

**Committee Report**

<b>Application No:</b>	<b>DC/17/01082/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>2 October 2017</b>
<b>Applicant</b>	<b>Mr Diarmuid Gavin</b>
<b>Site:</b>	<b>Hillgate Quay Gateshead</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Creation of temporary urban garden including the placing and stacking of 90 steel shipping containers for a mix of uses including retail (use class A1), cafes and restaurants (use class A3), bars (use class A4), offices and business units (use class B1), general industry (use class B2), galleries and performance space (use class D1) and leisure (use class D2) uses, tattoo artist/brewery/distillery/sale of motorcycles (sui generis uses) and landscaping (additional information 25/10/17 and 13/11/17 and amended 13/11/17).</b>
<b>Recommendation:</b>	<b>MINDED TO GRANT TEMPORARY PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site sits between the Swing Bridge and HMS Calliope, along the Quay edge spanning below the Tyne Bridge, fronting onto the River Tyne. The south of the site is bounded by Bridge Street and Hillgate; the access roads from the end of the Swing Bridge leading to The Sage Gateshead and Baltic. The site is extremely prominent, especially when viewed from the Newcastle Quayside and is also historically sensitive as it lies within the Bridges Conservation Area and is immediately adjacent to the Grade II Listed Tyne Bridge and Grade II\* Listed Swing Bridge, that is also a Scheduled Monument.

1.2 The site is 196.6m long by 36m deep at its widest and 25.3m at its narrowest. Since the demolition of the vacant pair of flats in 2013 the site has remained vacant and become overgrown. Some retaining walls remain. Given its location the derelict condition is harmful to the views of the Tyne Gorge Valley and the setting of heritage assets.

**1.3 Background**

On 22nd June 2018 The Great Exhibition of the North will open. It is a free and family friendly event. Opening with the 'Get North' weekend, it finishes

with the Great North Run and the 'Creating the Future' closing weekend on 8th and 9th September 2018.

- 1.4 Set to be the biggest event in England next year, the Great Exhibition of the North will showcase world-class art, culture, design and innovation from the North. Three trails across NewcastleGateshead will be complemented by an opening programme against the iconic Quayside backdrop, a summer camp for families, exhibits, inspired technology, vibrant street performance, cutting edge culture and a business expo.
- 1.5 Throughout the summer of 2018, the Great Exhibition will actively engage communities and innovative businesses across the North, and by forging new partnerships across the world, it aims to enhance the profile of the North nationally and internationally, inspiring people to study, work and invest in the North of England now and into the future.
- 1.6 **DESCRIPTION OF THE PROPOSAL**  
The proposed temporary development consists of 90 shipping containers set out, stacked and connected to each other to form the structure of the development. The total site area is 5729m<sup>2</sup>. The standard shipping containers dimensions are 12.03m long x 2.39m high x 2.35m wide and weigh 4000kg.
- 1.7 Two defined areas are proposed:  
Area 1, the open Plaza Area, is 2844m<sup>2</sup> and runs from the NW end of the site from HMS Calliope to the Tyne Bridge. The proposal is to stack the containers in this area to a maximum height of three containers. It is proposed that the Plaza Area is the focus of the retail and catering, and performance hub. This area is proposed to have a landscaping element to soften the vertical surfaces of the main walls and tree and shrub planters on top of the top containers.
- 1.8 Area 2, the Main Garden Area, runs from the Tyne Bridge to the Swing Bridge at the SW of the site, measuring 2284m<sup>2</sup>. The proposal is to stack the containers to a maximum height of five containers to accommodate a mix of retail units and cafes. The Main Garden Area is proposed to have a strong landscaping element with mature trees, mixed shrub and herbaceous plantations and market gardening plantations. Areas 1 and 2 both have retail and cafe/catering focus.
- 1.9 Excavation of the retained material on the site is proposed, to create a level site for positioning of the containers. The layout of the containers in both Areas includes a 4m set back from the river frontage. Access for pedestrians to Area 1 is through two entry points from Hillgate, the slip road to HMS Calliope or through Area 2, which is accessed from Hillgate at the end of the Swing Bridge. Servicing access is proposed from the slip road to HMS Calliope accessed from South Shore Road.
- 1.10 The proposed uses / occupants of the shipping containers include bars and restaurants, retail, a distillery and brewery, National Trust, cycle repair unit, a tattoo artist, stages for performances, storage for wood and ice, display of motorbikes for sale, chocolatier, barber, an area for yoga etc, graphic artist,

butcher, sweet shop, a reception and cloakroom, toilets, maintenance workshop, and offices for the management team.

#### 1.11 PLANNING HISTORY

DC/07/01459/FUL Erection of five-storey office development (use class B1) and two/three-storey restaurant complex (use class A3) with integral bar areas and change of use from highway to private walkway/cycleway with full public access. Granted 8 May 2009

DC/12/01281/CON Demolition of 10 and 10A Bridge Street by traditional methods following by top soiling and seeding, post demolition Granted 4th January 2013

#### 1.12 Documents accompanying planning application:

Coal Mining Risk Assessment  
Flood Risk and Drainage Assessment  
Servicing and Delivery Management Statement  
Design and Access Statement  
Strategic View Analysis  
Noise Impact Assessment  
Ecology Habitat Phase 1 Survey  
Landscape Maintenance Plan  
Utilities and Lighting Statement

#### 1.13 Due to the temporary nature of the proposal the Local Planning Authority screening opinion was that an Environmental Statement was not considered to be necessary.

### 2.0 Consultation Responses:

Historic Environment	Historic England supports the application on heritage grounds and considers that the application meets the requirements of the NPPF, in particular paragraph number 131.
Coal Authority	The Coal Authority raised concerns with the application as originally submitted as it was not supported by a Coal Mining Risk Assessment. A CMRA has been received that should address the concerns of the Coal Authority. It is anticipated that the Coal Authority will raise no concerns however the written confirmation is awaited. The response will be included in an update report.
Tyne And Wear Archaeology Officer	Pre-modern deposits are covered by at least 1m of modern material along the quayside with medieval layers at c.3m below current ground level on the former house site.

It is understood that the containers do not require foundations/anchoring and anticipate that surface works (site clearance, infilling of voids, surface water drainage and bituminous surfacing) associated with this proposal will not impact on any significant archaeological deposits. Levelling/large scale works have not been discussed.

Should the water connections for the toilet blocks require new groundworks this may need to be monitored archaeologically.

