

Committee Report

Application No:	DC/17/00634/FUL
Applicant	Primesite Developments /1Dom
Date Application Valid	9 June 2017
Site:	21 Mill Road East Gateshead Gateshead NE8 3AE
Ward:	Bridges
Proposal:	Mixed use development consisting of 386 residential units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

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

The application site sits on the upper edge of the Tyne Gorge and forms part of a major node, connecting the wider East Gateshead area and Baltic Business Quarter with Gateshead Quays and Gateshead Town Centre. The site is not located within the Baltic Business Quarter as designated in the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) but is located within the Urban Core. It is also located on the edge of the Tyne Gorge and the River Tyne Wildlife Corridor. The site is bounded by Mill Road and Hawks Road and the Ramada Encore Hotel, however there is an existing pedestrian walkway which separates the site from the hotel. Gateshead College and the Northern Design Centre are in close proximity. The nearest residential development is to the north in the form of the high rise Baltic flats.

1.2 The site is currently occupied vacant, disused, brick built, office/warehouse buildings, which has partly been demolished following the approval of a previous application on part of the site DC/16/00469/FUL. The site subject to this application differs from DC/16/00469/FUL it that it also includes the warehouse building closest to the hotel. The existing buildings are three storeys in height with the highest point, due to the change in land levels being on the corner of Hawks Road and Mill Road.

1.3 DESCRIPTION OF THE APPLICATION

The application proposes the demolition of the existing buildings and the construction of a 20 storey (at its highest point), 386 unit, mixed student and residential block with commercial uses ground floor. These include a cycle cafe and a convenience store. 55 car parking spaces are proposed in two under

croft parks with one accessed off Mill Road and one off Hawks Road. Secure parking for 210 cycles is also proposed. A service bay is proposed on Mill Road with access to the commercial units provided through the car park which is accessed off Mill Road.

- 1.4 Only at its highest point on the corner of Mill Road and Hawks Road is the proposal 20 storeys in height, it steps down first to 14 storeys and then to 9 storeys as the building extends along Mill Road and Hawks Road respectively.
- 1.5 This is a revised application to the one which was approved by members of the Planning and Development Committee on the 3rd August 2016 (DC/16/00469/FUL) and granted planning permission on the 4th August 2016. That proposal was for a 15 storey, 326 bed student development which only covered part of this site. This development covers the whole of the corner block and is proposed to provide 244 student studios (consisting of 231 studio rooms and 13 Accessible DDA compliant rooms) and 142 residential apartments, consisting of 32 one bedroom, 83 two bedroom and 27 three bedroom apartments.
- 1.6 The proposed building is arranged in a U shape with a central public area. Build outs are positioned at various locations on the elevations of the building fronting onto Hawks Road and Mill Road, with additional terraces on the roof. Some balconies are proposed on the south east corner but only at the lower floors and also on the corner elevation facing up Hawks Road towards the railway bridge but only on the upper floors. Improved areas of public realm are proposed at street level and an area of enclosed, communal amenity space for the occupiers of the development is proposed within a central atrium. Green/Brown roofs are proposed as well.
- 1.7 The exterior is made up of glazing and stone cladding, with the upper floors primarily proposed to be glazed.
- 1.8 The main pedestrian access to the development is proposed to be via the doors on the corner of Hawks Road and Mill Road, into the main reception area, with secondary accesses offered via Hawks Road and Mill Road, with the Hawks Road access being solely via a stairwell, whereas the Mill Road access does offer access directly to a lift. Access to the commercial units is proposed to be via entrances off Hawks Road.
- 1.9 A central enclosed recreation/garden area is proposed.
- 1.10 As submitted, the development although providing student accommodation, does not have links to the universities.
- 1.11 The application has been amended (06.10.2017) from when it was originally submitted to increase the height of the point block to 20 storeys from 18 storeys. However this has been done to accommodate a more appropriate stepping down as the development extends along Hawks Road and Mill Road and Mill Road. Neighbours have been notified of the amendments to the design of the development but in terms of the number of units, this has

remained the same (386). Further information has also been provided showing how the units will be allocated for students and residential use and amendments have been submitted to re-introduce angled windows to the lower floors facing the hotel (27.10.2017). Minor changes to the elevations have also been made 31.10.2017. It was not considered necessary to re-notify neighbours on the amendments made on the 27.10.2017 and the (31.10.2017).

1.12 The following information has been submitted with the application:

Design and Access Statement
Coal Mining Risk Assessment
Land Contamination Assessment
Noise Assessment
Daylight/Sunlight Assessment
SuDS and Drainage Assessment
Ecology Statement
Transport Assessment
Heritage Statement
Planning Statement

1.13 PLANNING HISTORY

DC/16/00469/FUL - Planning permission granted for the erection of a 15 storey (at highest point and 1 metre higher than previously approved development DC/15/00856/FUL) 326-bed Student Development with parking and communal facilities. (Amended 11/07/2016 and 14/07/16). Granted on the 20.11.2015

DC/15/00856/FUL - Planning permission granted for the erection of 14-storey (at highest point) 265-bed student development with parking and communal facilities.(Amended 23.10.2015). Granted on the 04.08.2016

2.0 Consultation Responses:

NHS Property Services Ltd	No Comments
Coal Authority	No Objections Subject to Conditions
Arriva Plc	No Comments
Northern Electric Distribution Ltd	No Comments
Environment Agency	No Comments
The Go-Ahead Group Plc	No Comments
Gateshead Police	No Comments
Northumbria Water	No Objection Subject to Conditions

Historic England	No Objections
North Of England Civic Trust	No Comments
Port Of Tyne	No Comments
NATS	No Comments
Newcastle Airport	No Objections subject to condition for crane methodology statement
Tyne And Wear Archaeology Officer	No Objections Subject to Conditions

3.0 Representations:

3.1 Neighbour notifications (327 in total), press and site notices were first carried out on the 09.07.2017 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. One representation was made with the following issue raised:

- Hawks Road already gets congested at peak times. Is there any consideration on the traffic impact of this development, including increased pedestrian safety measures?

