



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 12 July 2023 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 14 June 2023 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 4) Report of the Service Director, Climate Change, Compliance, Planning & Transport
4i	No. 1 - Oakfield House, Gateshead Road, Sunnyside, NE16 5LQ (Pages 5 - 22)
4ii	No. 2 - Site bounded by Mill Road, Hawks Road and South Shore Road (Pages 23 - 90)
6	Enforcement Team Activity (Pages 91 - 92) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 93 - 100) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Enforcement Appeals (Pages 101 - 104) Report of the Service Director, Climate Change, Compliance, Planning & Transport
9	Planning Appeals (Pages 105 - 126) Report of the Service Director, Climate Change, Compliance, Planning & Transport

10 Planning Obligations (Pages 127 - 128)

Report of the Service Director, Climate Change, Compliance, Planning & Transport

Contact: Helen Wade - Email: Helenwade@gateshead.gov.uk, Tel: 0191 433 3993
Date: Tuesday, 4 July 2023

TITLE OF REPORT: Planning applications for consideration

REPORT OF: **Anneliese Hutchinson, Service Director,
Climate Change, Compliance, Planning and
Transport**

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

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REPORT NO 1

Committee Report

Application No:	DC/23/00094/FUL
Case Officer	Josh Kenolty
Date Application Valid	8 February 2023
Applicant	Mr John Plummer
Site:	Oakfield House Gateshead Road Sunniside Newcastle Upon Tyne NE16 5LQ
Ward:	Whickham South And Sunniside
Proposal:	Erection of a single two-storey dwelling-house (Use Class C3) with associated access, and surrounding gardens and curtilage areas across remaining parts of site with detached garage block (resubmission with revised highways work and ecology assessments). (Additional information received on 20/04/23 and 09/05/2023) (Amended site location plan received 04/07/2023).
Recommendation:	Minded to Refuse
Application Type	Full Application

1. The Application:**1.1 DESCRIPTION OF THE SITE**

The application site comprises an area of residential garden curtilage to the rear of the property of Oakfield House, located within an existing residential area of the settlement of Sunniside.

1.2 The site is grassed with a stone path running north to the rear boundary. Land levels are relatively flat. The site is bounded to the east by the neighbouring property Sheldawyn and to the south by Oakfield House itself. To the north and west of the site are mature woodland areas which lie in the designated Green Belt and form part of Lottie's Wood Local Wildlife Site (LWS). The application site itself is not located within the Green Belt.

1.3 Access to the application site is obtained from the eastern boundary via a private access track that leads from the A692 Gateshead Road between two residential properties known as Napier House and Seaton House. Two existing residential properties situated behind those fronting onto the A692 are served by this access track, Sheldawyn and Cheviot View. The access does not form part of the adopted highway, nor is it part of a Public Right of Way.

1.4 DESCRIPTION OF APPLICATION

The application proposes the construction of a detached three-bedroom dwelling with a detached double garage. Access to the site would be provided via the existing single-track road serving Sheldawyn and Cheviot View.

1.5 The application represents a re-submission of a development which has twice been refused planning permission in October 2022 and July 2020 – references DC/21/01001/FUL and DC/19/00902/FUL. Further details of both applications are set out within the Planning History section of the report below.

1.6 The design, scale and layout of the detached dwelling and double garage remain the same as the refused applications.

1.7 The proposed access arrangements also remain the same. However, as part of this application, further technical details have been submitted in relation to the site access, including:

- A Transportation Advisory Note;
- A Visibility Splays Plan;
- A Access Swept Path Analysis; and
- A 'Highways Rebuttal' Technical Note, in response to the original consultation comments from Transport Officers (received 20th April 2023)
- A Highways Rebuttal (received 29th June 2023)

1.8 In respect of ecology, further ecological assessment has also been submitted to support this application. A Preliminary Ecological Appraisal, Biodiversity Metric and Mitigation Strategy was also submitted 9th May 2023.

1.9 PLANNING HISTORY

The current planning application is a re-submission of a previously refused scheme in October 2022 for the construction of a detached three-bedroom dwelling with detached garage on the site (reference: DC/21/01001/FUL). The application was determined under delegated powers and refused for the following reasons:

1. *The proposed additional property would intensify the use of the site access and increase the potential conflict between drivers and pedestrians, entering/exiting the lane, while highway safety would not be safeguarded as a consequence of the design and width of the proposed access onto Gateshead Road (A692). As a result, safe and suitable access to the development site would not be achieved for all users, to the unacceptable detriment of highway safety, contrary to the requirements of paragraphs 110 and 111 of the National*

Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.

2. Insufficient information has been provided to determine whether the proposed development could be achieved within acceptable ecological limits, or demonstrate that it would follow the mitigation hierarchy and deliver a measurable net gain for biodiversity. The development would therefore be contrary to the requirements of the NPPF and Policy MSGP37 of the Local Plan for Gateshead

- 1.8 The above planning application was itself a re-submission of a previously refused scheme in July 2020 for the construction of a detached three-bedroom dwelling with detached garage on the site (reference: DC/19/00902/FUL). The application was determined under delegated powers and refused for the following reason:

The width of the existing access road is considered to be insufficient to accommodate an additional dwelling, whilst visibility at the access point onto Gateshead Road is considered to be poor. As a result, it is considered that the proposed dwelling could give rise to conflict between vehicles and pedestrians and would therefore have an unacceptable impact on highway safety, contrary to the NPPF and policy CS13 of the CSUCP.

- 1.9 An appeal was subsequently made against this refusal (reference: APP/H4505/W/20/3261233). The appeal was dismissed by the Planning Inspectorate, who concluded that:

'..the proposal would result in detrimental harm to pedestrian and highway safety. I have considered other development plan policies brought to my attention and furthermore, I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing. However, as I have explained, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of a single new dwelling.'

- 1.10 Within the immediate surrounding area, planning permission was previously refused for the following development:

- 1.11 186/92 | Erection of bungalow (use class C3). | "Sheldawyn" (land at front) Gateshead Road, Streetgate, Sunnyside. Reason 3 of the refusal stated:

The layout of the existing access onto Gateshead Road (A692) is considered to be unsatisfactory and a further intensification of use is undesirable on grounds of highway safety.

- 1.12 829/97 | Erection of detached dwellinghouse on land south of Sheldawyn, Gateshead Road (use class C3). | Sheldawyn (land south of) Gateshead Road Sunnyside. Reason 3 of the refusal again stated that:

The layout of the existing access onto Gateshead Road (A692) is considered to be unsatisfactory and a further intensification of use is undesirable on grounds of highway safety.

- 1.13 An appeal made against this refusal (reference: H4505/A/97/289292/P2) was subsequently dismissed.

2. Consultation Responses:

- 2.1 Tyne And Wear Archaeology Officer: I have checked the application site against the HER and historic maps, and consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

- 2.2 Coal Authority: The Coal Authority concurs with the conclusions and recommendations of the Appraisal of Coal Report and Further Investigation Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. *No development shall commence until;*
 - a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works*

and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above conditions.

3. Representations

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, which included the display of a site notice.

3.2 A representation of support for the application has been made by Ward Councillor Wallace, on the basis that this site is suitable for a development of this nature.

3.3 A further 15 representations of support have been submitted to the Local Planning Authority. These can be summarised as follows:

- It will increase the availability of executive housing within the Borough and will help people who want to work in Gateshead to live within the same area.
- The benefits of an addition to Gateshead's housing stock seem to vastly outweigh any negatives.
- The council has approved other developments in the area, namely one of three, four-bedroom houses directly opposite the lane in question, which would surely have the same impact on traffic on Gateshead Road, and a much larger development of houses further down the road but on the same side as Oakfield House.
- The dwelling is within keeping of the area and would positively increase the visual appeal of the area.
- The position of the dwelling will cause no overshadowing, loss of light or loss of privacy to neighbours.
- The pedestrian side of the street is much busier on opposite side of the road, usually with families walking to the nearby restaurant Sorella Sorella's, there is very little pedestrian traffic on the application site side of the road, therefore building a new house on their land will have little impact on our community.
- There would also be no negative impact to the main road in which the private lane is attached as access to the proposal, the dwelling is set back far enough not to cause extra pressure on the highway. The access has been improved to the lane and it is now much safer to enter and exit the lane.
- The width of the access road appears more than adequate
- The build will not be intrusive to the main road and over the past two years access to the main road has been improved.
- The access would be along a lane which has previously supported the vehicular needs of a now closed business (and other residences),

therefore the traffic to one extra house would seem to be much less in comparison.

- This would be excellent use of the land, the entrance to the premises had been used by a number of vehicles given that it was access to a commercial nursery. For example, lorries taking and bringing supplies, cars and vans coming in and out of the nursery.

- As for the traffic issue, the traffic generated by one house must be considerably less than that generated by a market garden.

- A house has just been constructed opposite the lane with a new access onto Gateshead Road. Fail to see how an access that has been regularly used for decades is not considered suitable.

- There is single track access to all houses on this stretch of Gateshead Road via driveways, therefore the effect to traffic on Gateshead Road of the manoeuvres of additional traffic up and down the lane would be no different to already having to slow down and wait while people turn in and out of drives.

- Not aware of any accidents relating from vehicles coming onto the road from this access or indeed from the many similar access roads and private drives within the immediate location.

-The proposal of the dwelling would benefit the area by bringing an increase in natural surveillance hence a deterrent to crime.