Tyne And Wear Fire And Rescue Service	No objections
Environment Agency	No objections
Newcastle Upon Tyne City Council	No response received

### **3.0 Representations:**

- 3.1 Two letters of support have been received in respect of the benefits of the proposal for Gateshead.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

MWR28 Prov of Facilities in new Developments

UC3 Leisure Culture and Tourism

UC5 Primary and Secondary Pedestrian Routes

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

DC1C Landform, landscape and after-use

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV11 Listed Buildings

ENV4 Urban Design Principles for Central Ghd

ENV5 Public Realm in Central Gateshead

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV26 The River Tyne Gorge

ENV54 Dev on Land Affected by Contamination

JE4 Sustainable Economic Development

ENV28 Green Corridors

T6 River Tyne Corridor

ENV61 New Noise-Generating Developments

RCL6 Food and Drink Uses

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC16 Public Realm

UC17 Public Art

T1 Transport req for New Developments

QB1 Quays and Baltic Sub-Area

QB2 Gateshead Quays Key site

CS2 Spatial Strategy for Urban Core

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

5.1 The main planning considerations are the principle of the proposal, its impact on heritage assets, flood risk and SuDS, ecology, noise and residential amenities, highways, design, public art, landscape, contaminated land and environmental impact.

### **5.2 PRINCIPLE**

The site is located in the Urban Core and forms part of the Gateshead Quays and Baltic Sub-Area (policy QB1) and the Gateshead Quays Key Site (policy QB2). The uses in the proposed mix (use classes A1, A3, A4, B1, B2, D1, D2 and sui generis uses) are acceptable principal uses in accordance policy with QB2.

5.3 Policy CS2(8) of the Core Strategy and Urban Core Plan (CSUCP) requires the Gateshead Quays Key Site (QB2) to be brought forward in accordance with an approved masterplan to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision.

5.4 The proposal does not form part of an approved masterplan. However, as the proposal is for a temporary period only it is considered that it is not necessary to request the Applicant to demonstrate that the proposal would not prejudice the comprehensive and coordinated approach to development of the wider site having regard to the emerging masterplan for the Gateshead Quays site. As this site is identified as a longer term development site, it is recommended that a temporary permission, for a five year period is appropriate and that a condition be imposed to that effect and that would require a restoration

scheme for the site following deconstruction of the Urban Garden (CONDITION 3).

5.5 Policy QB1 (Quays and Baltic Sub-Area) requires the proposal to improve the environment and enhance the green infrastructure network by:

- Creating a continuous recreational riverside route along the river's edge
- Incorporating living roofs where technically feasible and providing street trees adjacent to the secondary pedestrian route the runs alongside the site.
- Requiring development to make improvements to Gateshead Quay wall to ensure its structural integrity and mitigate against flood risk

The proposal includes a 4m set back of the steel containers from the Quay wall allowing for a recreational riverside route along the river's edge.

5.6 The proposed planting in planters on the top of the steel containers is in effect creating living roofs to the containers, also trees are proposed throughout the scheme to line the pedestrian routes.

5.7 Advance works have been undertaken by the Council to restore the Quay to ensure its structural integrity. The flood risk of the site is considered later in this report, however, it is considered that conditions securing flood evacuation would address the needs of this part of the policy.

5.8 Policy QB2 (Gateshead Quays Key Site) requires the proposal to contribute to the development requirements set out in this policy for the wider Gateshead Quays Key Site. These include contributing to the provision of green spaces and the provision of primary pedestrian routes through the Gateshead Quays Key site as well as meeting the site specific flood risk and water management requirements. The proposed pedestrian routes along the river edge and through the development meet the requirements of this policy and CSUCP Policy UC3 (Leisure, Culture and Tourism) that requires proposals to create a riverside route along the River Tyne and relocate Keelman's Way to follow the river's edge, providing pedestrian access. CSUCP Policy UC5 (Primary and Secondary pedestrian route) is relevant as the site is located adjacent to the secondary pedestrian route between the Quayside and Gateshead Quays which is identified for improvement.

5.9 Given the above, the proposal is considered to be acceptable and in accordance with the CSUCP policies QB1, QB2, UC3, UC5 and the NPPF.

5.10 HERITAGE ASSETS

The development of this site has the potential to affect the setting of a number of heritage assets, both individually and collectively and this is to be assessed as set out in NPPF paragraph 128. In addition, CSUCP Policy UC13 requires that any proposal should respect views across and into the Tyne Gorge and CSUCP Policy UC14 requires that a proposal takes into account the character and appearance of the historic environment.

5.11 The scheme has been designed to minimise the effect on the significance of, including any contribution derived from setting, the following heritage assets:

- Bridges Conservation Area - views, character and appearance
- Newcastle Central Conservation Area (the boundary is the middle of the River Tyne therefore this proposal may affect setting or views identified as being significant.)
- Tyne Bridge - grade II listed building - setting (within the site)
- High Level Bridge - grade I listed building - setting (outside of the site)
- Swing Bridge - SM and grade II\* - setting (within the site at the western boundary)
- St Mary's Church - grade I - setting (outside of the site)
- The collective of the five bridges - Millennium, Tyne, Swing, High Level and Queen Elizabeth Bridges – a culturally significant view (scheme will sit inside this iconic view).
- Quay Wall - archaeological significance (within the site)

5.12 Historically, Hillgate Quay was referred to as 'Hellgate' due to the environmental conditions. It was largely cleared by the Great Fire of 1854, rebuilt and then partially cleared to enable construction of the Tyne Bridge, which opened in 1928, and then again following slum clearance programmes during the 1900s. However, when developed Hillgate Quay was a dense mismatch of warehouses, houses, public houses and mooring/docks for trade, and of building size, architecture, plot size.

5.13 The Bridges Conservation Area Character Appraisal (CACA) and draft Conservation Area Management Strategy (CAMS) recognise that Hillgate Quay, in its current use and development form, as being an opportunity for enhancement. They note that views out of the area are important to the significance of the conservation area and that the main views are those to the north, to Newcastle. The grouping of the five bridges in views through the Tyne Gorge is of national significance for their cultural value as a landmark which immediately identifies Newcastle and Gateshead. This added layer of significance is in addition to that derived from architecture or historic interest.

5.14 The CACA states that, 'the bridges are constantly within sight and often interplay with the panoramic views creating interesting glimpses through the arches. From St Mary's Church and round, on the middle ground of the riverbank, an extraordinary view of almost all of the main section of Newcastle Quayside can be seen with the Tyne Bridge forming a border to the west. The skyline of the city creates intriguing views and the city's landmark buildings and features can often be seen. To the west, travelling down Bottle Bank to the southern bridgehead of the Swing Bridge, the views of Newcastle Quayside unfold with each movement. Here, the Tyne Bridge and the High Level Bridge frame the views more tightly, creating in particular an iconic portrait of Newcastle's Guildhall, St Nicholas Cathedral, and Castle Keep. St Mary's Church creates an interesting view with the historic building situated in a green setting and with a backdrop of the Tyne Bridge representing the changing nature of the area. From the riverside at Pipewellgate, the views are



of the bridges towering overhead creating heavy structures within the buildings bordering the river and a panoramic view in sharp perspective of Newcastle Quayside in the background.'

