

Committee Report

Application No:	DC/18/01058/FUL
Case Officer	Lois Lovely
Date Application Valid	22 October 2018
Applicant	Church of Scientology
Site:	Former Windmill Hills Nursing Home Mulgrave Terrace Gateshead NE8 1PS
Ward:	Bridges
Proposal:	Three single storey extensions to, and conversion of, vacant nursing home (use class C2) to a D1 (Non-residential institutions) use comprising a place of worship, training facilities and meeting rooms with ancillary offices, cafe, two outdoor seating areas, new pedestrians access, substation, bin store, car parking and landscaping (additional information received 28/11/18, 17/12/18, 22/01/19, 28/01/19, 15/02/19, 11/03/19, 28/03/19, 05/04/19 and 12/06/19 and amended 13/11/18, 28/11/18, 14/12/18, 19/12/18, 14/01/19, 18/01/19, 28/01/19, 11/03/19 and 01/05/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application property is the former Windmill Hills Care Home which is a large three storey Victorian building, set in a hard surfaced car park with some areas of landscaping on Half Moon Lane next to the Black Bull Public House and Jam Jar Studios on Mulgrave Terrace.

1.2 The site was formerly the location of a windmill and dwellings before the construction of the building the subject of this application as a primary school. Since the school closed the building has been used as council offices then most recently a nursing home.

1.3 The building is Grade II listed, has been vacant since the closure of the nursing home in 2004. The interior of the listed building is of limited value.

1.4 The site is approximately 0.3ha. To the east is the A184 road with residential properties and Gateshead Transport Interchange beyond. Windmill Hills Park bounds the site to the west with residential properties beyond that on Village Heights. A tower block of residential flats are located immediately to the south in Mulgrave Villas. The site lies within the Urban Core on the edge of

Gateshead town centre which lies to the east of the site. Thus the surrounding buildings are a mix of commercial and residential uses.

- 1.5 The site is in the proximity of a number of heritage assets:
 - o Grade II* Listed Walker Terrace;
 - o Grade II Listed Council Offices (Department of Architectural Services);
 - o Grade II Listed Number 72 With Forecourt Wall;
 - o Grade II Listed Monument to George Hawks;
 - o Grade II Listed 5-23, Regent Terrace;
 - o Grade II Listed Lambton Lodge; and
 - o Grade II Listed Church of St Joseph And Presbytery.
- 1.6 Historically, the elevation overlooking Windmill Hill Park was the designed principal frontage, however due to modern requirements for access and the former use of the building the rear of the building now functions as the most prominent and active elevation.
- 1.7 **DESCRIPTION OF THE PROPOSAL**

The proposal, to accommodate the Church of Scientology, is to convert and refurbish the Grade II listed building and the erection of two extensions to the car park elevation of the existing building; one to form the new lobby/entrance area, one to form the café and chapel, associated car parking and ornamental landscaping.
- 1.8 The lobby/entrance extension measures 10 metres x 8 metres along the southern elevation and 4 metres on the northern elevation, 3 metres in height. The lobby extension is proposed to be constructed of aluminium fascia boards, aluminium curtain walling painted white and glazed panels with the majority of the extension using glazed panels from floor to ceiling.
- 1.9 The proposed chapel/café extension is also to be located along the principal elevation which previously was occupied by a non-original addition, a conservatory which has been demolished. This extension measures 12 metres x 9 metres x 3 metres in height, that is proposed to be constructed of aluminium fascia boards, aluminium curtain walling and painted white and glazed panels. The majority of the extension will be glazed panels from floor to ceiling.
- 1.10 The accommodation within the existing building will comprise a chapel, academy, offices, auditing rooms, conference rooms, storage and a café which would be open to both the visiting public and its church members. A public exhibition space, outlining the public benefit programmes of the church, is also proposed that would be open to the general public during the church opening hours. The church proposes to host occasional community events such as family fun days to engage the local community.
- 1.11 In addition a single storey annex extension within the existing car park is proposed to extend along the north eastern boundary of the site to accommodate auditing rooms and offices as additional space that cannot be accommodated within the existing building.

- 1.12 The annex building is proposed to be 10 metres x 29 metres x 5 metres in height at the lowest level. The extension is located 1 metre from the boundary wall to enable maintenance for the building and for security purposes. The external façade of the extension is proposed as a mix of aluminium curtain walling, glazing and render with a brick course. This extension is proposed to have a glass balustrade handrail running along the car park elevation.
- 1.13 An external plant area is proposed to facilitate the plant located at basement level. The enclosure measures 4 metres x 2 metres x 3 metres in height and comprises of a 3 metre high brick wall and closed design louvres.
- 1.14 The external walls are proposed to be partially rendered in cream. It is proposed to remove the existing UPVC rainwater goods to be replaced with cast aluminium, finished in black paint.
- 1.15 The basement level of the existing building is proposed to be excavated by 500 mm to create additional floorspace to accommodate air conditioning plant, storage space and a printing room.
- 1.16 Throughout the building, internal partition walls are proposed on all levels to create the rooms required for the operation of the church. The existing timber doors are in poor condition and are proposed to be replaced.
- 1.17 It is proposed to reinstate the railings and a section of wall to the park which is missing. The railings across this elevation are proposed to be 1m in height. It is also proposed to rebuild the wall to the north west which has partially collapsed and to install 500 mm railings to create a secure boundary. A 1.8m sliding security gate is proposed at the existing entrance to the car park on Half Moon Lane.
- 1.18 Within the existing car park area five car parking spaces including three accessible spaces, a refuse storage area and a substation are proposed.
- 1.19 A pedestrian access is proposed to be taken from the existing access point adjacent to the park entrance, near to the former caretaker's house. Ramps into the building are proposed.
- 1.20 The proposals require the removal of two trees and two groups of trees, of which one individual tree is category B and the remaining tree and two groups of trees are category C. The proposals include planting of an additional 10 trees.
- 1.21 A substation and refuse store are proposed on the north east boundary with The Black Bull. They have been designed to have the same external finishes. The refuse store will accommodate 3 no. 1285 litre Eurobins.
- 1.22 The church is proposed to be operated by volunteers who would work on two shifts; a day schedule (9am - 6pm weekdays) and a foundation schedule (6:30 - 10pm weekdays and 9am - 6pm at the weekends). Overall, the church anticipates a maximum of 100 volunteers per week attending the site. Using

data from the operational church in Birmingham, the church would expect around 20 visitors or members of the church per day.