3.2 Neighbours were re-notified on the 23.10.2017 on the amended plans. Two letters of objection have been received and the issues raised have been summarised below:

- With the planning permission already granted for many new student flats at 21 Mill Road there will already be an increase in noise around the neighbourhood as well as increased disturbance. The additional height to the building will increase the capacity of the site, as a result there will be an increase in noise in the area.
- More flats will lead to more traffic when people are moving in and coming and going, the plot is already very small. How will they ensure there is adequate off-road parking for all residents?
- The Baltic Quay block will lose natural light as the building will over shadow the back of this block which will be at the cost of residents already living in the neighbourhood.
- There is only one road separating the two blocks and both have windows overlooking the road therefore any increase in the height of this block will also reduce the privacy of the residents already living in Baltic Quay.
- The access to the Baltic Quay area and Mill Road is already time consuming especially if entering via the Tyne Bridge cross roads. The road layout needs to be re-considered including additional filter lanes.
- This new build consisting of 386 residential units will add far more cars into this area, more traffic and noise. Through the industrial estate it is a

two lane road usually with parked cars and lorries giving one available lane.

- There are no shopping facilities in this area, no small local shops etc, this build may allow this somewhere in its design?
- Congestion and traffic into Newcastle is also limited, currently available via the Tyne Bridge or across the Swing Bridge, access should be granted for residents use.
- The construction of the building will be time consuming, the mess on the roads, the noise of building. The temporary traffic lights then will most likely will be installed during build on the crossroads.
- Where will be 150-300 extra cars go?
- Residents would like to know a) how this will inconvenience us all b) what will be done to limit disruption c) how we will be compensated?

3.3 One further representation was made stating that although they were generally supportive of the development there were concerns over parking.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

UC4 Homes

UC12 Urban Design

UC17 Public Art

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

T1 Transport req for New Developments

DEL1 Infrastructure/Developer Contributions

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be the principle of development as well as the impact on design, residential amenity, highway safety and other material planning considerations.

5.2 PRINCIPLE

Policy CS11(1) of the Core Strategy and Urban Core Plan (CSUCP) aims to ensure that 60% of new private housing across the plan area is suitable and

attractive for families with a minimum of 16,000 new homes to have three or more bedrooms. Policy H5 of the Unitary Development Plan (UDP) also seeks to improve the choice of housing in Gateshead.

- 5.3 In this case the proposed development would provide 244 student studios (consisting of 231 studio rooms and 13 Accessible DDA compliant rooms) and 142 general occupation residential apartments, consisting of 32 one bedroom, 83 two bedroom and 27 three bedroom apartments.
- 5.4 It is acknowledged that taking this proposal in isolation, the development would only provide a limited contribution to the provision of family housing (3 of more bedrooms) but it would deliver housing in the urban core, where residential development is supported. Policy UC4 aims to deliver 3740 homes in the Urban Core and taking into account the nature of sites within the Urban Core it is reasonable to expect that a large proportion of residential units in the Urban Core will be one or two bed studios/apartments.
- 5.5 On this basis it is considered the proposed development would deliver desired housing for the borough.
- 5.6 However the site is also located in the Quays and Baltic Sub-Area (Policy QB1 of the CSUCP, as well as forming part of the Millennium Quay/Hawks Road Development Opportunity Site (QB3(1) of the CSUCP).
- 5.7 Policy UC4 of the CSUCP allocates mixed use sites which will include homes in the Quays and Baltic Sub Area. In addition policy CS11(6) of the CSUCP identifies that purpose built student accommodation should be focused within the Urban Core. Therefore, there is no presumption against student or residential accommodation in the Baltic and Quays Sub Area.
- 5.8 It is acknowledged that the site forms part of the Millennium Quay / Hawks Road (East, West, Central) Development Opportunity Site which states the site should encompass a mix of principal uses including Office (B1a) and Assembly and Leisure (D2). Whilst student or residential accommodation is not identified as one of the principal uses for this site, in allocating the site for mixed-use development, the policy does not go as far as to prevent other uses as inappropriate for this location. The potential for student/residential accommodation at the Millennium Quay / Hawks Road (East, West, Central) site was highlighted as a suitable use for the site during consultation on the CSUCP. Although policy QB3(1) maintains that office (B1a) and assembly and leisure (D2) are the preferred uses for this site, the Compliance Statement prepared to support the CSUCP Examination in Public does acknowledge: "other uses could be considered and a planning application will be assessed on its merits".
- 5.9 Notwithstanding this, where there is a potential conflict in policies, the National Planning Practice Guidance (NPPG), paragraph 007, does allow for conflicts to be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