- 5.15 The draft CAMS sets out enhancement opportunities including Hillgate Quay. It describes this opportunity as a 'narrow site which provides the setting for the listed Tyne Bridge and the listed and scheduled Swing Bridge. Development on this site may also impact on the setting of St. Marys Church ... Design should respect the setting of both the Tyne and Swing Bridges and still allow a view of the Swing Bridge from Bridge Street.... In order to protect the important and unique character of the Tyne Gorge, new development within the area of the Gorge (defined on the Proposals Map) must safeguard or enhance its setting in terms of scale, design, landform and integration within the existing urban context-in line with the Tyne Gorge Study and IPA4'.
- 5.16 The 1990 Planning (Listed buildings and Conservation Areas) Act s.72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when determining planning applications.
- 5.17 The NPPF paragraph 132 requires that great weight is given to the conservation of designated heritage assets. New development within conservation areas should seek to enhance or better reveal its significance (paragraph 137). Harm or loss of significance as a result of development requires clear and convincing justification (paragraphs 132, 133, 134). Core Strategy policy CS15 reflects the NPPF and is a material consideration.
- 5.18 The Bridges CACA provides an understanding of the significance of the conservation area and its component parts.
- 5.19 The scheme presents an opportunity to enhance a vacant site within Bridges Conservation Area. It also presents an opportunity to contribute positively to, and enhance, existing views.
- 5.20 The scale and massing of the proposed scheme, and the 'development free' zones around the South Tower of the Tyne Bridge, the Swing Bridge and the Quay Wall, will not harm the setting of any of the identified heritage assets.
- 5.21 The submitted views provide a good understanding of the impact the proposed development will have on existing views. The view shown from Pipewellgate shows that the scale and massing of the scheme arising from the arrangement of containers will alter the existing view of the Tyne Bridge South tower and floating road deck. It is clear from historical evidence that whilst the Tyne Bridge currently enjoys a development free setting, affording strong views of the south tower from the east and west, and which also reinforces the concept of the floating road deck crossing the gorge, this is not an intended view. This current view was not designed as part of the design of the bridge; it is one which has evolved over time. Therefore this impact is not considered harmful to the significance of the Tyne Bridge including that derived from its setting.

- 5.22 The view from Bottle Bank shows that the massing of development immediately to the west of the South tower does not block views north across the Tyne Gorge to Newcastle. This is identified as a significant view in the CACA. The scheme meets the requirement of paragraphs 132, 134 and 137 of the NPPF and is considered to enhance the significance of its historically sensitive location as well as making a positive contribution economically and socially.
- 5.23 The scheme refers to a range of uses, that include café/restaurant offers that will require some degree of ventilation and extraction to be provided, which will in turn have a visual impact on the exterior of the containers and overall composition of the containers and their appearance within the site, and within views. The manner in which the site is being put together does not automatically present 'rear elevations' or discreet 'sides' to locate such plant on. There is a concern that without thought to the design, these will be dealt with on an ad hoc basis and impact on views into the site and the views of this site together with significant heritage assets. To overcome this concern, final details of ventilation and extraction can be secured by condition (CONDITIONS 39 and 40).
- 5.24 Given the above and subject to the recommended conditions, the scheme presents a long needed response to the vacant and deteriorating Hillgate Quay site and the public benefits provided by the scheme, the redevelopment of a prominent, vacant site within the conservation area to achieve the enhancement of the conservation area including the better understanding of how such a riverside site may previously have been developed is welcomed and is in accordance with national and local policies.
- 5.25 The County Archaeologist has requested that should any levelling of the site be proposed that details of the proposed works be secured by condition (CONDITIONS 12 and 13). In addition if the water connections for the toilet blocks require new groundworks the County Archaeologist has requested that she be contacted and a condition is recommended to ensure the opportunity to monitor the archaeology (CONDITION 20).
- 5.26 Given the above the proposal, subject to the recommended condition, is considered to be acceptable in terms of archaeological considerations and in accordance with the NPPF, CSUCP policy CS15 and Saved UDP policies ENV21 and ENV22.
- 5.27 FLOOD RISK  
Tidal flood risk  
The majority of the site is located within flood zone 1 with a low risk, less than 1 in 1,000 annual probability, of river or tidal flooding. A small part of the site along the river edge is located within flood zone 2 and 3 that is at medium and high risk, 1 in 200 or greater annual probability of tidal flooding.
- 5.28 The design and mitigation of the development have been informed by the Flood Risk Assessment (FRA) and demonstrates a sequential approach to

comply with the NPPF paragraph 103. The 4m setback from the river quay wall will ensure that none of the containers are at high risk of tidal flooding.

5.29 Surface water flood risk

The surface water flood map identifies strong surface water flow routes that affect the surrounding road network Bridge Street, Hillgate, Bottle Bank and Church Street. There are also two surface water flow routes which directly affect the site. The surface water flow routes have been considered in relation to the position of the entrances and the containers, surface management arrangements, structural safety, impact on services provided to the development to ensure safe access and egress and routes out of the surrounding area during heavy storm events in accordance with NPPF paragraph 103 and CSUCP Policy QB2x.

5.30 The proposal is considered to be in accordance with CSUCP Policy QB2viii, x and xi that requires the provision of effective surface water management following the drainage hierarchy; consideration of the potential to incorporate surface water flow paths as a design feature, to convey surface water into the River Tyne; and a foul and surface water drainage strategy which demonstrates there is adequate foul and surface water capacity for the development with the aim of reducing flood risk and ensuring no deterioration of water quality. It is nevertheless recommended that conditions be imposed to secure the final details of the surface and foul drainage strategy, to ensure compliance with national and local policies (CONDITIONS 10 and 11).

5.31 The proposed planters on top of the containers that will harvest rainwater are in accordance with CSUCP Policy QB12ii that requires major development to incorporate living roofs.

5.32 It is recommended that a flood warning and evacuation plan is conditioned that shows how pedestrians can be safely evacuated from the site in a sudden storm event given the surface water flow routes down Bridge Street, Cannon Street, Oakwellgate, and Hillgate. In addition, a route for safe vehicle egress or access will be required given the flow routes down the streets listed, plus also if leaving via South Shore Road and Mill Road (CONDITIONS 8 and 9).

5.33 Given the above, the proposal, subject to the recommended conditions, is considered to be acceptable and in accordance with the NPPF and the CSUCP policies referred to above and CS17.

5.34 SuDS

The proposal follows the drainage hierarchy by discharging surface water into SuDS, in the form of rainwater harvesting and then into the River Tyne which is consistent with Policies CS17(4) and QB2viii. The use of SuDS in the form of rainwater harvesting is supported by Policies QB1:2ii and CS17:1iv. The development also provides an opportunity to raise awareness of water sensitive design and use of SuDS which provide multifunctional benefits. A detailed drainage assessment would be required and this can be secured through conditions (CONDITIONS 10 and 11).