- 1.23 The proposed development seeks to restore and repair the internal fabric where possible in order to safeguard the building in the future. The external areas of the building, which are mostly intact, require repair and some areas of replacement. A schedule of repairs is proposed as part of the Listed Building Consent application considered elsewhere on this agenda (DC/18/01038/LBC). The extent of repairs to the listed building include repairs to masonry, roof tiles, timber and windows.
- 1.24 **BACKGROUND**
The church has recently opened a number of new churches throughout the UK to provide larger regional hubs for members. The church in the UK has premises in London, Birmingham, Brighton, East Grinstead, Manchester, Plymouth and Edinburgh. Currently the church occupies a building in Sunderland, and will move its operations to this site once the building is completed. The proposed development is intended to provide the church with a regional base in the north east of England.
- 1.25 **Church of Scientology**
The applicant is the Church of Scientology. The Church of Scientology has a weekly congregational service that takes place on a Sunday morning within the chapel. Throughout the remainder of the week, members of the church are able to visit the church for religious study and take part in the church auditing' sessions; spiritual exercises as part of a group or one to one. The Church promotes spiritual wellbeing of its members. The church buildings contain facilities which are intended to promote ongoing physical wellness as part of the spiritual aims of the church.
- 1.26 This application is supported by:
Planning Statement
Archaeology Report;
Biodiversity Survey and Report;
Drainage Strategy;
Window Survey;
Roof Survey;
Flood Risk Assessment;
Geotechnical Report;
Heritage Statement;
Noise Assessment;
Sustainability Statement;
Transport Statement; and
Tree Report.
- 1.27 **PLANNING HISTORY**
1323/92 - Erection of detached single storey building north of existing nursing home to provide six bedrooms, bathroom, lounge, kitchen and office (amended 07.01.1993) - Refused 09.06.1993

DC/06/01441/COU - Change of use from nursing home to 27 x apartments and erection of 5 townhouses with associated car parking and landscaping - Granted 06.12.2006

DC/06/01442/LBC - LISTED BUILDING CONSENT: For removal of modern reinstatement and creation of new openings, new glazed link and introduction of conservation roof-lights - Granted 13.12.2006

DC/07/00617/COU - Change of use of nursing home (use class C2) to place of worship and religious instruction (use class D1) - Granted 27.09.2007

2.0 Consultation Responses:

Historic England	Historic England does not wish to offer any comments.
Tyne And Wear Archaeology Officer	<p>The application has been submitted with an archaeological desk-based assessment and a building recording of the listed former Windmill Hills school.</p> <p>With regard to the building no further work is required.</p> <p>In terms of below-ground archaeology no intrusive investigation or monitoring is required.</p>
Tyne And Wear Fire And Rescue Service	No objections

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.
A press notice was published in The Journal on the 31 October 2018 and 15 May 2019 and a notice was posted on site on the 31 October 2018 and 10 May 2019 in addition to direct neighbour notification letters being sent.
- 3.2 Three letters of representation have been received. One letter of support and two objections. The main concerns relate to:
- Additional noise,
 - Concern over health issues,
 - Disturbance early mornings/late evenings,
 - Inadequate car parking,
 - Increase of traffic,
 - Loss of natural light,
 - Loss of privacy,
 - Loss of trees,

- Out of character with Conservation Area,
- Out of character with streetscene,
- Overbearing,
- Overdevelopment,
- Proposal will attract potential vandals,
- Residential Amenity,
- Traffic or Highways,
- human rights of privacy and family life,
- proposed height will block all natural light to beer garden ,
- building is very close to the rear of the public house that hosts live music will cause tensions relating to noise,
- The building looks like a security compound, with CCTV cameras looking onto the park, and
- local businesses and community asset at risk.

4.0 Policies:

UC14 Heritage

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

CFR11 Community Centres

ENV12 Demolition of Listed Buildings

ENV46 The Durham Biodiversity Action Plan

ENV61 New Noise-Generating Developments

ENV8 Demolition within Conservation Areas

ENV9 Setting of Conservation Areas

GPGSPD Gateshead Placemaking Guide SPG

UC1 Offices and Business Development

UC12 Urban Design

UC14 Heritage

UC11 Gateways and Arrival Points

SG3 Southern Gateway Dev Opportunity Sites

5.0 Assessment of the Proposal:

- 5.1 The main planning considerations are the principle of the proposed development, impact on heritage assets, archaeology, impact on highway safety, biodiversity, ground conditions, flood risk and drainage, residential amenities and noise, layout design and landscape and community involvement.
- 5.2 **PRINCIPLE**
The principle of changing the use of this site from a nursing home (use class C2) to place of worship and religious instruction (use class D1) has been previously established through planning application DC/07/00617/COU granted 27 September 2007 and there has been no change in policy since 2007 which would change this consideration.
- 5.3 The proposed use of the building provides a significant public benefit through the revitalisation of a currently derelict listed building in a prime location on the edge of Gateshead town centre. The site has previously been granted permission for conversion to residential units, however this was pre-recession and before changes to space standards and homeowner expectations. The year after residential use was granted, an application to change the use of the building to a church was granted approval.
- 5.4 The re-use of the building with a long-term owner, and the conversion directly suited to the needs of the church ensures its future vitality and optimum viable use. The proposed development does not propose activation onto Windmill Hill Park due to security purposes. As such, whilst the application does not fully

conform with Core Strategy policy SG1 it is considered that the public benefits of the proposed development outweighs the provisions of this policy.

5.5 Given the above, subject to all other material planning considerations being satisfied, the principle of development continues to be acceptable.

5.6 **HERITAGE ASSETS**

Significance of Windmill Hills

The former Windmill Hills Industrial Day School occupies a prominent site on the brow of the hill on the outer edge of the Tyne Gorge, to the North and West of Gateshead town centre. The site is located adjacent to the Windmill Hill Park with views North to Newcastle over the River Tyne from the site and to the East.

5.7 The 1879 building is red brick building has Flemish detailing and is an early design by Thomas Oliver who would go on form part of the prolific architectural firm Oliver Lesson and Wood, designing buildings such as the Discovery Museum, Cathedral Buildings and Milburn House in Newcastle. It was built as a school but has since been adapted for Council offices and most recently as a nursing home which closed in 2004.

5.8 The heritage statement submitted in support of the planning application assesses the sensitivity of nearby heritage assets to the proposed development. The heritage assets, with the exception of the Grade II Council Offices (Department of Architectural Services), were assessed as being of low sensitivity to the proposed development.

5.9 The Grade II Council Offices (Department of Architectural Services) was assessed as being of high sensitivity to the proposed development as the application involves the conversion of the building.

5.10 The original setting of the building was comprised of its adjacency to Windmill Hill Park and the immediate urbanised area of Gateshead with dense residential housing and the more expensive terraces on Walker and Regent Terrace. Over time, the setting of the listed building has not changed, the form of development has changed but the park has remained, and residential development is still in close proximity to the site.

5.11 The proposed development involves the refurbishment and conversion of the listed building and includes minor external alterations. It is considered that the proposed development will not have a detrimental impact on the setting of the listed building as it will remain a prominent building on Windmill Hill and its relationship with Windmill Hill Park will not be altered. Overall, the proposed development will preserve the setting of the listed building.

5.12 The heritage asset was originally constructed as a school for public use and has operated as a school for a long period of the building's history. The recent uses of the building as council offices and a nursing home were also uses that linked to the function of the building for the public. The change of the use of the building as a place of worship is therefore in-keeping with the existing character of the building and will be available for the provision of the public.

