

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 1 July 2020 at 10.00 am

The meeting will be held virtually

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<p><b>Apologies for Absence</b></p> <p>The Committee is asked to approve as a correct record the minutes of the meeting held 10 June 2020 (copy previously circulated).</p>
2	<p><b>Minutes</b></p> <p>The Committee is asked to approve as a correct record the minutes of the meeting held on 10 June 2020 (copy previously circulated)</p>
3	<p><b>Declarations of Interest</b></p> <p>Members to declare interest in any agenda items</p>
4	<p><b>Planning Applications (Pages 3 - 8)</b></p> <p>Report of the Strategic Director, Communities and Environment</p>
4i	<p><b>No. 1 - Mandale Apartments 5 Limited, Block 2, Half Moon Lane, Gateshead NE8 2AA (Pages 9 - 42)</b></p>
4ii	<p><b>No.. 2 - Mandale Apartments 5 Limited, Block 2, Half Moon Lane, Gateshead NE8 2AA (Pages 43 - 62)</b></p>
4iii	<p><b>No. 3 - Home Group - Various locations at Chevington, Hopedene and Rennington, Leam Lane, Herndin Road and Edgeware Road, Deckham (Pages 63 - 74)</b></p>
4iv	<p><b>No. 4 - MBNL, Park Terrace DNS, Park Terrace, Gateshead (Pages 75 - 84)</b></p>

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PLANNING AND DEVELOPMENT  
COMMITTEE  
**1 July 2020**

**TITLE OF REPORT:** Planning applications for consideration

**REPORT OF:** Anneliese Hutchinson, Service Director,  
Development, Transport and Public Protection

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### **Purpose of the Report**

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

#### **PART ONE:**

Planning Applications  
Applications for Express Consent under the Advertisement Regulations  
Proposals for the Council's own development  
Proposals for the development of land vested in the Council  
Proposals upon which the Council's observations are sought  
Any other items of planning control

#### **PART TWO: FOR INFORMATION ONLY**

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

### **Recommendations**

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/20/00137/FUL	Block 2 Half Moon Lane	Bridges
2. DC/20/00139/LBC	Block 2 Half Moon Lane	Bridges
3. DC/20/00247/FUL	Various Locations At Chevington, Hopedene And Rennington, Leam Lane Hendon Road And Edgeware Road, Deckham	Windy Nook And Whitehills
4. DC/20/00394/TDP A	Park Terrace DNS Park Terrace	Dunston Hill And Whickham East

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

## **LOCAL PLAN**

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

## **UPDATES**

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

## **SITE PLANS**

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

### **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

### **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

### **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

**Generalised Guide to Use Classes Order 1987 (as amended)**

<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	<b>C1 Hotels</b>	Hotels, boarding and guest houses
<b>A2 Financial and Professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services.	<b>C2 Residential Institutions</b>	Residential schools and colleges convalescent homes/nursing homes
<b>A3 Restaurants and Cafes</b>	Restaurants, snack bars, cafes.	<b>C2A Secure Residential Institutions</b>	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
<b>A4 Drinking Establishments</b>	Public Houses and Wine bars etc	<b>C3</b>	Dwellings, small business at home, communal housing of the elderly and handicapped
<b>A5 Hot food Take-Aways</b>	Hot Food Take-away shops	<b>C4 Houses in Multiple Occupation</b>	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basis amenities such as kitchen or bathroom.
<b>B1 Business</b>	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	<b>D1 Non-residential Institutions</b>	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
<b>B2 General Industry</b>	General industry.	<b>D2 Assembly &amp; Leisure</b>	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
<b>B8 Storage and Distribution</b>	Wholesale warehouses repositories, including open air storage	<b>Sui generis</b>	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

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**Committee Report**

<b>Application No:</b>	<b>DC/20/00137/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>26 February 2020</b>
<b>Applicant</b>	<b>Mandale Apartments 5 Limited.</b>
<b>Site:</b>	<b>Block 2 Half Moon Lane Gateshead NE8 2AA</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Variation of condition 1 (approved plans in relation to the Boiler Shop building and its car park) of planning permission 103/01 for demolition &amp; conversion of redundant &amp; existing buildings, erection of new buildings with associated access roads, parking and open space to provide accommodation for residential use (class C3), hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3) (amended 01/06/20).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site lies within the Bridges Conservation Area and the overall Ochre Yards development. This application, to vary the approved plans, focuses on the former boiler shop, known as Block 2 that is situated on the northern boundary.

1.2 Ochre Yards is bounded on three sides by railway lines and on the north side, facing the Tyne, by High Level Road and Rabbit Banks Road that runs down to the river from the site entrance; it is 5 to 11 metres below site level when it passes alongside Block 2.

1.3 On the south side, Block 2 fronts a new access road within the new Ochre Yards development and faces two new blocks 6 and 7. On the east side a small open area of open space about 13 metres wide separates Block 2 from Block 4 that is approved as a viewing point of the river and to be landscaped. This has been completed in part and will be finished once Block 2 is completed.

1.4 30 metres to the west of Block 2 the Metro line emerges from a tunnel under the site and crosses the River Tyne on the Queen Elizabeth II Metro Bridge.

1.5 Block 2 is a Grade II listed former boiler shop at the former Gateshead (Railway) Works, which occupied the whole of the site, known as Greenesfield.

Block 2 is located on the northern edge of the site overlooking the Tyne. The existing building is a large two storey Victorian industrial building.

- 1.6 The annex building is not highlighted on the Listing map, although it is regarded as curtilage listed and therefore must be treated as part of the listed building.
- 1.7 The main (shop) floor is at site ground level and the vaulted basement, seven metres below, is at Rabbit Banks Road level. An annex building, without a basement, is attached to the east end of the main block and forms part of this application.
- 1.8 The basement floor level of Block 2 meets the road level of Rabbit Banks Road at one point, which was originally an entrance into the building. However, access onto the road is not now feasible for either pedestrians, because there is no footpath, nor vehicles, because the road is now a designated bus route and visibility lines are poor.
- 1.9 In 1997 the Greenesfield site was allocated for mixed use development, with the majority of the site allocated for residential and the remainder at the eastern end allocated for commercial uses (branded as The Point). In 2002, following extensive consultation with Gateshead Council and English Heritage (now Historic England), Bellway Homes (NE) were granted planning permission to develop over 600 apartments on the residential part of the site (ref 103/01)
- 1.10 Bellway's proposals were for nine new build apartment blocks and the conversion of two existing buildings; the locally listed former Tinsmiths Shop (Block 1) and the listed former Boiler Shop (Block 2). Block 2 was to be converted into 40 apartments.
- 1.11 The associated Listed Building consent (ref 104/01) for Block 2 has expired without being implemented. Thus, a fresh Listed Building Consent is required as well as this application to vary to the existing planning permission, to increase the number of residential units from 40 to 58. The original scheme had 24 x 1 bed apartments and 16 x 2 bed apartments (40 apartments total).
- 1.12 Construction started on Blocks 1 and 3 in 2003 and has continued steadily since this time. Work started on the final new build, Block 10, in 2016 leaving the conversion of Block 2 as the final work needed to complete the site.
- 1.13 **DESCRIPTION OF THE APPLICATION**  
This is a section 73 application that seeks to vary the plans approved under ref 103/01, in so far as they relate to Block 2.
- 1.14 A previous s73 application DC/16/00136/FUL, a previous minor material amendment was granted 12 April 2017 to enable alteration of façades, increase flat numbers from 40 to 58, and make amendments to the parking layout and bin store area of Block 2. A separate but related application for Listed Building Consent, in relation to this latest s73 application is elsewhere on this agenda.

- 1.15 This application proposes alterations to the facades and the internal layout the car parking layout and bin storage area of Block 2 to provide 58 units.
- 1.16 Whilst this application seeks to vary the plans approved under the 2001 consent, it is worth comparing this current proposal to the amendments already granted consent under the previous s73 for the Boiler Shop (DC/16/00136/FUL). The principal changes to the scheme from the approved 2016 scheme are to the end block shell.:
- Creation of a simplified annex that is more subservient to the main building in height;
  - It is proposed to utilise the existing brick shell to accommodate the annex rather than it be largely demolished as the previous approval DC/16/00136/FUL would result in only the northern wall of the shell remaining;
  - The existing lower level openings to the annex's north-facing elevation are proposed to have windows installed to suit the revised internal arrangement/finished floor levels. the previous approval DC/16/00136FUL proposed corten steel screens and making good;
  - The roof covering to the annex is proposed to be a sarnafil ply system with standing seam detail as compared with the previous approval DC/16/00136/FUL that proposed a corten steel effect clad system;
  - A slight reduction in the extent of glazing to the first floor north-facing apartments within main building is proposed, in tandem with the introduction of cladding. the previous approval DC/16/00136FUL proposed windows, bi-fold doors and infill panels;
  - A reduction in the extent of rooflights to serve first floor north-facing apartments within the main building is proposed;
  - Creation of double height space within the main building (ground floor to first floor), is proposed which includes the installation of staircases and link walkways;
  - The north elevation opening of the main building is proposed to be clad compared with the previous approval DC/16/00136/FUL that proposed this would be blocked up with stone;
  - An increase in the extent of ridge rooflights to serve the main building atrium is proposed;
  - A single lift is proposed within main building compared with the two lifts proposed by the previous approval DC/16/00136/FUL;
  - External cycle stores are proposed for the main building whereas they were housed internally under the previous approval DC/16/00136FUL;
  - Glazed canopies are proposed to the main building whereas corten steel entrances were approved under the previous approval DC/16/00136/FUL;
  - It is proposed to provide a reduced size entrance/lobby area to the main building than previously approved under DC/16/00136/FUL;

- 1.17 The changes between the 2016 approval and proposed accommodation schedules are set out below. The proposed units remain one and two-bed properties and the mix is broadly similar to the previous consent (approximately 33% one-bed and 66% previously, compared to 29% and 71% respectively now).

	<b>Approved Scheme (2016)</b>	<b>Current Proposals</b>
<b>Main Building</b>		
Lower Ground Floor	9 x 1-bed (duplex) 1 x 2-bed (duplex)	2 x 1-bed (duplex) 7 x 2-bed (duplex)
Ground Floor	16 x 2-bed (duplex)	17 x 2-bed
First Floor	6 x 1-bed 10 x 2-bed (duplex)	5 x 1-bed 1 x 1-bed (duplex) 2 x 2-bed 9 x 2-bed (duplex)
Main Building Total	42no. (15 x 1-bed, 26 x 2-bed)	43no. (8no. 1-bed, 35no. 2-bed)
<b>Annex</b>		
Ground Floor	1 x 1-bed 3 x 2-bed	0 0
First Floor	1 x 1-bed 3 x 2-bed	2 x 1-bed 3 x 2-bed
Second Floor	1 x 1-bed 3 x 2-bed	2 x 1-bed 3 x 2-bed
Third Floor	1 x 1-bed 3 x 2-bed	3 x 1-bed 2 x 2-bed
Annex Total	16no. (4 x 1-bed, 12 x 2-bed)	15no. (8no. 1-bed, 7no. 2-bed)
<b>Total</b>	<b>58no. (19no. 1-bed, 38no. 2-bed)</b>	<b>58no. (15no. 1bed, 43no. 2-bed)</b>

- 1.18 The layout of units is dictated by the elongated, narrow nature of the building, together with the historic window openings on the northern elevation at lower ground and ground floor levels, with units arranged internally to suit and maximise the benefits from these openings to enjoy views north across the River Tyne. This theme (of maximising the benefits of views across the River) is continued at first floor level and within the annex, although the units in these areas have new windows proposed to enjoy this view. All of the above has led to a layout with units either side of a central corridor
- 1.19 At both ground and first floor levels the units face both north and south whilst at lower ground level there are no south-facing units due to the planned public circulation space. The proposals include duplex apartments with a bed deck above living accommodation to maximise the potential of internal space without enlarging the building unnecessarily.
- 1.20 The proposal is to provide an additional 18 apartments, resulting in a total of 58 apartments, by converting the existing building and the construction of a three

storey annex, to be built in the annex building envelope providing two storeys of accommodation and an undercroft parking area.

- 1.21 The original approved scheme was to simply reroof the annex continuing the ridge line of the main building. The amended scheme proposes to construct a new building within the shell to compliment and contrast with the existing building. The height of the proposed Annex is 13m. The separation distance to Tranquil House remains the same at 13m.
- 1.22 The main building has been re-designed to provide a double height space to the central entrance. There are three entrances to the main building which have new external lobbies on the south elevation. The main building would contain 42 units, and the annex 16 units (58 apartments in total).
- 1.23 The increase in apartment numbers from the original 2001 approved scheme to the current proposal has been achieved by locating apartments on both sides of the building apart from at basement level. An upper mezzanine level bedroom is set back and overlooks the main living area, similar to the conversion of Block 1.
- 1.24 The proposed upper floor proposes new window openings to be formed in the existing walls.
- 1.25 The depth of the existing building means that a substantial space is left between the north and south apartments. A top lit atrium court is proposed for this area to help to retain a sense of the scale of the original interior. The approved scheme had dual aspect apartments on the river facing elevation and to the south elevation a top lit atrium that housed a garden courtyard.
- 1.26 As with the 2016 approved scheme, the size of the existing windows determines the minimum width for the apartments to avoid walls within the window opening that would impact on the appearance of the windows/ overall building.
- 1.27 Car parking for residents is provided in two areas; 38 spaces are proposed in the secure surface car park to the front (south) of the building, 14 resident spaces are proposed in the undercroft of the annex, 8 resident spaces alongside 14 visitor parking spaces are proposed in front of the building and perpendicular to the highway.
- 1.28 **PLANNING HISTORY**  
Greenesfield was NE Railways principle works in the 19th century but following its decline in the 20th century the site was allocated for mixed use development in the UDP and in 2002 Bellway Homes (NE) were granted detailed planning permission to develop a large part of the site, renamed Ochre Yards, for over 600 apartments.
- 1.29 Planning permission ref 103/01 for Demolition and conversion of redundant and existing buildings, erection of new buildings with associated access roads, parking and open space to provide accommodation for residential use (class

C3), hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3), was granted 16/04/2002 for the development of the former Greenesfield railway works site in the form of new built blocks of apartments, with the conversion of two of the historic buildings into apartments. These proposals included the conversion of Block 2 for 40 apartments and included the opening up of the roof on the south side to provide a walled garden on part of the main floor. Listed Building Consent was also granted for the works as they related to Block 2 (ref 104/01).

