

Committee Report

Application No:	DC/18/00799/FUL
Case Officer	Owain Curtis
Date Application Valid	2 August 2018
Applicant	Adderstone Developments (103) Ltd
Site:	Land at Bottle Bank Gateshead
Ward:	Bridges
Proposal:	Proposed office development (A2, B1a use) on two levels providing 430m² office space and ancillary accommodation. Demolition of existing substation and alterations to existing access steps and perimeter parapet walls with the insertion of new fenestration to Bottle Bank.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site lies on Bottle Bank to the north east of the Curzon Place frontages. The site is on the raised piazza of the Curzon Place residential development adjacent to the Tyne Bridge. Underneath the raised piazza is the car park which serves the Curzon Place development.

1.2 The piazza was originally intended to form part of the public realm with art installations, seats, a place of activity and a pedestrian route. However, the intended high quality public space was never achieved and the area appears to have remained largely unused with only limited landscaping in the form of potted trees provided. The pedestrian route also appears to be underused.

1.3 The site lies within the Urban Core, Bridges Conservation Area and is in close proximity to the Grade II* listed Tyne Bridge and Grade I listed Church of St. Mary.

1.4 The character of the area is a mixed with a variety of residential and commercial premises in the local area – including the Hilton Hotel to the north, offices and a public house to the south, the main trunk road into Newcastle, offices and the Sage Gateshead to the east and Curzon Place to the west.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a new commercial building to house A2 / B1a uses (financial and professional services / offices). The proposed scheme is a variation of a development allowed on appeal in 2012 on the same site.

- 1.6 Specifically, the development consists of a two storey building constructed on the site of the existing car park and decommissioned substation. The building would provide 430m² of new office space and would be split level with office accommodation provided on both floors. On level 0, the proposal includes a lobbied entrance, meeting room and reception area with access internally to the car park for escape. On level 1, a further entrance is proposed, giving level access here to the principal accommodation floor. This level would provide the main open plan office accommodation.
- 1.7 Visually, the building would respond to the land levels and would have a glazed feature-entrance at its tallest point on the north western elevation. The palette of exterior materials would include dark brown compact laminate cladding panels, a standing seam metal roof and Forticrete blockwork.
- 1.8 On the piazza, the existing pedestrian access would be maintained, along with a single row of the existing trees in pots.

1.9 **PLANNING HISTORY**

Ref No: DC/14/00989/FUL Status: GRANT. Proposal: Construction of a new split level residential development (2 x 2 bed flats and 2 x 2 bed duplex flats) on a raised plaza to the front (east) of Curzon Place (use class C3 and C4) (revised application). Decision Date: 12.11.2014

Ref No: DC/14/00194/FUL Status: GRANT. Proposal: Construction of a new split-level residential development (2 x 2 bed flats and 1 x 3 bed duplex flat), on raised plaza to the front (east) of Curzon Place (Use Class C3 and C4). Decision Date: 20.08.2014

Ref No: DC/12/00870/FUL Status: ALLOWED ON APPEAL. Proposal: Construction of new split-level commercial/office unit (for A2, B1(a) use) of approximately 259m², on raised plaza to the front (east) of Curzon Place (Amended 13.9.2012). Decision Date: 19.10.2012

Ref No: DC/11/01071/FUL Status: WITHDRAWN. Proposal: Erection of three-storey commercial unit (use classes A2 and B1(a)). Decision Date: n/a

2.0 Consultation Responses:

Coal Authority – No objection.

Northumbrian Water – No objection, subject to condition.

Tyne and Wear Archaeology – No objection.