4. Policies

4.1 NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

5. Assessment of the proposal

- 5.1 The main issues to be taken into consideration in the assessment of this application are the principle of development, visual amenity, residential amenity, highway capacity and road safety, ecology, contaminated land and coal mining legacy matters.
- 5.2 **PRINCIPLE OF DEVELOPMENT**
The site in question is not allocated for any specific use, and therefore the development of the land for residential use would form a windfall site.
- 5.3 In order to promote the development of a good mix of sites, the National Planning Policy Framework (NPPF) advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.4 The application site is considered to be within a sustainable location in the settlement of Sunnyside, being situated in an existing residential area with nearby public transport links, as well as access to local shops and services.
- 5.5 Furthermore, the latest results of the Housing Delivery Test (HDT) show that 87% of homes of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. The proposal would have the potential to increase delivery which would be a positive factor.
- 5.6 Local Plan policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. The proposal will also help to meet the above target.
- 5.7 Policy CS11(4) requires adequate space inside and outside the home to meet the needs of residents, whilst policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).
- 5.8 The plot size would provide adequate amenity space for future occupiers. As detailed within the submitted Design and Access Statement, the floorspace of the dwelling would achieve Nationally Described Space Standards.
- 5.9 The development of this windfall site to provide a new three-bedroom dwelling would support the delivery Gateshead's Local Housing Need and would accord with aims and objectives of Local Plan policies. The principle of the development is therefore considered to be acceptable, subject to all other material considerations being satisfied.

5.10 VISUAL AMENITY

Dwellinghouses within the surrounding area are predominantly two-storey with gable roofs, built in a linear arrangement fronting onto Gateshead Road. However, there are examples of properties which are set back from the highway, such as Sheldawyn and Cheviot View, which are in close proximity to the application site. As such, it is not considered that the principle of backland development would be out of character.

5.11 There is also some variety in terms of the architectural style and size of the dwellings within the built environment surrounding the application site, with larger detached properties occupying the plots fronting Gateshead Road (to the south of the site) compared to the more modest bungalow at Sheldawyn, situated to the east of the site.

5.12 Whilst the proposed dwelling would be substantial in scale, it would be set back from Gateshead Road and would be screened by Oakfield House. Notwithstanding this, the design of the dwelling is not considered to be out of character and would be acceptable within the street scene.

5.13 The proposed detached garage would be of a similar design to the dwelling, with a large, pitched roof and small front dormer providing space within the roof. It is considered that the design and choice of facing materials would be acceptable in terms of visual amenity.

5.14 It is also noted that the design and scale of the dwelling and detached garage is the same as the previous two applications. The design and scale of the development was accepted when assessed under the 2019 planning application at the site (and appeal decision) as well as the most recent 2021 planning application.

5.15 It is therefore considered that the proposal would be acceptable in respect of design and visual impact, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.16 RESIDENTIAL AMENITY

Separation distances between the proposed dwelling and Oakfield House to the south, properties to the south-west and south-east, are in excess of 21m. As this exceeds the minimum recommended distance it is therefore considered that the proposed dwelling would not have an unacceptable impact on the residential amenity of these properties through a loss of outlook, overshadowing or a loss of privacy.

5.17 The separation distance between the side elevation of the proposed dwelling and the side elevation of Sheldawyn would be approximately 11m. However, there would be no windows within the side elevation of the proposed dwelling facing Sheldawyn. A substantial hedgerow, with a timber fence set behind this, runs along what would be the common boundary between the two dwellings. Taking this into account, it is not

considered that the proposed dwelling would result in an unacceptable impact on the residential amenity of the occupants of Sheldawyn.

- 5.18 The detached garage would be located to the south-west corner of the application site, set just off the shared boundary with the neighbouring dwelling of Woodland, 9 East Farm Court. A high brick wall runs along this common boundary.
- 5.19 Although the garage would be relatively large, with a maximum height of 6.75 metres, its position to the north of the property of Woodland means that it would not directly face the rear elevation of the neighbour. In addition, only its side gable elevation would face towards the rear garden of the neighbouring dwelling, which would help to ensure that the outbuilding would not cause unacceptable harm in relation to loss of outlook or overshadowing of any habitable room windows at the dwelling. No windows are proposed to the side elevation of the garage overlooking the neighbour.
- 5.20 In addition, it is also noted that the position and size of the detached garage was considered to be acceptable in relation to its impact on residential amenity when assessed under the 2019 planning application at the site, and subsequent planning appeal, as well as the more recent 2021 planning application.
- 5.21 Given the above, it is considered that the development would be acceptable in terms of impact upon residential amenity, in accordance with the aims and objectives of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.22 **HIGHWAY CAPACITY AND ROAD SAFETY**
Paragraph 110 of the NPPF makes clear that, when considering development proposals, it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.23 Policy CS13 of the Local Plan for Gateshead seeks to ensure that any new development minimises car trips, promotes and enhances public transport, connects safely to and mitigates the effects of development on the existing transport networks; and provides safe, secure and direct pedestrian links.
- 5.24 Furthermore, Policy MSGP 15 states that new development will be required to secure safe access to the site for all people and provide adequate servicing facilities; and not have an unacceptable impact on the safe operation of the transport network.

- 5.25 As detailed within the Planning History section of this report, planning permission was previously refused at the site in July 2020 (reference: DC/19/00902/FUL) and in October 2022 (reference: DC/21/01001/FUL) for the construction of a detached three-bedroom dwelling and garage, on the basis that the limited width of the access road to the site off Gateshead Road (A692) had the potential to result in conflict between vehicles and pedestrians. As such, it was determined that the proposed dwelling could give rise to an unacceptable impact on highway safety.
- 5.26 Whilst the 2019 refusal was appealed, the Planning Inspector concurred with the Council (as Local Planning Authority), dismissing the appeal and concluding that the proposal would lead to conflict between vehicles, and pedestrians, and would not accord with Policy CS13 of the Local Plan for Gateshead, to ensure development connects safely to transport networks, or the NPPF that seeks to achieve a safe and suitable access to the site. The 2022 refusal was not appealed.
- 5.27 In terms of the current application, no physical development works are proposed to widen the access track (although some clearance of the hedgerow running alongside it has taken place).
- 5.28 However, in attempt to overcome the reason for the refusal of the previous planning applications, additional information has been submitted with this new planning application in respect of the site access onto the A692, including a Visibility Splays Plan and an Access Swept Path Analysis. Further detail is included within a Transportation Advisory Note, which argues that the proposed site access and approach roads will provide a safe and suitable access to serve the proposed unit without endangering existing or future highway users.
- 5.29 Furthermore, additional information in the form of a 'Highways Rebuttal' Technical Note was received on 20 April 2023. A further rebuttal against Council Transport Officer comments was received 29th June.
- 5.30 The submitted plans, advisory note and additional information have all been subject to consultation with the Council's Transport Officers.
- 5.31 Whilst it is acknowledged by Transport Officers that that some attempt has been made to address their highway safety objections through the submission of the additional technical details, the required 2m x 2m pedestrian visibility splay has not been provided.
- 5.32 Additionally, the width between the fence of Seaton House and the hedge running along the boundary of Napier House would not practically accommodate two cars passing. Whilst Officers acknowledge the dimensions shown on the drawing confirming the varying widths of the access track, their highway safety concerns regarding two cars passing remains, and the tracking provided does not remove these concerns, as the tracking is judged to be unrealistic.

- 5.33 In addition, Transport Officers attended the site and were unable to manoeuvre their vehicles at the end of the access track, and were required to utilise the driveway of Sheldawyn, which is not an acceptable arrangement. Intensifying trips without a formal turning facility for delivery drivers etc. is a further negative aspect of this application.
- 5.34 Gateshead Road is a classified 'A' road, carrying very high volumes of traffic. The proposed additional property will intensify the use of the access and as such increase the potential conflict between drivers entering/exiting the access, which raises a significant highway safety concern. As previously highlighted, the tracking provided to demonstrate that two cars would be able to pass at the access is not accepted. Realistically, drivers turning in/out of the access are not going to follow the tracking suggested and would enter/exit in a more central position. In view of the lack of visibility, this creates an obvious potential conflict.
- 5.35 Transport Officers therefore do not accept that two cars would be able to pass at the access. This could result in reversing manoeuvres at the junction, on a classified 'A' road, or reversing along the access track itself. Either way, there is clearly an identified highway safety risk. This also applies to vehicular conflict with pedestrians entering/leaving the site access.
- 5.36 It is also considered by Transport Officers that the pedestrian route to the new build is very poor generally and unappealing to use, due to the secluded nature of the site and the fact that there is no street lighting.
- 5.37 Furthermore, there is also no safe place to leave a refuse bin for collection, without either obstructing the entrance to the access track and the visibility splay at the entrance, or the adopted highway itself. In addition, Waste Services Officers have highlighted the distance the wheeled bins will have to be pulled out to put in the location from where they will be emptied is quite far, so the road surface would have to be of good quality. Potholes, mud and gravel would be difficult terrain to navigate a full bin over for that distance. Assisted collections, where the bin crews would go to the house to retrieve and return the bin, would be a burden on the waste collection service if it occurred.
- 5.38 Officers are of the view that significant weight must be given to the planning inspector's decision to dismiss the appeal against the refusal of planning permission in 2020 for the construction of a dwelling at the site (reference: APP/H4505/W/20/3261233). As well as supporting the highway safety objections put forward by the Council's Transport Officer, the Inspector suggests that two-way traffic should be accommodated for a certain distance along the access which has not been provided. The Inspector also highlights the proximity of a telegraph pole and the brick pillar associated with Seaton House, which obstructs visibility at the access. Concern was also expressed regarding how close the driveway of Seaton House is to the access, a further potential conflict. Furthermore, it was concluded that the footway on the same side as the

access was more heavily used due to the proximity of the nearby bus stop, post box and local amenities generally.