- 1.30 There have been a series of planning applications for the various blocks on Ochre Yards over recent years. Most relevant, in terms of the current proposal for Block 2 are:

DC/16/00136/FUL VARIATION OF CONDITION 1 (approved plans) of 103/01 to enable alteration of facades, increase of flat numbers from 40 to 58, amendments to parking layout and bin store area (additional information received 16/02/17 and 15/03/17 and amended plans/documents received 13/02/17, 15/03/17 and 23/03/17). Granted 12 April 2017.

DC/16/00137/LBC LISTED BUILDING CONSENT: Conversion of former boiler shop to 58 apartments with associated parking and external bin stores (additional information received 15/03/16, 30/09/16, 3/10/16, 12/12/16 and 13/02/17 and amended plans received 03/10/16, 12/12/16, 16/12/16 and 13/02/17). Granted 12 April 2017.

DC/12/01197/FUL: Variation of Condition 1 of approval 103/01 to allow modification of block 8 together with minor amendments to face and footprint (amended 02/01/13).

DC/09/00753/FUL - Variation of condition 1 of permission 103/01 DM to allow additional 10 units in Block 7 by revising internal layout and external elevations - Granted 22.09.2009.

DC/08/00297/FUL - Erection of 4 - 6 storey block of flats with associated car parking (to include an additional 10 units with associated parking) - Withdrawn 4.09.2008.

- 1.31 The following documents have been submitted in support of the application:

Design and Access Statement (DAS)  
Heritage Asset Statement  
Archaeological Report  
Condition Survey  
Noise Impact Assessment  
Bat / Barn Owl Survey  
Transport Statement  
Travel Plan  
Statement of Community Involvement

## 2.0 Consultation Responses:

Northumbria Water	No Comments
Northumbria Police	No objections
Tyne And Wear Archaeology Officer	The applicant has provided a Heritage Assessment which identifies less than substantial harm from the proposed works. This conclusion is agreed with and there is no objection to the proposals subject to re imposition of Condition 27 of planning permission DC/16/00136/FUL)
Historic England	No objection to the proposals however Historic England offered design advice

### **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. A site notice was posted on 27 March 2020 and a further site notice was posted on 8 June 2020 following receipt of amendments. A notice in the press was published on 8 March 2020 and again on 10 June 2020 due to the receipt of an amended scheme.

3.2 Four letters of representation have been received from residents of Ochre Yards. One resident indicates support for the proposals but does not give reasons.

3.3 The concerns raised relate to:

- insufficient car parking,
- increased noise
- loss of trees
- proposed offices, bars, leisure uses and a hotel will lead to increased numbers of people arriving and leaving including at unsociable hours
- already a significant amount of noise in the area from Airbnbs, nightlife

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS2 Spatial Strategy for Urban Core

UC13 Respecting and Managing Views

UC14 Heritage

DC1 Landscape

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV11 Listed Buildings

ENV12 Demolition of Listed Buildings

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV4 Urban Design Principles for Central Ghd

ENV46 The Durham Biodiversity Action Plan

ENV54 Dev on Land Affected by Contamination

IPA11 Levels of car parking in new development

IPA17 Conservation Area Character Statements

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

QB1 Quays and Baltic Sub Area

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

5.1 The principle of conversion of the boiler shop to residential apartments and the erection of an adjoining new build element to one side is already established by the previous listed building consents and planning permissions. The main planning issues are the impact of the amendments on heritage assets, archaeology, ecology residential amenity, affordable housing, car parking and highway safety.

#### HERITAGE

5.2 NPPF paragraph 189 requires the applicant to set out the significance of the heritage asset. Paragraph 193 states that, when considering the impact of a proposed development on the significance of the heritage asset great weight should be given to its conservation. Any harm or loss should require clear and convincing justification (paragraph 194). Paragraph 192 requires works to heritage assets to better reveal or enhance their significance by taking account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.3 Core strategy policy CS15 (Place Making) and Urban Core policies UC13 (views) and UC14 (heritage) are relevant. The site also falls with the Urban Core sub-area Gateshead Quays and Baltic (Policy QB1). Supporting paragraph 17.60 states that the Quays and Baltic sub-area has a strong and layered historic legacy ... characterised by the legacy of the rail development ... reinforced by the large former railway engineering sheds at Greenesfield.

5.4 Core strategy CS15 states, 'Development will contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. ...respond positively to local distinctiveness and character...respect and enhance significant views and the setting of heritage assets...respond to local design and conservation guidance... Taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset and requiring development to support and safeguard the historic environment... Positively responding to those heritage assets which are at risk, and not leaving heritage assets at risk, or vulnerable to risk...'

5.5 Saved UDP policies ENV7 (development in conservation areas), ENV9 (setting of conservation areas including views into/out of), and ENV11 (listed buildings), are reflected in CSUCP Policy CS15.

5.6 Part of the evidence base for the CS (policy UC13 regarding strategic views) was The Tyne Gorge Study, produced in 2003. This recognises the significance of the River Tyne, the development of the banks of the Tyne, and the views within that context.

- The former Boiler Shop is identified as key landmark within the Tyne Gorge and its immediate setting. As a result of its position on the lip of the Gorge and its connection to the important railway history of Gateshead it is highly visible from both the railway and the Metro bridges.
- The Boiler Shop and annex are dominant in the surprise view of the Gorge which opens up as you approach the High Level Bridge from the north
- Section 4D is primarily concerned with the Greenesfield Railway works - the former Boiler Shop is an important good quality early railway building, which assumes an even greater significance in the context of the previous removal of much of the railway architecture of northern Gateshead.

## 5.7 HERITAGE ASSETS

The application relates to a Grade II Listed building within the Bridges Conservation Area. These are both designated heritage assets. A separate application for Listed Building Consent has been received and is elsewhere on this agenda.

- 5.8 The site's industrial history began in the 1830s with the opening of a station and engine shed on the former Greene's Field Meadows. In the 1850s the North Eastern Railway built its HQ and locomotive works here and by the end of the century it was the largest employer in the town with 16,000 men employed.
- 5.9 The Boiler Shop was an extension of the Engine Shed, Smiths Shop and Tank Shop, all designed by Thomas Prosser and all since demolished. Hence the southern façade wall of the Block 2 is actually the northern facade wall of the original Tank Shop.
- 5.10 The main shop floor measures about 80 metres long plus 25 metres in the annex and by up to 22.5 metres wide and was for the construction of locomotive boilers. In the basement 6.5 metre wide brick vaults and 1.5 metre arched piers were required to support the huge loads of the boiler shop floor. The basement was used as a smith's shop and old images show a line of nine chimneys at roof level on the north wall serving the smiths' hearths. The chimneys have since been removed but the internal flues remain, located between windows on the inside face of the external wall.
- 5.11 The northern and western sides of Block 2 are certainly the most architecturally and historically important. The huge window openings reflect the industrial past and are appropriate to the scale of the cliff-side setting, as is the slight batter to the walls. The west gable, facing directly up river, towers above Rabbit Banks Road.
- 5.12 The former Boiler Shop is grade II listed and included on the Council's Register of Buildings at Risk. It has been subject to acts of vandalism and arson. The Buildings at Risk survey (2007) concluded that the building is in a poor condition requiring attention to the roof covering, rainwater goods, repointing, repairs to windows, re-glazing and repairs to doors.
- 5.13 Conversion of the building will ensure that the condition of the building remains good in the long term. Therefore, the public benefits of this proposal are clear.

- 5.14 The former Boiler Shop has strong evidential value and contributes significantly to the ability to understand and interpret the history of the Greenesfield site. It is a record of that past activity and its significance is recognised in the character appraisal for the conservation area. This evidential value underpins its historical significance as an illustrative example of the past use of the Greenesfield site, of that period of industrial development and innovation, and of the legacy it has left Gateshead.
- 5.15 Aesthetically, the building reflects the prevalent industrial design of the mid-late 1800s, and is a representation of the how the wider Greenesfield site appeared at its peak in 1880-90 and therefore has greater value as a result.
- 5.16 Communal value may be derived in this instance from the strong links to railway development, the influence of which is seen across the Bridges Conservation Area and through Newcastle. The use of the site was significant in the development of rail, and its early use. The value of this site in that period of history should not be forgotten and can still be interpreted through the character of the place.
- 5.17 The heritage statement/DAS shows clearly that the annex is contemporary with the Boiler Shop. The annex is considered to be a curtilage listed building as the Courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building. The annex is regarded as being part of the listed building and not listed in its own right. Its significance is therefore determined by its contribution to the significance of the listed building.
- 5.18 The building is located in Bridges Conservation area and overlooks the Locally Listed Gateshead Sculpture Park (a non designated heritage asset). Its prominent position within the Tyne Gorge puts the building's setting within the context of the River Tyne and the bridges which cross it including the grade I High Level Bridge and grade II King Edward Bridge.
- 5.19 The conservation area character appraisal (2013) identifies this site as being within the Greenesfield zone, an area which despite the demolitions has retained historic integrity and sense of place. Those buildings which do remain are crucial to the area's significance. Despite the isolation of this site, this zone links closely with the rest of the conservation area through the historical aspects of the sites and their former uses, all of which add to the understanding of the area.
- 5.20 The townscape is highly valued in terms of its location and importance in Gateshead's history and the remaining buildings add to its significance. The area is of high visual interest due to the visually dramatic railway works buildings which are prominent when approaching Newcastle on the metro or train, and the views of the bridges themselves.

- 5.21 Finding a new use for this building is fundamental to its future; however, conversion of working buildings into domestic accommodation, although a common solution, can be difficult to achieve without eroding their character. This is because their design so often reflects their function and this legibility is integral to understanding their significance.
- 5.22 The degree of harm and whether this is outweighed by the benefit of bringing the building back into use is dependent on the details of the scheme.
- 5.23 The acceptability of the conversion of the main building to residential use has been established and will mean the building remaining in good condition is guaranteed thus the public benefits are clear. The key consideration of this application is whether the alterations are harmful to the significance of the building. Whilst these are to be comprehensively dealt with by way of the assessment of the accompanying Listed Building Application, they are also described below.
- 5.24 Refurbishment of the building is proposed to include the repair of existing masonry walls and the replacement of windows where necessary. On the north façade of the main block new windows are fitted in the existing openings. On the south face, where considerable crude alteration work has occurred, it is proposed to remove the brick piers/ chimneys and reinstate the original door and window openings; this includes extending window openings to ground level to match the door openings and form a consistent 'arcade'.
- 5.25 The most significant insertion is the introduction of high level windows to the two principal facades to light the new upper level apartments of the main block to avoid further 'hole-in-the-wall' openings which could clash with and detract from the existing distinctive window openings. Instead, a continuous horizontal band of glazing is proposed at ridge level on the south elevation and glazing at eaves level on the North elevation, with deep and regularly spaced mullions, to act as a kind of closed cornice or frieze that will contrast with the solidity of the stone walling below and the large 'holes' of the existing windows; this is particularly evident on the north façade.
- 5.26 The three main entrances are emphasised with a burnished brass or similar finish canopy projection above the doors. In addition, the doors and glazing are set well back in reveal and lightly framed to give the impression of a clear opening. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.27 A new vehicular access is proposed in the annex to the residents undercroft car parking area.
- 5.28 The downpipes on the north façade, which are set in reveal, are a significant element of the elevation and will be refurbished or replaced as required. The new downpipes to the south façade will be similarly strategically placed.

- 5.29 There is a need to provide dwellings whose thermal and technical performance meet current building regulations and properties that are capable of obtaining a warranty. Therefore, it is proposed the existing solid stone wall to the south elevation is to be visually retained within the apartments that will offset other thermal efficiencies elsewhere within the building.
- 5.30 Within the basement dwellings, it is proposed that the brick arches and features within the larger open plan areas of the apartments be exposed and where brickwork has deteriorated beyond reuse, it is proposed to insulate and overclad as previously approved. Communal areas within the basement are to retain the exposed brickwork arches and walls.
- 5.31 Other Communal areas and entrance areas are proposed to retain exposed brick and stone and new stairwells are to be of exposed brickwork to contrast with the new simple white contemporary walls to the apartments facing the communal circulation spaces.
- 5.32 Following a full window condition survey, the Applicant proposes to prepare proposals for the repair, modification or renewal of the windows, should existing windows need replacing then a timber frame slim line double glazing system would be proposed. As evidence is required to demonstrate that the existing windows are beyond repair a condition is recommended to be attached to the current application for listed building consent (DC/20/00139/LBC) to secure the condition survey.
- 5.33 The scheme proposes to remove the brick chimneys on the south elevation. However, it should be noted that the previously approved (2016) scheme also proposed removal of the chimneys following a condition survey that demonstrated the chimneys are structurally unstable and should be removed.
- 5.34 This has enabled the entrance features to be clearly identified and exposes more layers of original stonework in keeping with the original character and design of the building. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.35 The scheme proposes to clean, repair and repoint the elevations. There is no detail provided. A condition survey, repair specification and method statement to support repairs is required. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.36 Flush low profile dark grey aluminium ridge lights over the atrium are proposed to sit flush in the roof so as not to detract from, and are sympathetic to, the fundamental character, the special interest or the significance, of the building based in the industrial legacy this building dates from, and represents. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.37 As described the most significant intervention proposed to the main building is the windows to the upper floors of the north and south walls, giving the appearance of a frieze separate and above the wall leaving the existing

arrangement of the wall and windows unaffected. This is particularly so on the north elevation where the building can be seen from a distance and the existing form will be unchanged.

- 5.38 The new build annex is a contemporary intervention to be constructed within the existing listed walls with a flat roof behind a parapet. The existing window openings to the north elevation are utilised, the lower windows being to the undercroft are proposed to be left open to allow natural ventilation. Timber framed windows are proposed in the existing openings. Expanded mesh Juliet balconies are proposed to a number of the upper two floors of the flats and a terrace is proposed running the length of the annex's northern elevation.
- 5.39 It is proposed to use a burnished brass rain screen cladding system to reflect the industrial heritage of the building. Windows and balcony doors are proposed to be grey powder coated aluminium frames with deep reveals 100 – 150mm that are considered to be in keeping with the other modern materials. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.40 A small area of the existing buttress listed wall on the east elevation is to be made good. A condition to secure these details is to be attached to the listed building consent (DC/20/00139/LBC).
- 5.41 The statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account in consideration of the proposal. This special statutory status means that any harm to the asset should be given considerable importance and weight when balanced against any other material considerations.
- 5.42 This desirability to preserve is also embedded in the NPPF, which states that enough information be required to assess the significance of a heritage asset and the impact of the proposal on it when determining an application so that any conflict between the proposal and the asset's conservation can be avoided or minimised. This application provides enough information to fully assess the impact of the proposal on the significance of the building and the Conservation Area.
- 5.43 The NPPF goes on to state that great weight should be given to an asset's conservation and clear and convincing justification for any harm.
- 5.44 Having stood vacant for many years, and having already been on the Buildings at Risk Register for 10 years, the need to find a new use for the building and stem its further deterioration is clear and, as with the previous application, its conversion to residential is accepted in principle. Government policy acknowledges the desirability of sustaining historic buildings by finding viable uses for them, but that use needs to be consistent with their conservation.
- 5.45 It is accepted that, due to the conflict between the inherent characteristics of an industrial building and the needs of modern residential housing, some less than

substantial harm is likely if residential conversion is to take place. The proposed Annex is not considered to result in substantial harm, in terms of paragraph 196 of the NPPF and saved UDP policy ENV12 as it would not impact on the significance of the listed building.