3.0 Representations:

- 3.1 This application is referred to the Planning and Development Committee for determination due to the number of objections received.
- 3.2 A site notice was displayed at the application site and neighbour notifications were carried out in accordance with Article 15 of the Town & Country Planning (Development Management Procedure) Order 2015 (as amended). A total of 5 objections have been received.
- 3.3 The representations received raise the following issues:
- Loss of view of Tyne Bridge and Quayside
 - Development would devalue properties
 - Negative impact on living conditions
 - Additional noise will be created
 - Car parking will be reduced
 - Building will be a cramped eyesore
 - Proposal will add to traffic congestion
 - The proposal is overdevelopment

4.0 Policies:

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

UC1 Offices and Business Development

UC5 Primary and Secondary Pedestrian Routes

UC10 Car Parking

UC12 Urban Design

UC14 Heritage

DC2 Residential Amenity

JE4 Sustainable Economic Development

CFR23 Protecting and improving existing open space

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into account when assessing this planning application are:

- i. the principle of development;
- ii. the effect of the proposal on the living conditions of the occupiers of Curzon Place;
- iii. the impact on heritage assets;
- iv. the design of the proposed building;
- v. the effect on highway safety and parking provision;
- vi. land stability and contamination issues;
- vii. the loss of open space; and
- viii. any other material considerations.

5.2 PRINCIPLE OF DEVELOPMENT

Policies CS1, CS2, CS5, CS6 and UC1 of the Core Strategy and Urban Core Plan for Newcastle and Gateshead seek to foster economic growth and develop accessible employment by directing and supporting new office accommodation within the Urban Core. The CSUCP aims to provide a minimum of 380,000 square metres of new office space in the Urban Core by 2030. These policies are consistent with section 7 of the revised NPPF which requires councils to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

5.3 The proposed development would add 430m² of new office space into the town centre and, as such, would accord with the relevant local and national planning policies and is acceptable subject to all other material considerations being satisfactory.

5.4 LIVING CONDITIONS

Paragraph 117 of the revised NPPF states that planning policies and decisions should, amongst other things, ensure safe and healthy living

conditions. Local policies CS14 of the CSUCP and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.

- 5.5 The height of the proposed building and separation distance to Curzon Place is the same as the scheme previously allowed on appeal in 2012 when the Inspector concluded:

The proposal would not have a detrimental effect on the living conditions of the occupiers of the ground floor flats at Curzon Place, with particular reference to outlook, privacy, daylight and sunlight and noise and disturbance. In that respect, it would comply with the requirements of Policy DC2 regarding the protection of residential amenity, in the Council's Unitary Development Plan (UDP), to which I give due weight, as it does not conflict with the terms of the National Planning Policy Framework (the Framework).

- 5.6 Since 2012 the NPPF has been revised and the council has adopted the Core Strategy and Urban Core Plan. The proposed development is assessed against currently adopted policies below.

- 5.7 The ground floor flats of Curzon Place which face east/north east have the most potential to be affected by this development as the ground floor windows serve living rooms, however it is considered that only four of these flats would directly look onto the west facing elevation of the proposal. The flats at first floor level are set higher than the proposed development and as such, will not be directly affected in terms of loss of light, visual intrusion or overshadowing. Equally although the development would be visible from the flats located further along the east facing elevation, they would not face directly onto the west facing elevation of the development.

- 5.8 The proposed building would be located 7.38m from the eastern elevation of Curzon Place at its closest and 12.69m at its furthest. The plans show the windows on this elevation would be smaller than those on the main eastern elevation facing onto Bottle Bank. In order to safeguard the privacy of existing residents in Curzon Place it is appropriate to condition that windows on the western elevation facing the flats are obscure glazed and non-openable. (condition 9).

- 5.9 With regard to light levels, it is considered that four flats are likely to be affected by a loss of light however the impact would be negligible. This is due to the separation distances between the flats and the development but also due to the relationship of the flats with the development and the orientation of the sun. A full and detailed daylight and sunlight assessment has been submitted in support of the application which confirms this. The results show that in flats 20, 21, 22 and 23 the maximum reduction in the measured daylight factor would only be -0.5%.