- 5.39 It was highlighted by the Inspector that the proposed three-bed dwelling would inevitably increase the number of vehicular movements along this lane, together with visitor trips and pedestrian movements; and that highway and pedestrian safety would not be safeguarded as a consequence of the design and width of the proposed access onto Gateshead Road (A692).
- 5.40 Transport Officers also highlight two previous refusals within close proximity of the application site. Planning applications for the residential development of land south of Sheldawyn in 1992 and 1998, respectively, were refused planning permission on the grounds of highway safety, with an inspector subsequently dismissing the 1998 proposal at appeal. The inspector found that *'visibility for a driver leaving the access road to join the A692 would be limited and deficient towards the north-east. Furthermore, drivers on the main road wishing to proceed to the appeal dwelling along the access might well meet a vehicle waiting at the junction to join Gateshead Road. One of the two drivers would have to reverse to allow the other driver to move. The full width of the access is about 3-4m so that vehicles cannot pass, where the access meets the A692.'* They go on to state *'the lack of visibility and single-track access with the likelihood of reversing either on the A692 or within the access, would be hazardous and likely lead to accidents. I conclude that the proposed development would be detrimental to highway safety, through a substandard sightline along Gateshead Road and the inadequate width of the access drive.'*
- 5.41 Whilst a considerable period of time has elapsed since these decisions and the planning policies which were used to assess the application are now out-of-date, it is considered that weight can still be afforded to these decisions, as they illustrate the longstanding highway safety concerns expressed by the Council's Transport Officers.
- 5.42 Having regards to all of the information submitted as part of this application including the applicants latest rebuttal received 29th June, it is still considered by Officers that the proposed additional property would intensify the use of the site access and, as such, increase the potential conflict between drivers entering/exiting the access track, and pedestrians, while highway safety would not be safeguarded as a consequence of the design and width of the proposed access onto Gateshead Road (A692). As a result, safe and suitable access to the development site would not be achieved for all users, to the unacceptable detriment of highway safety, contrary to the requirements of paragraphs 110 and 111 of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.43 ECOLOGY

Gateshead Local Plan Policy MSGP37 (Biodiversity and geodiversity) makes clear that, where appropriate, development proposals must demonstrate how they will:

- a) avoid/minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy; and
- b) provide net gains in biodiversity

- 5.44 The application is supported by a Preliminary Ecological Appraisal, Biodiversity Metric and Mitigation Strategy (RH Ecological Services, 2023) which assessed the site as currently supporting 'sparsely vegetated ground' but previously constituting vegetated garden habitats. The ecological submission identifies the presence of the adjacent Lottie's Wood Local Wildlife Site (LWS) present to the north and west of the site, and managed by the Woodland Trust, which consists of broadleaved woodland, grassland habitats and a stream and supports Durham BAP priority habitats and Species of Principal Importance in England under the NERC Act. The report also identifies at least one tree with suitability to support roosting bats adjacent to the site.
- 5.45 In the absence of mitigation, construction activities and operational use of the site (including any external artificial lighting) have the potential to impact upon the adjacent LWS, priority habitats, ecological connectivity and any statutorily protected and priority species which are likely to occur within immediate proximity of the site e.g. roosting, foraging and commuting bats, nesting birds.
- 5.46 In accordance with paragraph 180 of the National Planning Policy Framework NPPF, and Policy MSGP 37 of the Local Plan, development proposals must demonstrate how they will avoid/minimise adverse impacts on biodiversity in accordance with the mitigation hierarchy. The ecological submission includes a Method Statement for Contractors – Land to the rear of Oakfield House, Sunnyside which does provide an appropriate level of mitigation to avoid/minimise adverse some of the potential adverse impacts on biodiversity in accordance with the mitigation hierarchy. It is considered that the residual likely impacts referenced above could be adequately addressed via the imposition of appropriately worded planning conditions, in the event that planning permission were granted.
- 5.47 In addition to the above, any application for planning permission for the site should be supported by a biodiversity net gain assessment including a completed copy of the Defra biodiversity net gain metric and the GIS shapefiles/plans used to measure/calculate the onsite baseline, onsite post enhancement and, where appropriate, offsite baseline and offsite post enhancement habitat parcels.
- 5.48 The application is supported by a completed copy of the Defra Biodiversity Net Gain (BNG) Metric 3.1. (RH Ecological Services, 2023). Within the submitted metric, the site has been assessed as having a baseline biodiversity value of 0.19 Habitat units, which is predicted to

decrease to 0.08 Habitat units post-development (-61.26% net change in biodiversity value, constituting a loss of 0.12 Habitat units (of Low Distinctiveness)).

- 5.49 The submitted BNG Metric 3.1 includes an accurate representation of the Baseline Conditions prior to site clearance in 2020 (as referenced within the submitted report (RH Ecological Services, 2023), Taking the baseline to be the condition of the site prior to any habitat conversion connected with the project is in accordance with British Standard BS8683: Process for designing and implementing Biodiversity Net Gain – Specification which states:

3.1.4 biodiversity baseline Description of pre-project biodiversity (type, extent and condition) against which to assess impacts and outcomes. Note. This is assessed prior to any habitat conversion connected with the project including enhancements or deliberate degradation of habitat in anticipation of a project to confirm whether a static or dynamic baseline is required.

- 5.50 Having Further to the above, BS 42020:2013 Biodiversity – Code of practice for planning and Development states:

6.4.8 Where relevant, any report on survey activities should also include reference to any evidence of material events occurring on site, either before or after ecological surveys have been carried out, for example: a) removal or management of vegetation, including trees; b) alteration or loss of other biodiversity features, such as hedgerows, ponds, ditches or buildings and features of value to protected species; c) control of weeds or other species; and d) cessation or reintroduction of grazing or mowing. Such events should be described and the cause explained where known along with the implications, if any, for the main findings of the ecological report. NOTE 1 Such activities may include unexplained “clean up” in derelict or old agricultural buildings or structural changes to an old building, e.g. installation of a new roof. NOTE 2 Aerial photographs may be used to determine what a site was like before changes occurred.”

- 5.51 The ecological submission includes accurate pre and post-development habitat plans, and classifies the post-development habitats realistically and appropriately to account for the use of the site as a residential garden.

- 5.52 However, the submitted report (RH Ecological Services, 2023) acknowledges that it is not possible to achieve a net gain in biodiversity within the site (even with amendments to the site layout) and that there will be a requirement for offsite enhancement measures.

- 5.53 In order to achieve measurable net gains for biodiversity as a result of the proposed developed in accordance with the NPPF and policy

MSGP37 of the Local Plan, any offsite biodiversity net gain compensatory scheme will be required to provide a total of 0.13 Habitat biodiversity units (of the same broad habitat or a higher distinctiveness habitat) (to deliver 10% Biodiversity Net Gain according to the completed Defra metric 3.1 including the offsite baseline, offsite habitat creation and enhancement). This figure takes into account the on-site post-enhancement proposed in the submitted report.

5.54 To this end the applicant has agreed to an obligation in the form of a financial contribution towards securing Biodiversity Net Gain off site of £1,680. Should Members be minded to approve the application, this would be secured by a Section 106 agreement.

5.55 Therefore, subject to a completed Section 106 agreement and appropriate planning conditions, the proposed development could demonstrate that it would follow the mitigation hierarchy and deliver a measurable net gain for biodiversity. The development would therefore accord with the requirements of the NPPF and Policy MSGP37 of the Local Plan for Gateshead and the previous reason for refusal is resolved.

5.56 CONTAMINATED LAND

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially contaminated land based on previous historic use with the application area believed to have not been subject to previous significant contaminative site usage. The site has remained as agricultural land/ open space/ garden area since the earliest editions of the Ordnance Survey.

5.57 Consequently, overall the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be low, and that significant contamination of soils and made ground beneath these areas is not anticipated.

5.58 Therefore, it is unlikely that the development area may be affected by significant ground contamination and, such, a planning condition will not be required for a preliminary risk assessment report in relation to specific potential land contamination issues.

5.59 COAL MINING LEGACY

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

5.60 More specifically, the Coal Authority's information indicates that a coal seam outcrops across the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

- 5.61 The current planning application is accompanied by an Appraisal of Coal Report and Further Investigation Assessment (November 2019, prepared by WB Engineers), which was submitted in support of the previous application.
- 5.62 Based on a review of coal mining and geological information, the submitted report acknowledges that unrecorded mining works at or close to the surface pose a potential risk to development at the site. Accordingly, it goes on to recommend the carrying out of intrusive ground investigations in order to determine the presence of coal/workings at shallow depth and to inform any necessary remedial or mitigatory measures.
- 5.63 Subject to conditions in relation to the above, to ensure that the site is made safe and stable for the development the Coal Authority confirmed that they had no objections to the proposal.
- 5.64 PROCEDURAL ISSUE
- 5.65 The application site is not owned entirely by the applicant. In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, Article 13, the applicant has amended the application to declare that they do not own all of the land within the application site, and has served Notice on relevant individuals, formally notifying them a planning application has been lodged with the Council. The Notice expires 21st July 2023. It is therefore recommended that planning permission be refused upon expiry of the legal notification.