- 5.46 Where the development proposed would lead to less than substantial harm, as in this case, this harm then needs to be weighed against the public benefits of the proposal (paragraph 196). Finding an optimum viable use for the building, that is included on the Council's Buildings at Risk register, as is proposed, is a clear and compelling public benefit that would outweigh the less than significant harm arising from the development and consequently can be considered to be acceptable. The development would also make a contribution to the provision of housing in the Borough and this also weighs positively in the balancing assessment undertaken. Similarly, the development is considered to preserve or enhance the conservation area's special architectural or historic character or appearance.
- 5.47 The proposals are considered to be acceptable in accordance with both national and local policy, with any adverse effects being outweighed by public benefits. These (public benefits) include, but are not limited to:
- The repair and restoration of a listed building which has been redundant for many years and falling into a state of disrepair;
  - Providing the optimum viable use for a long-term vacant listed building where several previous attempts have not come to fruition;
  - Improvements to the visual amenity of the local residential area
  - The preservation and enhancement of the character and appearance of the Bridges Conservation Area; and
  - Provision of one and two-bedroom apartments in an area where there is market demand.

Given the above and subject to the recommended conditions, both on this application and those expected to be imposed on the associated Listed Building Consent, it is considered that the proposal meets the requirements of paragraphs 128, 129, 131, 132 and 134 of the NPPF, CSUCP policies CS14 and CS15 and saved UDP policies ENV7, ENV11 and ENV12 .

#### 5.48 ARCHAEOLOGY

The proposed undercroft parking area and annex tower would be built at existing or slightly above existing ground level and so it is unlikely to have archaeological implications. Whilst it may be unlikely, it is still possible and any proposals should be raised with the Tyne and Wear County Archaeologist, who may suggest a watching brief and a condition is recommended to secure this (CONDITION 30).

- 5.49 Archaeological Building Recording would be required prior to commencement of development. A condition to secure these details is to be attached to the

listed building consent (DC/20/00139/LBC) in order to comply with Saved UDP policies ENV21 and ENV22 and CSUCP policy CS15. Given the above, subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with saved UDP Policies ENV7, ENV8, ENV9, ENV11 and ENV12, as well as NPPF paragraph 199.

#### 5.50 ECOLOGY

A Bat Survey Report has been submitted in support of the application. A total of three lone male/non-breeding female day roosts were recorded within the building, all common pipistrelle, which is a widespread and commonly occurring bat species. In addition to this, a low level of foraging and commuting activity was associated with the eastern and western extent of the building. Common pipistrelle was the only species recorded during the surveys, with a maximum of two bats recorded at any one time, and overall bat activity 20 at the site was considered to be low. A number of recommendations were set out in the Bat Survey Report.

5.51 The survey reports have been assessed by the Council's Ecology Officer as being acceptable. The works need to be undertaken in accordance with a Method Statement to avoid damage to a roost. A Bat Mitigation Strategy and Method Statement has been submitted, however it is not wholly acceptable, as some information is missing from the document. Conditions are therefore recommended to secure a revised Mitigation Strategy and Method Statement and that the development is then carried out in accordance with the approved Mitigation Strategy and Method Statement (CONDITIONS 17 and 18).

5.52 It is recommended that conditions be imposed to secure details of external lighting to include lighting contour plan(s) and the number, specification and precise location (including height) of proposed external lighting to be provided on site to maintain the value and function of the site for roosting, foraging and commuting bats (CONDITIONS 35 and 36) in accordance with the NPPF and policies CS18, DC1(d) & ENV46.

5.53 Subject to these conditions it is considered that the development is in accordance with CSUCP policy CS18, and saved UDP policies DC1 and ENV46 and NPPF paragraphs 170 and 175 (criterion d) can be achieved.

#### 5.54 RESIDENTIAL AMENITY

The existing Block 2 building was always going to be developed for flats as part of the original planning permission. The difference between the 2016 approved scheme and the scheme as proposed needs to be considered in terms of whether there is any additional harm or impact on residential amenity.

5.55 It is considered the residential amenity of the existing residents will be no worse than the 2016 approved scheme in terms of loss of light and daylight, and is actually likely to be better for those living south of the proposed annex building by virtue of the decrease in height. In addition, the introduction of new residents into a currently derelict building will not only create an improvement to the external appearance of the site, to the visual benefit of existing apartments that

face the site, but also result in benefits for the local area and residents' safety in terms of increased natural surveillance.

- 5.56 The existing outlook of residents of Tranquil House to the east of Block 2 is onto a landscaped area beyond which is Block 2 at a distance of 13m.
- 5.57 The approved scheme if implemented would have created a gable end at a height of 19m at a distance of 13m from the west elevation of Tranquil House.
- 5.58 The proposed scheme will create the appearance of a flat roof at a height of 13m at a distance of 13m from Tranquil House.
- 5.59 The outlook from the western elevation flats of Tranquil House would be of the proposed windows on the eastern elevation of the proposed flats in the Annex. They are bedroom windows, arranged so that they reduce any opportunity of overlooking of Tranquil House, although a separation distance of 13m in this tight urban grain would be acceptable in any event and was accepted in principle through the previous 2016 approval.
- 5.60 A condition is proposed to restrict the hours of construction to protect residential amenities (CONDITION 22).
- 5.61 All of the proposed units will meet and in many cases will exceed the minimum internal room sized set out in the Nationally Described Space Standards and are considered to be adequate.
- 5.62 The original 2001 planning application was supported by a Noise Impact Assessment (NIA) and high performance acoustic and thermal timber windows were approved. A NIA has been submitted in support of this application. This assessed noise levels affecting the proposed development from the nearby rail networks, road traffic and other sources over a 24-hour period, and the façade noise impact calculated. The assessment concluded that if windows are required to be open for long periods of time, the resulting internal ambient noise levels in rooms on the northern façade have the potential to cause significant adverse effects. Therefore, the façade sound insulation design is considered with windows closed to reduce the calculated noise impact to below the lowest adverse effect level, and alternative provision is proposed for background ventilation and control of overheating. The assessment sets out a suggested glazing performance and potential ventilation strategy for each area of the building. Subject to the implementation of the strategy occupants will be protected against exposure to unacceptable levels of external noise (CONDITIONS 15 and 16).
- 5.63 Given the above, subject to the recommended conditions, it is considered that the harm to the residential amenities of existing residents is no worse than either of the previously approved schemes and the external noise for occupiers of this development, can be mitigated through use of appropriate glazing. The development is therefore in accordance with Saved UDP policy DC2 and Policy CS14 of the CSUCP.

5.64 HIGHWAYS

The visitor parking originally proposed around Block 2 (in the 2001 permission) was intended to serve a wider group of residential flats which have now been occupied for some time.

5.65 The current proposal is that each of the 58 flats will have one private parking space with a further 14 spaces for visitors, which meets the Council's minimum standard of 1 space per 4 units for visitors. An objector has referred to the space in front of the proposed development that is used as car parking by current residents and visitors that is often full to capacity during weekdays and weekends and noted that these are not additional spaces as they are already in use and the additional homes proposed will put a strain on the available space for car parking.

5.66 It is considered that the 14 visitor spaces must be offered for adoption as public highway under a section 38 agreement so that the visitor parking can serve the wider development of Ochre Yards. A suitable pre commencement planning condition is required to secure this through a car park management plan (CONDITIONS 11 and 12).

5.67 The swept-path analysis submitted by the developer demonstrates that the largest car park (consisting of 38 spaces) is of a suitable layout for use by a large car and is therefore considered to be acceptable.

5.68 Final details of the cycle storage is required to provide each dwelling with a weatherproof and secure storage unit, in addition to short-stay racks/facilities that are proposed adjacent to the entrances. The long-term cycle parking storage should, ideally be in the form of individual lockers as these offer the most secure option to meet the demands of residential long-term parking.

5.69 The provision should meet the minimum cycle parking guidelines in the approved document Gateshead Cycling Strategy (March 2015) for flats (new build and conversions) and a condition is recommended to secure the details (CONDITION 33 and 34).

5.70 Electric vehicle charging points must be provided for all private residential parking bays and the details can be secured by condition (CONDITIONS 11 and 12).

5.71 A car parking management plan is required to maximise the use of the available car parking and this can be secured by condition (CONDITIONS 11 and 12).

5.72 A Travel Plan has been submitted as part of this application, although as drafted it is not wholly acceptable.

5.73 A revised Travel Plan can be secured by condition and should include a resident's welcome pack, funding of pre-loaded POP travel cards for all new residents, and the provision of cycle infrastructure measures to encourage the use of more sustainable travel (CONDITIONS 13 and 14).

- 5.74 As submitted the layout of the surface car park does not include any soft landscaping. There are some existing trees in the proposed car park area and whilst it is not possible to retain the existing trees it is considered that a soft landscaping scheme to include replacement trees in the car park area should be secured by condition (CONDITIONS 7 - 10) to create a visually attractive functional space whilst not impacting upon the swept path analysis.
- 5.75 The bin store located in the surface car park is located such that the doors do not open out across the public highway and so the arrangement is acceptable.
- 5.76 Details of the appearance of the bin store can be secured by condition (CONDITIONS 37 and 38).
- 5.77 Given the above, the proposals subject to the recommended conditions, are considered to be acceptable and in accordance with policy CS13 of the CSUCP.
- 5.78 **STATEMENT OF COMMUNITY INVOLVEMENT**  
Prior to submission of this application, a community consultation exercise was commissioned by the applicant to establish the views of nearby residents.
- 5.79 Gateshead Council's SCI provides guidance to developers on consulting the local community before a significant planning application is submitted and thus highlighting the subsequent benefits of early engagement with local residents.
- 5.80 In terms of the weight to be given to proposals that have evolved following community consultation, paragraphs 39, 40 and 128 of the revised NPPF state:
39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
128. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.81 In accordance with the guidance, and Part 6 Chapter 4 of the Localism Act 2011 (which came into force from the 1st April 2012), the SCI sets out the steps undertaken as follows:
- 100 leaflets were distributed across the local area;

- 67 leaflets were delivered to residents letterboxes and where this was not possible due to restricted access small batches of leaflets were posted through the access points to the blocks of flats;
  - Site notices erected around the locality of the site and on the communal notice boards if access was possible
- 5.82 Details of how respondents could make their views known were contained in the information leaflet, which included an electronic comment form on a dedicated website page, post, email to a dedicated consultation email address or Twitter or LinkedIn.
- 5.83 The aim of the consultation exercise was to engage with the local community at an early stage in the planning and development process in order to address any issues at that stage. Two responses were received both of which neither supported nor objected to the proposal, but merely wanted clarification on particular aspects in relation to the proposed development.
- 5.84 Given the above it is considered that the SCI has been undertaken in accordance with the NPPF.
- 5.85 **COMMUNITY INFRASTRUCTURE LEVY**  
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 for residential related development. The development is located within Charging Zone C with a levy of £0 per square metre for this type of development.
- 5.87 **CONDITIONS**  
This application seeks to vary condition 1 of planning permission 103/01, and so it would result in a new grant of planning permission for the whole development, therefore the existing conditions attached to planning permission 103/01 need to be considered to determine whether they are still necessary and/or need to be reworded. Some of the previous conditions have been discharged already and as they have already been implemented it will not be necessary to reattach these. Other conditions will need to remain as worded and reattached to the new grant of planning permission.
- 5.88 **OTHER MATTERS**  
In addition to the planning considerations referred to above, objectors have referred to the proposal including a hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3) and that will completely change the character of the area that would no longer be a peaceful and safe residential area, but instead a busy area with increased numbers of people arriving and leaving including at unsociable hours.
- 5.89 The proposal does not include a hotel, office or leisure or food and drink uses but as this is a S73 application to vary condition 1 the description is that of the 2001 permission.

## 6.0 CONCLUSION

- 6.1 Taking all of the above into consideration, the proposal is not considered to be harmful to the significance of the heritage asset. The less than substantial harm caused to designated heritage assets would be clearly and convincingly justified and outweighed by the significant public benefit of securing an optimum viable use for this Grade II listed Building at Risk. Subject to conditions there would be no significant harm to ecology, archaeology, residential amenity or highway safety in accordance with the NPPF, Saved UDP policies DC1, DC2, ENV3, ENV7, ENV9, ENV11, ENV12, ENV21, ENV22, ENV23, ENV46, ENV54, policies UC13, UC14, CS10, CS11, CS13, CS14, CS15, CS18 of the CSUPC and the NPPF.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director Development, Transport and Public Protection 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 -

019 Location Plan  
021 Proposed Site Layout Plan C  
028 Proposed Lower Ground Floor Plan B  
029 Proposed Lower Ground Floor Mezzanine  
030 Proposed Ground Floor Plan B  
031 Proposed Ground Floor Mezzanine A  
032 Proposed First Floor Plan B  
033 Proposed First Floor Mezzanine A  
034 Proposed Roof Plan A  
035 Proposed Section at 1-1 A  
036 Proposed Section at 2-2 A  
037 Proposed Elevations Sheet 1 of 3 B  
038 Proposed Elevations Sheet 2 of 3 B  
039 Proposed Elevations Sheet 3 of 3 B  
040 Proposed Window Styles 1 of 2  
041 Proposed Window Styles 2 of 2

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

No development approved by this planning permission shall be commenced until an intrusive site investigation is undertaken, and a Phase II Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, soil sampling and chemical laboratory testing of samples to assess potential contamination issues, particularly relating to proposed new planting areas, and to inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with, where relevant, recommendations for ground gas mitigation measures.

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

3

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed soft landscape areas.