- 5.10 In terms of overshadowing, the proposed development would cast no shadows over the flats due to its small comparative scale and its positioning to the north of the flats.
- 5.11 Turning to noise and disturbance, the piazza was originally intended to be an area of activity and includes a pedestrian route. The unfenced area is open to use as a public space and footpath with no limitations on time, and if it was used to its full potential the activity would be even greater, at any time of the day or night. Officers also consider the construction of an office development, which although would generate footfall, is less likely to generate activity in the late evenings like a public house or restaurant would and loitering and anti-social behaviour is not generally associated with office developments.
- 5.12 Lastly, final details of the proposed windcatchers on the roof and any ventilation can be conditioned to ensure the development does not generate any noise or disturbance to the detriment of the living conditions of the occupiers of the adjacent flats in this regard (conditions 14 and 15).
- 5.13 Overall, the development would not cause harm to the living conditions of nearby residents by virtue of a loss of privacy, overshadowing or through noise and disturbance thus, the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.
- 5.14 **IMPACT ON HERITAGE**
Paragraph 192 of the revised NPPF states that in that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 5.15 The application site is located within the Bridges Conservation Area and is within close proximity to the Grade II* listed Tyne Bridge and Grade I listed Church of St. Mary. Officers consider the proposed building responds positively to its historic context and the scale, massing, form and materiality of the development would ensure the proposal would preserve and enhance the character of the Bridges Conservation Area.
- 5.16 Further, the low scale would ensure the development has no adverse impact on the significance of the Tyne Bridge or Church of St. Mary, including their setting, nor would it impact on important views into and out of the Conservation Area. Given the above, the development would

accord with the revised NPPF, policies CS15(2) and UC14 of the CSUCP and saved policies ENV7 and ENV9 of the UDP.

Turning to archaeology, saved policies ENV21 and ENV22 of the UDP seek to preserve and record archaeological remains. The proposal would cause limited disturbance outside of the substation and car park area and the majority of the site has previously been disturbed during the construction of the hotel, car park and substation. It is therefore unlikely that significant archaeological remains will be destroyed during the construction of the proposed office building. As such, no further action is needed in this regard.

5.17 VISUAL AMENITY

Section 12 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.

5.18 The proposal consists of a single storey building on the piazza with an outdoor enclosed terrace and additional accommodation beneath accessed from the corner of Bottle Bank and the Hilton access road at the lower car park level. The building would utilise the existing parapet wall to the piazza and would be built up from this level with single storey accommodation to the south. When viewed from the north, this will appear as a two-storey element due to the slope of the road towards the river. The proposed building has been designed in such a way so that it rises from single storey at the south of the site towards the north, and then steps down again to form a roof terrace. This reduces the visual prominence of the development.

5.19 The general form of the development is considered to respond well to the angles and lines created by the piazza and existing building at Curzon Place with a triangular shaped element and rectangular part to the development. The 4 wind catchers provide ventilation have also been used as an architectural device to add interest breaking the horizontal emphasis to the block which is considered to be positive addition.

5.20 To ensure the high quality of the design is carried through into the build, final details of materials would be required and this can be conditioned (conditions 3 and 4).

5.21 Given the above, officers consider the development would accord with the revised NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.

5.22 HIGHWAY SAFETY AND PARKING PROVISION

Given the location of the application site, the proposed development would be very well served by public transport as well as being accessible on foot or bicycle.

- 5.23 The provision of no car parking is in accordance with policy UC10 of the CSUCP which states that car parking for new developments in the Urban Core should be minimised to reflect the highly accessible nature of the area.
- 5.24 Whilst there will undoubtedly be some demand for parking by staff and visitors, it is accepted that this can take place within nearby public pay and display car parks and the applicant has confirmed that servicing and refuse collection would not block the bus lane on Bottle Bank and Hills Street.
- 5.25 It is acknowledged that development would result in the loss of 8 parking spaces from the underground car park at Curzon Place however this would not give rise to any material negative impacts on the surrounding highway network as there are no opportunities for on-street parking in the immediate area due to existing restrictions and, as such, overspill of parking onto the highway is unlikely. Nor would the reduction in parking provision for the flats be a concern in its own right due to the site's sustainable Urban Core location.
- 5.26 In order to encourage sustainable travel, cycle parking would be provided at the office as indicated on the site layout plan. Its implementation can be secured by condition (condition 10).
- 5.28 The development would therefore accord with paragraph 109 of the revised NPPF and policies CS13 and UC10 of the CSUCP.
- 5.27 **LAND STABILITY AND CONTAMINATION**
The application site is located within the Coal Authority High Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, and historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth. As the development is within the envelope of the Curzon Place car park and decommissioned substation, in this instance a Coal Mining Risk Assessment is not necessary. In addition, for this reason intrusive investigations for contaminated land are not required however it is conditioned that if any undesirable material or contamination is encountered the developer will take appropriate steps (conditions 12 and 13)
- 5.28 Subject to the suggested conditions, the development would comply with paragraph 178 of the revised NPPF and saved policy ENV54 of the UDP.
- 5.29 **LOSS OF OPEN SPACE**
Paragraph 97 of the revised NPPF states that open space should not be built on, save for three exceptions including if the land is surplus to requirements. Saved policy CFR23 of the UDP is broadly consistent with this.