- 5.13 The significance of this prominent building in the townscape of Gateshead is its historic interest associated with an important period of change in education to broaden the opportunities for all in the latter part of the 19th Century. Industrial schools in 1879 meant schools for the very poor or Windmill Hills neglected to give them a trade. They were children who were seen as delinquent, unmanageable and therefore giving them a practical skill was seen as an alternative to a classroom education.
- 5.14 Its architectural interest is also of high importance. The design of school buildings in this period were often heavily influenced by the work of E.R. Robson, architect from County Durham who laid out specific design criteria for school buildings following the Education Act of 1870 in his book; *School Architecture*. He was directly responsible for many new schools in London during this period, but his book would have been the 'bible' for architects outside the capital who were designing schools. Many of the schools he designed in London have similar features to that at Windmill Hill; proliferation of gables, a Dutch or Flemish influence (sometimes known as Queen Anne style that Robson favoured), use of brick, narrow tall windows and a building with a prominent tower or feature. Robson travelled extensively across Europe and his book was very specific in regard to the best design, layout of classrooms down to the detail of seating, location of the teachers' rooms and the ventilation of buildings. His book includes a specific chapter about Industrial Schools. Here, Robson comments that 'the Industrial establishment is neither a workhouse, a school nor a boarding house and yet in combines some of the features of all three'.
- 5.15 It was intended to be austere, commanding in its height and position. It is possible to understand from Robson's book that the external appearance, plan form and location of each room in each part of the building was precisely designed for a specific educational purpose associated with the use for which it was built, assuming Oliver followed his principles. The enclosed inward facing space would have been to contain the children who were seen as more unruly than those who attended the nearby Board schools. The lower building in the NW corner of the site was the infant school with its own access and the rest of the building for the older children with a Master's house adjacent to the park entrance at the southern end of the site.
- 5.16 Therefore, this building is considered to be of high historic and architectural significance following the work of Robson, a pioneer in educational buildings, the importance of the state funded industrial schools for those who were not considered suitable for Board schools. Furthermore, the building has been designed by an important local architect who appears to have followed the guidance laid out by his contemporary, Robson.
- 5.17 The neglect of this building in recent years has resulted in much invasive work to stem the proliferation of dry rot and general deterioration with all of the interior wall finishes having been removed. However, the interior plan form and exterior has largely been retained with some minor alterations. in principle the

re-use of this large building, in a manner consistent with its conservation, is welcomed.

- 5.18 The Local Planning Authority (LPA) has a statutory duty to give special regard to preserving or enhancing setting or any features of special architectural or historic interest which the listed building possesses under Section 66 of the Planning Listed (Buildings and Conservation Areas) Act 1990. The NPPF (2019) states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that any harm should require clear and convincing justification. Harm should be demonstrated to be necessary and it is for the planning authority to weight that harm against the public benefits that would be brought about by the proposal.
- 5.19 Taking into account the statutory duty of the LPA to give special regard to sustaining the significance of the designated heritage asset it is concluded that in regard to the internal alterations, these are largely acceptable. Officers have worked with the agents to ensure that partitions are kept to the minimum and where possible do not divide or obscure windows. The majority of the windows are retained and refurbished. The majority of the ground and first floors within the building work with the existing floor plan to retain principal walls. It is the plan form and size of rooms which are regarded to hold some of the remaining historic interest, given the finishes have almost all been removed but these have been altered by subdivisions which do not affect the principal walls.
- 5.20 The proposed large single storey annex extension to the east of the former school building has been amended in response to officer comments and the design is now considered to be of a high quality contemporary design that is acceptable to the setting of the listed building.
- 5.21 The justification for the sub-station has been explored and concluded, through the revised design, that it is necessary and acceptable in the setting of the grade II listed building.
- 5.22 Details such as boundary treatments, CCTV, bat boxes, lighting are now considered to be acceptable that can be dealt with by imposition of conditions - (CONDITIONS 27, 28, 33, 41, 42, 43).
- 5.23 The bin store has been reduced in size and repositioned, so as to reduce the impact on the listed building. Through discussion with Officers the hardscape around the building has reduced the number of retaining walls to address concerns and is now considered to be acceptable.
- 5.24 However, the proposed structural work to the basement of the listed building remains of greatest concern together with other works to the basement. There is great confidence in much of the proposal, but a more tailored approach to working on a listed building is necessary so as to follow the principle of minimal intervention. The reports submitted suggest repair to most if not all cracks in the building, however it may be that there is no structural requirement for intervention and these cracks are historic, not moving/changing and can be left.

- 5.25 The original use and purpose of the basement is not set out in the heritage statement and the impact thereon, but the proposed works to lower parts of the basement and then underpin possibly to extensive areas is considered to be a harmful impact on the special interest of the building. That work would be irreversible. It would result in the alteration and loss of historic fabric to many areas of the building. Alternative ways of entering the building and housing the plant and equipment had not been presented to fully justify the extent of the works. The Heritage Statement refers to the basement area being used for storage but it has not been demonstrated that alternative locations have been explored for that storage, although it acknowledges that it may not be possible to use other parts of the building.
- 5.26 However, the application has now been supported by additional assessment that demonstrates the works are necessary and the only solution.
- 5.27 The full impact on the listed building cannot be known until further surveys are carried out to understand the bedrock and necessary requirements to design the structural excavation and underpinning works. Although assurances have been given that the submitted drawings and supporting information represent the worst case scenario, it is possible that further works may be necessary once a survey has been carried out that require further intervention, after which consent will have been granted and the LPA will not be in a position to properly assess the impact on the heritage asset.
- 5.28 Given the above, the proposal for the ground and first floors largely sustains the significance of the heritage asset and is welcomed together with the extensions, the substation and bin store, boundary treatment and hardscaping around the site. The new proposed additions to the entrance and chapel are acceptable in terms of their design. Their impact on the footings of the listed building, necessitating excavation and underpinning is of concern. However, the further survey work would require listed building consent in its own right. The submitted proposal is therefore considered to be harmful to the significance of the listed building because of the level of intervention required to support it, which would not be necessary if the entrances were designed differently. That harm would be substantial. It is recognised that substantial harm is a high bar and one that applies if the adverse impact seriously affects a key element of the special architectural or historic interest.
- 5.29 It is the amount of intervention proposed that has the potential to affect the special historic and architectural interest of the footings of the building which are a fundamental part of the whole building. By not fully understanding the extent of these works, or the full nature of the intervention because these are not yet known and further survey work is required, there is the potential to harm the overall building if survey results mean that further work needs to be carried out. In granting consent, the LPA could not be assured that it is possible to implement the scheme as proposed, and therefore by fulfilling its statutory duty, without the potential that further significant intervention in the building may be necessary to make the proposal work.

- 5.30 However, the building has stood empty for a number of years and it is considered to be important that it is occupied by an appropriate use in order to protect the asset. Therefore, despite the concerns outlined above, it is considered that the survey works required can be dealt with by appropriately worded conditions imposed on the Listed Building Consent DC/18/01038/LBC considered elsewhere on this Agenda.
- 5.31 In relation to the internal works, it is established that there are no original historic features that remain within the building with the exception of some of the timber roof structure which was not damaged by arson. The internal works are proposed to repair and retain the timber trusses where possible. The remainder of the building is proposed to be completely refurbished which must be undertaken to a high standard.
- 5.32 The bulk of the conversion works will involve the installation of new lightweight metal stud and plasterboard partitions, together with modern suspended plasterboard and mineral tile ceilings. These only need small mechanical fixings into the existing structure and are easily removed in the future, if required. The final details are recommended to be secured by conditions imposed on Listed Building Consent DC/18/01038/LBC. The implementation of internal partitions, new timber doors, building services and plant is not considered to have a detrimental impact on the character or appearance of the listed building in relation to its internal significance as these measures are not permanent and can be reconfigured if necessary in the future.
- 5.33 The proposals include introduction of modern materials such as concrete and resin in order to bring the building back into use and to facilitate repairs that will be long lasting. The introduction of these materials internally is considered to have a minor impact on the character of the building. The introduction of modern materials is considered necessary in order to treat the dry rot and loss of historic fabric and will assist in bringing the building back into use. The trade off in incorporating these materials in order to repair and bring the building back into use and any impact on the character or appearance of the listed building is justified.
- 5.34 The proposed development includes two extensions on the principal elevation of the listed building. One of these extensions replaces three modern conservatories which were added to the structure and have subsequently now been demolished as part of the schedule of urgent repairs. The other extension will form an entrance/lobby area for the building, which currently does not have a clear entrance or circulation space.
- 5.35 Both extensions have been designed to be subservient and clearly modern additions to the listed building. The extensions are predominantly glazed with aluminium curtain walling and mono-pitch roofs and appear lightweight and transparent in relation to the grand, red-brick prominence of the original Victorian building. The proposed extensions provide a focal entrance point and ancillary space required to facilitate the function of the building as a place of worship without detracting from the visual character of the listed building. As

such, it is considered the proposed extensions to the listed building will not have a detrimental impact on the character or appearance of the listed building.