- 5.35 Given the above the proposal, subject to the recommended conditions, is considered to be acceptable and in accordance with the NPPF and CSUCP policies referred to above.
- 5.36 **Water Quality**  
The surface water runoff from the containers should not adversely affect the water quality of the River Tyne and as such the proposal is in accordance with CSUCP Policy CS17:3.
- 5.37 **Structural integrity of quay wall**  
CSUCP Policy QB1(3) requires development to provide improvements to the Gateshead Quay Wall to ensure its structural integrity and mitigate future flood risk taking account of the Gateshead Quays Wall Condition Survey and Climate Change Adaptation Strategy.
- 5.38 A structural assessment of the Quay Wall (east and west) and timber Quay Wall structure has not been undertaken in connection with this application as the layout has taken account of the condition of the Quay Wall and no loading is proposed. However, the supporting information does not identify the method by which the containers will be brought into the site. Given that the proposal site is adjacent to the River Tyne should the Applicant wish to bring the containers in by boat/barge, consideration should be given to any potential impact this may have on the Quay walls. It is recommended that a condition be imposed to secure details of the methodology for the installation of the containers (CONDITIONS 6 and 7).
- 5.39 **ECOLOGY**  
The proposed development site is located entirely within a designated Wildlife Corridor and immediately adjacent the River Tyne Local Wildlife Site (LWS). The site is dominated by areas of hardstanding/bare ground which has been colonised in places by ephemeral/short perennial vegetation and scattered scrub. A larger area of mature amenity tree and shrub planting occurs towards the southeast boundary of the site. Habitats within the site have the potential to support relatively low numbers of commonly occurring breeding bird species; small numbers of more commonly occurring foraging and commuting bat species; and an invertebrate assemblage typical of those habitats present on site. Overall the site is of no more than local ecological value.
- 5.40 The most notable ecological feature associated with the proposed development site is a significant colony of breeding kittiwakes which nest on the bridge abutment/towers and steel work of the Tyne Bridge. In 2015, kittiwakes were added to the Birds of Conservation Concern (BoCC) Red List in response to declines in their breeding population. Kittiwakes are also listed as a Priority Species in the Durham Biodiversity Action Plan (DBAP). Kittiwakes traditionally nest on steep-sided cliffs at the coast. The kittiwakes nesting on Gateshead and Newcastle quayside are the most inland breeding kittiwakes in the world, and are therefore considered to be unique. In

conservation terms the Tyne's colony of breeding kittiwakes is of regional importance.

- 5.41 The construction and operation of the proposed development has the potential to result in the following impacts:
- Loss of the Tyne Bridge (i.e. bridge abutment/towers and steel work on the south side of the river) as a nesting site for breeding kittiwakes, estimated to support c. 230 pairs in 2017.
  - Disturbance/displacement of breeding kittiwakes on to neighbouring buildings and structures on Newcastle and Gateshead quayside resulting in increased conflict.
  - Conflict between breeding kittiwakes and end users of the development through noise, odours and droppings.
  - Increased disturbance of the adjacent River Tyne Local Wildlife Site.
  - Reduced ecological connectivity including along the Wildlife Corridor formed by the River Tyne and its banks.
  - Loss of existing vegetation cover/habitats on site and associated biodiversity.
- 5.42 To avoid/minimise adverse impacts on ecological receptors, most notably the resident population of breeding kittiwakes, the adjacent Local Wildlife Site, and the designated Wildlife Corridor formed by the River Tyne and its banks, the proposal maintains an adequate stand-off distance and flight lines between the steel shipping containers, associated infrastructure and landscape planting and the previously used existing nest sites used by kittiwakes including those associated with the Tyne Bridge abutment/towers and steelwork.
- 5.43 The containers immediately below the arched steelwork of the Tyne Bridge are only one or two containers high to ensure kittiwakes are able to access a number of former nest sites.
- 5.44 The siting of containers immediately below the arched steelwork is likely to result in droppings, nesting material, discarded egg shells, etc. falling directly onto the development resulting in potential conflict between the birds and end users of the site.
- 5.45 In order to avoid/minimise the risk of the construction phase of the development resulting in the disturbance of kittiwakes in the earlier critical phases of the breeding season (i.e. when first returning to their nest sites, nest building and egg laying) it is recommended that a condition be imposed to control the phasing of the development so that works to be undertaken in close proximity to the Tyne Bridge abutment/towers and steelwork are carried out prior to the return of kittiwakes in March 2018 (CONDITIONS 6 and 7).
- 5.46 The proposals include the reinstatement and replacement of existing lighting columns along the frontage of the site immediately adjacent the river, and the use of predominately low level lighting within the main garden and plaza area. The submitted application does not propose the illumination of the Tyne

Bridge, including its abutment/towers and/or steelwork using flood lighting or similar. This is necessary as lighting of this type could impact negatively on breeding kittiwakes. Furthermore, lighting along the River frontage should aim to avoid/minimise the amount of 'up light' and light spill onto the river in order to avoid/minimise impacts on breeding kittiwakes and maintain the value and function of the LWS and Wildlife Corridor. As a result, it is recommended that a condition be used to control the location and specification of external lighting to be provided on site (CONDITIONS 14 and 15).

- 5.47 Noise levels both during the construction and operational phases of the development will be above those currently experienced on site and whilst kittiwakes are likely to habituate to modest increases in noise levels, particularly in relation to the construction phase of the development, as a precaution the end uses likely to generate the most elevated noise levels (e.g. bars, music venue) are located away from the Bridge abutment/towers.
- 5.48 An effective public engagement strategy is likely to be crucial in ensuring end users and visitors to the site have a positive experience/understand the conservation status/requirements of the resident breeding population of kittiwakes on the Tyne Bridge and the wider NewcastleGateshead quayside. It is recommended that the Applicant and its partners seek to develop an engagement strategy/programme with the established Tyne Kittiwake Partnership in order to minimise the risk of end users and visitors to the site having a negative experience of the birds, and to promote a greater awareness of kittiwake conservation and environmental sustainability (CONDITIONS 46 and 47).
- 5.49 Given the above, and subject to the recommended conditions, the direct loss of habitats resulting from the development and the increase in access/recreational pressure/disturbance associated with the operational phase of the development is likely to result in a minor negative impact on biodiversity, including the adjacent LWS and Wildlife Corridor and is therefore is not in accordance with Section 11 of the NPPF, CSUCP policy CS18 Green Infrastructure and the Natural Environment and Saved UDP policies DC1, ENV44, ENV46, ENV47, ENV49 and ENV51.
- 5.50 NOISE  
Noise from the proposed development could potentially affect the amenity of noise sensitive receptors in Gateshead and Newcastle, such as the occupants of the Hilton Hotel, residents in the Baltic apartments and residents of flats on the Newcastle Quayside.
- 5.51 During the construction phase, when containers are being brought to site and positioned, a condition is recommended to protect the amenity of neighbours by restricting work on site to between 08:00 and 17:00 Monday to Friday and between 09:00 and 13:00 on Saturday with no working on Sundays or Public Holidays (CONDITION 2).
- 5.52 Deliveries to the site will need to be well managed once the site is set up and operational. Given that there are a large number of units, in a variety of uses,

there will be frequent deliveries on a daily basis and also refuse collections. Noise from beeping reversing alarms could affect the amenity of noise sensitive receptors especially as deliveries will be regular and are planned for early mornings. It is recommended that a condition be imposed to secure details of deliveries and restricting the times for deliveries and refuse collections taking place to between 07:30 and 22:00 Monday to Friday, and between 08:00 to 22:00 Saturdays and Sundays 11:00-16:00. It is also recommended that delivery vehicles waiting on or adjacent to the site outside of the times outlined above must switch engines/ refrigeration units off to protect noise sensitive receptors (CONDITION 28).