5.30 During the development of the Curzon Place scheme, the piazza was originally proposed to provide an area of outdoor space with art installations and street furniture. However, the area has never been used to its full potential and there is little evidence to suggest that the piazza was used as an area of open space. Indeed, the area has been partially fenced off and inaccessible to the public for several years.

5.31 The piazza is not a formally allocated area of open space and the loss is not considered to be detrimental to the public. As a result, officers are of the view that it can be regarded as surplus to requirements. Further, the development of the piazza could be considered a positive development as it would bring the area back into use and create a buffer between Curzon Place and the busy highway to the east.

5.32 Officers therefore consider the development would accord with the revised NPPF and there would be no conflict with saved policy CFR23 of the UDP.

5.33 OTHER ISSUES

The objections state that the development would cause the loss of residents' views of the Tyne Bridge and Quayside from the Curzon Place flats and would therefore devalue the properties. It is entirely understandable that residents would prefer the site to remain unchanged but it is well established that there is no right to private views and that their loss is not a material planning consideration even if it affects the values of the properties concerned. Similarly, the potential for property devaluation is not a material planning consideration.

5.34 A consultation response from Northumbrian Water suggests that the LPA impose a condition in relation to drainage and surface water from the development. During the 2012 appeal, the Planning Inspectorate considered this condition failed to meet the six tests every planning condition should meet in order to be imposed. In light of this, officers do not recommend the suggested condition is imposed.

5.35 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying housing or retail development.

6.0 CONCLUSION

6.1 Taking all the material planning considerations into account, including the objections raised, it is recommended that planning permission be granted subject to the conditions outlined below.

7.0 Recommendation:

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

1

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.

2

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

P-086 / A-PL-01 dated June 2018
P-86 / A-PL- 02 / A dated 30.08.2018
P-86 / A-PL-03 /A dated 05.07.2018
P-086 / A-PL-04 / B dated 25.07.2018
P-086 / A-PL-04 / C dated 30.08.2018
P-86 / A-PL-05 / A dated 05.07.2018
P-86 / A-PL-07 / B dated 25.07.2018
P-86 / A-PL-08 / B dated 05.07.2018
P-86 / A-PL-09 / B dated 25.07.2018

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.

3

No external materials for the development hereby approved shall be used on site until details and samples of all materials, colours and finishes to be used on all external surfaces of the building 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 street scene in accordance with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and ENV7 of the UDP.

4

The approved external materials shall be used on site in accordance with the details approved under condition 3.

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 street scene in accordance with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and ENV7 of the UDP.

5

Prior to the first occupation of the development hereby approved, full details of the method of illumination of the external areas of the site/adjacent piazza shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include a diagram to demonstrate light spillage, the appearance and location of light fittings and their supporting structure(s), measures to control the times when the lights are illuminated.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

6

The external lighting approved under condition 5 shall be implemented wholly in accordance with the approved details prior to first occupation of the development.

Reason

In the interests of the amenities of the neighbouring residents in accordance with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

7

No development shall take place until a Construction Statement for measures to control the emission of noise, dust and dirt during construction has been submitted to, and approved in writing by, the Local Planning Authority.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

8

The Construction Statement approved under condition 7 shall be adhered to throughout the construction period.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

9

Prior to the first occupation of the development hereby approved, windows of the development facing towards the residential flats of Curzon Place shall be non-opening and glazed with obscured glass (to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures) and shall be permanently retained in that condition thereafter.