- 5.36 The proposed development also includes the erection of one standalone annex building along the north east elevation of the site. The extension has been designed to reflect the character of the original building without looking pastiche and is clearly a modern building within the context of the site.
- 5.37 The proposed annex building is single storey in order to remain subservient to the existing building and utilises render, aluminium curtain walling with glazing and brick course. The proposed materials palette reflects that of the listed building, with the glazing and aluminium curtain walling providing the modern elements to the building that ensure it is in keeping but contrasting with the listed building. Final details are recommended to be secured by conditions imposed on the Listed Building Consent DC/18/01038/LBC.
- 5.38 A small external plant room is proposed on the main elevation of the building. This will comprise a 2m high brick wall to match the existing, adjoining the chapel/café extension.
- 5.39 The external plant room is required in order to provide ventilation to the plant at basement level, and there is no suitable internal solution to provide ventilation for the plant. The plant enclosure has been designed to be inconspicuous and to have minimal visual impact.
- 5.40 The proposals are to replace all windows that are irreparable with opening timber sash and case painted white.
- 5.41 The existing roof is predominantly constructed of Welsh slate, with areas of differing slate sizes and types where repairs have been made over time
- 5.42 It is proposed replace the railings on the Windmill Hill Park boundary with 1.8m high railings that will be located on the existing low brick boundary wall. Along the north east boundary 500mm high railings are proposed to be attached on the existing brick wall to create a more secure boundary behind the new single storey building.
- 5.43 The proposals include sections of cream render to the front and rear elevations to replace deteriorated areas of existing render and including additional areas to be rendered on the principal elevation to provide a more uniform and cohesive visual appearance.
- 5.44 **IMPACT ON OTHER HERITAGE ASSETS**
Regent/Walker Terrace Conservation Area
Regent/Walker Terrace Conservation Area was designated in 1977. The Character Appraisal states:
"The Conservation Area is situated on the edge of the town centre, in Central ward. The town centre's main commercial streets are in close proximity to the north and east of the conservation area. Regent/Walker Terrace Conservation Area comprises one urban block containing two terraces, and a church,

presbytery and modern church hall. The conservation area contains some of the earliest suburban housing in Gateshead. The surroundings of the area have changed considerably from a peripheral development of the industrial era of Gateshead to the bustling town centre with major infrastructure surrounding it.

5.45 Significance

The significance of the Conservation Area relates to the fact that it is "one of the last surviving coherent fragments of Gateshead's nineteenth century town centre with two of the earliest surviving late Georgian/very early Victorian residential terraces in Gateshead".

5.46 The character of the Conservation Area is of two storey dwellings with pitched roofs in a pattern of terraces and rear yards with offshoots. "Both terraces present a neat, formal face to the street illustrative of the original status of these houses which were laid out for the wealthier end of society in nineteenth century Gateshead".

5.47 Walker Terrace has mostly five-bay houses with two-bay houses on each end. Regent Terrace has a combination of two, three and five bays. At its west end is a single storey property, Lambton Lodge, which was an addition to the block in the early 19th Century. This provides a distinctive corner feature to the row adding a different character dimension compared to the uniformity.

5.48 Designed to contrast with the uniformity of these terraces, St Joseph's Church and presbytery have a much larger scale. Providing an 'end' to both terraces which gives it prominence in the conservation area, the church and presbytery also face onto West Street where they bring character to the main high street. The presbytery is a large three storey property with a half-width, three storey offshot extending into the rear yard. The presbytery is linked to the main church building by a single storey, dual-pitched roof range. The Church itself is of a much grander scale, the bulk of the nave expertly relieved by the variety of tall transepts, single-storey side aisles and a steep Gothic roofscape. The form of the church hall to the rear is designed to intentionally contrast with this, but its siting (discussed above) and flat roofed modernity provide too sharp a difference from its host for it to form a coherent part of the design set begun by the church and presbytery.

5.49 The views in the area are predominately linear along the two rows of terraces with Walker Terrace's front gardens providing a welcome depth of greenery. Conversely, the views along Regent Terrace are dominated by in-curtilage and street parking, making it very difficult to appreciate a clear view of the intended uniformity of the properties. The skyline is formed mostly by rooftops which are stepped with the topography and there is little else above the horizon, although from some parts of the conservation area such as the church and presbytery more can be seen".

5.50 Potential Impact on Significance

The significance of the Conservation Area relates to its intact survival and example of late Georgian/early Victorian terraces within Gateshead. The significance of the Conservation Area also relates to the aesthetic value of the

buildings in the Conservation Area, with the contrasting Church of St Joseph and Lambton Lodge to the terraces. The proposed development relates to a building outside of the Conservation Area boundary, is for a change of use and has limited external alterations. As such it is considered that the heritage asset is of low sensitivity to the proposed development. As the asset is of low sensitivity it is considered the proposed development will not have an impact on the character or appearance of the heritage asset and no further assessment is required.

5.51 Locally Listed Windmill Hill Park

Windmill Hill Park is a locally listed heritage asset and is located directly adjacent to the site.

5.52 Historical Development and Setting

The setting of the heritage asset relates to its historic development and location. The area was first referred to as Windmill Hill in 1436 when it was part of the manor of Gateshead claimed by St Edmund's Hospital. The area was common land for the people of Gateshead, however by the 17th century this right was restricted to freeholders and free-borough men. During this time, the area was also used for milling corn throughout the 17th century. In the 18th century more public activities were established in this location. A local racecourse was set up, the Hoppings was held on the hill and it became an established meeting area. In 1857 the area was formally opened as Gateshead's first public park in 1859. Areas of the park were developed for terraced housing from 1858, reducing the size of the park to its current form.

5.53 Significance

The local heritage asset has historical illustrative value, forming part of the development of Gateshead and its subsequent designation as the town's first public park. The heritage asset also has communal value, known as a local meeting place and former centre for public activity and leisure.

5.54 Potential Impact on Significance

The site's original frontage overlooks the park with no solid boundary between the two areas. The proposed development, whilst in close proximity to the locally listed asset, does not propose any alterations to the listed building on this elevation with the exception of repairs. As such it is considered that the heritage asset is of low sensitivity to the proposed development. As the asset is of low sensitivity it is considered the proposed development will not have an impact on the character or appearance of the heritage asset and no further assessment is required.

5.55 Repairs

A schedule of urgent works was completed prior to the submission of this application in order to secure the building and make it weatherproof. These works have been completed and any further repair work to make the building suitable for conversion forms part of the listed building consent application DC/18/01038/LBC.