- 5.53 The stage/ set up from live bands and amplified music could also be an issue in terms of compromising the amenity of noise sensitive receptors through noise nuisance. It is recommended that a restriction on finishing times be conditioned as Sunday to Thursday at 22:00 and Friday/ Saturday 23:00. The same timings would be advisable to any containers hosting live bands/ regulated entertainment (CONDITION 41).
- 5.54 An additional condition is also recommended to restrict sound levels from entertainment from the stage and the site as a whole (CONDITION 42).
- 5.55 Noise from emptying glass bottles into a central recycling centre could be an issue to residents/ hotel guests late at night or early mornings. It is recommended to impose a condition to prevent emptying glass bottle bins between the hours 22:00 - 08:00 (CONDITION 43).
- 5.56 A condition is recommended to ensure noise from potential external plant e.g. generator to power electric does not cause a nuisance (CONDITIONS 44 and 45).
- 5.57 The final layout of containers, direction of the openings of containers, internal sound absorption materials; and extraction units will require careful thought and consideration so as to not compromise amenity in terms of noise and odour. A condition is recommended to secure details of the final layout (CONDITIONS 4 and 5).
- 5.58 Given the above and subject to the recommended conditions it is considered that the proposal is acceptable in terms of noise impact and would be in accordance with Saved UDP policy ENV61 and CSUCP policy CS14.
- 5.59 HIGHWAYS  
It is anticipated that between 200,000 and 500,000 visitors per year will visit the site. A Transport Study that includes the final analysis of the mode of their arrival and departure, length of stay and the capacity of the site and surrounding infrastructure is yet to be finalised however the recently submitted Servicing and Delivery Management Plan outlines how the company, Hillgate Quay Ltd, that has been set up to manage the site and run the day-to-day operations of the development.

- 5.60 An area of the site at the NE end of the site, closest to HMS Calliope, is proposed as a dedicated servicing and deliveries compound that will not be accessible to the public. This area will contain:
- Administration and security offices.
  - Staff toilet and changing facilities.
  - Collection and storage for refuse and recyclables.
  - General storage.
  - Open area to receive and unload deliveries.
- 5.61 The delivery of products and materials for sale and as ingredients for food and drinks to the retail and catering units will be restricted to avoid noise and disturbance to neighbours and to minimise risk of conflict between delivery vehicles and the public. The days/times of deliveries and refuse collection would be expected to be in accordance with those set out in Condition 28.
- 5.62 All refuse collection and delivery vehicles can drive down Hillgate in forward gear to the gates of HMS Calliope and reverse into the designated unloading area that is 14m x 10m. Goods will be offloaded by hand or using an on-site forklift. Vehicles can then leave the compound in a forward gear. Tracking will need to be provided to demonstrate the vehicular movements associated with the proposals and this can be secured by condition (CONDITIONS 28 and 29).
- 5.63 Delivered items are proposed to be distributed to their final destination using the path along the Quay Wall using a forklift or hand trucks.
- 5.64 With 90 shipping containers in situ and a multitude of different uses proposed the demand for servicing is going to be high and the final detail of how this will be addressed is required. It is recommended that the final details of the delivery and servicing strategy to also include hours of deliveries, refuse and recycling arrangements be secured by condition (CONDITIONS 26 and 27).
- 5.65 No on site parking is provided for visitors to the venue. Limited parking is provided for staff of the management company adjacent to the office container.
- 5.66 However the site is highly accessible with bus stops on Hillgate and the approach to the Tyne Bridge.
- 5.67 Once the final layout has been designed details relating to cycle/pedestrian access including gradients and access routes to elevated containers will be finalised and can be secured by condition (CONDITIONS 21 and 22) (). Other details required are how the site links to public transport infrastructure and the national cycle network (CONDITION 23). Details of cycle parking is required by condition (CONDITIONS 24 and 25\*).
- 5.68 Safety and security measures including measures to deter other vehicle entry, treatment of riverside barriers; and the materials proposed for the decked area (CONDITIONS 30 and 31)



- 5.69 A travel plan should be submitted and approved 6 months prior to first occupation and implemented 3 months prior to first occupation. The TP will need to focus on how people arrive at and leave the development, including links to available car parks in the area. Publicity of available options will be a key element. (CONDITION 32).
- 5.70 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy CS13.
- 5.71 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy CS13.
- 5.72 DESIGN  
Visual Impact  
The arrangement of storage containers as proposed would have a temporary impact as it is considered appropriate to only grant a 5 year temporary consent. Therefore is considered that it would only have a short term impact on the heritage assets, visual amenity and townscape of the local area. There have been extensive discussions with the Applicant, the Council and Historic England to ensure that this is achieved.
- 5.73 The scheme submitted is considered to be appropriate in scale and massing and is supported by Historic England. To ensure that the detailing of the scheme is of high enough standard, conditions relating to the final details of the appearance and external materials to be used are proposed (CONDITIONS 4, 5, 18 and 19).
- 5.74 The containers are proposed to be adapted and modified to suit individual requirements of site services and tenants. Modification and customisation will be largely based on the individual requirement of the occupier but the design and management team propose to maintain overall control on the aesthetics and operating methods of the units based on design principles and health and safety issues. However details of external plant including ventilation and extraction equipment units are recommended to be secured by condition (CONDITIONS 39 and 40).
- 5.75 Given the above and subject to the recommended condition the proposal is considered to be acceptable and in accordance with CSUCP Policy UC12 and the NPPF.
- 5.76 PUBLIC ART  
Gateshead has a long established tradition of public art. Public art promotes legibility and can be used as a landmark to attract people to certain areas, provide a focal point at gateways and define routes and connect locations. The type of public art will vary depending on the nature of the development proposal, but the Council will expect the provision of public art in all proposals that have an impact upon public spaces, major development sites and prominent positions e.g. gateway sites, focal points or meeting places. The importance of public art within sites such as Hillgate Quay is emphasised

through CSUCP policy UC17 and developers of major developments in prominent positions are expected to integrate public art within their schemes. The images submitted indicate provision of public art within this scheme although final details are yet to be determined once the occupiers of containers are finalised. A condition is recommended to secure details (CONDITIONS 37 and 38).

#### 5.77 LANDSCAPE

The existing site comprises an area of hard surface, a sloped grassed area with tree cover at the rear part of the site. Whilst individually the existing trees on the site are not exceptional specimens and the majority are very young, collectively they have considerable value as they contribute to the landscaped setting of the surrounding buildings; they form part of the framing of the views across the river giving a softer, greener edge than the surrounding structures; they link up with other adjacent wooded areas providing a visual link as well as forming part of a wildlife corridor and they form part of the character of the area as Gateshead's river edge is typically much greener than the northern bank-side.