Reason

To safeguard the privacy of nearby residents in accordance with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

10

Prior to the first occupation of the development hereby approved, the cycle parking facilities shown on plan P-086 / A-PL-04 / C dated 30.08.2018 and D10-compact-cycle-bike-bicycle-shelter1 received 03.09.2018 shall be implemented and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the CSUCP.

11

All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between the hours of 0800 to 1700 on Mondays to Fridays, 0800 to 1300 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, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

12

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination.

Where required by the Local Authority, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and saved policy ENV54 of the UDP.

13

If required, following completion of measures identified in the approved remediation scheme under condition 12, a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building hereby approved.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and saved policy ENV54 of the UDP.

14

Notwithstanding the details submitted, prior to the installation of any ventilation equipment, full details of the ventilation and extraction system for the office development (and car park if necessary) shall be submitted to and approved in writing by the Local Planning Authority.

The submission shall include details of noise levels, a plan of the proposed ventilation system and the manufacturer's specification and recommendations concerning frequency and type of maintenance.

Reason

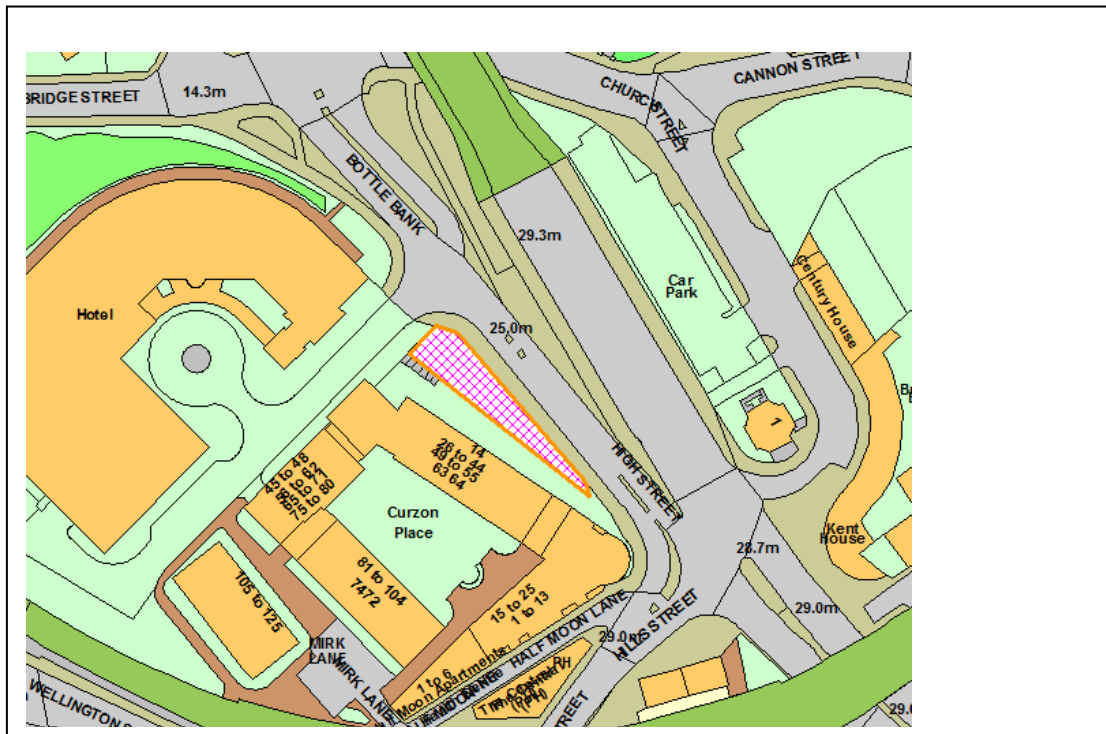
To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

15

The ventilation equipment, approved under condition 14, shall be installed in accordance with the approved details, prior to the first occupation of the development and shall thereafter be operated and maintained in accordance with the approved details.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.



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