- 5.10 In this case, as already highlighted, the CSUCP does allow for student and residential accommodation in this area and it is also considered the development of student and residential accommodation on this site has the potential to facilitate the wider development of the QB3 allocation to incorporate the principal uses listed in Policy. Furthermore, active ground floor uses are proposed for Hawks Road. The ground floor café and convenience store would not be exclusively for the development and would be for the benefit of the wider Quays and Baltic Area and it is considered these uses will bring vitality and vibrancy to an area which is in need of development. To ensure the ground floor frontages remain active it is recommended the uses are restricted to use class A1 (retail), A2 (financial and professional services), (A3 (restaurants and cafe) and A4 (drinking establishment). This can be conditioned (CONDITION 64).
- 5.11 It is also considered investment in the area would have added economic benefits. The creation of jobs in the area and improved confidence amongst developers looking to develop in the area, has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area.
- 5.12 As such it is considered the benefits delivered through this type of, large scale, landmark development outweigh the conflict it may have with the requirement of policy QB3(1i).
- 5.13 As a result and taking into account all of the above it is accepted that the proposed development is not strictly in accordance with all the relevant policies in the CSUCP. However taking into account the flexibility of the policy approach for the area, particularly when considered alongside the NPPF and NPPG, it is considered the development is sustainable and will deliver a number of economic benefits for the area and Gateshead as a whole which would help to build a strong, competitive and prosperous economy. This objective is in line with the aspirations of the NPPF, as well as policies UC4, QB1, CS11 and in part policy QB3 of the CSUCP. Therefore on balance it is considered the principle of a student/residential development accommodation development, with commercial uses on the ground floor, is acceptable in this location, subject to all other material planning considerations being satisfied. Furthermore the fall-back position is that a student development has already been granted for this site under applications DC/15/00856/FUL and DC/16/00469/FUL.
- 5.14 **AFFORDABLE HOUSING**
Policy CS11 (5) of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to viability. This can be provided on site or in schemes like this where it may be more difficult to provide on-site affordable units and where an alternative site is available elsewhere (part of the Exemplar Neighbourhood development) through an off-site contribution. In this case the affordable housing would be calculated based on the 142 residential apartments proposed as Gateshead Council does not seek affordable housing on student developments.
- 5.15 Any off site contribution would need to be in accordance with guidance detailed in the 'Planning Obligations Supplementary Planning Document'.

- 5.16 The affordable housing requirements can be secured through a S106 agreement in accordance with policy PO2 of the UDP. The mix of residential to student units as proposed can also be secured through a S106 agreement and will be tied to the floor plans submitted with the application that show which units are to be allocated for students and which will be residential units.
- 5.17 **LIFETIME AND WHEELCHAIR ACCESSIBLE HOMES**
CSUCP Policy CS11 (2), and saved UDP policies H9 and H10 require 2% of dwellings to meet Wheelchair Housing Standards, and 10% Lifetime Homes, within developments of 25 or more dwellings. The Planning Statement indicates that 13 flats will meet the wheelchair standard however it would appear these flats are to be allocated to students. 2% of the 142 residential apartments should also be wheelchair accessible and 10% should be built to lifetime homes standard. This can be conditioned (CONDITION 63).
- 5.18 **DESIGN**
The importance of good design in new development is recognised in the NPPF. Policy UC12 of the CSUCP seeks to deliver the highest possible quality of urban design within the Central Gateshead area and policy CS15 of the CSUCP aims to ensure development contributes to good place making through the delivery of high quality urban design. Both policies set out other various urban design principles. Policy ENV3 of the UDP also states the importance of design in relation to new development and the established character and identity of its locality.
- 5.19 In addition the corner of Mill Road and Hawks Road is identified in policy UC11 of the CSUCP as being a gateway site. Gateways are the points where changes in the environment create a sense of moving from one district to another and this includes the requirement for a change in scale, so taller buildings in this area are actively encouraged.
- 5.20 It is acknowledged that the proposed development would be the tallest building in the area and the 2003 Urban Landscape Study of the Tyne Gorge (Tyne Gorge Study) does set out some main principles but it does not discourage tall buildings and there are already examples of tall buildings within the Tyne Gorge i.e. the Sage Gateshead and the Baltic Flats. Primarily, the aim of the Tyne Gorge Study is to ensure strategic views of key heritage assets are not compromised. It is not to safeguard all views and there is a section within the Tyne Gorge Study which advises on the development of tall buildings. The Council's Place Making Supplementary Planning Document also encourages tall buildings where appropriate.
- 5.21 As proposed, it is considered the building would provide the focal point for this Gateway area, located at the head of the main north route into the area and identified as being a gateway site in policy UC11 of the CSUCP. The palette of materials would be crisp and the development would be contemporary in appearance. The design responds to the topography of the land and the height of neighbouring buildings with the height stepped down along both Mill Road and Hawks Road in 3 blocks, to ensure a balanced relationship is maintained.

There would be an abundance of glazing, notably on the upper floors which has been provided as part of the amendments to try and reduce the scale of the development, rainscreen cladding with different colours proposed to identify the 3 blocks, glazing pods and green roofs. It is considered these design features would deliver a distinctive development that is fully suited to this prominent location.

- 5.22 The applicant has provided a number of images showing the development in context with its surroundings and the development in its amended form has been modelled using the Virtual Newcastle Gateshead software which in officer's opinion demonstrates that the development would be a positive addition to the area. It is hoped images from the model will be available in time for the Planning and Development Committee.
- 5.23 The applicant has provided some details with regards to materials and these are in line with the aspiration for cladding which incorporates stone elements, as well as aluminium frames and glazing. Final details, including details of the cladding for any structural columns, can be conditioned (CONDITIONS 20 and 21).
- 5.24 There is limited opportunity for landscaping but improvements to the highway, footpaths and public realm around the building and more prominently down Mill Road are proposed. These improvements are welcomed and accord with the design principles set out in policy QB3 of the CSUCP. There are also areas of public space within the envelope of the building which enhances the amenity of the development and the surrounding area.
- 5.25 To enhance the character and local distinctiveness of the development and in accordance with policy UC17 of the CSUCP, the development is expected to include some public art. Details of this can be conditioned (CONDITIONS 51 AND 52).
- 5.26 As a result this high quality, landmark development is considered to be acceptable in design terms and the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16 and CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.27 **HIGHWAY SAFETY/PARKING**
The site is located within the urban core/town centre where there is less of a reliance on car ownership and there is no requirement in the NPPF or within the CSUCP or the UDP that explicitly requires parking for town centre developments. On the contrary planning policies encourage the use of more sustainable modes of transport and students in particular tend to utilise sustainable transport rather than private cars.
- 5.28 There are a number of pedestrian links into the centre of Gateshead and Newcastle and the route from the corner of Hawks Road and Mill Road is proposed to be improved by this development in accordance with policies CS13, QB1 and QB3 of the CSUCP. In addition there are already existing bus routes and cycleways within easy access of the site. A Travel Plan would be

required to maximise the use of these links (CONDITIONS 47 AND 48) as would the installation of secure cycle parking for 210 cycles, which has been shown on the plans but extra security is required for provision within the upper car park. Final details can be conditioned (CONDITIONS 36 AND 37). In addition as per the previous approvals there is a requirement to provide new bus shelters for two of the bus stops on Mill Road and again this can be conditioned (CONDITION 30 and 31). In accordance with policy CS13 and also the NPPF, at least one electric charging point should be introduced into the development and this can be conditioned (CONDITION 40).