- 5.78 All of the existing trees and green space will be lost as a result of this proposal. However, a significant landscape strategy has been proposed by the Applicant to comprise a walled terraced garden, created from multiple shipping containers set in rectangular form. Inspired by the concept of a traditional walled garden this "urban oasis" is proposed to be planted with a wide variety of ornamental and agricultural species with internal vertical walls covered with a range of herbs, vegetables and ground-cover species.
- 5.79 Specimen six meter tall cylindrical shaped Carpinus (Hornbeam) are proposed to form the primary architectural planting dotted through the multiple levels of the scheme while groves of multi stemmed birch are proposed in drifts of flowering perennials.
- 5.80 Wheat, corn and hops are proposed to be planted in potato crates at ground level and each container terrace adorned with individual mixed plantations of both ornamental and productive species.
- 5.81 The proposal is to arrange the shipping containers directly onto the existing surface and create a decked surface such that there is level access into the containers. In addition any cables or services can run under the decking to avoid trip hazards. The final detail of the decking can be secured by condition 4 that requires details of materials for external finishes and surface treatments.
- 5.82 It is recommended that the details of a final landscape scheme and the maintenance of that landscape scheme be secured by conditions (CONDITIONS 33, 34, 35 and 36).
- 5.83 Given the above, the proposal, subject to the recommended conditions, is considered to be acceptable and in accordance with national and local policies.

**5.84 CONTAMINATED LAND/ COAL MINING**

The site is identified as potentially contaminated land. The site has been occupied by unknown industrial/commercial uses since the 1890s and more recently for warehousing until the area was subject to demolition in the 1970s. The Council has no record of any remedial works undertaken, prior to its current use. Consequently, there is the possibility that the site may be contaminated, which may constitute a risk to human health for future users of the site and site operatives during construction. A condition is recommended to secure details of remediation measures should any ground breaking be necessary (CONDITIONS 16 and 17).

**5.85** The site is in the Coal Authority Development High Risk Area. The Coal Authority has been consulted upon the Coal Mining Risk Assessment and a response is awaited. The response will be the subject of an update report.

**5.86 ENVIRONMENTAL IMPACT ASSESSMENT**

The above proposal has been considered in accordance with Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

**5.87** The proposed development is not listed within Schedule 1, but does fall within the description at paragraph 10 (b) of Schedule 2 (Urban Development Projects) to the 2017 Regulations. The proposed development is not within a sensitive area but does exceed the amended thresholds of Schedule 2 as the area of the development exceeds 5 hectares.

**5.88** However having considered the details of this application, and the temporary nature of the proposal, and taking into account the criteria in Schedule 3 to the 2017 Regulations, it is considered that the temporary nature of the proposed development is unlikely to have significant environmental effects, given that the site is not considered to be environmentally sensitive, the proposal is not of a scale that is of more than local importance and does not raise unusually complex or potentially hazardous environmental effects. As such, an environmental impact assessment was not considered to be necessary for this case.

**6.0 CONCLUSION**

**6.1** This is an extremely prominent site and sits amongst one of the most iconic urban landscapes in Britain. The Great Exhibition of the North is considered will be of great value to Gateshead in terms of this being a significant visitor attraction and the benefit to the local economy. The current condition of the site detracts from character and appearance of the Conservation Area and impacts upon the setting of the various listed buildings and structures. It is therefore critical that the development of this site complements and sits wholly in context with its surroundings and is of the highest design quality and finish. It is considered that the proposal, subject to the recommended conditions, although for a temporary period only, will achieve this.

**7.0 Recommendation:**

MINDED TO GRANT TEMPORARY permission for a period of 5 years on expiry of the publicity period 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 -

001-HG-003 Main Plan View dated 11/11/2017  
001-HG-004 Elevation View dated 11/11/2017  
001-HG-005 Plaza Area Plan View dated 11/11/2017  
001-HG-006 Plaza Area Front Elevation View dated 11/11/2017  
001-HG-007 Plaza Area Rear Elevation dated 11/11/2017  
001-HG-008 Plaza Area 3D Projection dated 11/11/2017  
001-HG-009 Main Garden Plan Area dated 11/11/2017  
001-HG-010 Main Garden Front Elevation dated 11/11/2017  
001-HG-011 Main Garden Rear Elevation dated 11/11/2017  
001-HG-012 Main Garden Elevation dated 11/11/2017  
001-HG-013 Main Garden 3D Projection of Rear dated 11/11/2017

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

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with bringing containers to site, their positioning and any other processes related to the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays, 08:00 to 13:00 on 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

3

The permission hereby granted shall be for a limited period only of 5 year(s) from the date of this decision notice and within three months of

the expiry of this permission or the cessation of the development for which permission is hereby granted whichever is the sooner, the site shall be cleared of all shipping containers, buildings, plant, machinery and all other structures and materials connected with the temporary use and the land returned to its former condition, or such alternative scheme as may be first submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure the proper restoration of the site is achieved in the interests of the amenities of the area to accord with policies DC1 and DC2 of the Unitary Development Plan and CSUCP policy CS14.

4

Prior to commencement of the development hereby permitted and notwithstanding the approved drawings:

001-HG-003 Main Plan View dated 11/11/2017  
001-HG-004 Elevation View dated 11/11/2017  
001-HG-005 Plaza Area Plan View dated 11/11/2017  
001-HG-006 Plaza Area Front Elevation View dated 11/11/2017  
001-HG-007 Plaza Area Rear Elevation dated 11/11/2017  
001-HG-008 Plaza Area 3D Projection dated 11/11/2017  
001-HG-009 Main Garden Plan Area dated 11/11/2017  
001-HG-010 Main Garden Front Elevation dated 11/11/2017  
001-HG-011 Main Garden Rear Elevation dated 11/11/2017  
001-HG-012 Main Garden Elevation dated 11/11/2017  
001-HG-013 Main Garden 3D Projection of Rear dated 11/11/2017

the final layout and elevations, to include:

- location and cross sections of retaining walls;
- direction of the openings of containers, and
- internal sound absorption materials for each respective container

shall be submitted for the consideration and written approval of the Local Planning Authority.

**Reason**

To safeguard the amenities of sensitive noise receptors and to safeguard the designated heritage assets in accordance with the NPPF, saved Policies DC1, DC2, ENV7, ENV11 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

5

The details approved under condition 4 shall be implemented in full accordance with the approved details prior to first occupation of the development hereby permitted

#### Reason

To safeguard the amenities of nearby residents and to safeguard the designated heritage assets in accordance with the NPPF, saved Policies DC1, DC2, ENV7, ENV11 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

6

No development shall take place, 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 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, with particular reference to the Quay Wall
- 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 construction works
- viii. to control the phasing of the development so that construction works undertaken in close proximity to the Tyne Bridge abutment/towers and steelwork are carried out prior to the return of kittiwakes in March 2018
- ix. to ensure deconstruction of the site following expiry of this permission does not impact upon kittiwakes

#### Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1, DC2, ENV44 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

7

The details approved under condition 6 shall be fully implemented in full accordance with the approved details for the duration of construction and deconstruction of the development hereby permitted

#### Reason

In order to avoid nuisance to the occupiers of adjacent properties, Quay Wall and kittiwakes in accordance with Saved Policies DC1, DC2, ENV44 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

8

Prior to first occupation of any part of the development hereby permitted an emergency flood warning and evacuation plan for the development/site which includes:

- a- details of the flood warning procedures;
- b- details of the emergency flood access and egress routes;
- c- identified places that people could be evacuated to; and
- d- flood response procedures.