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

The details of remediation measures approved under condition 3 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policies CS14 and CS21 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

Reason for prior to commencement condition

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

5

Following completion of the remediation measures approved under condition 4 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

In the event that contamination is found at any time when carrying out the approved 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.

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 to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

The development hereby permitted shall not be first occupied until a fully detailed scheme for the landscaping of Block 2 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason

to compensate for the loss of existing habitats and features within the proposed development site and provide replacement opportunities for biodiversity and ecological connectivity in accordance with the NPPF and policies ENV46 and ENV47.

8

The landscaping scheme as approved under condition 7 shall be completed in full accordance with the approved plans during the first planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority.

The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

to compensate for the loss of existing habitats and features within the proposed development site and provide replacement opportunities for biodiversity and ecological connectivity in accordance with the NPPF and policies ENV46 and ENV47.

9

Prior to first occupation of the development hereby permitted a scheme for the maintenance of the landscaping scheme approved under condition 7 shall be submitted; the scheme to be in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policy CS15

10

The landscape maintenance plan approved under condition 9 shall be implemented for a minimum period of 5 years in accordance with the approved details.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policy CS15

11

Prior to first occupation of the development hereby permitted a Car Parking Management Scheme to include measures to maximise the use of the available car parking for Block 2, including the visitor parking spaces, and Electric Vehicle charging points, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of highway safety and in order to comply with policy CS13 of the CSUCP.

12

The Car Parking Management Scheme approved under condition 11 shall be implemented in full accordance with the timeframe set out in the scheme in perpetuity

Reason

In the interests of highway safety and in order to comply with policy CS13 of the CSUCP.

13

No building(s) hereby approved shall be occupied until the submission of a Travel Plan in respect of occupier(s) (and successive occupier(s)) of

any building(s) has been submitted to and approved in writing by the Local Planning Authority.

Each Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with Council Policy CS13;
- 3) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;
- 4) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with CSUCP policy CS13.

14

Evidence of the implementation of the Travel Plan over a minimum period of 12 months approved under condition 13 shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to accord with CSUCP policy CS13.

15

Prior to first occupation of the relevant flat(s) details of sound attenuating glazing in accordance with the Noise Impact recommendations shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To protect residents against exposure to external noise from road and rail traffic and to ensure the dwellings are adequately soundproofed in the interests of residential amenity and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

16

The sound attenuation scheme approved under condition 15 shall be implemented in full accordance with the approved details and retained thereafter for the life of the development.

Reason

To protect residents against exposure to external noise from road and rail traffic and to ensure the dwellings are adequately soundproofed in

the interests of residential amenity and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

17

Notwithstanding the information submitted and prior to the commencement of works on site, including site clearance and/or demolition (including in part) and/or modification of the existing building(s); a method statement providing details of the measures to be implemented during the construction and operational phases of the development in relation to bats shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include the following details:

- o Working methodologies
- o Timetable of works
- o Mitigation measures
- o Ecological supervision
- o Pre-commencement surveys
- o Sensitive working practices
- o Provision of replacement bat roost features

Reason for condition

To avoid/minimise harm to bats and their roosts and to maintain the value and function of habitats and features to be retained and/or created on site for bats in accordance with the NPPF and policies CS18, DC1(d) & ENV46.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in advance of the commencement of the development hereby permitted.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

18

The Bat Method Statement approved under condition 17 shall be implemented in full prior to first occupation of the development hereby permitted and retained for the life of the development.

Reason

To avoid/minimise harm to bats and their roosts and to maintain the value and function of habitats and features to be retained and/or created on site for bats in accordance with the NPPF and policies CS18, DC1(d) & ENV46.

19

No development shall take place, including any works of demolition or remediation, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the and construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

The CMP must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

20

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

21

No equipment or machinery shall be installed on or attached to the exterior of the premises without the prior written approval of the Local Planning Authority

Reason

To ensure that no undue disturbance is caused to the residential amenities of the occupiers of nearby properties and to accord with Saved UDP policy DC2 and CSUCP policy CS14.

22

No mechanical ventilation and extraction scheme in relation to commercial kitchen(s) shall be installed until a scheme of odour suppression and noise levels, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed flue, all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters, fans and flues and the manufacturers recommendations concerning frequency and type of maintenance and noise levels.

Reason

In the interests of the amenity of the occupiers of neighbouring premises, in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP.

23

The equipment approved under condition 22 shall be installed in accordance with the approved details prior to the preparation of hot food in connection with the use hereby approved commencing and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions. A written record of any maintenance shall be retained on site and be made available for inspection by the Local Planning Authority.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with the NPPF, Saved UDP policies DC2 and ENV61, Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

24

Prior to commencement of works to the buttress wall of the development hereby permitted, details of the repairs to the buttress wall to the east elevation shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

25

The details of the buttress wall to the east elevation approved under condition 24 shall be implemented in full accordance with the approved details prior to first occupation of the development hereby permitted.

Reason

In order to minimise the impact of the proposal on the historic fabric of the building and to safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

26

Deliveries to the commercial buildings shall not take place before 8am or after 6pm unless otherwise approved in writing by the Local Planning Authority

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable delivery hours and in order to accord with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.

27

The opening hours of the bar(s) shall be restricted to between 8.30am to 11.30pm only or as may otherwise approved in writing with the Local Planning Authority

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours and in order to accord with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.

28

No development shall take place until the developer has appointed an archaeologist to undertake a programme of observations of demolition and construction work to record items of interest and finds in accordance with a specification provided by the County Archaeologist. The watching brief report shall be submitted for written approval by the Local Planning Authority within one month of the completion of the excavation work, unless alternative arrangements have been submitted to and given prior written approval by the Local Planning Authority.

Reason for condition

The site is located within an area identified as being of potential archaeological importance. The observation is required to ensure that any archaeological remains on the site can be recorded and, if necessary, emergency salvage undertaken in accordance with Saved

Policies ENV21 and ENV22 of the Gateshead Unitary Development Plan and CSUCP Policy CS15.

Reason for pre commencement condition

To ensure that the significance of the building is preserved and that the foundation repairs can be designed in a manner that does not compromise the structural integrity of the listed building.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

29

Prior to first occupation of the development hereby permitted, full details of the location of grouped visitor parking bays and the surface treatment materials for these bays shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of a satisfactory highway layout and in accordance with CSUCP policy CS13.

30

The visitor parking bay details approved under condition 29 shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason

In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

31

Prior to first occupation of the development hereby permitted, details to include the style and layout of 58 secure cycle parking spaces shall be provided for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

32

The cycle parking details approved under condition 31 shall be installed in full accordance with the approved details prior to the first occupation of the development hereby permitted

Reason

In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

33

Notwithstanding the submitted information and prior to first occupation of the site, full details of external lighting to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- o Lighting contour plan(s)
- o Number, specification and precise location (including height) of proposed external lighting to be provided on site

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats in accordance with the NPPF and policies CS18, DC1(d) & ENV46.

34

The external lighting shall be installed and maintained wholly in accordance with the approved details under condition 33 and retained thereafter for the life of the development.

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats in accordance with the NPPF and policies CS18, DC1(d) & ENV46.

35

Prior to first occupation of the development hereby permitted details of the bin store shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of the visual amenity of the area in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

36

The Bin Store details approved under condition 35 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason

In the interests of the visual amenity of the area in accordance with CSUCP policy CS15 and Saved UDP policy ENV3.

37

Prior to the first occupation of Block 2, final details of the measures necessary, include waiting restrictions, in order to manage car parking on the public highway within the whole site shall be submitted for the written approval of the Local Planning Authority.

Reason

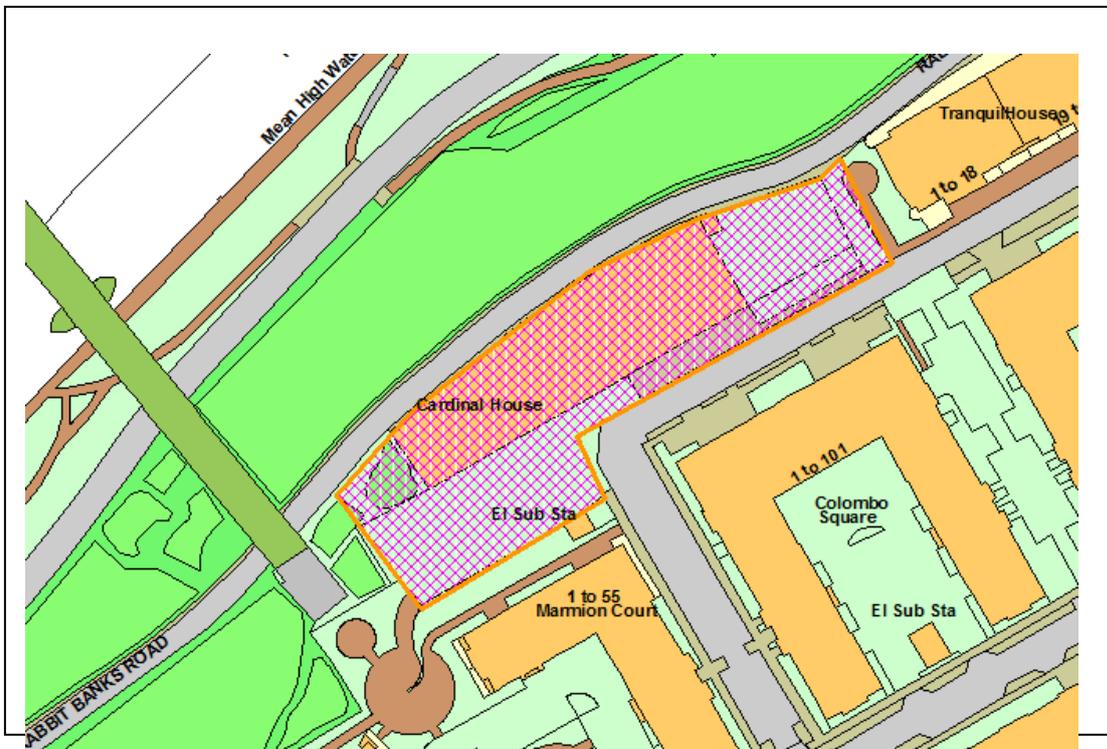
In the interests of highway safety, in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

38

The details of the measures to manage car parking on the public highway approved under condition 37 shall be implemented prior to the first occupation of Block 2 and maintained for the life of the development.

Reason

To ensure highway safety is protected in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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**Committee Report**

<b>Application No:</b>	<b>DC/20/00139/LBC</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>14 February 2020</b>
<b>Applicant</b>	<b>Mandale Apartments 5 Limited</b>
<b>Site:</b>	<b>Block 2 Half Moon Lane Gateshead NE8 2AA</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>LISTED BUILDING CONSENT: Conversion of former boiler shop to 58 apartments with associated parking and external bin stores (amended 01/06/20 and 11/06/20).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Listed Building Consent</b>

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

The application site lies within the Bridges Conservation Area and the overall Ochre Yards development. This application, to vary the approved plans, focuses on the former boiler shop, known as Block 2 that is situated on the northern boundary.

- 1.2 Ochre Yards is bounded on three sides by railway lines and on the north side, facing the Tyne, by High Level Road and Rabbit Banks Road that runs down to the river from the site entrance; it is 5 to 11 metres below site level when it passes alongside Block 2.
- 1.3 On the south side, Block 2 fronts a new access road within the new Ochre Yards development and faces two new blocks 6 and 7. On the east side a small open area of open space about 13 metres wide separates Block 2 from Block 4 that is approved as a viewing point of the river and to be landscaped. This has been completed in part and will be finished once Block 2 is completed.
- 1.4 30 metres to the west of Block 2 the Metro line emerges from a tunnel under the site and crosses the River Tyne on the Queen Elizabeth II Metro Bridge.
- 1.5 Block 2 is a Grade II listed former boiler shop at the former Gateshead (Railway) Works, which occupied the whole of the site, known as Greenesfield. Block 2 is located on the northern edge of the site overlooking the Tyne. The existing building is a large two storey Victorian industrial building.
- 1.6 The annex building is not highlighted on the Listing map, although it is regarded as curtilage listed and therefore must be treated as part of the listed building.

- 1.7 The main (shop) floor is at site ground level and the vaulted basement, seven metres below, is at Rabbit Banks Road level. An annex building, without a basement, is attached to the east end of the main block and forms part of this application.
- 1.8 The basement floor level of Block 2 meets the road level of Rabbit Banks Road at one point, which was originally an entrance into the building. However, access onto the road is not now feasible for either pedestrians, because there is no footpath, nor vehicles, because the road is now a designated bus route and visibility lines are poor.
- 1.9 In 1997 the Greenesfield site was allocated for mixed use development, with the majority of the site allocated for residential and the remainder at the eastern end allocated for commercial uses (branded as The Point). In 2002, following extensive consultation with Gateshead Council and English Heritage (now Historic England), Bellway Homes (NE) were granted planning permission to develop over 600 apartments on the residential part of the site (ref 103/01)
- 1.10 Bellway's proposals were for nine new build apartment blocks and the conversion of two existing buildings; the locally listed former Tinsmiths Shop (Block 1) and the listed former Boiler Shop (Block 2). Block 2 was to be converted into 40 apartments.
- 1.11 The associated Listed Building consent (ref 104/01) for Block 2 has expired without being implemented. Thus, a fresh Listed Building Consent is required as well as this application to vary to the existing planning permission, to increase the number of residential units from 40 to 58. The original scheme had 24 x 1 bed apartments and 16 x 2 bed apartments (40 apartments total).
- 1.12 Construction started on Blocks 1 and 3 in 2003 and has continued steadily since this time. Work started on the final new build, Block 10, in 2016 leaving the conversion of Block 2 as the final work needed to complete the site.
- 1.13 **DESCRIPTION OF THE APPLICATION**  
A previous application DC/16/00137/LBC was granted 28 April 2017 to enable alteration of façades, increase flat numbers from 40 to 58, and make amendments to the parking layout and bin store area of Block 2. This consent was not implemented and has lapsed.
- 1.14 This building is the former Boiler Shop within the wider Ochre Yards development. A separate but related application for full planning permission (DC/20/00137/FUL) is elsewhere on this agenda.
- 1.15 This Listed Building Consent (LBC) application proposes alterations to the facades and the internal layout of Block 2 to provide 58 units.
- 1.16 The principal changes to the scheme from the approved scheme DC/16/00137/LBC are to the end block shell:

- o Creation of a simplified annex that is more subservient to the main building in height;
- o It is proposed to utilise the existing brick shell to accommodate the annex rather than it be largely demolished as the previous approval DC/16/00137/LBC would result in only the northern wall of the shell remaining;
- o The existing lower level openings to the annex's north-facing elevation are proposed to have windows installed to suit the revised internal arrangement/finished floor levels. the previous approval DC/16/00137/LBC proposed corten steel screens and making good;
- o The roof covering to the annex is proposed to be a sarnafil ply system with standing seam detail as compared with the previous approval DC/16/00137/LBC that proposed a corten steel effect clad system;
- o A slight reduction in the extent of glazing to the first floor north-facing apartments within the main building is proposed, in tandem with the introduction of cladding. the previous approval DC/16/00137/LBC proposed windows, bi-fold doors and infill panels;
- o A reduction in the extent of rooflights to serve first floor north-facing apartments within the main building is proposed;
- o Creation of double height space within the main building (ground floor to first floor), is proposed which includes the installation of staircases and link walkways;
- o The north elevation opening of the main building is proposed to be clad compared with the previous approval DC/16/00137/LBC that proposed this would be blocked up with stone;
- o An increase in the extent of ridge rooflights to serve the main building atrium is proposed;
- o A single lift is proposed within main building compared with the two lifts proposed by the previous approval DC/16/00137/LBC;
- o Glazed canopies are proposed to the main building whereas corten steel entrances were approved under the previous approval DC/16/00137/LBC;
- o It is proposed to provide a reduced size entrance/lobby area to the main building than previously approved under DC/16/00137/LBC;

- 1.17 The layout of units is dictated by the elongated, narrow nature of the building, together with the historic window openings on the northern elevation at lower ground and ground floor levels, with units arranged internally to suit and maximise the benefits from these openings to enjoy views north across the River Tyne.
- 1.18 This theme (of maximising the benefits of views across the River) is continued at first floor level and within the annex, although the units in these areas have new windows proposed to enjoy this view. All of the above has led to a layout with units either side of a central corridor
- 1.19 At both ground and first floor levels the units face both north and south whilst at lower ground level there are no south-facing units due to the planned public circulation space. The proposals include duplex apartments with a bed deck above living accommodation to maximise the potential of internal space without enlarging the building unnecessarily.