6.0 CONCLUSION

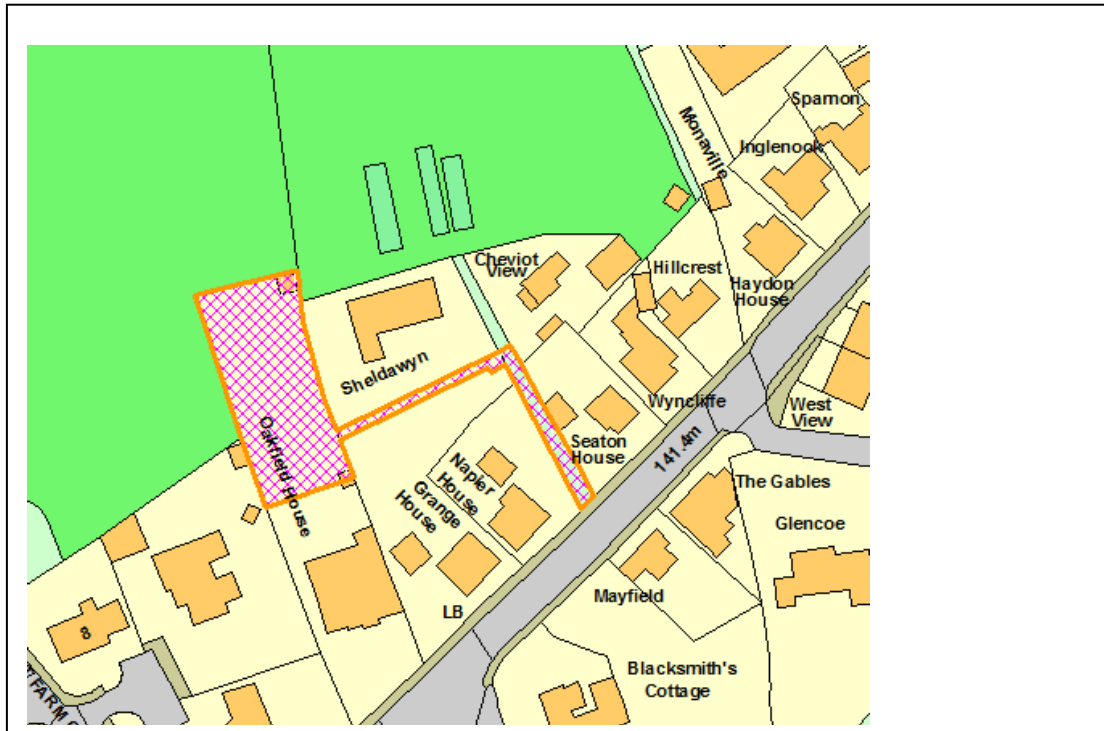
- 6.1 Taking all relevant material considerations into account it is recommended that planning permission is refused as the proposed additional property would intensify the use of the site access and increase the potential conflict between drivers and pedestrians entering/exiting, while highway safety would not be safeguarded as a consequence of the design and width of the proposed access onto Gateshead Road (A692). As a result, safe and suitable access to the development site would not be achieved for all users, to the unacceptable detriment of highway safety, contrary to the requirements of paragraphs 110 and 111 of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 6.2 The recommendation is that the application should be refused upon expiry of the Notices served in relation to land ownership. The Notices expire on 21st July 2023.

7.0 Recommendation

Authorise the Service Director of Climate Change, Compliance, Planning and Transport to REFUSE permission, upon the expiry of the notification period in relation to notices served regarding land ownership (21 July 2023) for the following reason:

1

The proposed additional property would intensify the use of the site access and increase the potential conflict between drivers and pedestrians entering/exiting the site access. Highway safety would not be safeguarded as a consequence of the design and width of the proposed access onto Gateshead Road (A692). As a result, safe and suitable access to the site would not be achieved for all users, to the detriment of highway safety, contrary to the requirements of paragraphs 110 and 111 of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/23/00275/FUL
Case Officer	Amy Williamson
Date Application Valid	29 March 2023
Applicant	C/O Agent
Site:	Site Bounded By Mill Road, Hawks Road And South Shore Road Gateshead
Ward:	Bridges
Proposal:	Erection of an indoor events arena, conference and exhibition centre including meeting rooms and associated facilities, provision of drinking establishments, retail and leisure floorspace, and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossings.
Recommendation:	GRANT
Application Type	EIA Full Application

1.0 The Application:

1.1 BACKGROUND

Planning permission DC/20/00323/FUL was granted on 4 December 2020 for erection of indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossing.

1.2 The approved consent was subsequently varied by planning permission DC/21/01436/FUL approved on 18 March 2022 which varied conditions 1 (approved plans); 43 (hotel materials); 44 (artwork opportunities); 48 (external lighting); 52 (wind mitigation); 56 (off site biodiversity); 65 (noise mitigation); and 67 (waiting restrictions) of planning permission DC/20/00323/FUL.

1.3 Enabling works were undertaken in late 2021 and 2022, which included the erection of hoardings and removal of former foundations, structures and contaminated materials from the site. These works represent a commencement of the development approved by planning permissions DC/20/00323/FUL and DC/21/01436/FUL.

1.4 Planning permission DC/22/01337/FUL was granted consent on 22 March 2023 for erection of a hotel and associated works on land at Baltic Quarter to the south of the current application site.

1.5 DESCRIPTION OF THE SITE

The application site covers an area of approximately 5.3 hectares and is located immediately to the south of the River Tyne and HMS Calliope (a Royal Navy and Royal Marines training base), with the north-eastern part of the site providing the landing point of the Millennium Bridge. South Shore Road runs through the northern part of the site, separating the southern and larger part of the site from the river bank and the Millennium Bridge. The site is bound to the west by the Grade II listed 'Coal Drops', the Sage Gateshead concert venue and associated car park, to the southwest by the railway line, to the south by Hawks Road and Gateshead College directly beyond this, and to the east lies the Baltic-Quays residential apartments.

1.6 From north to south, the site includes the southern bank landing point of the Millennium Bridge. This is made up of a large paved area on the Quays (Baltic Square) with steps up to South Shore Road. Beyond South Shore Road lies an area surface car parking (South Shore Road Car Park), which is now enclosed by site hoardings. At a higher plateau level was the larger Mill Road Car Park, that was surrounded to the west and south by green open space. Beyond that, the southernmost part of the site comprised vacant former industrial land. Mill Road car park, surrounding open space and the former industrial land has been subject to remediation and enabling work, associated with previous planning permissions on the site. Following the enabling works, the site is now cleared to a bare earth surface with a series of plateaus incorporating the change in levels from north to south. It is enclosed to all sides by hoardings.

1.7 There is a 23m increase in site levels from the north to the south of the site, which results in a series of plateaus. Construction of the previous site plateaus and former car parks took place in the 1990s following site clearance and extensive earthworks at that time. The former industrial land that made up the southern part of the application site was cleared of buildings in 2013/2014.

1.8 DESCRIPTION OF THE APPLICATION

Full planning permission is now sought for the erection of an indoor events arena and conference and exhibition centre on site with associated indoor and outdoor ancillary spaces and infrastructure.

1.9 The key change relating to this application is removal of the previously approved dual brand hotel, intended to sit at the eastern side of the site. This would now be replaced by a linear park, incorporating steps and landscaping along the eastern site edge.

1.10 A new dual brand hotel, as granted approval by planning permission DC/22/01337/FUL, would be constructed on land to the south of Hawks Road and would serve the indoor events arena and conference and exhibition centre.

1.11 In addition to removal of the dual brand hotel from the site and creation of the linear park, the following minor design changes are proposed:

1.12 Indoor Events Arena

- Entrance canopies to the arena have been simplified to rationalise the steelwork design;
- Smoking terrace has been omitted to the north elevation;
- Louvres have been added to the south façade to ventilate the new smoking room which has been created in lieu of the smoking terrace;
- North podium stairs have been redesigned to align with the new location of the dual brand hotel at the Baltic Quarter to better connect the two sites;
- South podium stairs have been omitted to remove the crowd flow from the service yard roof and reduce the amount of steelwork. This has allowed columns in the service yard to be omitted to improve vehicle tracking;
- Service yard green roof reinstated with raised vent opening to improve views.

1.13 Conference and Exhibition Centre

- Northwest external stair layout has been replanned to suit structural design. A lightweight design has also been proposed allowing contrast between the brick cladded wall and the lightweight metal stair as well as maintaining visual connection to the surroundings;
Northeast corner of the conference and exhibition centre has gone through a series of design studies to ensure that the harmony of the riverfront façade is maintained while creating an extended portion to open up views and entries/exits. This additional portion houses:
 - a retail / leisure unit which was previously part of the dual brand hotel;
 - a break-out space and entry/exit to serve the meeting rooms;
 - an extension of the riverfront concourse and entries/exits to service the meeting rooms; and
 - out-of-hours access across site via an external facing lift.
- East hall elevation enables hall users to escape directly onto the linear park, simplifying the fire design strategy of the conference and exhibition centre and removing the need of an escape stair on northeast corner;
- The service yard and conference and exhibition centre back of house on 3 levels (Level +18m, +22m, +27m) are extended east, providing more space for dedicated escape doors from halls to the service yard and accommodating one more outside broadcast parking bay as required by the operator;
- Conference and exhibition centre balcony has been extended, simplifying the riverfront elevation and offering better views;
- Service and catering corridors have been removed. Alternative trench layouts have been developed to include north and south header trenches to maintain the function of the exhibition halls without the service corridor;
- Subterranean link with Sage Gateshead has been removed and replaced by an external covered link on lower Performance Square;

- Arrival atrium has been replanned to include cloakroom which is relocated due to the removal of the subterranean link with Sage Gateshead.