- 5.29 Therefore taking into account the sites sustainable location, within the Urban Core where access to pedestrian links, cycle routes and public transport is readily available, the level of parking proposed (55 spaces) is considered to be acceptable. A car park management plan has been submitted with the application and the implementation of this plan and the updates to the plan where specified, can be conditioned to ensure the car park functions properly, factoring in the mix of uses on the site i.e student units, residential units and commercial uses (CONDITION 38). The car park management plan can also ensure there is adequate parking available at the start and end of term when vehicle activity is likely to increase.
- 5.30 Should any students, residents, visitors, staff or customers arrive by car and there is no parking available then they would be expected to park in the nearby public car parks. Should any indiscriminate parking take place on the highway that would be subject to separate highway enforcement.
- 5.31 As proposed there is scope for vehicles to bump up over the footpath on Mill Road and potentially park on the area under the columns which is to be stopped up, specifically the area furthest down the hill. To discourage this it is recommended a low wall or planter is provided at the back of the footpath. Final details of this can be conditioned (CONDITIONS 34 AND 35).
- 5.32 Disabled bays are proposed within the car park but they should have the transfer zone to the right hand side and rear when entering in a forwards gear. It is also advisable that a disabled bay isn't located alongside the wall unless the size of the bay is increased to allow for this. Final details can be conditioned (CONDITIONS 45 AND 46).
- 5.33 The inclusion of a ramped pedestrian route between the car park and the main reception area is welcomed. The gradient of the ramp should ideally be 1 in 20 maximum but the absolute maximum is 1 in 12 over short distances. The longer section of ramp, which is over 10m in length should be more akin to 1 in 15 maximum. The width of the route should also be 1200mm to allow for a clear width of 1000mm between handrails to either side. Final details of this ramp can be conditioned (CONDITIONS 49 AND 50).
- 5.34 With regards to the car park access for vehicles, the locations are considered acceptable and the introduction of a loading and service bay off Mill Road would ensure deliveries to the site and bin collections could be undertaken safely. However the development is mixed use and encompasses a commercial

element on the ground floor which would generate a number of deliveries and significant volumes of waste. Therefore it is likely bins would need to be collected at least twice a week and frequent deliveries will take place. Subsequently a servicing and refuse strategy has been submitted to manage the times the bay is in use and the implementation of this can be conditioned (CONDITION 39). The bin stores have been located to ensure all collections take place off Mill Road. Although bin and delivery wagons will park in the layby, as access to the car park will be needed to collect the bins and also make deliveries, details of any barriers/shutters to the car park and how they would be operated, would be required and this can be conditioned (CONDITIONS 41 and 42).

- 5.35 It is still considered the visibility provided for vehicles egressing from the car park onto Hawks Road could be improved further and the applicant has provided some indicative suggestions, including bollards to deflect pedestrians away from the opening. In principle this is acceptable but final details would be required and this can be conditioned (CONDITIONS 43 AND 44).
- 5.36 Columns have been introduced to the Mill Road frontage, at ground floor level to support the overhang of the building but it is considered even with the necessary protection measures in place, adequate space would be available for pedestrians and wheel chair users, to safely navigate past the columns and the loading bay when the loading bay is in use. The minimum requirement for a footpath is 1.2 metres and it is considered this could be achieved.
- 5.37 In order to facilitate the development certain parts of the highway would need to be stopped up. Final details of all works within the adopted highway that is to remain would be required (CONDITIONS 32 and 33). This includes the layby, improvements to footway around development (including Hawks Road), street lighting, signs, road markings and waiting restrictions. Any legal orders associated with layby would need to be dealt with separately at the cost of the applicant.
- 5.38 As a result it is considered that due to the site's sustainable location and the measures proposed and/or that can be conditioned, the proposed development would not generate a significant increase in traffic and any parking that is required could be accommodated within the development or the surrounding public car parks. In addition pedestrian and bus links would be improved approved and facilities for cycle parking provided. As a result it is considered the proposed development would not conflict with the aims and objectives of the NPPF or policies CS13, QB1, QB3, UC5, UC6, UC7, UC12 and UC16 of the CSUCP as well as policies T1 and T7 of the UDP.
- 5.39 **RESIDENTIAL AMENITY**
In response to the potential issues of overlooking it is considered there will be little in the way of direct overlooking between the proposed development and the nearest residential development at Baltic Flats, due to the off-set relationship the two developments would have with each other. Even though the proposed development would be set higher than the Baltic Flats, it is considered the significance of any indirect overlooking would be limited as a

result of the separation distances. At the nearest point the separation distance is circa 25 metres but this increases as the development steps up the hill.