- 1.20 The proposal is to provide an additional 18 apartments, resulting in a total of 58 apartments, by converting the existing building and the construction of a three storey annex, to be built in the annex building envelope providing two storeys of accommodation and an undercroft parking area providing 14 resident spaces.
- 1.21 The original approved scheme was to simply reroof the annex continuing the ridge line of the main building. The amended scheme proposes to construct a new building within the shell to compliment and contrast with the existing building with a burnished brass rainscreen façade with a clear transition between the boiler shop gable and the annex with individual balconies to all apartments on the first floor and some apartments on the second floor on both north and south elevations. The height of the proposed Annex is 13m. The separation distance to Tranquil House remains the same at 13m.
- 1.22 The main building has been re-designed to provide a double height space to the central entrance. There are three entrances to the main building which have new external lobbies on the south elevation. The main building would contain 42 units, and the annex 16 units (58 apartments in total).
- 1.23 The increase in apartment numbers from the originally approved scheme to the current proposal has been achieved by locating apartments on both sides of the building apart from at basement level. An upper mezzanine level bedroom is set back and overlooks the main living area, similar to the conversion of Block 1.
- 1.24 The proposed first floor on the south elevation includes a row of new window openings to be formed in the existing walls. These are small and horizontal in emphasis, presenting a subservient/secondary scale of window which does not compete with the architectural prominence of the large windows with rusticated stone quoin surrounds. A strip of rooflights is proposed on the south elevation and eight shorter strips of rooflights are proposed on the north elevation above the proposed bi-folding doors.
- 1.25 The depth of the existing building means that a substantial space is left between the north and south apartments. A top lit atrium court is proposed for this area to help to retain a sense of the scale of the original interior. The approved scheme had dual aspect apartments on the river facing elevation and to the south elevation a top lit atrium that housed a garden courtyard.
- 1.26 As with the approved scheme, the size of the existing windows determines the minimum width for the apartments to avoid walls within the window opening that would impact on the appearance of the windows/ overall building.
- 1.27 **PLANNING HISTORY**  
Greenesfield was NE Railways principle works in the 19th century but following its decline in the 20th century the site was allocated for mixed use development in the UDP and in 2002 Bellway Homes (NE) were granted detailed planning permission to develop a large part of the site, renamed Ochre Yards, for over 600 apartments.

1.28 Planning permission ref 103/01 for Demolition and conversion of redundant and existing buildings, erection of new buildings with associated access roads, parking and open space to provide accommodation for residential use (class C3), hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3), was granted 16/04/2002 for the development of the former Greenesfield railway works site in the form of new built blocks of apartments, with the conversion of two of the historic buildings into apartments. These proposals included the conversion of Block 2 for 40 apartments and included the opening up of the roof on the south side to provide a walled garden on part of the main floor. Listed Building Consent was also granted for the works as they related to Block 2 (ref 104/01).

1.29 There have been a series of planning applications for the various blocks on Ochre Yards over recent years. Most relevant, in terms of the current proposal for Block 2 are:

DC/16/00136/FUL VARIATION OF CONDITION 1 (approved plans) of 103/01 to enable alteration of facades, increase of flat numbers from 40 to 58, amendments to parking layout and bin store area (additional information received 16/02/17 and 15/03/17 and amended plans/documents received 13/02/17, 15/03/17 and 23/03/17). Granted 12 April 2017.

DC/16/00137/LBC LISTED BUILDING CONSENT: Conversion of former boiler shop to 58 apartments with associated parking and external bin stores (additional information received 15/03/16, 30/09/16, 3/10/16, 12/12/16 and 13/02/17 and amended plans received 03/10/16, 12/12/16, 16/12/16 and 13/02/17). Granted 12 April 2017.

DC/12/01197/FUL: Variation of Condition 1 of approval 103/01 to allow modification of block 8 together with minor amendments to face and footprint (amended 02/01/13).

DC/09/00753/FUL - Variation of condition 1 of permission 103/01 DM to allow additional 10 units in Block 7 by revising internal layout and external elevations - Granted 22.09.2009.

DC/08/00297/FUL - Erection of 4 - 6 storey block of flats with associated car parking (to include an additional 10 units with associated parking) - Withdrawn 4.09.2008.

1.30 The following documents have been submitted in support of the application:

Design and Access Statement (DAS)  
Heritage Asset Statement

## **2.0 Consultation Responses:**

Historic England

Historic England confirmed that there were no objections, however, provided design advice as HE considers the proposal still contains elements that would detract from the character, appearance and legibility of the listed building being also harmful to the character of the conservation area. As no justification has been provided for the chosen options and less harmful alternatives are possible, the proposal cannot be said to meet the requirements established in paragraphs 192, 194, 196 and 200 of the National Planning Policy Framework.

These comments are addressed in detail below.

### **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. A site notice was posted on 27 March 2020 and a further site notice was posted on 8 June 2020 following receipt of amendments. A notice in the press was published on 8 March 2020 and again on 10 June 2020 due to the receipt of an amended scheme.

3.2 Two emails of representation have been received. The main concern relevant to this Listed Building Consent application is that the proposals are:

- Out of character with listed building.

Other concerns were raised that are considered in the report for the full planning application DC/20/00127/FUL elsewhere on this agenda:

- Cooking smells and odours
- Additional noise
- Inadequate car parking
- Removal of existing 23 car parking spaces
- Increase of traffic
- Loss of natural light
- Loss of privacy
- Out of character with Conservation Area
- The Council does not think of existing residents and is purely motivated by money.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS15 Place Making

UC14 Heritage

ENV11 Listed Buildings

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

- 5.1 The principle of conversion of the building to residential use is already established by planning policy and previous planning permissions. The sole consideration for this application is the impact of the proposed works on this as a listed building.
- 5.2 **THE SIGNIFICANCE OF SITE AS A DESIGNATED HERITAGE ASSET**  
The application relates to a Grade II Listed building within the Bridges Conservation Area. These are both designated heritage assets.
- 5.3 The site's industrial history began in the 1830s with the opening of a station and engine shed on the former Greene's Field Meadows. In the 1850s the North Eastern Railway built its HQ and locomotive works here and by the end of the century it was the largest employer in the town with 16,000 men employed.
- 5.4 The Boiler Shop was an extension of the Engine Shed, Smiths Shop and Tank Shop, all designed by Thomas Prosser and all since demolished. Hence the southern façade wall of the Block 2 is actually the northern facade wall of the original Tank Shop.
- 5.5 The main shop floor measures about 80 metres long plus 25 metres in the annex and by up to 22.5 metres wide and was for the construction of locomotive boilers. In the basement 6.5 metre wide brick vaults and 1.5 metre arched piers were required to support the huge loads of the boiler shop floor. The basement was used as a smith's shop and old images show a line of nine chimneys at roof level on the north wall serving the smiths' hearths. The chimneys have since been removed but the internal flues remain, located between windows on the inside face of the external wall.
- 5.6 The northern and western sides of Block 2 are certainly the most architecturally and historically important. The huge window openings reflect the industrial past and are appropriate to the scale of the cliff-side setting, as is the slight batter to the walls. The west gable, facing directly up river, towers above Rabbit Banks Road.
- 5.7 The former Boiler Shop is grade II listed and included on the Council's Register of Buildings at Risk. It has been subject to acts of vandalism and arson. The Buildings at Risk survey (2007) concluded that the building is in a poor condition requiring attention to the roof covering, rainwater goods, repointing, repairs to windows, re-glazing and repairs to doors.
- 5.8 Conversion of the building will ensure that the condition of the building remains good in the long term. Therefore, the public benefits of this proposal are clear.

- 5.9 The former Boiler Shop has strong evidential value and contributes significantly to the ability to understand and interpret the history of the Greenesfield site. It is a record of that past activity and its significance is recognised in the character appraisal for the conservation area. This evidential value underpins its historical significance as an illustrative example of the past use of the Greenesfield site, of that period of industrial development and innovation, and of the legacy it has left Gateshead.
- 5.10 Aesthetically, the building reflects the prevalent industrial design of the mid-late 1800s, and is a representation of the how the wider Greenesfield site appeared at its peak in 1880-90 and therefore has greater value as a result.
- 5.11 Communal value may be derived in this instance from the strong links to railway development, the influence of which is seen across the Bridges Conservation Area and through Newcastle. The use of the site was significant in the development of rail, and its early use. The value of this site in that period of history should not be forgotten and can still be interpreted through the character of the place.
- 5.12 The heritage statement/DAS shows clearly that the annex is contemporary with the Boiler Shop. The annex is considered to be a curtilage listed building as the Courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building. The annex is regarded as being part of the listed building and not listed in its own right. Its significance is therefore determined by its contribution to the significance of the listed building.
- 5.13 The building is located in Bridges Conservation area and overlooks the Locally Listed Gateshead Sculpture Park (a non designated heritage asset). Its prominent position within the Tyne Gorge puts the building's setting within the context of the River Tyne and the bridges which cross it including the grade I High Level Bridge and grade II King Edward Bridge.
- 5.14 The conservation area character appraisal (2013) identifies this site as being within the Greenesfield zone, an area which despite the demolitions has retained historic integrity and sense of place. Those buildings which do remain are crucial to the area's significance. Despite the isolation of this site, this zone links closely with the rest of the conservation area through the historical aspects of the sites and their former uses, all of which add to the understanding of the area.
- 5.15 The townscape is highly valued in terms of its location and importance in Gateshead's history and the remaining buildings add to its significance. The area is of high visual interest due to the visually dramatic railway works buildings which are prominent when approaching Newcastle on the metro or train, and the views of the bridges themselves.

- 5.16 Finding a new use for this building is fundamental to its future; however, conversion of working buildings into domestic accommodation, although a common solution, can be difficult to achieve without eroding their character. This is because their design so often reflects their function and this legibility is integral to understanding their significance.
- 5.17 The degree of harm and whether this is outweighed by the benefit of bringing the building back into use is dependent on the details of the scheme.
- 5.18 **ASSESSMENT OF IMPACTS ON THE LISTED BUILDING**  
The Applicant proposes to replace all windows. Those within the existing building are proposed to be timber framed and the windows in the proposed annex are proposed to be aluminium framed. A condition is recommended to secure full large scale details of the windows to include sections of the profile, cills, the depth of recess within the wall, whether masonry or rainscreen, and details of trickle vents where required including the uprated acoustic windows (CONDITIONS 17 and 18).
- 5.19 Conservation rooflight openings are proposed to sit flush in the roof so as not to detract from, and are sympathetic to, the fundamental character, the special interest or the significance of the building based in the industrial legacy this building dates from, and represents. A condition to secure these details is recommended (CONDITIONS 17 and 18).
- 5.20 The scheme proposes to remove the brick chimneys on the south elevation. However, it should be noted that the previously approved scheme also proposed removal of the chimneys following a condition survey that demonstrated the chimneys are structurally unstable and should be removed. This has enabled the three entrance features to be clearly identified and exposes more layers of original stonework, in keeping with the original character and design of the building. A condition to secure these details is recommended (CONDITIONS 10 and 11).
- 5.21 The submitted heritage assessment notes that the floor surface timber blocks are in varying conditions and likely to be contaminated with oils from the workshop use and that removal of the blocks will result in the loss of historic fabric from the building. However, as the basement corridor is essentially external as it is ventilated sufficiently from either end there is an opportunity to utilise some of the reclaimed timber blocks for use in this space. As this is external space there is less issue if the blocks are lightly contaminated from oils. This would retain the historic fabric within the building and aid interpretation of its historic value. It is recommended that a condition be imposed to require a scheme for the re use of salvageable materials where possible (CONDITIONS 4 and 5).
- 5.22 The scheme proposes to clean, repair and repoint the elevations, however there are no details provided. A condition survey, repair specification and method statement to support cleaning, repairs and repointing is required. A condition to secure these details is recommended (CONDITIONS 8 and 9, 12 and 13).