1.14 As per previous applications on this site, the current proposals constitute Environment Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the application is accompanied by an Environmental Statement (ES). The scope of the ES has been agreed with the Local Planning Authority (LPA) and includes the following chapters:

- A. Introduction and Background
- B. Scope and Methodology
- C. Site and Scheme Description
- D. Townscape and Visual Impact
- E. Transport and Accessibility
- F. Air Quality
- G. Noise and Vibration
- H. Socio-Economic
- I. Heritage
- J. Water Resources and Flood Risk
- K. Ground Conditions, Soils and Contamination
- L. Ecology and Nature Conservation
- M. Wind Environment
- N. Daylight, Sunlight and Overshadowing
- O. Climate Change and Resilience
- P. Health and Wellbeing
- Q. Waste and Recycling
- R. Cumulative and Residual Effects
- S. Mitigation and Monitoring

1.15 Subsequent to submission of the original planning application, a Technical Note with regards Transport and Accessibility matters and updated Flood Risk Assessment and Drainage Strategy documents were also submitted. These documents provide further explanation and clarity on points raised by officers. They do not change the development proposals or conclusion of the environmental effects set out in the ES and are not considered to be additional information requiring the ES to be supplemented or revised in accordance with S25 of the EIA Regulations.

1.16 PLANNING HISTORY

Current Application Site

DC/20/00323/FUL - Erection of indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and

signalised crossing (additional information and amended plans received 15/09/20 and amended 12/10/20) - Granted 4 December 2020

DC/21/01436/FUL - Variation of conditions 1 (approved plans); 43 (hotel materials); 44 (artwork opportunities); 48 (external lighting); 52 (wind mitigation); 56 (off site biodiversity); 65 (noise mitigation); and 67 (waiting restrictions) of planning permission DC/20/00323/FUL for erection of indoor events arena (use class D2), conference and exhibition centre including meeting rooms and associated facilities (use classes D1 and D2), dual branded hotel with roof top bar (use class C1), provision of retail and leisure floorspace (use classes A1, A3 and A4) and outside performance square with landscaping, public realm and infrastructure works as well as associated engineering operations, security measures and signalised crossing (additional information and amended plans received 15/09/20 and amended 12/10/20) - Granted 18 March 2022

Dual Brand Hotel on Land to the South

DC/22/01337/FUL - Erection of hotel and associated works (amended 05/01/23, 9/2/23, 13/2/23, 22/02/23, 23/02/23 and 07/03/23 and additional information received 23/02/23 and 07/03/23) - Granted 22 March 2023

Multi Storey Car Park, Hawks Road

DC/20/00698/FUL - Erection of a new ten-storey multi-storey car park, electricity substation and vehicular access including landscaping and other associated works (amended 09/10/20) - Granted 5 November 2020

Link Road

DC/20/00694/FUL - Proposed link road, cycleway and footpaths connecting Hawks Road and Albany Road including provision of signalised junctions, landscaping and drainage - Granted 19 October 2020

DC/21/00102/NMA - Proposed non-material amendment to application DC/20/00694/FUL to allow vegetation clearance works to take place - Granted 5 March 2021

DC/21/00841/NMA - NON MATERIAL AMENDMENT: Delete conditions 8 (Coal remediation implemented) and 9 (Signed statement) of planning application DC/20/00694/FUL and replace with a single combined condition - Granted 5 August 2021

20/00694/DOC1 - Discharge of conditions 3 (Construction Management Plan), 5 (PH II Remediation Scheme), 10 (Drainage Construction Method Statement), 12 - (SuDS scheme), 14 (Discharge Rate from SuDS), 25 (Construction Ecological Management Plan) and 28 (Training Plan) of planning approval DC/20/00694/FUL - Granted 10 September 2021

20/00694/DOC2 - Discharge of conditions 6 (Remediation implemented), 16 (SuDS maintenance implemented), 18 (Stairs and ramp details for approval), 20 (Materials implemented) and 22 (Landscaping scheme approval) on planning application DC/20/00694/FUL - Pending Consideration

2.0 Consultation Responses:

National Highways	No objections subject to a condition to agree a Construction Traffic Management Plan as part of Construction Environmental Management Plan
Planning Casework Unit	No response received.
Coal Authority	No objections subject to remediation and verification conditions relating to shallow mine workings
Historic England	Do not offer any advice on the application.
Environment Agency	No objections, offer advice on fisheries, pollution prevention and ecology/biosecurity to the developer
Northumbria Police	No objections, note they are in contact with the developer in relation to security and counter terrorism issues.
Northumbria Water	No objections subject to condition requiring compliance with drainage strategy, discharge to specified manholes and at specified discharge rates.
Natural England	No objections.
Nexus	No objections, advise that it will be essential to ensure that the public transport services within the vicinity of the site are able to adapt and accommodate the inevitable increase in number of visitors travelling to and from this area of Gateshead and offer advice in this regard. It is also suggested that consultation with relevant transport operators takes place at an early stage.
Newcastle Airport	No objections, provide advice on use of cranes during construction. Initially advised a condition should be attached to agree a bird strike risk assessment but following confirmation only 1 small area of green roofing is proposed confirm this is no longer required.

Port Of Tyne	No objections, advise that no permanent lighting should be directed to the River Tyne to interfere with navigation and that a licence would be needed for any drainage outfall into the river.
Tyne And Wear Fire And Rescue Service	No objections
Northern Gas Networks	No objections, offer advice on construction in proximity to their apparatus.

3.0 Representations:

- 3.1 Neighbour notification and publicity of the application was carried out in accordance with formal procedures set out in the Town and Country Planning (Development Management Procedure) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 1 no. letter of support has been received from a local resident acknowledging the improved design and visual amenity benefits and that the scheme would no longer be considered harmful to occupiers of Baltic Quay apartments.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB1 Quays and Baltic Sub-Area

QB2 Gateshead Quays Key site

UC3 Leisure Culture and Tourism

UC10 Car Parking

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

CS1 Spatial Strategy for Sustainable Growth

CS2 Spatial Strategy for Urban Core

CS5 Employment-Economic Growth Priorities

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, transport, security, flooding and drainage, residential amenity, heritage, impact on the character of the surrounding area, ecology, wind environment, ground conditions and sustainability.

5.2 PRINCIPAL OF DEVELOPMENT

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Core Strategy and Urban Core Plan (CSUCP) and Making Spaces for Growing Places constitute the statutory development plan covering the period up to 2030. As such they are considered to be up to date and the starting point for determining applications as set out in planning law and reinforced at Paragraph 12 of the NPPF. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

5.3 Policy QB1 seeks to achieve major regeneration of the Quays and Baltic Sub-Area for a diverse mix of cultural, commercial and leisure-led uses by requiring by providing improvements to the environment, accessibility and the green infrastructure network. Part 4 of this policy allocates 6 sites, including the Gateshead Quays site for mixed use developments to contribute to the achievement of these aims.

5.4 Policy QB2 is a site specific policy relating to the Gateshead Quays Site.

5.5 Policy QB2 is split into two main parts. Part 1 allocates the site for mixed use development, with Offices, Leisure and Conferencing Facilities, Hotel and Residential with ancillary Retail uses being the principal uses supported. However specific use classes referred to in the policy have been superseded by changes to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2021.

5.6 Part 2 of the policy sets out that 'Development will provide cultural and commercial focus' through delivery of 11 specific requirements:

- i. The provision of new public space(s), which will provide opportunities for performances, events and external exhibitions, expanding the functionality of the existing Performance Square and Baltic Square,
- ii. The provision of green spaces to form part of a green infrastructure corridor from the Exemplar Neighbourhood, through the Baltic Business Quarter towards the Quays. This will include a series of pocket parks and squares

integrated into the new development linking to existing spaces to the west and east of the site,

iii. The provision of a defined public realm network using streets, squares, lanes and stairs, with a legible and permeable urban structure, which clearly defines public and private space,

iv. The provision of a primary pedestrian route through the site to ensure improved pedestrian and cycle access from Central Gateshead to the riverfront,

v. The development of new public car parking at Mill Road/Hawks Road,

vi. Ensuring that development along Oakwellgate will enhance the setting of St Mary's Heritage Centre,

vii. Enhancement of Maidens Walk Coal Drops through the use of illuminations,

viii. The provision of effective surface water management, following the drainage hierarchy,

ix. Avoidance and mitigation of tidal flood risk along the river front, over the lifetime of development,

x. Consideration of the potential to incorporate surface water flow paths as a design feature, to convey surface water into the River Tyne, and

xi. A Foul and Surface Water Drainage Strategy which demonstrates there is adequate foul and surface water capacity for the development with the aim of reducing flood risk and ensuring no deterioration of water quality.

5.7 Firstly, and in the context of the 2021 changes to the Use Classes Order, in respect of part 1 of policy QB2, it is considered, that the mix of uses proposed in this application, a multi-functional indoor arena , exhibition and conference centre and ancillary retail, is in accordance with the uses supported by policy QB2.

5.8 The proposed conference/exhibition centre would be used on a daily basis for meetings and conferences, whilst the arena would be predominately used on event days (although staff will be present on other days). Small-scale retail and food / beverage uses are commonly found within or in close proximity to major visitor destinations and event venues such as this. In particular, they help to maximise the revenue they generate, extend dwell time and meet visitor expectations, providing eating and drinking facilities, as well as selling merchandise and associated goods in association with the primary attraction.

5.9 Such facilities would be ancillary, in functional terms, to the overall mixed-use development. It would not be appropriate, therefore, to locate these uses anywhere else within the Urban Core, including within the defined Primary Shopping Area (PSA). This is because the need for these facilities would not exist without the overall mixed-use development as the primary destination / attraction and the demand which it creates. Locations elsewhere, including within the PSA, would not therefore meet the locational and operational need generated specifically by this development. As this is not a retail-led mixed use development, CSUSP policy CS7 1ii is not engaged and is therefore not a relevant planning policy consideration in this case.