- 5.40 In terms of visual intrusion it is acknowledged that this is a substantial development and will be prominent from the south facing windows of the Baltic Flats but at the nearest point the proposed development would only be 9 storeys high, compared to the 13 storeys of the flats as the height of the development increases up the hill, so does the separation distance. In addition as mentioned above the development splays away from the flats.
- 5.41 With regards to the impact of the development on the amount of daylight and sunlight getting to the flats, it is considered the separation distances between the two developments would ensure there is no significant loss of daylight. The sunlight assessment provided using modelling from the Virtual Newcastle Gateshead (VNG) model demonstrates that there would be little or no loss of sunlight to the flats during the summer months and only short periods of loss/overshadowing during the winter months, on the occasions when the sun is shining. This is not considered to be sufficient enough to warrant refusal especially as the surrounding area has been identified for development and where elements of overshadowing etc is expected.
- 5.42 A micro-climate study has also been submitted which demonstrates the development would not have any adverse impacts in terms of downdrafts which could have affected the safety of pedestrians on footpaths around the building. Cross winds could potentially be an issue at the corner of Mill Road and Hawks Road but this would only be in extremely high winds and as it is a current issues it would continue be an issue whatever the building height. Mitigation for this has been proposed in the form of 1.5m high railings on the edge of the footpath but it is considered the adverse impact the railings would have on visual amenity and highway safety would outweigh the mitigation benefits. As such the implementation of these railings is not considered necessary in this case.
- 5.43 There are some balconies proposed but none in close relation to the existing flats. There are also roof top terraces but it is considered there would not be any direct overlooking of neighbouring properties from these terraces. In addition although the terraces could be used at night there is no evidence to suggest that the use of the terraces would result in any anti-social behaviour or noise nuisance over and above what is generally found in urban centre locations.
- 5.44 Furthermore the presumption that student accommodation will automatically give rise to illegalities is not substantiated and in any event should be balanced against the comings and goings of the existing hotel and Baltic Flats. As with the risk of anti-social behaviour at night, there is also no evidence to suggest that the influx of students into the area would have a detrimental impact on the ambiance of the area. On the contrary increased activity could have a positive impact and could draw more people into the area, benefiting existing businesses and future businesses or developers looking to relocate to the area. It should also be noted that as this development is now proposing a mix of student and residential accommodation, the number of beds specifically for

students has actually decreased from the previous approval on the site, 326 beds down to 244.

- 5.45 In terms of the impact on the neighbouring hotel, the hotel operator has not objected to the proposal but there are windows in the proposed development that would look directly into the hotel which could impact on the amenity of residents within the development and hotel guests. The plans originally submitted with this application proposed that the openings on the lower floors which directly faced the hotel would be fitted with angled windows which would have been acceptable. This arrangement was changed on some of the amended plans but the angled windows have now been re-introduced. With the angled windows the development would still have some impact on the outlook from the hotel rooms but as it exists these rooms do not benefit from a particularly open aspect so the impact would not be significant and it could be argued the outlook would actually be improved. Angling the windows also improves the outlook for future occupiers of the units facing the hotel.
- 5.46 The size of the units have also been designed to be broadly in line with the Nationally Described Space Standards and satisfy the requirements of policy CS11(4) of the CSUCP. The inclusion of a large area of communal amenity space in the central atrium is also welcomed.
- 5.47 Therefore in terms of overlooking, overshadowing and general disturbance it is considered the proposed development is acceptable and would not result in any significant issues for neighbouring residential occupiers, hotel guests or future occupiers of the development.
- 5.48 As set out in policy DC2 of the UDP and policy CS14 of the CSUCP the amenity of future residents is also a material planning consideration. The application is supported by a noise assessment and builds on previous monitoring and makes a number of recommendations in terms of acoustic measures to the proposed development. Consequently it is recommended that final glazing/ventilation details are provided and this can be conditioned (CONDITIONS 61 AND 62). As the proposed ground floor use could in the future include a bar or restaurant, final sound insulation details should also be submitted and this sound insulation should take account of all sound sources at ground floor such as air conditioning, entertainment/music levels etc. (CONDITIONS 59 AND 60).
- 5.49 Further to the recommendations in the assessment there is acknowledgement that the roof top plant on the Ramada Encore Hotel, immediately adjacent to the proposed dwellings, has not been assessed as the current building (prior to the recent part demolition) was lower in height and it was not possible to carry out any accurate measurements of plant noise levels on the on the existing site. The assessment recommends further levels are taken during the construction phase to assess noise levels. This further assessment would need to be carried out in order to inform what type of glazing/ventilation is required for the flats facing the hotel. The carrying out of this further assessment has been included as part of condition 61.

- 5.50 There are commercial uses proposed on the ground floor, potentially including restaurants. Therefore prior to occupation of these units with a use that requires mechanical ventilation/cooking equipment, final details of any mechanical ventilation/cooking equipment would be required. This can be conditioned (CONDITIONS 57 AND 58). Final details of any external air conditioning units, notably the noise levels generated, would also be required (CONDITIONS 55 AND 56). Other details to be conditioned include external lighting (CONDITIONS 53 AND 54) and hours of demolition/construction (CONDITIONS 3 AND 4). Due to the location it is not considered necessary to condition opening hours of the commercial premises.
- 5.51 Therefore it is considered the impact of the proposed development on residential amenity is acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.52 AIR QUALITY
An Air Quality Assessment for the proposed development has been submitted and officers agree with the conclusions put forward that residents will not be placed in a location where the NO₂ air quality objective will be breached, or that the development will cause such a breach.
- 5.53 However in accordance with policy CS14 of the CSUCP the developers would need to put forward a dust management plan for the demolition and construction phases as sensitive receptors are very close by. This has been included as part of condition 3.
- 5.54 FLOODING AND SUSTAINABLE URBAN DRAINAGE
The site is located in flood zone 1 and due to the size of the site a flood risk assessment is not required. However the use of SuDS is a material consideration for major development unless it can be demonstrated to be inappropriate and in accordance with the Core Strategy Policy CS17:4, surface water should be managed following the drainage hierarchy as set out in the Core Strategy Policy CS17:4 which states that development should: separate, control and minimise surface water runoff, discharging in order of priority to:
- i. Infiltration based Sustainable Drainage Systems
 - ii. A watercourse
 - iii. A surface water sewer
 - iv. A combined sewer.
- 5.55 A drainage assessment has been submitted and has identified the introduction of green roofs as being a positive, however the assessment fails to cover all the key issues. Therefore in order to satisfy the requirements of the NPPF, the NPPG and policy CS17 of the CSUCP, a more comprehensive drainage assessment and details of the surface water drainage scheme would be required. This can be conditioned (CONDITIONS 22 AND 23) as the measures would be incorporated into the fabric of the building and would not need to be adopted by the Council. Due to the potential for surface water flooding in the area a flood evacuation plan would also be required (CONDITIONS 24 AND 25).