- 5.23 The acceptability of the conversion to residential use has been established and will mean the building remaining in good condition is guaranteed thus the public benefits are clear. The key consideration of this application is whether the external alterations are harmful to the significance of the building.
- 5.24 The proposed new windows to the upper floor on the north elevation are above the existing wall and leave the existing arrangement of the wall and windows unaffected. This is particularly so on the north elevation where the building can be seen from a distance and the existing form will be unchanged.
- 5.25 The new build annex adds a significant improvement to both the riverside frontage and the south elevation.
- 5.26 HISTORIC ENGLAND COMMENTS  
Historic England (HE) has commented that the basement area of the boiler shop contains 'large areas to the south with no particular use'.
- 5.27 It should be noted that some of the areas referred to contain cycle stores, whereas others show nothing at present. However, these may be needed for cycle storage depending on the final storage solution (to be agreed by condition recommended to be imposed on DC/20/00137/FUL elsewhere on this agenda). In the event these areas are not needed for cycle parking, they could possibly be used as informal seating areas with some planting.
- 5.28 HE has commented that externally, the changes to the proposed rooflights – rearranged from five to eight shorter strips to the north elevation, and from two strips to one continuous, narrower ribbon to the south - will further weaken the sense of simple solidity and strength that is conveyed through the massiveness of the stonework and the strong contrast between the building elevations and the roof. This will be particularly evident in the north elevation, where the increased number of rooflights will be distracting on to our appreciation of the gentle curve of the building and the simple, continuous roof.
- 5.29 In response to this comment it should be noted that the scheme as submitted contains the same number of windows proposed on the northern elevation as the approved 2016 scheme (i.e. 40). Officers do not agree with the comment that the changed arrangement will be distracting on the 'appreciation of the gentle curve of the building and the simple, continuous roof'. The scheme under consideration removes the need for infill panels, as approved under the 2016 scheme and this proposal is considered to be an improvement. On the southern elevation the arrangement has changed, Officers consider this is not to the detriment of the scheme given the rooflights would be smaller.
- 5.30 HE has commented that on the north elevation at third floor level the individual balconies sit awkwardly within the clear and rotund volume of these buildings, detracting from their character. Consequently, their preference would be to consider a Juliet-type balcony instead, flush with the proposed rainscreen, similar to those in the scheme that was granted permission. This should be also made extensive to the balconies proposed on the south elevation.

- 5.31 Officers do not agree that the proposed balconies would detract from the character of this element, which is new build anyway. A Juliet balcony would clearly not offer the same amount of amenity value to new residents as an actual balcony, which are prevalent throughout the wider Ochre Yards scheme. The design aspiration of the applicant is to provide balconies to units wherever possible so that people would have more amenity space. On the northern elevation it would also allow people to enjoy views out of the river in a more pleasant manner. The amenity benefits of such are considered outweigh the comments from Historic England on what is a new build element.
- 5.32 HE has commented that the openings at first floor level look incongruously domestic in this industrial building. This could be solved by lowering the existing brick wall both on south and east elevations and extend the proposed rainscreen cladding to first floor level. HE considers that the loss of historic fabric would be outweighed by a more consistent appearance, more akin to its industrial character.
- 5.33 Officers agree that the windows at first floor in the annex are domestic in comparison to other windows but they are informed by existing evidence of previous openings.
- 5.34 HE considers that the proposed parking entrance would sit more comfortably at the junction with the boiler shop building, as in the approved scheme. This would establish a more sympathetic rhythm of openings, improving the ability to appreciate the transition between both buildings.
- 5.35 Officers consider the undercroft parking layout would not be acceptable if the entrance were to be relocated and as the scheme as submitted retains as much of this historic feature as possible, the proposed annex is welcomed.
- 5.36 HE requested the LPA to seek amendments from the applicant as they consider that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 194, 196 and 200.
- 5.37 Furthermore, HE requested that if, notwithstanding their advice, the LPA proposes to approve the scheme in its present form, they asked to be advised of the date of the committee along with a copy of the report. This has been undertaken.
- 5.38 The statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account in consideration of the proposal. This special statutory status means that any harm to the asset should be given considerable importance and weight when balanced against any other material considerations.
- 5.39 Having stood vacant for so many years, the need to find a new use for the building and stem its further deterioration is clear and, as with the previous

application, its conversion to residential is accepted in principle. It is also accepted that, due to the conflict between the inherent characteristics of an industrial building and the needs of modern residential housing, some harm is likely if residential conversion is the only solution; the benefits of the amended scheme outweigh the harm to the heritage asset and consequently considered to be acceptable.

- 5.40 It is accepted that, due to the conflict between the inherent characteristics of an industrial building and the needs of modern residential housing, some less than substantial harm is likely if residential conversion is to take place.
- 5.41 Where the development proposed would lead to less than substantial harm, as in this case, this harm then needs to be weighed against the public benefits of the proposal (NPPF paragraph 196). These (public benefits) include, but are not limited to:
- The repair and restoration of a listed building which has been redundant for many years and falling into a state of disrepair;
  - Providing the optimum viable use for a long-term vacant listed building where several previous attempts have not come to fruition and that is included on the Council's Buildings at Risk register;
  - Improvements to the visual amenity of the local residential area
  - The preservation and enhancement of the character and appearance of the Bridges Conservation Area; and
  - Provision of one and two-bedroom apartments in an area where there is market demand.
- 5.42 Given the above the proposal meets the requirements of the NPPF, CSUCP policy CS15 and saved UDP policy ENV11.

## **6.0 CONCLUSION**

- 6.1 Taking all of the above into consideration, the statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990) have been taken into account and, subject to appropriate conditions, the development is in accordance with this statutory requirement. Whilst the proposal would result in less than substantial harm to the significance of a designated heritage asset, as required by NPPF paragraph 196, the identified harm is clearly outweighed by the public benefits of the development. The application is in accordance with saved UDP policy ENV11, policies UC14 and CS15 of the CSUCP and the NPPF. Furthermore, it is hoped that this approval would result in the removal of this from the Building's at Risk register.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable time.

2

Prior to use of any material, to be used on any external surface, a sample of that material, including the mesh panels to window openings, the roof and/or atrium surface, metal cladding and Welsh slate, demonstrating its colour and finish shall have been made available for inspection on site, and each material shall be subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the integrity or appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

3

The development shall be completed using the materials approved under Condition 2 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the integrity or appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Prior to first occupation, salvageable materials from the site (including stonework, rails, setts, and wooden blocks) shall wherever practicable be re-used within the development in accordance with a scheme to show how and where they are to be re-used, that is to be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to reflect the historic interest of the site within the new development or to preserve these materials in accordance with Saved UDP policy ENV11 and CSUCP Policy CS15.

5

The scheme for re use of salvageable materials approved under condition 4 shall be fully implemented prior to the completion of the of the final unit of the development hereby permitted.

Reason

In order to reflect the historic interest of the site within the new development or to preserve these materials in accordance with Saved UDP policy ENV11 and CSUCP Policy CS15.

6

Any artefacts of historic or archaeological interest which may be discovered during works on site shall be drawn to the attention of the Local Planning Authority (LPA) and Tyne and Wear County Archaeologist, and their future preservation or relocation approved by the LPA.

Reason

In order to ensure the correct handling and preservation of the historic artefacts and in order to comply with Saved UDP policy ENV11, ENV21 and ENV22 and CSUCP Policy CS15.

7

The preservation/relocation of artefacts shall be in full accordance with the measures approved under condition 6

Reason

In order to ensure the correct handling and preservation of the historic artefacts and in order to comply with Saved UDP policies ENV9, ENV11, ENV21 and ENV22 and CSUCP Policy CS15.

8

Prior to the cleaning of any stonework a working method statement for the areas of stonework which require cleaning and the processes to be used for the cleaning of stonework shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The stone cleaning working method statement approved under condition 8 shall be fully complied with prior to the completion of the final unit of the development hereby permitted.

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Prior to the reconstruction of any stonework in relation to the development hereby permitted, sample panels of reconstructed stone walling and stone infill shall be made available for inspection by the Local Planning Authority.

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

All stone walls and stone infills shall be constructed in accordance with the sample sections approved under condition 10

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Prior to its use on the building, a detailed specification for the mortar mix to be used with the masonry shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The mortar mix approved under condition 12 shall be used in all areas where new mortar is required and retained thereafter.

Reason

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

Prior to commencement of the development hereby permitted a structural report and repair schedule shall be submitted for the consideration and written approval of the Local Planning Authority. The structural report and repair schedule shall include; details for retention of the existing listed walls and stonework, treatment of existing walls, including the basement arches, exposed areas of brickwork where the chimneys have been removed,

**Reason for condition**

To safeguard the integrity and appearance of the existing building in accordance with the NPPF, Saved Policy ENV11 of the Unitary Development Plan and CSUCP Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

**Reason for Pre Commencement Condition**

To ensure the integrity and appearance of the existing building are safeguarded by ensuring the development hereby permitted can be accommodated without harm to the structure.

15

Notwithstanding the submitted details the rainwater goods to be used on the development shall be made of cast iron or such similar alternative material first approved in writing by the Local Planning Authority. The detail, colour and method of fixing of the cast iron (or approved alternative material) rainwater goods to include downcomers, gutters and hoppers, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the development presents a satisfactory appearance and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

16

The rainwater goods approved under condition 15 shall be fully implemented prior to the completion of the final unit of the development hereby permitted and retained as such thereafter.

**Reason**

To ensure that the development presents a satisfactory appearance and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

17

Prior to their installation, and notwithstanding the submitted drawings (037 Proposed Elevations Sheet 1 of 3 B, 038 Proposed Elevations Sheet 2 of 3 B, 039 Proposed Elevations Sheet 3 of 3 B, 040 Proposed Window Styles 1 of 2 and 041 Proposed Window Styles 2 of 2) full details, to include large scale vertical sections that show the profile of the joinery / aluminium frame and the cill detail, the depth of recess

within the wall, whether masonry or rainscreen, and details of trickle vents where required including the uprated acoustic windows and conservation rooflights,, shall be submitted for the consideration and written approval of the Local Planning Authority.

**Reason**

To ensure that the development reflects the historic integrity of the building and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

18

The windows and rooflights approved under condition 17 shall be installed in full accordance with the approved details prior to first occupation of the unit they serve

**Reason**

To ensure that the development reflects the historic integrity of the building and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

19

Prior to commencement of the development hereby permitted (including those of site remediation) a full recording exercise of the existing building and features of historic and archaeological interest shall be undertaken in accordance with a scheme for recording, which shall first have been agreed with the Tyne and Wear Archaeologist, and submitted for the consideration and written approval of the Local Planning Authority.

**Reason for Condition**

In order to make a record of the historic fabric of the site and in order to comply with Saved UDP policies ENV21 and ENV22 and CSUCP Policy CS15.

**Reason for Pre Commencement Condition**

To ensure that there is a full record of the existing building prior to demolition and construction of development hereby permitted is commenced.

20

Prior to commencement of the development hereby permitted, a full roof survey, that identifies existing Welsh slates that can be retained and reused or those that require replacement, shall be submitted for the consideration and written approval of the Local Planning Authority.

**Reason for Condition**

To ensure that the development reflects the historic integrity of the building and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

Reason for Pre Commencement Condition

To ensure the integrity and appearance of the existing building are reflected in the development hereby permitted.

21

The roof shall be repaired in accordance with the roof survey and replacement measures approved under condition 20 and the roof repairs shall be implemented in full accordance with the roof condition survey and recommendations.

Reason

To ensure that the development reflects the historic integrity of the building and having regard to the requirements of Saved Policy ENV11 of the Unitary Development Plan and policy CS15 of the CSUCP.

22

Within 6 months of commencement of the development hereby permitted full details of ventilation ducts and pipework including the cast iron grille and the roof hood, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

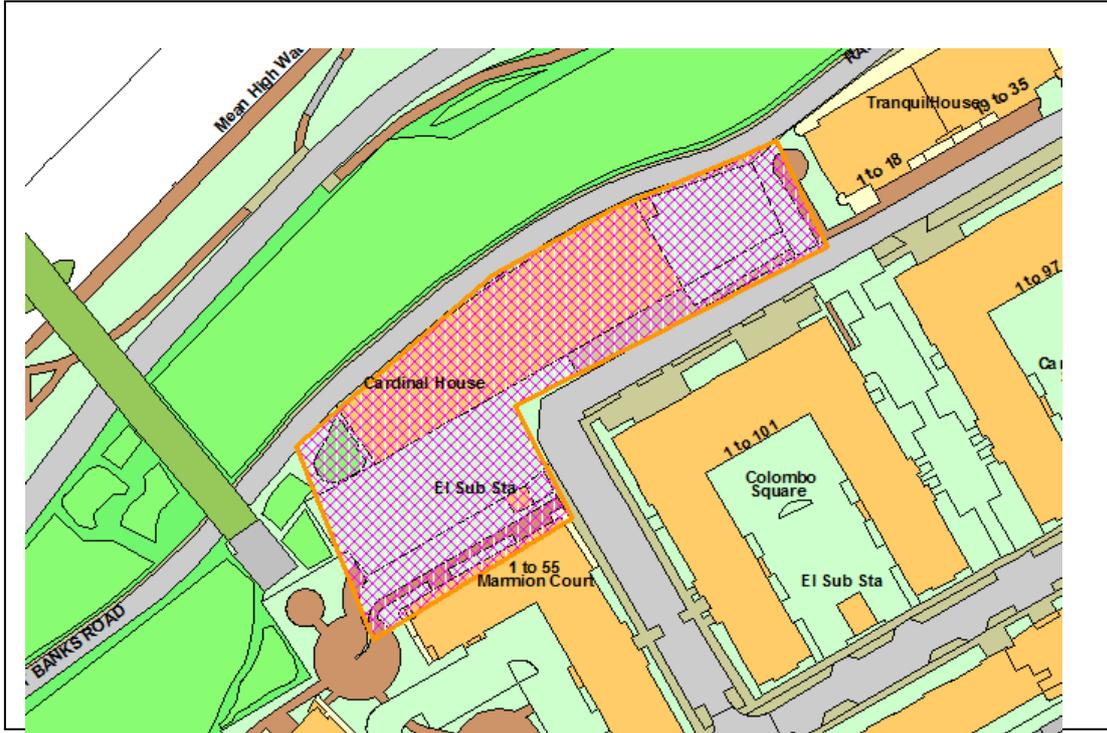
In the interests of visual amenity and the preservation of the character of the area and the integrity of the historic building, in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.

23

The ventilation ducts, pipework and grilles as approved under condition 22 shall be implemented in full accordance with the approved details and retained thereafter for the life of the development.

Reason

In the interests of visual amenity and the preservation of the character of the area and the integrity of the historic building, in accordance with Saved Policy ENV11 of the Unitary Development Plan and CSUCP policy CS15.