5.10 Point v of policy QB2 has been addressed via a separate planning application reference DC/20/00698/FUL for a multi-storey car park on land adjacent to

Hawks Road, which was approved by Planning and Development Committee on 28th October 2020. This has now been constructed and would be opened to the public in advance of this proposal becoming operational.

- 5.11 Points vi and vii relate to development on Oakwellgate and the Coal Drops respectively, which are outwith the boundary of this application, as such these requirements are not engaged in this case.
- 5.12 Points i-iv and viii-xi are key elements of policy QB2 to ensure an attractive, functional and accessible design to a high quality is provided and that flood risk is fully considered and adequately mitigated. It is considered that the proposal is in accordance with all applicable elements of policy QB2 and the subsequent sections of this report shall demonstrate as such.
- 5.13 The application site is located within the boundary of the Urban Core, as defined in the CSUCP. Policy CS1 prioritises the Urban Core as the location for major leisure, culture and tourism development and seeks to create a more prosperous economy through the creation of 22,000 new jobs.
- 5.14 Policy CS2 earmarks the Urban Core as the priority location for development which will maintain and enhance its vibrancy. Part 4 of this policy identifies that this will be achieved by supporting developments which enhance and diversify culture, leisure and tourism facilities.
- 5.15 Policy CS5 further affirms that Gateshead will play a major role in the economic growth of the North East which will be achieved, in part, by strengthening and clustering economic assets and promoting growth sectors including retail, leisure, health and tourism in the Urban Core.
- 5.16 Policy CS8 asserts that development which improves the range and quality of leisure, culture and tourism facilities, including major sports venues and events, will be encouraged by focusing leisure, cultural and tourist attractions in the Urban Core and at accessible locations.
- 5.17 In terms of the CSUCP's urban core policies, Policy UC3 stipulates that development which enhances and diversifies leisure, culture and tourism will be achieved by extending the offer across the daytime and night time to a broader range of visitors through:
 - Business visitor uses and conference facilities;
 - Family-friendly visitor attractions; and
 - The provision of a range of hotels.
- 5.18 Furthermore, paragraph 14.34 under Policy UC3 confirms that business tourism uses including conference facilities will be promoted at Gateshead Quays, which are to be complemented by a range of family-friendly uses.
- 5.19 The Gateshead Quays Development Framework further sets out the requirements for the various development plots that together form the Gateshead Quays framework area. The Development Framework notes that

the application site, which is referred throughout as Plot QB2-A, provides the potential for two large footprint development parcels. The Framework additionally states:

"The size and location of these parcels provide the opportunity to deliver larger footprint uses such as leisure and cultural landmarks - supplemented and supported by retail and commercial uses."

- 5.20 Taking all of the above into account, it is considered that the principle of the proposed development is in accordance with the CSUCP. The proposals seek to drive forward the continued regeneration of the Gateshead Quays area by delivering a landmark development on a currently vacant site. In doing so, the development would support the strategic objectives of the CSUCP by enhancing the Urban Core's vibrancy and promoting Gateshead's culture, leisure and tourism sectors.
- 5.21 Furthermore the principle of development of an arena and conference centre on this site has been previously established by approval and implementation of planning permissions DC/20/00323/FUL and DC/21/01436/FUL, which remain extant consents capable of being built out in the future.

5.22 ECONOMIC BENEFITS

An economic impact analysis has been undertaken of the proposed scheme using the outputs from the detailed business case. The analysis shows that from an economic and investment perspective the key features of the Gateshead Quays scheme are:

- 2090 direct and indirect FTE jobs in each year of the construction phase
 - £137 million of direct and indirect GVA for each year of the construction phase
 - A net growth in visitor numbers associated with the proposed development estimated at 387,049 per annum during the operational phase
 - An estimated increase in visitor expenditure of £63.6 million from net growth in visitor numbers
 - 1050 on site FTE jobs during the operational phase
 - Potential 588 additional 'spin off' FTE jobs in the supply chain with the regional economy
 - The employment opportunities generated by the development could be expected to contribute towards the creation of additional economic output in the order of £38.6 million of additional direct GVA per annum
- 5.23 The proposed development would have a beneficial effect on the local economy by creating new construction jobs and Gross Value Added during the development phase and increased visitor numbers and operational jobs once the arena and conference centre are occupied. Given the scale and nature of facilities proposed, it is considered that the proposed development would also make a wider economic contribution to the local and wider area/region by supplementing and supporting existing visitor attractions on the Newcastle-Gateshead Quayside. The proposed development is therefore

considered to accord with policies QB2, CS2 and CS8 of the CSUCP and Part 6 of the NPPF.

5.24 PHASING

The applicant has indicated that construction work would initially commence on the conference centre with construction of the arena commencing shortly behind this. As such it would be necessary to word conditions appropriately to reflect the phasing of the development.

5.25 TRANSPORT

Chapter E of the ES considers Transport and Accessibility Implications of the proposed development. Appendix E1 of the ES is the Newcastle Gateshead Quays Transport Assessment March 2023 and Appendix E2 is the document Newcastle Gateshead Quays Travel Plan March 2023. A Technical Note providing clarification on a series of points raised by officers has also subsequently been submitted.

5.26 The original planning application DC/20/00323/FUL for the Gateshead Quays Area and Conference Centre, and the Dual Brand Hotel which originally formed part of the development, included a series of traffic modelling to inform the planning application and transport assessment. The outputs from the traffic modelling showed that localised congestion would occur as drivers access/exit from a major event at the Arena. However, with better control of traffic signalised junctions, some of these issues could be mitigated.

5.27 Since the initial application was submitted, the development proposals for the Gateshead Quays have changed. The dual brand hotel is intended to be built on a separate site on the southern side of Hawks Road with the Baltic Quarter and planning permission DC/22/01337/FUL has been approved for the separate dual brand hotel development. The current application seeks consent for the conference centre and arena, with a linear park being proposed to the eastern side of the site where the dual brand hotel was proposed in previous proposals.

5.28 Previous approvals for this site which remain extant are a strong fall back position for considering the current proposal from a transport perspective. Whilst a dual hotel would still be built within the wider area, which is a relevant consideration, this has previously been considered and approved on its own merits. The current proposal no longer includes a dual brand hotel on this site which will remove some traffic and movement previously associated with that. However it is still appropriate that the revised scheme for the conference centre and arena is considered within the context of changes to committed development, the local transport network and travel behaviour at the current time.

5.29 Officers considered whether additional traffic modelling should be undertaken to understand the impact of the current proposal. Since the original traffic model was developed, there have been a number of changes to the transport network and travel behaviours, which will have had a significant impact on the traffic conditions in the Gateshead Quays area. These include the Covid 19

Pandemic and a move to hybrid and home working, anticipated build out rate of development within the Quays and Baltic Quarter Areas, the Clean Air Zone (CAZ) and on going works to deliver transport improvements in the Quays and Town Centre Areas being carried out by the Council under the Transforming Cities Fund (TCF). Given ongoing construction works in the area and traffic restrictions, it would not be possible to collect new traffic data to understand existing traffic conditions. Overall officers consider that due to the above factors it would not be practical or reasonable to undertake further detailed traffic modelling at this time. Despite this, adequate information has been provided to consider the transport and accessibility impacts of the current proposal.

- 5.30 The site is considered to be well placed around the major highway networks servicing Gateshead and Newcastle. The review of Road Traffic Collision data suggests that there are no material prevailing road safety issues in the vicinity of the site. In addition, due to its central location, the site also benefits from a good level of accessibility by sustainable modes of transport.
- 5.31 The ES concludes that the transport and accessibility implications during the construction phase of the proposed development will have minor adverse to negligible impacts, but not significant effects for a temporary period. As set out in the Residential Amenity - Construction Phase section of this report, transport impacts during the construction phase can be managed by conditions to agree and implement a construction management plan.
- 5.32 The operational phase has been assessed for two key scenarios in the ES; a consumer exhibition and major arena events. For a consumer exhibition event, the assessment has concluded that the impact of the proposed development would be negligible and not significant.
- 5.33 During a major arena event the assessment shows a relatively large increase in traffic flows on the local highway network but the effect is considered to be negligible and not significant as this will occur during hours outside of the typical network peaks leading to negligible impact on nearby residential properties and on pedestrian/ cyclist amenity.
- 5.34 In addition, the improvements to pedestrian facilities in the form of the crossing on Hawks Road, improvements to the Quarryfield Road/Hawks Road/Mill Road junction, improved linkages along Maidens Walk and connections to South Shore Road would lead to moderate beneficial effects.
- 5.35 Whilst it is acknowledged that major events at the arena would be the highest generator for all modes, the conference centre also has the capacity to generate a significant number of visitors and staff. Once operational there will be considerable demand for all modes of transport and interaction between the conference centre, the Sage Gateshead, the proposed dual brand hotel on Baltic Quarter, the multi-storey car park (MSCP) and other car parks and facilities in the area.
- 5.36 As per the extant consents and the Local Plan allocation in policy QB2 it is considered that, subject to satisfactory resolution of the detailed matters in this

section of the report, traffic and pedestrian flows during both the construction and operational phases can be adequately accommodated.

5.37 Traffic Movement

Previous consents included conditions to agree and implement a traffic signal plan to best manage traffic movements at the beginning and end of events.

This involved the optimisation of traffic signals at the following junctions:

- Hawks Road/Link Road
- Hawks Road/Mill Road/Quarryfield Road
- East Gate / Oakwellgate
- Oakwellgate/A184
- East Street
- Albany Road/Link Road
- Albany Road/A184

5.38 It is considered appropriate that this condition is repeated as part of any new approval. It should be noted that some of the road names in the condition on the previous planning permissions were incorrect and the recommended condition in relation to this application amends these for clarity.