5.56 Therefore subject to conditions it is considered that the development would be in accordance with policy CS17 of the CSUCP and the NPPF.

5.57 CONTAMINATED LAND AND COAL MINING LEGACY

The site is located on land identified as being potentially contaminated and a phase 1 land contamination assessment has been submitted which concludes further investigations are required. This can be conditioned in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP (CONDITIONS 11-13). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 14-17).

5.58 ECOLOGY

The site is located on the edge of the River Tyne Wildlife Corridor. As such in accordance with the principles of the NPPF, new development should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. It should also contribute to the Government's commitment to halt the overall decline in biodiversity, by establishing coherent ecological networks that are more resilient to current and future pressures.

5.59 The provision of green/brown roofs is considered to be a positive feature and in addition to reducing flood risk would provide valuable opportunities for biodiversity. Final details of the roofs can be conditioned to ensure the ecological opportunities are maximised (CONDITIONS 28 AND 29).

5.60 With regards to demolition, as the site is located on the edge of the wildlife corridor there is the potential for bats and nesting birds. Information has already been submitted in relation to a bat and nesting bird assessment but 12 months has now expired. As a result an updated bat roost and nesting bird survey is required prior to demolition re-commencing. This can be conditioned (CONDITIONS 5 AND 6). Any demolition should also take place outside of the bird nesting season. (CONDITION 7)

5.61 As a result it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and policies ENV46 and ENV51 of the UDP.

5.62 SUSTAINABILITY

Section 10 of the NPPF seeks to reduce the impact of climate change with policies CS16 of the CSUCP and policy MWR35 of the UDP setting local requirements.

5.63 Information submitted in the planning statement identifies measures that could be introduced into the building, including a Combined Heat and Power (CHP) wet system and water harvesting. These measures are considered reasonable but there is an opportunity for the development to connect to the District Energy Centre. Therefore it is recommended that this option is investigated further and

a sustainability statement is submitted demonstrating compliance with policy CS16 of the CSUCP. This can be conditioned (CONDITIONS 26 AND 27).

- 5.64 Subject to this condition it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS16 of the CSUCP and policy MWR35 of the UDP.
- 5.65 **OPEN SPACE AND PLAY**
The Saltmeadows / Gateshead Quays neighbourhood in which the site is located is not deficient in public open space and there is no requirement for any to be provided as a result of the development. Therefore, contributions should not be sought for this element in accordance with saved UDP Policy H13.
- 5.66 There are no toddler, junior or teen play areas located within the maximum distance specified by UDP policy CFR28, nor is there any evidence to suggest any will be coming forward in the near future and it is accepted that there is little or no opportunity to provide children's play facilities within the site.
- 5.67 In addition pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.68 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and with no obvious sites available in the immediate locality any it would be unreasonable to request a contribution from this site alone to provide off site play provisions. Therefore the Council are not seeking any further obligations in respect of these matters.
- 5.69 Consequently while it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.70 **ARCHAEOLOGY**
The site is immediately adjacent to the former CPS Haulage site developed from 2009, for which a Desk Based Assessment (DBA) was produced which recommended excavation of important post-medieval structures on the site.
- 5.71 Previous excavations in the area have discovered substantial structures from the former Hawk's Ironworks, which was established on the site in 1747, to process scrap iron procured in London into wrought iron for use in the manufacture of a range of objects for both civilian and military markets by the Crowley Iron Works at Winlaton Mill. In 2011, excavations on the former CPS Haulage site, while recording later 18th and early 19th century remains, did not locate any mid eighteenth century structures so these parts of the complex may be encountered during the proposed development.
- 5.72 As a consequence and in accordance with the NPPF, as well as policies ENV21 and ENV22 of the UDP trial excavations on the site, continuing the work done in

2011 should be undertaken with a programme of trial excavations and a final report submitted accordingly. This can be conditioned (CONDITIONS 8-10).

5.73 COMMUNITY INFRASTRUCTURE LEVY

Gateshead Council is 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 housing related. However the development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

5.74 OTHER MATTERS

Newcastle Airport has not objected to the application but have requested a crane method statement to ensure there is no conflict with aircraft which may be flying close by. (CONDITIONS 18 AND 19).

6.0 CONCLUSION

6.1 Taking all relevant issues into account and that the principle of such a development on the site has already been established by the previous approval, it is recommended that planning permission is granted, subject to conditions, as the principle of development is acceptable as is the impact on design, highways, amenity, sustainability and other material planning considerations. Thus the proposed development is considered to satisfy the aims and objectives of the NPPF and the NPPG as well as relevant policies in the CSUCP and UDP.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- To provide 15% affordable housing subject to viability.
- A minimum of 60% of units hereby approved shall be for students only in accordance with submitted use class plans.

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

1

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

1380 101G, 102G, 103F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F, 112F, 113E, 114E, 115E, 116E, 117E, 118B, 200F, 201B, Car Park and Servicing Management Plan, dated October 2017

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No development shall take place, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. 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
- 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.

In addition all works and ancillary operations in connection with the demolition, remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

4

The development shall be carried out in accordance with the Method Statement approved under condition 3.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan

5

Demolition shall not commence until an updated Preliminary Bat Roost Assessment and Nesting Bird Survey has been undertaken, submitted to and approved in writing by the Local Planning Authority. These reports shall include recommended updated working methodologies if appropriate.

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with Policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan Gateshead and Newcastle upon Tyne.

6

The demolition of the site shall take place in accordance with the Bat Roost Assessment and Nesting Bird Survey approved under condition 5. Should any evidence of bats be discovered during demolition, demolition shall cease in that area and an updated method statement to cover the demolition, submitted to and approved in writing by the Local Planning Authority prior to demolition in that area re-commencing.