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**Committee Report**

<b>Application No:</b>	<b>DC/20/00247/FUL</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>31 March 2020</b>
<b>Applicant</b>	<b>Home Group</b>
<b>Site:</b>	<b>Various Locations At Chevington, Hopedene And Rennington, Leam Lane Hendon Road And Edgeware Road, Deckham Windy Nook And Whitehills</b>
<b>Ward:</b>	<b>Windy Nook And Whitehills</b>
<b>Proposal:</b>	<b>Sub-division and conversion of 36 existing units into 54 flats (creating 19 new units) including change of use of 1 unit to office (Use Class B1); reinstatement of original 'open' nature of enclosed stairwells by removal of roofs, glazed curtain walling and external walls and relocation and installation of windows and external door openings (30-32 even, 38-40 even, 45-75 odd, 103-105 odd, 111-113, 117, 125 and stairwells at 30-44, 45-75 and 101-131 Chevington; 10, 24, 28, 36, 58, 62, 66, 70 and stairwells at 10-40 and 42-72 Hopedene; stairwells at 10-40 and 42-72 Rennington; 53 Hendon Road and 47 Edgeware Road)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site constitutes two established residential areas within Leam Lane and Deckham.

1.2 Within Leam Lane, the application site is characterised by three-storey block of flats of typical post-modern architectural style whilst traditional two-storey dwellinghouses are also present in the area. External building materials consist of red-brick gable walls with either a rendered finish or brickwork to the principal façade. Roofs are constructed with a shallow pitch using concrete tiles. Access to the blocks of flats is provided through a mixture of covered entranceways with monopitch roofs, or a covered staircase extending up the gable elevation providing access to the first-floor properties to the rear. These are constructed from external walling and curtain walling.

1.3 Moving to Deckham, the application site comprises traditional two-storey dwellinghouses with external walls of brickwork, concrete roof tiles, with gardens to the front and rear.

**1.4 DESCRIPTION OF THE APPLICATION**

The planning application comprises a range of proposed works at various locations across Leam Lane and Deckham. The scope of the application is as follows:

- 30, 32, 38, 40 Chevington
- 45-75 (odd) Chevington
- 103, 105, 111, 113, 117, 125 Chevington
- 10, 24, 28, 36 Hopedene
- 58, 62, 66, 70 Hopedene
- 53 Hendon Road
- 47 Edgeware Road
- Stairwell of 30-44, 45-75, 101-131 Chevington
- Stairwell of 10-40 and 42-72 Hopedene
- Stairwell of 10-40 and 42-72 Rennington

1.5 The application proposes the following works:

- Sub-division, conversion, and change of use of:
  - 17 x 1-bedroom flats (Use Class C3)
  - 17 X 3-bedroom flats (Use Class C3)
  - 2 x 2-bedroom dwellinghouses (Use Class C3)
- to:
  - 54 x 1-bedroom flats (Use Class C3)
  - 1 x Office Unit (Use Class B1) at 61 Chevington

1.6 The Hub Office will provide on-site office space to support customers in nearby properties. It would have 1 full-time and 1 part-time employee, and the proposed opening hours are 08:00-17:00 Monday - Friday.

1.7 The application also seeks planning permission for the following external alterations:

- Removal of glazed curtain walling and external walling comprising covered walkways and entrances within the Leam Lane Estate
- Replacement and repainting of doors and galvanised steel balustrades
- Removal, replacement and repairing of water goods
- Repointing
- Minor alterations to position and style of windows

1.8 The proposed remodelling is necessary to fulfil the needs and requirements of an initiative referred to as 'Move On'.

1.9 Homes England's Move on Fund is intended to provide necessary accommodation and support to enable independent living, particularly targeted at those leaving homelessness services or domestic violence services.

1.10 This investment will be used to create Hub and Transition properties. Hub properties will be designed to provide more concentrated support for customers who require this. Transition properties will be a 'next step' and provide support

on a less intensive basis and customers will have the option to remain in their property when they are ready to have the support removed.

## **2.0 Consultation Responses:**

Northumbrian Water            No comments to make

## **3.0 Representations:**

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

3.2 Four site notices were placed on site on 02.06.2020. They were placed at the following locations:

- 1-4 Between Chevington and Bavington
- 5-10 Chevington
- 11-15 Rennington
- 16-20 Hopedene

3.3 A single letter of representation has been received. The objection is summarized as follows:

- Increased potential for threat of violence and crime
- Negative impact on quality of life and peaceful enjoyment of home
- Measures for safeguarding and ensuring safety
- Deckham properties are out of character with scope of the application
- Deckham properties located away from Hub office
- Inadequate car parking and increase in traffic
- Loss of privacy and overbearing

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

MSGP Making Spaces for Growing Places

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

- 5.1 The main issues to be considered in the determination of this planning application are considered to be:

### **PRINCIPLE OF THE DEVELOPMENT**

#### **5.2 Range and Choice of Housing**

Policy CS9 seeks to (amongst other criteria) maintain a range of housing types and sizes throughout the plan area; bring empty properties back into use, support programmes of improvement; and prevent the loss of family homes, through sub-division, change of use or redevelopment.

- 5.3 Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area to be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.

- 5.4 Part 3 of policy CS11 seeks to increase the choice of suitable accommodation, including those with special needs.

- 5.5 It is acknowledged that the proposals would conflict with part 1 of policy CS11 and part of policy CS9 as it would result in the loss of 17 x 3-bedroom family homes through sub-division and reduce the overall number of family homes in the Borough.

- 5.6 On the other hand, the proposal would comply with part 3 of policy CS11 and parts of policy CS9 by increasing the choice of suitable accommodation for those with special needs, bring some empty properties back into use (some

properties are vacant or have a high turnover) and improve the condition of properties.

5.7 Affordable housing

Policy CS11 requires 15% affordable housing subject to viability. All the dwellings created will be let either at Social or Affordable Rent (this will be reflected in the funding conditions of the scheme from Homes England). Therefore, the proposal would exceed the requirements of CS11.

5.8 Compliance with Employment Policy

The location of the single proposed office unit is outside of the Urban Core and outside of the nearby Leam Lane District Centre. The office unit would be intrinsically linked to the residential development and would provide necessary support to the residents of the flats. The office therefore needs to be located within close proximity to its support network. Given the small scale of the office development and its role within the wider scheme, it is considered to be appropriate in this location and is therefore acceptable.

5.9 On balance, it is considered that the benefits stemming from the scheme would outweigh the harm resulting from the loss of family housing. Therefore, it is considered that the proposed development would be acceptable, subject to all other material planning considerations being satisfied.

5.10 VISUAL AMENITY

External alterations comprise works aimed at improving the standard of housing and accommodation including replacing windows and doors, repairing, replacing and repainting water goods, and repainting existing metal balustrades. These works are considered to be acceptable and would improve the general aesthetic of the area.

5.11 The enclosed entrances and walkways within the Leam Lane Estate, provided by the glazed curtain walling and external walls, are proposed to be removed as a consequence of the current misuse of these enclosed spaces. The removal of these surfaces would reduce opportunities for graffiti for example whilst re-instating the open-nature of the stairwells would make a more pleasant, safer experience for residents when using them and improve levels of natural surveillance.

5.12 Representations raise concerns as to the inclusion of the two dwellinghouses in Deckham in the scope of the application. The external works proposed are small in scale and would consist of repointing and the replacement of the doors. It is considered that the two properties would still be in-keeping with the character of their established residential areas of Deckham.

5.13 As such, the proposal development is considered to comply with the NPPF, policy C15 of the CSUCP, and Saved policy ENV3 of the UDP, and is therefore considered to be acceptable.

5.14 RESIDENTIAL AMENITY

5.15 Future Occupants

Part 4 of Policy CS11 requires adequate space inside and outside of the home to meet the needs of residents.

5.16 Emerging policy MSGP13 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).

5.17 The new flats all have an internal layout of 39 m<sup>2</sup> and above which meets/exceeds the National Space Requirements for 1-bed single-storey flat for 1 person.

5.18 It is considered that adequate space would be provided inside of the home.

5.19 In terms of external space, the 2 x 2-bedroom dwellings in Deckham benefit from a front and rear garden. With regards to the flats within the Leam Lane estate, whilst they would not benefit from any dedicated private external amenity space, there is a large area of public open space to the north-west (circa. 325m) and Oliver Henderson Park to the east (circa. 550m). Further, it is commonplace where properties are located within a wider block of flats to not have any private external amenity space. As such, it is considered that the arrangement is acceptable on balance, considering there is public open space within walking distance.

5.20 Existing Residents

The proposal would result in the creation of 19 additional units (18 residential and 1 office), but there would be an overall reduction in the number of bedrooms across the application area. As such, it is not considered that there would be a significant intensification of the use which would result in an unacceptable level of noise and disturbance for existing residents.

5.21 With regards to the external alterations and building works, these are outlined in the preceding section. The removal of the enclosed communal entrances and walkways to restore the open nature of the flats is welcomed, whilst no structures would be added which would detrimentally affect the light or privacy of existing residents.

5.22 The proposal would introduce a new office use into the area, but this is of small scale, would operate throughout the day and not into the evening, and would employ 2 staff. It is not considered that the use of 61 Chevington as a Hub office would have an unacceptable impact on the residential amenity of existing residents.

5.23 Officers are aware that there have been representations on the basis that there has been and could continue to be antisocial behaviour, as a result of the target demographic of prospective tenants. Officers would, however, draw to attention that the planning system deals with the use and development of land; rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the use of the building would accord with policy.

- 5.24 It is considered that anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above. The Police have been consulted on this planning application and have no objection to the proposal.
- 5.25 Further, the proposal has considered the existing levels of anti-social behaviour and seek to address these issues through removing structures which create enclosed spaces and foster anti-social behaviour. Re-instating the open nature of the walkways around the estate will improve levels of natural surveillance and would remove areas which could be targeted for graffiti.
- 5.26 Taking into account the above, it is considered that the proposal would be acceptable and would comply with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.
- 5.27 HIGHWAY SAFETY
- 5.28 Parking Provision  
With the exception of 53 Hendon Road, the properties would not benefit from any dedicated on-street or off-street parking.
- 5.29 Based upon evening site inspections, there are two locations (30, 32, 38, 40 and 45-75 (odd) Chevington) where there is the potential for on-street parking to approach saturation point as a result of this development proposal. That being said, it is not considered that significant harm to the local road network would arise from the proposed development.
- 5.30 Notwithstanding the above, it is recommended that a condition be attached requiring details of secure and weatherproof cycle storage for the units to encourage the use of alternative forms of sustainable travel.
- 5.31 It is considered that the proposed development would accord with the NPPF and policy CS13 of the CSUCP.
- 5.32 OPEN SPACE/PLAY PROVISION
- 5.33 Chevington/Rennington  
In accordance with current Local Plan Policies (CS11, H13, H15, CFR20, CFR28-30) and emerging policies (MSGP41), new housing development will be supported by an appropriate level of open space and play area provision to meet the needs of the development.
- 5.34 The properties are located within the Leam Lane neighbourhood which currently has sufficient open space to meet the needs of both the area (4.24ha open space per 1000 population) and the anticipated population of the proposed development.
- 5.35 Based on the proposal (going from 26 three- and one-bedroom properties to 38 one-bedroom properties), it is estimated that the population reduces from 48.1

to 41.8 and therefore there is no additional play space required to meet this part of the proposal.

5.36 Hopedene, Edgeware Road and Hendon Road

As there is an anticipated reduction in population from the development, no open space and play contributions will be required for this part of the application.

5.37 Edgeware Rd and Hendon Rd (Deckham Ward)

As there is an anticipated reduction in population from the development, no open space and play contributions will be required for this part of the application.

5.38 The proposed development would therefore accord with national and local planning policy in respect of open space and play provision.

5.39 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development. As such no CIL charge is liable.

5.40 OTHER MATTERS

One representation raises concerns that the two dwellinghouses proposed to be converted in Deckham are too remote from the hub office in Leam Lane. It is considered that this concern relates to the management of the service provided by Home Group and is not an issue relevant to planning and the acceptability of the proposal in planning terms.

6.0 **CONCLUSION**

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 **Recommendation:**

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

1

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

BS/19/90/TYPET/03

BS/19/90/TYPET/04

BS/19/90/TYPET/05

BS/19/90/TYPET/06  
BS/19/90/TYPET/07  
BS/19/90/TYPET/08  
BS/19/90/TYPET/09  
BS/19/90/TYPET/10  
BS/19/90/TYPET/11  
BS/19/90/TYPET/12  
BS/19/90/TYPET/13  
BS/19/90/TYPET/14  
BS/19/90/TYPET/15  
BS/19/90/TYPET/PP  
BS/19/90/TYU/PP

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

The development hereby permitted shall be constructed entirely of the materials detailed on the submitted Application Form.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Prior to first occupation of the units hereby permitted, full details of secure and weatherproof cycle storage for each unit, including their number, type and location, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

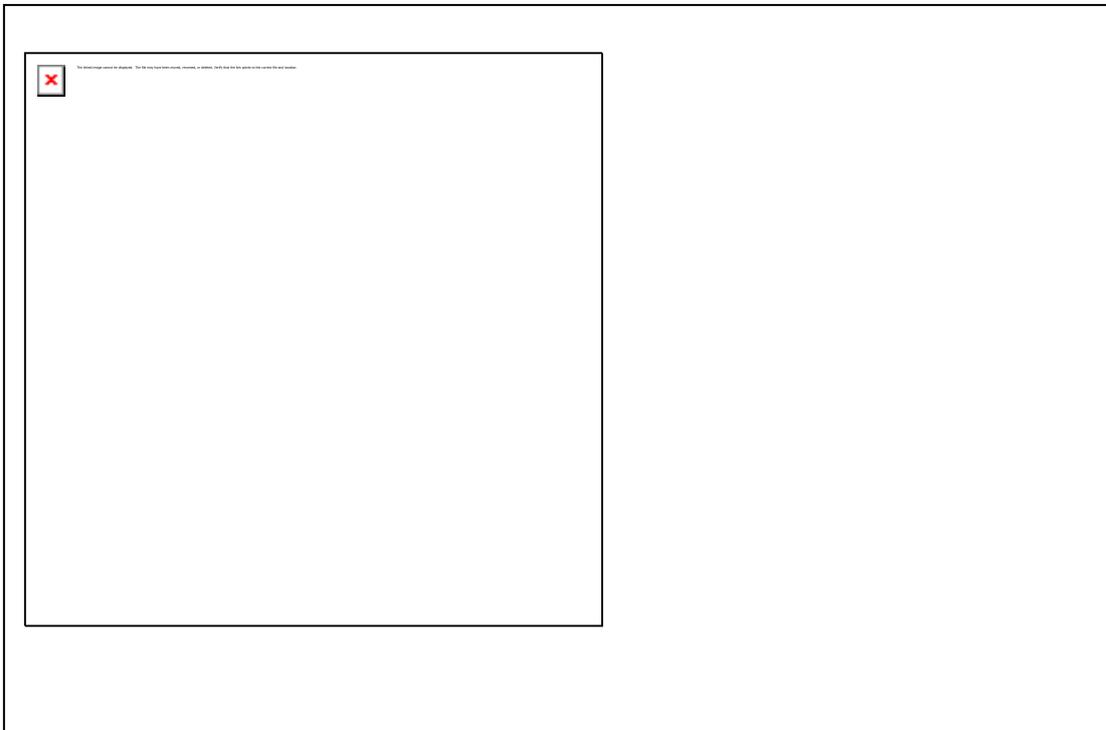
In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

5

The details approved under condition 4 shall be implemented wholly in accordance with the approved details prior to the first occupation of each unit hereby permitted and retained for the life of the development thereafter

Reason

In order to encourage sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.