5.56 Given the above, the proposed development is considered will preserve and enhance the setting, character and appearance of the listed building and accord with the NPPF, Historic England guidance, Core Strategy Policies UC14 and CS15, Saved UDP policies ENV11 and ENV12 and ENV19.

5.57 **ARCHAEOLOGY**

The application is supported by a desk based archaeological assessment and a building recording of the listed former Windmill Hills school. The assessment notes that the site does not have significant potential for archaeological deposits as the development of the existing building cellars would have destroyed any deposits. As such, with regard to the building no further work is required. A hard copy of the report and images must be provided for the archives and these can be secured by condition (CONDITION 41). In terms of below-ground archaeology no intrusive investigation or monitoring is required.

5.58 Given the above, subject to the recommended conditions, the proposed development is considered to be acceptable and complies with Core Strategy policies ENV21 and ENV22.

5.59 **HIGHWAY SAFETY**

The building is located within Gateshead Town Centre and as such is considered to be in a highly sustainable location in terms of its accessibility. It is well served by public transport and close to several public car parks and CSUCP Policy UC10 identifies that parking in this area should be minimised to reflect its highly accessible location.

5.60 There is a significant reduction in on site car parking proposed with 5 spaces shown compared to the 36 proposed as part of the now expired approval. The Transport Assessment (TA) submitted with the application advises that there will be a maximum of 120 volunteers and visitors on site over the course of an average weekday but this will be spread over a day session and evening session.

5.61 The unique nature of the proposed development means that the simple application of the Council's parking standards, which is based on numbers of seats in a place of worship, would not be appropriate. The TA relies upon the sustainable location of the development and what has been demonstrated by the Applicant to be comparable to their site in Birmingham. The Transport Assessment, for the reasons set out above, also suggests the use of another Church of Scientology site in Birmingham as the most appropriate means of identifying the likely vehicular trip generation of the proposed site. This is on the basis that the site is larger in size, less accessible and provides a level of car parking which is not fully utilised. As such the numbers of cars on site are thought to reflect the actual numbers of volunteers and visitors arriving by car to the site. Given that there is unlikely to be any other comparable site on the TRICS system, which could be used to generate trip generation data

5.62 The proposed development is to be a regional facility and despite the accessible location only 5 vehicle arrivals to the site during a weekday morning is considered very low. The site in Birmingham is similar in the nature and scale

to the development proposed in Gateshead in that not all staff and volunteers arrive and leave at the same time but rather come and go at various points in the day.

- 5.63 Officers have concerns over the way those spaces will be managed if a demand over and above the provision is identified or occurs. A provision as low as 5 spaces can only be considered to be acceptable if it is subject to a management plan. Those attending the facility must be aware of the parking arrangements and a plan must be put in place which explains who will be allowed to use the car park both during day to day operations and during larger events should they occur. A situation whereby a significant proportion of the volunteers and visitors arrive by car expecting to be able to park within the site car park must be avoided, as this could result in significant numbers of attendees needing to turn and exit the site, which could create congestion issues on the narrow Half Moon Lane and at the junction between Musgrave Terrace and Bensham Bank, where queuing already occurs. A demand over and above the provision could also result in indiscriminate parking around the site which would obstruct refuse and delivery vehicles. A management plan and its implementation can be secured by conditions (CONDITIONS 42 and 43).
- 5.64 The suggested provision of 34 cycle parking spaces of a long stay standard is considered to be acceptable when considered in relation to the numbers of people on site. The final details of the type and location of cycle parking can be secured by condition (CONDITIONS 34 and 35).
- 5.65 As acknowledged in the TA there will be a requirement for electric vehicle charging as part of the development. The final details and the proposed location can be secured through the Travel Plan by conditions (CONDITIONS 36 and 37).
- 5.66 The use of the existing pedestrian route into the site from Half Moon Lane is acceptable as this provides the most level access to the main entrance on the east side of the building.
- 5.67 A sliding gate to the car park access is proposed. Any gate would usually be required to be set back a minimum of 6m from the back of the footway to ensure that a car turning into the site can pull clear of the highway whilst the gates open. However, this is not possible and whilst it is preferable that no gate should be installed the need for a secure boundary is acknowledged, and along with the low level of traffic on Half Moon Lane a fob controlled gate is considered to be acceptable. The final details are recommended to be secured by conditions (CONDITIONS 41 and 42).
- 5.68 The Applicant has demonstrated that both a refuse vehicle and delivery vehicle could enter and turn within the site before re entering Half Moon Lane in a forwards gear.
- 5.69 The Travel Plan submitted is limited in its approach and relies almost entirely on the provision of information. Further measures should be proposed such as the setting up of a car sharing database and the provision of cycle lockers and

showers. The final details can be secured by conditions (CONDITIONS 36 and 37).

5.70 Given the above, it is considered that, subject to the recommended conditions the proposal is acceptable and accords with the NPPF, CSUCP policies CS13 and UC10.

5.71 **BIODIVERSITY**

In considering the impact of the proposals on biodiversity regard should be had to Section 15 of the NPPF, ODPM Circular 06/2005: Biodiversity and Geological Conservation; policy CS18 Green Infrastructure and the Natural Environment (Core Strategy and Urban Core Plan for Gateshead and Newcastle); and Saved UDP policies DC1(d) Environment and ENV46 The Durham Biodiversity Action Plan when considering the proposals.

5.72 A bat survey report has been submitted in support of the application. The building is considered to pose a low risk for roosting bats and a negligible risk for a bat maternity roost(s). As such, a dawn and dusk survey were undertaken, and a single common pipistrelle was recorded. A bat roost has been confirmed within the southern roof section of the building. The building is considered to provide opportunities for individual/small numbers of roosting bats (common pipistrelle).

5.73 Recommendations are made within the submitted bat survey report to avoid/minimise the residual risk of harm to individual bats and their roosts during the demolition and construction phases of the development. This includes the maintenance of external light levels at or below their current levels and the undertaking of the works in accordance with a precautionary method statement. Further recommendations are made to ensure the development makes a positive contribution to maintaining and enhancing the local bat population at a favourable status. This includes the provision of 2no. potential bat roost features within the fabric of the converted building(s).

5.74 It is recommended the above measures are secured through appropriately worded condition(s) (CONDITIONS 30 - 33).

5.75 A condition is recommended to ensure any vegetation clearance is undertaken outside of the bird breeding season (CONDITION 40).

5.76 The Tree Survey states that in order to facilitate development, trees 1-2 and groups 1-2 will need to be removed. Of these trees, tree 2 is category B and tree 1 and groups 1-2 are category C. In addition, a small hedge in the centre of the site is proposed to be removed to facilitate accessible car parking spaces. The remaining trees on site will be retained as part of the overall landscaping strategy for the site. The application proposes to incorporate an additional 10 trees on site to mitigate the loss of those to facilitate the proposed development. As such, it is considered adequate replacement planting is proposed to mitigate the loss of existing trees. Final details of planting can be secured by condition (CONDITIONS 23 - 25).

5.77 Tree protection measures are recommended to be conditioned to protect the prominent mature tree to the front of the building (CONDITION 3).

5.78 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the NPPF, Saved UDP policies DC1(d), ENV46 and ENV47 and CSUCP policy CS18.

5.79 **GROUND CONDITIONS**

The site has been assessed by the Council as being located on potentially contaminated land as it has previously been occupied by a windmill and terraced housing prior to the construction of the current building circa 1890s though the site has been subject to various layout changes since that period. It has been used as a school, council offices and as a nursing home.

