located within the centre car park to allow for the loss of parking spaces. Furthermore, the site is located in a town centre and is well served by local bus services. For these reasons, conditional approval is recommended.

2.4 Recommendation - Conditional Approval

2.5 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

2.6 Manager for Environmental Health

2.7 I have no objection in principle to the construction of two new units, circulation unit and amendment to car park layout. Unit F1 - Sui Generis (Bookmakers), Unit F2 - A1 Retail. I would recommend conditions to address noise from any new external plant and equipment installed as part of the development. I would also recommend conditions to address construction hours and construction dusts.

2.8 If planning consent is to be given I would recommend the following conditions:

New External Plant

No new plant or equipment to be installed at the units unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

NOI02

HOU03 to those on application

HOU04

SIT03

## 2.9 Contaminated Land Officer

2.10 No objection.

### 2.11 Informative

It is recommended that WAC testing is performed on all soil produced on-site before disposal to a suitably licensed facility.

## 3.0 Representations

3.1 None

## 4.0 External Consultees

### 4.1 Newcastle International Airport (NIA)

4.2 No objection.

### 4.3 Northumbrian Water Limited

4.4 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

4.5 having assess the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

4.6 Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration);
- Discharge to a surface water body;
- Discharge to a surface water sewer, highway drain, or another drainage system;
- As last resort, discharge to a combined sewer.