5.39 The previous consent also sought to control changes to the layout of Albany Road/Park Lane/Park Road junction to enable two lanes westbound onto Park Lane, which it is considered appropriate to repeat. Furthermore it is also considered appropriate to now include measures at Hawks Road/Quays Boulevard to control the flow of traffic travelling westbound onto Hawks Road at the end of events within the above traffic movements condition. These works are required to manage traffic and minimise delays on the local network, ensuring a good standard of highway safety.

5.40 The previous condition included provision to agree a timetable for undertaking these works. This would also be appropriate in relation to this consent, particularly given the phased nature of the development.

5.41 Car Parking

The application includes an inventory of existing off-street car parks in the surrounding area however this does not include details of the recently constructed but not yet operational Gateshead Quays MSCP. Survey data from November 2019 of the availability of spaces at different times of day at some of these car parks has been provided. The submitted details do not provide any updates on car parking within Newcastle City Council's administrative area or for any private car parks.

5.42 Restrictions around the Gateshead Quays have been changed significantly following an updated Traffic Regulation Order (TRO) September 2022. Other changes to parking restrictions in the surrounding areas have also been made since 2020 however no changes have been made to the inventory of on-street car parking.

- 5.43 Due to competing demands for car parking in the area some visitors may need to park further afield. Officers consider a condition is appropriate to agree an event management plan which includes an up to date assessment of on and off street car parking to which patrons of the arena and conference centre would be directed, together with operational requirements for road closures/diversions, management of traffic and pedestrians, signage, enforcement and necessary legal orders. This will ensure the development operates safely and impacts on the public highway and traffic and pedestrian flows are well managed in association with events.
- 5.44 The MSCP on Hawks Road is now substantially complete but has not yet been brought into operation. In line with previous consents for this site a condition requiring the MSCP to be brought into operation prior to first use of any part of the development is considered appropriate.
- 5.45 The proposed staircase leading from Performance Square to South Shore Road proposes to retain existing car parking for HMS Calliope immediately to the west. As set out in the design section a condition to agree details of this staircase is recommended, this would also need to ensure that adequate visibility is available for users of the HMS Calliope parking spaces.
- 5.46 Accessibility by Sustainable Modes of Travel
Details of the walking and public transport accessibility catchment plans have been submitted and show both arrivals to and departures from the site. Details of bus stop frequency and bus stop services within close proximity of the site are also provided. Overall it is considered that the proposed development is capable of being accessed by sustainable and active modes of travel.
- 5.47 The plans illustrate a significant difference in the extent of the catchment areas between "Evening" when visitors are arriving at an event and "Late Evening" when they are trying to return which will inevitably influence mode choice. There will be an increased demand for taxis and some visitors will decide to use a private car for both legs of the journey.
- 5.48 As set out in the Security and Hostile Vehicle Mitigation (HVM) section of this report, diversion of bus services during events at the arena and conference centre will be required when road closures are proposed on South Shore Road and Hawks Road. Further discussions will be required in relation to potential diversion of bus services with the bus operators and with Nexus, who suggest bus stop improvements and that bus service frequency in the area should be enhanced in the evenings to meet the increased demand from the proposed development.
- 5.49 The application provides details of the last Metro from Gateshead Interchange to various destinations which will influence the mode choice made by visitors and staff. Some destinations are not currently served as late as others which would require further consideration and discussion with Nexus about how the development can be best served in terms of Metro provision.

- 5.50 Conditions to agree and implement a public transport strategy including a shuttle bus service to Gateshead Interchange, diversion of existing bus services during events and communication proposals to increase use of public transport and details of the display of real time information are considered appropriate.
- 5.51 Travel Plan
A Framework Travel Plan (FTP) has been submitted as part of the planning application.
- 5.52 As set out above the proposed development is capable of being accessed by sustainable and active modes of travel.
- 5.53 Officers consider that improved measures to promote travel by sustainable modes for both temporary and permanent staff are required. These could include interest free loans or salary sacrifice schemes on purchase of cycles or public transport season tickets, taster tickets for public transport, individual travel planning and shared taxis for staff working late.
- 5.54 A condition to agree a full travel plan for each phase of the development prior to its operational use and implementation of this for the lifetime of the development is considered appropriate. The full travel plan would be expected to include the above measures and other means of supporting sustainable and active travel.
- 5.55 Pedestrian Movement
Previous consents included conditions to agree and implement the following pedestrian improvement measures:
- Implementation of measures to allow closure of Hawks Road and Quarryfield Road to traffic from the entrance of the proposed MSCP and Quarryfield Road car parks respectively and ensure a safe environment for pedestrian's post event travelling towards these car parks.
 - Review/implementation of traffic signal timing requirements for A167 crossing from East Street towards High Street.
 - Introduction of signage/other measures to deter pedestrians crossing to Auto Trader site from Hawks Road.
 - Review pedestrian crossing at East Street to ensure timing and infrastructure are suitable for peak pedestrian demand.
 - Replace the existing two stage pedestrian crossing at the south end of the Tyne Bridge with a single stage crossing. Review signal timings to ensure peak pedestrian demand can be accommodated.
 - Widen footway on south side of Hawks Road between the Quarryfield Road junction and new multi storey car park.
 - A way-marking strategy directing pedestrians between the development site and Gateshead interchange/town centre, as well as through the site and to and from car parks.

- 5.56 It is considered appropriate that this condition is repeated in the new consent in order to ensure adequate pedestrian infrastructure provision is provided to safeguard highway safety.
- 5.57 The previous condition included provision to agree a timetable for undertaking these works. This would also be appropriate in relation to this consent, particularly given the phased nature of the development.
- 5.58 Cycling
The topography of the site means that a cycle route through the site is not deemed deliverable, while this is disappointing the reasoning is accepted, the stepped access areas are to incorporate cycle channels to allow cyclists to wheel their bikes through the site. Final details of this facility together with delivery can be secured by condition.
- 5.59 Previous proposals included provision for 42 cycle parking spaces in addition to the existing 20 spaces already available in the area. It is anticipated that similar provision would be made as part of this scheme. A condition to agree full details of all proposed cycle parking facilities for both visitors and staff is considered appropriate. This should include both short stay and secure weather resistant long stay spaces and details of the number, type and layout of stands, weather protection, showers and locker facilities.
- 5.60 Taxis
The applicant states they would intend to utilise existing taxi infrastructure as part of the development, with no additional facilities being proposed. Furthermore, given the temporary closure of some surrounding roads for security reasons when events are taking place, access for taxis in immediate proximity to the buildings would not be possible at all times. Potential late night demand for taxis would occur if public transport services are not extended and events finish in proximity to or after public transport finishes for the evening.
- 5.61 The application identifies that there are a series of taxi ranks within a short walk of the site both on the Gateshead and Newcastle side of the river. However Officers advise that dedicated facilities should be provided for both Hackney carriages and private hire operatives, as part of the development proposal.
- 5.62 Officers consider that conditions are appropriate to agree and implement final details of taxi infrastructure provision for both Hackney carriages and private hire operatives and an associated management strategy.
- 5.63 Pick up/Drop Off
Event goers would be advised via pre-event communication, website and social media to arrange to drop off and pick up away from the venue site. Designated drop off and pick up locations are not proposed as part of the scheme for security and safety reasons. It is considered by the applicant in any event people dropping off and picking up will seek to avoid the highway network close to the site to avoid the heaviest traffic routes and for overall convenience.

- 5.64 The applicant considers that surrounding car parks could potentially be used to either park up and walk to the venue, or for attendees to walk to the various car parks to be picked up, which would spread load on the highway network.
- 5.65 Conditions relating to waiting and loading restrictions on the public highway in the vicinity of the site and an event plan including details of road closures, diversion routes for general traffic and public transport, pickup/drop off and parking enforcement, are considered appropriate to adequately control the issue of picking up and dropping off.
- 5.66 Coach Parking
The applicant states that from evidence at other venues coach company group bookings are very much on the decline and they consider the existing coach park (11 spaces) at the Sage Gateshead suitable to meet demand associated with the proposed development.
- 5.67 Officers consider a review of existing coach parking at the Sage Gateshead together with a review of future demand would be required to inform a coach parking strategy for the area as required in the Gateshead Quays Framework Masterplan. Conditions are therefore appropriate to secure this review and provide appropriate coach parking facilities.
- 5.68 Servicing
The conference centre and arena will be served by separate service yards.
- 5.69 Arena servicing vehicles will access an integral service yard via Hawks Road/Mill Road/Quarryfield Road junction and egress onto Hawks Road west of the junction.
- 5.70 The conference and exhibition centre service yard would be accessed via an existing access/egress point off Mill Road, the former access/egress to Mill Road Car Park. It would be an enclosed external yard with a series of loading bays providing direct access into the building.
- 5.71 Both service yards have limited space and manoeuvrability may be difficult in some instances therefore the co-ordinated management of service vehicles is important to avoid an unacceptable impact on the surrounding highway network. As such there is a need to identify and utilise a suitably sized off-site and off-highway muster point and parking location during more intense periods of use.
- 5.72 Retail units on South Shore Road would be serviced from a roadside layby. The application includes a swept path analysis for the proposed layby on South Shore Road however this is limited to a 12m rigid vehicle. A swept path analysis has also been provided for larger services vehicles for Hillgate and South Shore Road. Larger vehicles would either need to be prevented from servicing the units or the size of the layby would need to increase. Final details of highway works including the layby and waiting/loading restrictions can be agreed by conditions to ensure the design and arrangements for servicing of the retail units are acceptable.