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**Committee Report**

<b>Application No:</b>	<b>DC/20/00394/TDPA</b>
<b>Case Officer</b>	<b>Rebecca Adams</b>
<b>Date Application Valid</b>	<b>14 May 2020</b>
<b>Applicant</b>	<b>MBNL</b>
<b>Site:</b>	<b>Park Terrace DNS Park Terrace Gateshead</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>DETERMINATION OF PRIOR APPROVAL: Proposed installation of MBNL 20.00m high Phase 6 monopole and associated ancillary works.</b>
<b>Recommendation:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application relates to a section of highway land (footway and grass verge) to the east side of Park Terrace, Dunston.

1.2 To the east and south east of the site are residential properties along Clavering Square and to the west are residential properties across Park Terrace. The site is a short distance south of the westbound slip road entry from the A1 at Junction 70 onto Park Terrace, with the A1 and Dunston Road to the north.

**1.3 DESCRIPTION OF APPLICATION**

The application seeks determination of prior approval for a new telecommunications installation. The installation consists of a 20 metre high Mobile Broadband Network Limited (MBNL) monopole and associated cabinets that would provide new coverage for EE, including the Emergency Services Network (ESN), and for H3G LTE (Three). The monopole would be painted grey and would support antennas and dishes between heights of 14 and 20 metres.

1.4 The application is made pursuant to Part 16 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (GPDO) (as amended).

1.5 The application is supported by the following documentation:

- Existing and proposed plans
- ICNIRP Certificate
- Supplementary information
- Developer notice letter and covering letters

## 1.6 PLANNING HISTORY

There is no relevant planning history associated with the site.

## 2.0 Consultation Responses:

None undertaken

## 3.0 Representations:

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

3.2 An objection has been received from Councillor Maughan which states that the installation is unsightly and detrimental to the residential amenity of nearby local homes and also raises health concerns.

3.3 A total of twenty objections have been received, including four letters from two separate households and three representations from one individual, which are summarised as follows:

- Out of character with streetscene
- Overbearing
- Overdevelopment
- Insufficient screening
- The height of the mast would be an eyesore
- The mast is too high
- Traffic/highways concerns
- The mast would be unsafe on a busy street in proximity to busy A1 junctions which are already obscured by traffic
- The mast would be a distraction for drivers
- Health concerns
- 5G technology has not been fully investigated for health implications
- Additional noise, including during emergency repair work
- Noise from ground-based equipment
- Loss of light
- Loss of privacy during repair work
- Disturbance early mornings/late evenings
- The mast is too close to residential properties and the school
- Alternative sites and existing masts should be considered
- The mast has the potential to put off property buyers
- Devaluation of property
- Impact on views/outlook
- The proposed plans are imprecise
- The proposals will attract vandals, putting nearby homes at risk
- The mast will prevent mobile phones from working leading to unemployment concerns
- Disruption during development
- Development out of character with Conservation Area
- Lack of neighbour notification

- Planning applications should not be considered during COVID-19

3.4 One letter of support has been received which raises the following points:

- The health concerns are false
- The mast will benefit local phone service
- The mast will not harm the character of the area

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

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

- 5.1 This application is to determine whether the prior approval of the Local Planning Authority (LPA) is required for the siting and appearance of the proposed development under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.
- 5.2 Before the LPA determine whether prior approval is required and assess the proposal in line with paragraph A.3 of Part 16, an assessment must be made as to whether the proposal firstly does not exceed the restrictions and limitations of paragraph A.1 and whether it would comply with the conditions of paragraph A.2. This assessment has taken place and the proposal is considered to fall within the scope of telecommunications development subject to the prior approval process.
- 5.3 Under the prior approval process, the LPA can only consider the matters of the siting and appearance of the proposed monopole.
- 5.4 Minor forms of development (including the installation of cabinets) that meet the criteria defined within the GPDO are classed as permitted development. The proposed cabinets therefore do not require prior approval to be sought from the Local Planning Authority (LPA) and are not subject to consideration as part of this application.

## 5.5 SITING AND APPEARANCE

The supporting statement identifies that there is a requirement to provide new and improved 5G coverage for EE/ESN and for H3G LTE in the NE11 area of Gateshead.

5.6 As part of the application process the applicant has investigated a number of alternative sites within the required area (as detailed in the supporting statement) which have been discounted for technical operational reasons including coverage and lack of availability. Based on the information submitted Council Officers are in agreement that the approach taken by the applicant is reasonable and appropriate and that the site is the most appropriate location for the proposed equipment.

5.7 The site is within an area which is predominately residential in nature and is in proximity to other tall structures such as lighting columns and traffic signals and occupies a roadside location nearby to buildings and trees. Officers acknowledge that at 20 metres the proposed monopole would be tall and as there would be no tree screening or similar within the immediate vicinity that this would be visible; the structure is not however of a particularly unusual or striking design and would therefore not appear out of keeping or unduly prominent within its setting within the urban streetscene. As such, Officers consider that the proposed development would not have an unacceptable impact upon the visual amenity of the surrounding area.

5.8 The closest residential property (8 Clavering Square) is approximately 5.7m east of the site and presents a blank gable end towards the site, with the properties to the south (1-7 Clavering Square) angled towards the west/south west, facing away from the site. The properties to the west side of Park Terrace face towards the site however are situated at a distance of at least 32m away. It is accepted that the proposed mast would be both visible from and within the context of residential properties; this is not however a reason to refuse permission. Officers consider that the siting and appearance of the proposal would not give rise to such detrimental impacts upon residential amenity in terms of any loss of light, overbearing impact, noise or loss of privacy so as to warrant refusal of the scheme.

5.9 In addition to the above Officers are of the opinion that the siting of the proposal would not harm the visibility of highway users or form a distraction to motorists.

5.10 Based on the information submitted it is considered that the proposal would be acceptable in respect of the matters of siting and appearance.

## 5.11 HEALTH AND SAFETY ISSUES

The National Planning Policy Framework (NPPF) at Paragraph 115 offers guidance on health and safety considerations in relation to mobile phone masts.

5.12 In accordance with the NPPF, applications should be submitted with "a statement that self-certifies that, when operational, International Commission guidelines will be met". Any submission should therefore address this by

including supporting evidence that the installation would meet these guidelines and that no demonstrable harm would arise from the proposal.

- 5.13 NPPF Paragraph 116 further states that "Local Planning Authorities must determine applications on planning grounds only" and should not "set health safeguards different from the International Commission guidelines for public exposure".
- 5.14 The applicant has submitted an ICNIRP certificate, certifying that when operational International Commission guidelines would be met. Whilst noting the representations received in respect of health impacts no further assessment of the health impacts of the development can therefore be undertaken by the LPA.
- 5.15 OTHER MATTERS  
Other issues have been raised by local residents including noise issues from ancillary equipment, that the proposed mast would put off property buyers, devalue property, impact on views/outlook, attract vandals, prevent mobile phones from working, result in disruption during construction and that it would be out of character with the Conservation Area. This site is not within a Conservation Area and given that this is a prior approval application the only issues that the LPA can consider is siting and appearance of the proposed monopole.
- 5.16 A representation has been received which raises an objection in respect of the scope of the publicity undertaken for the application. The Council advertised the application in accordance with relevant legislative requirements and it is considered that the level of publicity undertaken was sufficient.
- 5.17 Further comments have been raised regarding the consideration of the application during the COVID-19 pandemic; it is unreasonable for the Council to refuse to determine an application on this basis.
- 5.18 Further representations state that alternative sites and existing masts should be considered. This matter to be considered by this application is whether the prior approval of the LPA is required for the siting and appearance of the mast proposed in this location. The LPA consider that the applicant has reasonably explored other options for the location of the development and it is not for the LPA to suggest and determine the acceptability of the proposed development in alternative locations.
- 5.19 A further representation has raised that the proposed plans are imprecise. The information submitted is considered to be suitably precise to understand the proposals and fulfils the requirements of Paragraph A.3 (5) of Class A of Part 16 of the GPDO.
- 5.20 Comments have been raised by the Council's Highways team in respect of concerns over the impact of the identified location of the cherry picker/crane upon traffic and highway safety during the construction/servicing of the development; in addition it has been requested that the cabinets are relocated

into the adopted verge to the rear of the footway. These comments are acknowledged however matters relating to the construction of the development are not material planning considerations and therefore cannot be taken into account in the assessment of this application for prior approval. Furthermore the cabinets do not themselves require the prior approval of the of the LPA and therefore their position is not being sought as part of this application.

## 6.0 CONCLUSION

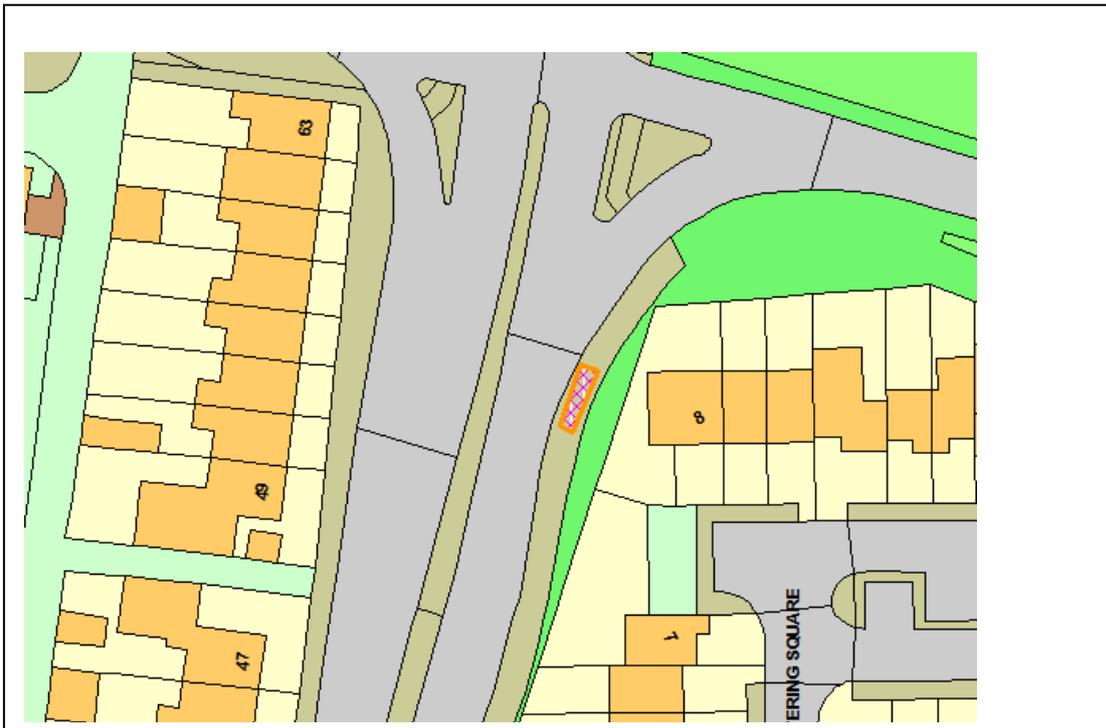
6.1 The proposal does not exceed the limitations of Part 16, Class A of the GPDO and the application complies with the relevant conditions of that Class.

6.2 The proposed scheme has been assessed in relation to the siting and appearance of the apparatus and it is considered that the proposal would not have an unacceptable impact on the amenity of the area, in accordance with the NPPF, saved UDP policies ENV3 and DC2 and CSUCP policies CS13, CS14 and CS15.

6.3 It is therefore recommended that prior approval is required and approved.

## 7.0 Recommendation:

That Prior Approval is Required and APPROVED



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# **UPDATE**

**REPORT OF THE  
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC  
PROTECTION**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
1 July 2020**

Please note this document should be read in conjunction with the main report of the  
Service Director, Development Transport and Public Protection



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/20/00394/TDPA</b>
<b>Site:</b>	<b>Park Terrace DNS Park Terrace Gateshead</b>
<b>Proposal:</b>	<b>DETERMINATION OF PRIOR APPROVAL: Proposed installation of MBNL 20.00m high Phase 6 monopole and associated ancillary works (amended plan 25.06.2020)</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Recommendation:</b>	<b>Prior approval required and approved</b>
<b>Application Type</b>	<b>Telecommunications DPA</b>

**Reason for Minor Update**

**Further representations made and amended plans received**

***Further representations***

**A petition of 9 signatures has been received in objection to the application.**

***The petition states 'I/We, the undersigned, express our concern at planning application DC/20/00394/TDPA (proposed installation of 20m high phone mast on Park Terrace, Dunston, Gateshead). We believe that the proposed phone mast is out of character with the area and damages the street scene and residential amenity of this area of Dunston. We therefore call for the application to be rejected'.***

**Officers consider that the issues raised within the petition have been addressed within the main report.**

***Amended plans***

**Amended plans have been received which propose the relocation of the monopole by approximately 0.7m to the east from the rear of the footway to the front of the adopted verge, together with the associated equipment cabinets.**

**At Paragraph 5.8 of the main agenda it is stated that;  
*'The closest residential property (8 Clavering Square) is approximately 5.7m east of the site...'***

**The report should read;  
*'The closest residential property (8 Clavering Square) is approximately 5m east of the site...'***

**Officers have assessed the amended scheme in respect of the siting and appearance of the development and consider that the amendment does**

not impact upon the original assessment or recommendation set out in the main agenda.

At Paragraph 5.20 of the main agenda it is stated that;

*'...it has been requested that the cabinets are relocated into the adopted verge to the rear of the footway'.*

Officers consider that the relocation of the monopole and associated equipment cabinets addresses the request made by the Council's Highways team as at Paragraph 5.20 of the main agenda.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**