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with Policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan Gateshead and Newcastle upon Tyne.

7

Demolition of the existing building will be undertaken outside the bird nesting season (March to August inclusive). Where this is not possible demolition shall take place in accordance with an updated Preliminary Roost Assessment and Nesting Bird Survey.

Reason

To avoid harming breeding birds in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV46 of the Unitary Development Plan.

8

Following demolition no further groundworks or construction of the development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan.

9

The development shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 8 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan

10

No part of the development shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan

11

Development shall not commence on the construction of the development until an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to,
 - land stability
 - human health,
 - property (existing or proposed) including buildings, service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments,
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline and phasing for the implementation of the remediation scheme.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan

12

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 11. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with policy CS14 of the

Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

13

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. An updated investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared in accordance with the requirements of condition 11; (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

14

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies present on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from coal mining 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.

15

The intrusive investigations shall be carried out in accordance with the details approved under condition 14 prior to the construction of the development hereby approved commencing.

Reason

To ensure that risks from coal mining 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.

16

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 14, and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from coal mining 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 Dev

17

Any remediation works approved under condition 16 shall be implemented in accordance with the timetable approved under that condition.

Reason

To ensure that risks from coal mining 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

18

Prior to the commencement of construction on the development, a method statement for crane operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

19

The development shall be carried out in accordance with the crane method statement approved under condition 18.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

20

Construction of the new development hereby approved shall not commence above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are 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 appearance of the existing building 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.

21

The materials used shall be in accordance with the details approved under condition 20 unless otherwise 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 appearance of the existing building 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.

22

The construction of the development hereby approved shall not be commenced until a detailed drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non Technical Standards for SuDS and shall include: infiltration testing, detailed designs of the SuDS components (green roof, soakaways, rainwater harvesting), flow controls; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction

Method Statements RP992/22)); a maintenance plan (refer to CIRIA guidance on maintenance plan RP992/21), electronic drainage model, evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system and a timetable of implementation for the approved SuDS components.

The maintenance plan should include the arrangements to secure the operation of the drainage scheme (including tanks, pumps, flow control, soakaways and green roof) throughout the lifetime of the development.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

The SuDS scheme shall be implemented in accordance with the details approved under condition 22, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

24

No part of the development shall be occupied until an emergency flood warning and evacuation plan for the development which includes:

- i- details of the flood warning procedures
- ii- details of the emergency flood access and egress routes
- iii- identified places that people could be evacuated to
- iv- flood response procedures

has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF

25

Any flood evacuation shall be carried out in accordance with the plan approved under condition 24 .

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF.

26

Construction of the new development hereby approved shall not commence above foundation level until an updated sustainability statement which demonstrates the sustainable measures that will be implemented in the development and how the development will comply with policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and a timetable for implementation has been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

27

The sustainable energy measures shall be implemented in accordance with the details and timetable, submitted and approved under condition 26.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

28

Construction of the green/brown roofs shall not commence until full details of the roofs and the area that they will cover, have been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation and a maintenance plan.

Reason

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 building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The green/brown roofs shall be implemented in full accordance with the details approved under condition 28.

Reason

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 building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

No part of the development hereby approved shall occupied until final details of the two new bus shelters to be installed on Mill Road have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the commercial units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

31

No part of the development hereby approved shall be occupied until the two new bus shelters have been installed on Mill Road in accordance with the details approved under condition 30 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the commercial units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

32

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include surface materials to be used for layby and footways around development (including Hawks Road), street lighting, signs and road markings.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the

Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

33

No part of the development hereby approved shall be occupied until the off site, highway works have been implemented in accordance with the details approved under condition 32 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

34

No part of the development hereby approved shall be occupied until final details of the feature to be constructed at the back of the footpath at the lower end of the development on Mill Road, has been submitted to and approved in writing by the Local Planning Authority. The feature (eg. planter, wall or other structure) shall be designed and positioned in order to prevent indiscriminate parking.

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

35

No part of the development hereby approved shall be occupied until the details approved under condition 34 have been implemented. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

36

Notwithstanding the details on the submitted plans, final details of the secure enclosure for the cycle parking facilities in the upper car park, shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

37

No part of the development hereby approved shall be occupied until the secure cycle parking facilities have been implemented in accordance with the details approved under condition 36 and the plans approved as part of the application. The approved facilities shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

38

The car parks shall be operated and updated in full accordance with the car management plan submitted and approved as part of the application reference Car Park and Servicing Management Plan, dated October 2017.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

39

The servicing and refuse collection for the development shall take place in full accordance with the service management plan submitted and approved as part of this application reference Car Park and Servicing Management Plan dated October 2017.

Reason

In the interests of safe service and refuse collection, in accordance with policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

40

A minimum of one charging point for electric vehicles shall be provided within the development, prior to the development being first occupied.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan

41

No part of the car parks hereby approved shall be brought into use until details of the barrier/entrance systems to the car parks have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

42

No part of the development hereby approved shall be occupied until the barrier/entrance systems have been implemented in accordance with the details approved under condition 41. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

43

No part of the car park accessed off Hawks Road shall be brought into use until details of the measures to improve visibility for vehicles exiting the car park have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

44

The measures to improve to improve visibility for vehicles exiting the upper car park onto Hawks Road shall be implemented in accordance with details approved under condition 43 prior to that car park being brought into use.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

45

No part of the car parks hereby approved shall be brought into use until final details of the disabled car parking bays have been submitted to and approved in writing by the Local Planning Authority. This includes the final location of the bays and the positioning of the transfer zones.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

46

No part of the car parks hereby approved shall be brought into use until the disabled bays have been implemented in accordance with the details approved under condition 45. The approved bays shall be retained as such thereafter.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