5.80 Consequently, it is likely that the development area may be affected by ground contamination. Contamination may possibly exist:

- in any historic made ground deposits present,
- from imported fill materials and material used to construct a development platform for the site and buildings,
- from materials e.g., asbestos used in former/ current buildings.

5.81 Consequently, it is recommended that conditions be imposed for a Phase 2 intrusive site investigation requiring the submission of a Phase 2 Detailed Risk Assessment report to assess potential contamination at the site (in future soft landscaping areas), inform foundation matters and to investigate potential shallow mine workings; submission of a Remediation Strategy and a Remediation Verification Report (CONDITIONS 12 - 14, 18, 19).

5.82 With regard to the coal mining risk assessment, the report concludes that "it is clear that for the upper zone of workings (presumed to be associated with the High Main Coal) where voids up to 2.7m associated with a coal seam up to 1.5m thick have been recorded, there is insufficient solid rock cover above the workings and there is a risk of future ground subsidence. The deeper zone of workings (presumed to be within the Metal Coal Seam) have approximately 14m of cover above a 1.5m void in the north of the site, which is considered to be insufficient and there is a risk of future subsidence associated with these workings in this part of the site."

5.83 The report then recommends that the footprint of the existing building, and the proposed extensions, are subject to stabilisation of the workings in the High Main coal seam. This will require grout injection from inclined (and possibly internal) drilled boreholes on a close 3-5m grid pattern to infill mining voids and consolidate any broken ground. A stand-off of approximately 6m beyond the footprint should also be treated, to allow for angle of draw of collapsing workings, For the Northern part of the site, below the proposed new building, stabilisation by grout injection of the old workings in both the High Main Coal and the underlying Metal coal seam is recommended. Further investigation is required in the northern part of the existing building as part of these works to determine whether this area also requires stabilisation of both the upper and

lower zone of coal workings, depending on proven rock cover in this area. This can be secured by condition (CONDITIONS 15 - 18).

5.84 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV54, CSUCP policies CS14 and CS21 and MSGP22.

5.85 **FLOOD RISK AND DRAINAGE (SUDS)**

A Drainage Strategy has been produced in support of the application. The report notes that the site is located within Flood Zone 1, which has a 1/1000 chance of flooding. The existing use of the site as a nursing home is classified as a "most vulnerable" use and the proposed use class of a place of worship is also classified as a "most vulnerable" use. The EA flood map for planning shows that the site is not at risk of flooding from tidal or fluvial sources.

5.86 Based upon existing brownfield run off calculations, the proposed discharge rate is 6.5 l/s for the 1 in 30 and 1 in 100 year storm events. To ensure that the proposed discharge rates can be achieved, it will be necessary to provide surface water attenuation.

5.87 The proposed technique to attenuate runoff is the use of below ground storage within the site which will be comprised of a conventional below ground piped network to convey runoff from impermeable surfaces to the storage. Discharge from the attenuation system to the public sewer network will be restricted by a Hydro-Brake flow control. Due to the existing levels onsite, it has been recommended that a bund (speed bump) is installed along the entrance of the site to ensure flood waters do not leave the site. The proposed parking bays are proposed to be permeable and will provide some betterment to water quality which would respond to policy requirements. The final details can be secured by conditions (CONDITIONS 8 - 11).

5.88 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policies CS16 and CS17 and MSGP30.

5.89 **RESIDENTIAL AMENITY / NOISE**

The Noise Assessment submitted in support of the application identifies noise sensitive receptors as the residential flats to the south of the site on Mulgrave Villas, the nearest block of which are approximately 15m south east of the existing building on site. The dominant noise source identified at the site was road noise from the A184. During attendance on site no noise was noted as being audible from the Black Bull, however it is noted that they frequently hold live music events, as such the noise survey was undertaken over a period where live music events were being held.

5.90 The report states that spaces alternative means of ventilation rather than natural ventilation through openable windows (excluding the administration, reception and public areas) should be considered. However, as the building is Grade II listed building this limits ventilation options.

- 5.91 The proposal is to incorporate single glazed openable sash and case windows. Notwithstanding this, building services and mechanical ventilation will be installed for use in conjunction with natural ventilation. This will allow users of the building the flexibility to determine whether the noise level is at an acceptable level to carry out their activities with an open window or whether to rely on mechanical ventilation. A condition is not considered to be necessary to control this as there is other relevant legislation.
- 5.92 An external plant area as an extension to the basement floor level and is proposed to accommodate mechanical and electrical equipment. Details of noise levels of external plant can be secured by condition (CONDITIONS 26 and 27).
- 5.93 A condition is recommended to secure a Demolition and Construction Management plan and to control the hours of demolition and construction to protect residential amenity during construction (CONDITIONS 4, 5 and 21).
- 5.94 Given the above and subject to the recommended condition the proposal is considered to be acceptable and in accordance with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.
- 5.95 **LAYOUT DESIGN AND LANDSCAPE**
As referred to above the hardscape around the building includes a number of retaining walls, ramps and car parking. In order to soften the hardscape it is considered that landscaping visible on entering the site with the back drop of the listed building would benefit the appearance of the overall scheme. The plans have indicative areas of planting shown, however, a condition is recommended to secure details of a final landscape scheme (CONDITIONS 23, 24 and 25).
- 5.96 Given the above, subject to the recommended conditions, the proposals are considered to be acceptable and in accordance with CSUCP policies CS15 and CS16 and Saved UDP policy ENV3.
- 5.97 **STATEMENT OF COMMUNITY INVOLVEMENT**
A public consultation event was held on 23rd August 2018 from 5pm until 8:30pm at St Mary's Heritage Centre. Local Councillors were informed of the event and invitation letters were sent to households in the vicinity of the site. The event was attended by two Planners from Cundall, the Lead Architect, Transport Consultant and a member of the Church of Scientology.
- 5.98 The consultation boards presented at the event showed the proposed site layout, visualisations of the building with external extensions and standalone building on both principal and rear elevations and information relating to the history and heritage of the listed building, ecological and transport impact and outlining why the proposals were taking place.
- 5.99 The event was attended by 6 people and emails from a further 10 people were received who requested a digital copy of the documents as they could not attend. No comments have been received from local residents regarding the

scheme. The attendees of the event verbally engaged the design team and questions and queries were answered on a range of topics such as: use of the building, impact on Black Bull music events, transport provision and impacts of construction programme.

5.100 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. The development is not a CIL chargeable development as it is not for housing or retail related development.

6.0 CONCLUSION

6.1 Taking all of the above into consideration, the proposal to convert the former Windmill Hills into the proposed use will bring the building back into use and stop the process of deterioration whilst minimising the impacts upon the building's fabric. Subject to the recommended conditions the proposal is considered to be acceptable and in accordance with national and local planning policies.