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

The evacuation plan shall be kept up to date for the lifetime of the development.

**Reason**

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

9

The emergency flood warning and flood evacuation measures approved under condition 8 shall be implemented on first occupation or use of any part of the development hereby permitted and retained as such in accordance with the approved details thereafter.

**Reason**

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

10

The development hereby permitted shall not be commenced until a detailed drainage assessment (including a timetable for implementation, management and maintenance plan) for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

In order to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and potential archaeological impacts in accordance with the NPPF, Saved UDP policies ENV21 and ENV22 and Policies CS15 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The detailed drainage strategy approved under condition 10 shall be implemented prior to the development hereby permitted being brought into use/occupied and retained as such in accordance with the approved details thereafter.

#### Reason

In order to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and potential archaeological impacts in accordance with the NPPF, Saved UDP policies ENV21 and ENV22 and Policies CS15 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The development hereby permitted shall not be commenced until full details of the disposal of the excavated materials shall be submitted for the consideration and written approval of 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 and to safeguard the amenities of nearby residents and to safeguard the designated heritage assets in accordance with the NPPF, saved Policies DC1, DC2, ENV7, ENV11, ENV54 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

13

The details approved under condition 12 shall be implemented prior to first occupation of any part of the development hereby permitted and retained as such in accordance with the approved details thereafter.

#### 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 and to safeguard the amenities of nearby residents and to safeguard the designated heritage assets in accordance with the NPPF, saved Policies DC1, DC2, ENV7, ENV11, ENV54 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

14

Full details of the method of illumination of the external areas of the site to include:

Light/lux levels,  
Plan of light spillage  
appearance/location of light fittings  
hours that the site is illuminated



shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied/ brought into use.

The reinstatement/replacement of column lighting along the River frontage should aim to avoid/minimise the amount of 'up light' and light spill onto the river in order to avoid/minimise impacts on breeding kittiwakes and maintain the value and function of the Local Wildlife Site and Wildlife Corridor.

Reason

In the interests of the amenities of the ecological impact in accordance with Saved policies ENV46, 47, 51 of the Unitary Development Plan and CSUCP policies CS15 and CS18.

15

The lighting scheme approved under condition 14 shall be implemented prior to the development hereby permitted being brought into use/occupied and retained as such in accordance with the approved details thereafter.

Reason

In the interests of the amenities of the ecological impact in accordance with Saved policies ENV46, 47, 51 of the Unitary Development Plan and CSUCP policies CS15 and CS18.

16

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 investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared 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 consideration and 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.

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 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 Saved Policies DC1, and ENV54 of the Unitary Development Plan and CSUCP policy CS14.

17

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 16.

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 Saved Policies DC1, and ENV54 of the Unitary Development Plan and CSUCP policy CS14.

18

Prior to occupation of each respective container of the development hereby permitted details of 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 significance of any heritage assets in accordance with the NPPF, Saved Policies DC2, ENV3, ENV7 and ENV11 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The materials used shall be in accordance with the details approved under condition 18 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 significance of any heritage assets in accordance with the NPPF, Saved Policies DC2, ENV3, ENV7 and ENV11 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

Should the water connections for the development hereby permitted require new groundworks two working days prior to such groundworks taking place written notice shall be given to the Local Planning Authority and County Archaeologist.

Reason

To enable archaeological monitoring in accordance with Saved UDP policies ENV21 and ENV22 and CSUCP policy CS15.

21

Prior to first occupation of the development hereby permitted details relating to cycle/pedestrian access including gradients and access routes to elevated containers shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure safe access for cyclists and pedestrians and in accordance with CSUCP policy CS13.

22

The details approved under condition 21 shall be implemented in full accord with the approved details and retained for the life of the development

Reason

To ensure safe access for cyclists and pedestrians and in accordance with CSUCP policy CS13.

23

Prior to first occupation of the development hereby permitted details of how the site links to public transport infrastructure and the national cycle network shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

To ensure safe access for cyclists and pedestrians and in accordance with CSUCP policy CS13.

24

Prior to first occupation of any part of the development hereby permitted details of secure and weatherproof cycle parking shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

To encourage sustainable travel to the site and to ensure adequate facilities for cyclists in accordance with CSUCP policy CS13.

25

The details approved under condition 24 shall be implemented in full accordance with the approved details and retained for the life of the development

Reason

To encourage sustainable travel to the site and to ensure adequate facilities for cyclists in accordance with CSUCP policy CS13.

26

Prior to first occupation of the development hereby permitted, full details of a Servicing and Deliveries Strategy shall be submitted for the consideration and written approval of the Local Planning Authority..

The Strategy shall demonstrate how the site will be serviced to include:

- details and hours of refuse and recyclables storage and collection facilities and arrangements for each container;, and
- details and hours of deliveries and collections only to take place between 07:30 and 22:00 Monday to Friday, and between 08:00 to 22:00 Saturdays and Sundays 11:00-16:00.

Delivery vehicles waiting on or adjacent to the site outside of the times outlined above must switch engines/ refrigeration units off to protect noise sensitive receptors.

Reason

In the interests of the provision of adequate refuse and recyclables storage/collection facilities, highway safety and noise sensitive receptors and the appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

27

The Servicing and Deliveries Strategy approved under condition 26 shall be wholly implemented upon first occupation/use of any part of the development and thereafter maintained for the life of the development.

Reason

In the interests of the provision of adequate refuse and recyclables storage/collection facilities, highway safety noise sensitive receptors and the appearance and design of the development and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policies CS13, CS14 and CS15 of the Core

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

28

Prior to first occupation/use of any part of the development hereby permitted an autotrack of the delivery compound shall be submitted for consideration and written approval of the Local Planning Authority to demonstrate that service and delivery vehicles can access and egress the delivery compound in a forward gear

Reason

In the interests of the provision of adequate refuse and recyclables storage/collection facilities and highway safety, in accordance with Saved Policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The area required for the manoeuvring of delivery vehicles within the delivery compound established by the approval of condition 28 shall be kept clear at all times for use only by delivery and servicing vehicles.

Reason

In the interests of the provision of adequate refuse and recyclables storage/collection facilities and highway safety, in accordance with Saved Policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

Prior to first occupation of any part of the development hereby permitted details of safety and security measures shall be submitted for the consideration and written approval of the Local Planning Authority. The measures shall include:

- measures to deter vehicle entry other than those connected with deliveries and servicing or staff,,
- treatment of riverside barriers; and
- the materials proposed for the decked area

Reason

In the interests of ensuring a secure and safe environment for visitors and staff and in order to accord with CSUCP policies CS13 and CS15.