47

No part of the student or residential accommodation shall be occupied until a Travel Plan for those elements has been submitted to and approved in writing by the Local Planning Authority. None of the commercial units shall be occupied until the submission of a Travel Plan for each occupier(s) and successive occupier(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 the National Planning Policy Framework and Council Policy CS13;
- 3) 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 policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan

48

The Travel Plan(s) shall be implemented in accordance with the details and timescales approved under condition 47 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

49

The lower car park accessed of Mill Road shall not be brought into use until final details of the internal, ramped pedestrian link from that car park to the reception area have been submitted to the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

50

The ramped pedestrian link shall be implemented in accordance with the details approved under condition 49 prior to the lower car park accessed off Mill Road being brought into use.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

51

No part of the development hereby approved shall be occupied until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

52

The public art shall be implemented in accordance with the scheme approved under condition 51, prior to the development hereby approved being first occupied. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

53

No part of the development hereby approved shall be occupied until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

54

Any external lighting shall be implemented in accordance with the details approved under condition 53 and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

55

No plant, machinery or equipment shall be installed on or attached to the exterior of the development until details have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with 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 and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

56

Any plant, machinery or equipment installed on or attached to the exterior of the development shall be implemented in accordance with details approved under condition 55 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with 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 and to ensure that any external equipment does not have an adverse effect upon the appearance of the

development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

57

Prior to any A3 (restaurant / café) or A4 (drinking establishment) being brought into use a detailed scheme covering the extraction and ventilation and control of the unit and cooking odours shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

58

Any equipment for the extraction and ventilation and control of cooking odours required for A3 or A4 uses on the ground floor shall be implemented in accordance with details approved under condition 57 prior to that unit being brought into an A3 or A4 use and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

59

Prior to any A3 (restaurant / café) or A4 (drinking establishment) being brought into use a detailed scheme covering the soundproofing for the floors above shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately soundproofed to avoid nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

60

Any soundproofing required for an A3 (restaurant / café) or A4 (drinking establishment) use shall be implemented in accordance with details approved under condition 59 prior to that unit being brought into an A3 or

A4 use and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately soundproofed to avoid nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

61

Prior to the installation of any windows serving both student and non student residential properties, in accordance with the submitted noise assessment, final details of the glazing and ventilation for the flats shall be submitted to and approved in writing by the Local Planning Authority. The details for the glazing and ventilation for the windows in the east elevation facing the hotel shall be informed by an updated noise assessment as specified in the submitted noise assessment.

Reason

To safeguard the amenities of future residents and in accordance with 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.

62

The development shall be carried out in accordance with the glazing and ventilation details approved under condition 61.

Reason

To safeguard the amenities of future residents and in accordance with 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.

63

A minimum of 2% of the non student residential units shall be built to wheelchair home standards and 10% of the non student residential units shall be built to lifetime homes standards and shall be retained as such thereafter.

Reason

To ensure an appropriate supply of housing to lifetime homes standards in accordance with Policy H9 of the Unitary Development Plan and policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

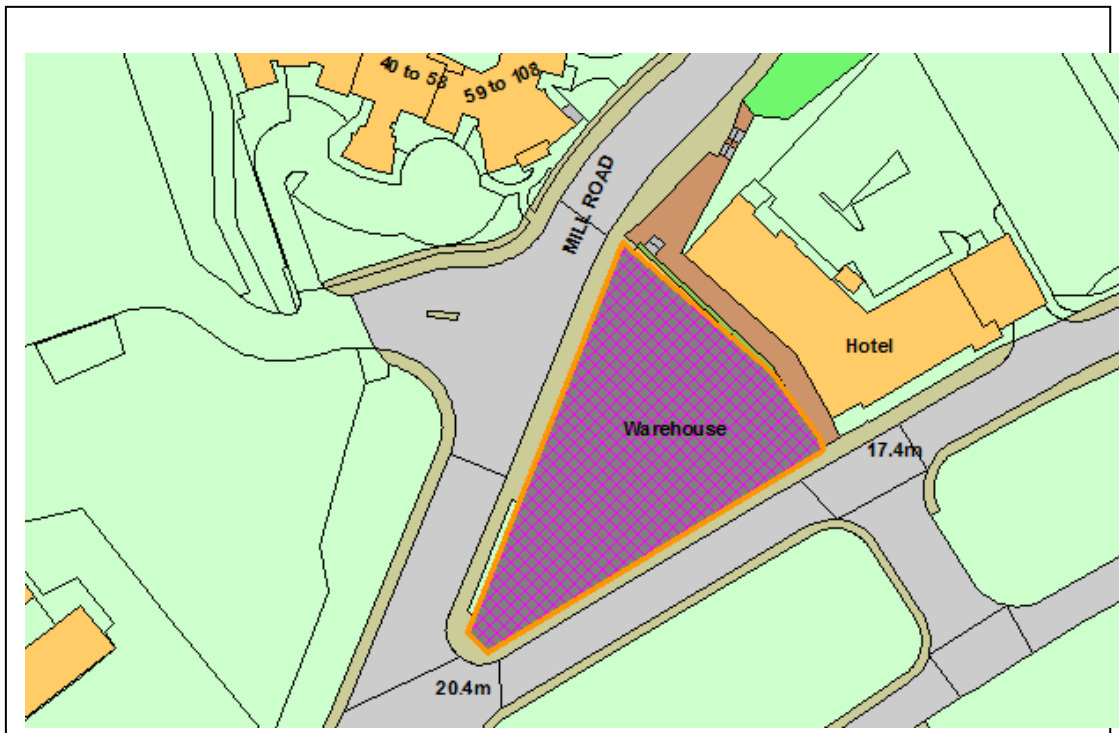
64

The ground floor commercial units hereby approved shall be first used for A1 (retail), A2 (financial and professional services), A3 (restaurant

and cafe) or A4 (drinking establishment) in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason

To maintain an active ground floor frontage in accordance with policy QB3 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne



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