7.0 Recommendation:

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

1

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

Heritage Statement - 1018373 Rev B
181031 Wall Survey Repairs
4866 Windmill Hills BR
4881 Windmill Hills DBA
Windmill Hills Interim DBA 4851
External Conservation and Repair Strategy 25-09-18
1846-WSP-00-XX-M2-C-00 1 - Below Ground Drainage Layout (B)
1846-WSP-00-XX-M2-C-002 - Typical Details
5520 Former Windmill Hill Nursing Home EA and Bat Survey R04
180727_70047749_Windmill Hill PRA_rev5
70047883-AC01 - Former Windmill Hill Nursing Home Noise
Assessment rev2
Former Windmill Hill Nursing Home Final Planning Statement For
Submission
180925 - CSI Gateshead - Sustainability Statement
0001.1s Transport Assessment + App
0002.1s Workplace Travel Plan + App
AIA Exi Rev A The Former Windmill Hill Nursing Home Half Moon Lane
Gateshead
AIA R Rev A Former Windmill Hill Nursing Home Half Moon Lane
Gateshead

AIA TPP Rev A The Former Windmill Hill Nursing Home Half Moon Lane Gateshead
AMS R Rev A Former Windmill Hill Nursing Home Half Moon Lane Gateshead
AMS TPP Rev A The Former Windmill Hill Nursing Home Half Moon Lane Gateshead
Former Windmill Hill Nursing Home SCI
1018375-RPT-01 - Windmill Hill Lift Condition Survey - Rev A
0003.1 Transport - Post Submission_APP_S
1505.003.600 Design and Access Statement Rev01 26.04.19
Church of Scientology - Technical Note - Drainage Rev C
Roof Condition Survey - Former Windmill Hill Nursing Home Gateshead
F30901 - Windmill Hill Care Homes Gateshead - 6-9-18 Revised Window Measurements - Former Windmill Hill Nursing Home
Windmill Hills Condition Survey 27_08_2018
Windmill Hill Phase II Geotechnical Report

Plans

Structures:

CSI-WSP-00-XX-DR-S-130108
CSI-WSP-00-XX-DR-S-130109
CSI-WSP-00-XX-DR-S-130111
CSI-WSP-00-XX-DR-S-200901
CSI-WSP-0A-XX-DR-S-200901
CSI-WSP-0B-XX-DR-S-200901
CSI-WSP-0C-XX-DR-S-200901

Architectural

1505.003 - A10.05 - PROPOSED ANNEX ELEVATIONS Rev06
1505.003 - A10.02 - PROPOSED NORTH WEST ELEVATION Rev07
1505.003 - A10.03 - PROPOSED NORTH EAST ELEVATION Rev10
1505.003 - A10.06A - Proposed Street Elevations Sheet 1 Rev05
1505.003 - A10.06B - Proposed Street Elevations Sheet 2 Rev05
1505.003 - A15.03 Proposed Substation Rev01
1505.003 - A15.04 Proposed Bin Store Rev03
1505.003 -A10.01 - PROPOSED SOUTH EAST ELEVATION Rev 07
CSI-WSP-00-XX-DR-S-130112 retaining wall on pub boundary
CSI-WSP-00-XX-DR-S-130112 retaining wall on pub boundary
1505.003 - A00.07A Remaining Existing Elevations Rev00
1505.003 - A00.07A Remaining Existing Elevations Rev00
1505.003 - A18.02 Planning Application Annex GA plan - Area B Rev04
1505.003 - A18.03 - Planning Application GA Plan - Ground Floor Area A Rev05
1505.003 - A18.03 Planning Application Ground GA plan - Area A Rev05
1505.003 - A18.04 Planning Application First Floor GA plan - Area A Rev05
1505.003 - A10.15 - PROPOSED CAR PARK SECTIONS Rev03

1505.003 - A04.10A - PLANNING RCP - BASEMENT AREA A Rev01
1505.003 - A04.10B - PLANNING RCP - ANNEX AREA B Rev01
1505.003 - A04.11A - PLANNING RCP - GROUND FLOOR AREA A
Rev02
1505.003 - A04.12A - PLANNING RCP - FIRST FLOOR AREA A
Rev01
1505.003 - A02.00 - PROPOSED ROOF PLAN Rev07
1505.003 - A02.04 - Proposed Site Plan Rev09
1505.003 - A10.19 - RETAINING WALLS SITE PLAN Rev03
1505.003 - A15.01 Proposed Perimeter Repair and Security Plan Rev
08
1505.003 - A15.02 Proposed Ecological Mitigation Plan Rev03
1505.003 - A18.10 Planning Application Indicative Sun Studies Rev01
1505.003 -A18.20 - Illustrative 3D Visuals Sheet 1 of 3
1505.003 -A18.21 - Illustrative 3D Visuals Sheet 2 of 3
1505.003 -A18.22 - Illustrative 3D Visual Sheet 3 of 3
1503.003 - Window Schedule Rev00
CSI-WSP-00-XX-RP-001 - Courtyard Planning Levels (B)

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

Reason

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

2

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

Reason

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

3

Prior to commencement of the development hereby permitted the tree protective measures at Section 5 of the Arboricultural Method Statement Rev A prepared by Andrew Watson of All About Trees dated 21 September 2018 must be installed for T3 and H1 prior to:

1) commencement of the demolition; and

2) the commencement of construction of the development hereby permitted and thereafter retained intact for the full duration of the

construction works of the development wholly in accordance with the Arboricultural Method Statement Rev A;

and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason for condition

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

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

4

No development shall commence (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) until a Demolition and Construction Management Plan (DCMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include :

- details of the compound and storage area
- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements, hours and routing
- measures to limit and manage transfer of debris on to the highway
- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Ensure all vehicles switch off engine when stationary; and
- Avoiding dry sweeping of large areas

Reason for condition

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

Reason for prior to commencement condition

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

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

5

The development hereby permitted shall be undertaken wholly in accordance with the Demolition and Construction Method Statement approved under condition 4 for the duration of the construction period

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity in accordance with Saved UDP policies ENV3, DC2 and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

6

No development shall take place (except for the erection of tree protection measures, site security hoardings and site investigations) until a drainage construction method statement has been submitted containing:

- o Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.
- o Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason for condition

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

The Drainage CMP must demonstrate that that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.

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

7

The Drainage Construction Method Statement approved under condition 6 shall be adhered to throughout the construction of the development hereby permitted.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

No development shall take place above damp proof course of the Annex building until full details of the permeable paving with subbase, and the permavoid storage, have been submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The details approved under condition 8 shall be implemented wholly in accordance with the approved details and maintained and retained for the life of the development.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Prior to first occupation of the use hereby permitted, a drainage maintenance document is required that shall include confirmation of expected lifespan of any treatment devices, flow controls, and geocellular storage. Detailed specification and methodology for their replacement if within the lifespan of the development should be included. The maintenance document shall define all SuDS and drainage features, include specification of maintenance tasks; and schedule of tasks and inspections for the lifetime of the development. Confirmation of parties responsible for the maintenance of all drainage elements is required.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

11

The Drainage Maintenance Document approved under condition 10 shall be adhered to wholly in accordance with the approved details and maintained and retained for the life of the development.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses and to ensure a fully functioning drainage system is in place at completion, in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Prior to commencement of the development hereby permitted a Remediation Strategy shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

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

Reason for prior to commencement condition

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

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

13

The remediation measures approved under condition 12 shall be implemented wholly in accordance with the approved remediation measures prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for condition

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

Reason for prior to commencement condition

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

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

14

No development hereby permitted shall be commenced until an intrusive site investigation is undertaken, to investigate the existence of shallow coal mining at the site that may need grouting and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of rotary open-hole drilling to ensure shallow coal mining is not present underlying the site and inform foundation matters.

The site investigation and Phase 2 Risk Assessment report shall identify possible areas which may require remedial works in order to make the site suitable for its proposed end use.