31

The measures approved under condition 30 shall be implemented in full prior to first occupation of any part of the development hereby permitted and be retained for the life of the development

Reason

In the interests of ensuring a secure and safe environment for visitors and staff and in order to accord with CSUCP policies CS13 and CS15.

32

Six months prior to first occupation of any part of the development a travel plan shall be submitted for consideration and written approval of the Local Planning Authority. The Travel Plan should focus on how visitors and staff will arrive at and leave the development hereby permitted, including links to available car parks in the area. Publicity of available options will be a key element.

The Travel Plan shall be implemented three months prior to first occupation of any part of the development hereby permitted.

Reason

In the interests of creating a sustainable development and highway safety and to accord with the NPPF and CSUCP policy CS13.

33

No hard or soft landscaping shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed hard and soft landscaping, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with Saved Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

34

The landscaping scheme approved under condition 33 shall be implemented in full accordance with the approved details prior to first occupation of the development hereby permitted.

Reason

To ensure that the approved landscaping scheme is completed in the interests of the visual amenity of the area and in accordance with Saved Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

35

Prior to first occupation/use of any part of the development hereby permitted a detailed Landscape Management and Maintenance Plan shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance Saved Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

36

The approved Landscape Maintenance and Management Plan approved under condition 35 shall be wholly implemented from first occupation/use of any part of the development hereby permitted and maintained for the life of the development.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance Saved Policies DC1 and ENV3 of the Unitary Development Plan and CSUCP policies CS14 and CS18.

37

Prior to first occupation of the development hereby permitted a scheme for public art shall be 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.

38

The public art shall be implemented in accordance with the scheme approved under condition 37, prior to the development hereby permitted being first occupied/brought into use. The approved artwork shall be retained for the life of the development hereby permitted

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.

39

Prior to first occupation of the development hereby permitted a plan to indicate the containers to be occupied by A3 uses shall be submitted.

Prior to first occupation of each container identified on the A3 containers plan a scheme of odour suppression shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of proposed flues, all proposed cooking processes, a plan of the proposed ventilation systems and odour abatement measures including the locations and details of the filters, fans and flues and the manufacturers recommendations concerning frequency and type of maintenance.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with Saved Policies DC2, ENV3, ENV7 and ENV11 of the Unitary Development Plan and CSUCP policies CS14 and CS15.

40

The equipment approved under condition 39 shall be installed in full accordance with the approved details prior to the first use/occupation of the respective container(s) 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 Saved Policies DC2, ENV3, ENV7 and ENV11 of the Unitary Development Plan and CSUCP policies CS14 and CS15.

41

Live entertainment on the stage and within containers hosting live or amplified music shall only perform up to 22:00 hours on Sunday to Thursday and 23:00 hours on Fridays and Saturdays.

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

42

The music noise level must not exceed the background noise level by more than 15dB(A) over a 15 minute period at the nearest noise sensitive receptor.

Reason

To safeguard the amenities of nearby noise sensitive receptors 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

43

Emptying of glass bottles into any recycling storage area shall not take place between the hours of 22:00 - 08:00.

Reason



To safeguard the amenities of nearby noise sensitive receptors 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

44

Prior to the relevant container being occupied/brought into use, full details of any external plant or equipment (but excluding kitchen extraction equipment), including its design, materials and noise generation levels shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby noise sensitive receptors and visual impact on heritage assets in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

45

The details approved under condition 44 shall be fully implemented prior to first occupation of the relevant container and retained for the life of the development

Reason

To safeguard the amenities of nearby noise sensitive receptors and visual impact on heritage assets in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

46

Prior to occupation of the development hereby permitted details of a public engagement strategy in partnership with the Tyne Kittiwake Partnership shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

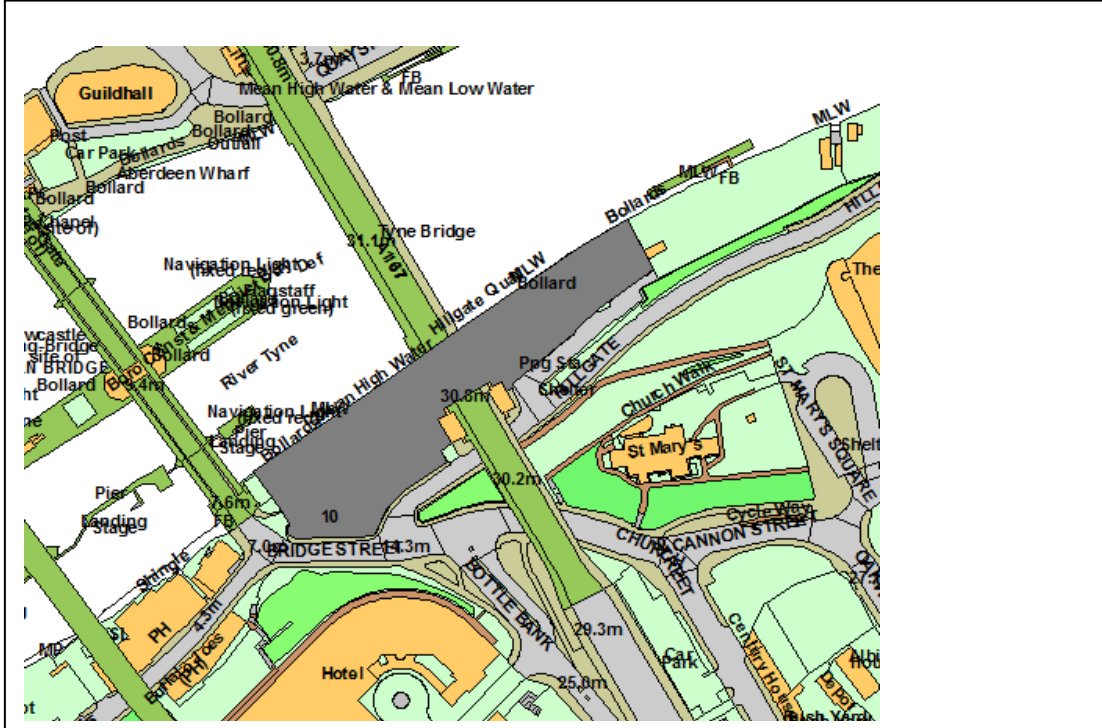
In order to minimise the risk of end users and visitors to the site having a negative experience of the birds, and to promote a greater awareness of kittiwake conservation, environmental sustainability and the wider benefits associated with a health natural environment in accordance with the NPPF and CSUCP policies CS14 and CS18 and Saved UDP policies EN3 and ENV44.

47

The public engagement strategy approved under condition 46 shall be implemented upon first occupation/use of any part of the development hereby permitted and shall continue to be implemented in accordance with the approved details for the lifetime of the development..

## Reason

In accordance with the NPPF and CSUCP policies CS14 and CS18 and Saved UDP policies ENV3 and ENV44, 47.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X