Reason for condition

To ensure that risks from coal mining legacy issues 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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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

15

If the intrusive investigation approved under condition 15 confirms that there is a need for further remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, full details of the remedial works shall be submitted to the Local Planning Authority for written approval prior to the commencement of the development hereby permitted.

Reason for condition

To ensure that risks from coal mining legacy issues 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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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

16

The details of remedial measures approved under condition 15 shall be implemented as soon as practicable on discovery that they are required and maintained for the life of the development.

Reason

To ensure that risks from coal mining legacy issues 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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

17

Following completion of the remediation measures approved under conditions 12 and 15 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation

of the development hereby permitted and maintained for the life of the development.

Reason

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

18

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Planning Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

19

Prior to commencement of the development hereby permitted a structural survey of the retaining wall boundary of the Black Bull PH to include mitigation measures for stabilisation of the retaining wall should they be required, shall be submitted for the consideration and written approval of the Local Planning Authority that confirms the structural stability of the retaining wall and that it will not be compromised by the development of the Annex building hereby permitted. In the event that works to the retaining wall are required these shall be undertaken in accordance with the mitigation measures prior to the commencement of the development.

Reason for condition

To ensure that risks 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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 and CS21 of the CSUCP.

Reason for prior to commencement condition

The structural survey must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

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

20

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition 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 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours 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 Saved Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP.

21

The development hereby permitted shall be implemented wholly in accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated 22nd March 2019. The drainage scheme shall ensure that foul and surface water flows discharge to existing sewer connection and ensure that surface water is restricted to 5l/sec.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF, and CSUCP policy CS17.

22

Development hereby permitted shall not progress above damp proof course of the Annex building, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of all soft landscaping areas within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timetable for hard and soft landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

23

The details approved under condition 22 shall be fully implemented in accordance with the approved specifications and timescales.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

24

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

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, CSUCP policies CS15 and CS18 and the NPPF.

25

Prior to the construction of the external plant area external walls of the development hereby permitted full details of external plant equipment shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of future occupants of the building and nearby residents and to ensure that any external equipment does not have an adverse effect upon residential amenities of neighbouring properties or future occupants of the use hereby permitted accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

26

The details approved under condition 25 shall be implemented wholly in accordance with the approved details and maintained and retained for the life of the development thereafter.

Reason

To safeguard the amenities of future occupants of the building and nearby residents and to ensure that any external equipment does not have an adverse effect upon residential amenities of neighbouring properties or future occupants of the use hereby permitted accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

27

Prior to first occupation of the development hereby permitted, and notwithstanding the Tula data sheet and Italo datasheet submitted on 2 May 2019, a lighting strategy for the car park and pedestrian access areas and the elevation to Windmill Park shall be submitted for the consideration and written approval of the Local Planning Authority. The strategy shall:

- ensure that the external lighting will not have a harmful impact on the listed building;
- identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To avoid harm to the listed building and to bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14, CS15 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

28

The details approved under condition 28 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter

Reason

To avoid harm to the listed building and to bats and ensure the maintenance of the 'local' bat population at or above its current level and in order to protect the amenities of nearby occupiers in accordance with CSUCP policies CS14, CS15 and CS18, Saved UDP policies DC1(s), DC2 and ENV46 and the NPPF.

29

Prior to commencement of development a Careful Working Method Statement shall be submitted for the consideration and written approval of the Local Planning Authority. The Method statement shall thereafter be implemented with all contractors involved in undertaking tree works on site being made aware of the potential presence of bats prior to commencing works on site and must adhere at all times to the approved Careful Working Method Statement.

The removal/replacement of roof covering (roof tiles, ridge tiles, sarking, roofing timbers, roofing felt, soffits, fascia, barge-boards and guttering, etc.) will be done carefully by hand, checking for evidence of bats.

Should bats be encountered at any time during the works work in that area must cease immediately and a qualified ecologist and licensed bat worker must be contacted for urgent advice.

All contractors undertaking roofing works on site shall receive a 'tool box talk' on bats delivered by a suitably qualified ecologist/licensed bat worker in advance of commencing works on site.

Reason for condition

In order to protect the bats and roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

Reason for prior to commencement condition

In order to ensure prior to the commencement of the development that bats and bat roosts can be protected during the development.

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

30

No works will be undertaken on site unless they are in strict accordance with the Method Statement contained within Section H. of the submitted Ecological Appraisal and Bat Survey report produced by E3 Ecology Ltd and dated September 2018.

Reason

In order to protect the bats and roosts and in order to comply with the NPPF, saved UDP policies DC1(d) and ENV46 of the UDP and CSUCP policy CS18.

31

The following key elements of work will not commence within the hibernation period (mid-November to mid-March inclusive):

- Re-structuring/re-pointing of existing stone/brickwork/breezeblock including externally/internally and around windows; and
- Removal of ridge tiles, slates, roof timbers and exposure of wall tops via roof stripping, in areas associated with the lined northern section of the roof, where roof wood cladding is present and around cupolas.

Reason

In order to protect the bats and roosts and in order to comply with policies ENV46 and ENV47 of the UDP and CSUCP policy CS18.

32

The bat roost features details approved under condition 1 shall be installed wholly in accordance with the approved details prior to first occupation of the building and retained for the life of the development.

Reason

In order to ensure the local bat population is maintained at a favourable status in accordance with the NPPF, saved UDP policies DC1(d) and ENV46 of the UDP and CSUCP policy CS18

33

Prior to first occupation of the development hereby permitted full details of secure and weatherproof cycle storage for cycle storage for staff and visitors shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

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

34

The details approved under condition 33 shall be implemented wholly in accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development thereafter

Reason

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

35

The development hereby permitted shall not be occupied until the submission of a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures to include Electric vehicle Charging points and showers and changing facilities for cyclists
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the hereby approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

36

The Travel Plan approved under condition 35 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

37

Prior to the café hereby permitted being brought into use a detailed scheme covering the ventilation, extraction and control of cooking odours from the kitchen shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

38

The ventilation / extraction details approved under condition 38 shall be implemented wholly in accordance with the approved details prior to the first use of the kitchen and retained thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

39

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible, a checking survey will be undertaken by a suitably qualified person immediately prior to the commencement of works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

40

A hard copy of the report of the archaeological building recording results shall be submitted to the Local Planning Authority and the County Archaeologist within one calendar month of the date of this decision for retention in the County Archives.

Reason

To ensure there is a building record in accordance with the NPPF and Saved UDP policy ENV23

41

Prior to commencement of development hereby permitted (except for site investigations, erection of tree protection measures and demolition works), a repair schedule and final details of the boundary treatment to include stonework repair methodology, full details of railings and fob controlled sliding gate, shall be submitted for the consideration and written approval of the Local Planning Authority

Reason for Condition

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building and in the interests of visual amenity in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the structural integrity of the listed building in advance of the commencement of the development hereby permitted.

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

42

The details approved under condition 41 shall be wholly implemented in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development

Reason

To ensure that the significance of the building is preserved and that works do not compromise the structural integrity of the listed building and in the interests of visual amenity in accordance with paragraphs 193 and 194 of the NPPF, CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.

43

Prior to occupation of the use hereby permitted the CCTV cameras in the locations indicated on drawing A15.01 Rev 08 shall be implemented wholly in accordance with the approved details

Reason for Condition

In the interests of visual amenity and in accordance with CSUCP policies CS14 and CS15 and Saved UDP policies ENV3 and ENV11.



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