- 5.73 The proposed service yards are proposed to operate in a similar manner to those detailed in the extant applications. Previous permissions included conditions to agree and implement service management plans for the arena, conference centre and retail units, together with conditions to agree and implement a HGV and Tour Bus Movement and Parking Management Strategy and a requirement to demark bays within the service yard. It is considered appropriate that these conditions are repeated as part of the current proposal to aid access and manoeuvring.
- 5.74 Security and Hostile Vehicle Mitigation (HVM)
The nature of the development will result in large numbers of people accessing and egressing the site during short periods of time, the consequence of this is that there are significant security risks associated with the proposals. As such a series of measures are proposed, which are designed to make the site secure and an attractive area to visit.
- 5.75 Officers have agreed in principle to the installation of necessary physical security measures, some of which are within the public highway on the proviso that all associated construction and installation costs and all future capital and revenue costs are met by the developer and/or the site operator.
- 5.76 HVM and security measures have been revised as part of the current proposals from previous schemes on this site. Officers have identified some issues with the submitted site wide security strategy that would need to be resolved before a final strategy can be agreed. These issues include the need to demonstrate adequate swept path analysis at locations where gates/blockers are proposed, the agreement of precise details of size and location of each individual element of HVM measures to enable review of available width for pedestrians and other highway users, the potential requirement to widen footways at pinch points, ensuring foundations for HVM measures do not conflict with utilities, drainage and grass cutting/maintenance of the proposed earth bunds. Details will be required of the location and operation of the HVM blockers to the east of the conference centre service yard to ensure no queuing of vehicles on the highway occurs.
- 5.77 The site wide security strategy proposed a set of double gates to the south west corner of the site at the southern end of Maidens Walk to prevent people bypassing the area where scanning for those attending events would take place. Officers raised concerns that these could cause an impediment to pedestrians when not in use for security purposes. Previously approved schemes included removable screens in this area. Following discussions with the applicant it has been agreed that a similar approach would now be adopted in this location instead of the permanent double gates when a final security strategy is prepared and removable screens would be used as a barrier to entry when required.
- 5.78 Security scanners on South Shore Road adjacent to the stairs, the eastern end of Abbots Road and on Hawks Road are depicted on submitted plans as being partly or wholly on the adopted highway. Scanners would need to be relocated

off the highway or Temporary Traffic Regulation Orders would be needed on each occasion they are required.

- 5.79 Temporary road closures will be required on South Shore Road and Hawks Road during some events for security reasons to enable safe pedestrian access in the vicinity of the site. This would also affect bus services using these routes, which would require diversion. Temporary road closures would be managed by Temporary Traffic Regulation Orders.
- 5.80 As per previous consents a condition to agree final details of security and HVM measures is considered appropriate to address the issues raised above and ensure the site is secure, attractive and does not result in any highway safety issues.
- 5.81 Separate agreements under the provisions of the Highways Act would be required in relation to the installation, operation, on-going maintenance, and future replacement or reinstatement costs of some of the proposed security and HVM measures. Traffic Regulation Orders (TRO) and or Traffic Management Orders (TMO) would be needed to facilitate the closure/restrictions of surrounding roads.
- 5.82 Linear Park and 24 Hour Lift
The applicant advises that the linear park would be public realm, however it is unclear whether any highway or permissible rights would be afforded to the route through it. Officers are of the view that the linear park should be accessible at all times as a permissive route, other than for essential maintenance reasons. A condition to secure this access is considered appropriate. Hard landscaping conditions to agree the specification and appearance of the linear park are also considered appropriate.
- 5.83 An external lift available 24 hours a day, 365 days of the year would be provided immediately adjacent to the linear park to provide access for users who cannot use the steps. Conditions are considered appropriate to agree details of the proposed lift, a timetable for its implementation and secure its use at all times for the lifetime of the development. This will ensure this part of the site is accessible to all users.
- 5.84 Performance Square and Maidens Walk
The application includes swept path analysis details of a 10.23m long Aerial Platform Fire Tender manoeuvring around the Performance Square area and eastern side of the Sage Gateshead. It has been confirmed with Tyne & Wear Fire and Rescue the largest vehicle currently in their fleet is 9.1m in length, as such the swept path is considered acceptable and demonstrates the largest fire tender used by them would be able to manoeuvre around this part of the site. However details of the proposed covered walkway to the northern side of Performance Square are not yet known and would need to be agreed by condition. It would need to be ensured that the covered walkway and any supporting features would not conflict with turning and manoeuvring of a fire tender.

- 5.85 The site incorporates Maidens Walk, which forms part of the adopted highway. This pedestrian and cycle route will need to be closed for a period during construction and then again in line with security proposals associated with large events. Maidens Walk would need to be stopped up as a highway, however it is considered that permissive rights should be secured by condition.
- 5.86 The width of the footway in front of the Coal Drops appears to be reduced as part of the development which could impact on the potential future use of this heritage asset. Further discussion is required on the treatment of landscaping in this area and footway widths to ensure that future development of the Coal Drops is not prejudiced. As such conditions are appropriate to agree landscaping details to ensure an adequate footway width can be provided on this part of the site.
- 5.87 Highway Boundary
A drawing has been submitted which details the extent of the adopted highway within and surrounding the site. However there are some discrepancies about the extent of the proposed adopted highway, stopped up areas, public and private realm around the site, in particular in the vicinity of Hawks Road, South Shore Road and Abbots Road. A condition is appropriate to agree final details of the highway works proposed and the boundary between public and private realm on Hawks Road, Mill Road, South Shore Road and Abbots Road to resolve these discrepancies.
- 5.88 Levels
The Levels Site Wide drawing indicates that all levels are indicative. A condition to agree final details once the extent of public highway and private realm and the interface between them is established is considered appropriate.
- 5.89 Lighting
No details have been submitted at this stage of the proposed lighting of either the highway or the private public realm. A condition to agree final details of all external lighting is considered appropriate in the interests of highway safety.
- 5.90 Transport Conclusion
There are a series of outstanding points identified by Officers in terms of transport and accessibility issues, however these matters are considered capable of being resolved by conditions, as detailed above. Subject to these conditions it is considered that the proposed development can be adequately managed in terms of pedestrian and traffic flows, necessary improvements to pedestrian and cycling facilities delivered and an acceptable public and private realm scheme provided on and adjoining the site. As such the proposed development is considered acceptable in terms of highway safety and accessibility, in accordance with Local Plan policies CS13, UC5, UC6, UC7, UC8, UC9, QB1, QB2, MSGP14 and MSGP15 and Part 9 of the NPPF.
- 5.91 FLOOD RISK AND DRAINAGE**
Chapter J of the ES relates to Water Resources and Flood Risk. Appendix J of the ES contains a Flood Risk Assessment (FRA), Enabling Earthworks As-Built Flood Risk Assessment and Drainage Strategy. The FRA and Drainage

Strategy have been updated to provide clarification on points raised initially, with points of explanation outlined in a separate colour within the documents. However these documents do not change the conclusions of the ES.

- 5.92 The site is located in flood zone 1, apart from a small section of Baltic Square where no built development is proposed, and thus for the most part falls within the low flood probability category, as defined by the Environment Agency.
- 5.93 Receptors that could potentially be impacted by the proposed development include the River Tyne, groundwater and underlying aquifer, the surface and foul water drainage system and the water supply network. The assessment of potential effects on water resources and flood risk in the ES found that when all impacts are considered they are negligible or minor, with no associated significant residual effects.
- 5.94 SuDs features are proposed comprising permeable paving, below ground attenuation, tree pits and a small area of green roofing above the arena service yard. Foul and surface water would be discharged to existing sewers at a rate agreed with Northumbrian Water. The previous proposals included an outfall into the River Tyne but this is no longer proposed as part of the current scheme.
- 5.95 In principle officers consider the site is capable of being adequately drained, including SuDs, without being subject to on site flood risk or increasing flood risk elsewhere. However some minor discrepancies in the technical details of the proposed drainage scheme have been identified. As such a condition is recommended to agree precise details of the final drainage scheme. Additionally a condition for a drainage maintenance plan is considered appropriate identifying ownership and responsibility for all drainage components and how these would be maintained for the lifetime of the development.
- 5.96 The FRA provides information in respect of groundwater and advises that a geo- composite membrane is intended to be installed below the structural slab along with a series of filter trenches to continue the flow path of the existing groundwater, which is proposed to mimic the existing flow routes below the site and minimise the impact of the development on groundwater flows. Officers consider that further clarification that the groundwater diversion proposals will be effective for the lifetime of the development should be provided via a planning condition to validate that the risk of groundwater flooding will be managed effectively.
- 5.97 A condition to agree a Drainage Construction Method Statement is considered appropriate to ensure that surface water run off during the construction phase is adequately managed and off site surface water flooding is not increased during construction works. This would also consider the impacts of construction of the development on existing drainage features within or in proximity to the site to ensure they are adequately protected or diverted during construction works.
- 5.98 As the proposals would no longer discharge into any water course, sources of pollution are capable of being adequately addressed and no other sources of

pollution affecting the drainage system are anticipated, it is not considered the development would result in any water quality issues.

- 5.99 Overall, subject to appropriate conditions as detailed above, it is considered the development can be satisfactorily accommodated without being affected by flood risk or increasing flood risk elsewhere and without resulting in any water quality issues, in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

5.100 RESIDENTIAL AMENITY

5.101 Light and Shadowing

Chapter N of the ES focuses on Daylight, Sunlight and Overshadowing and is supported by Appendix N1 which contains Drawings of the baseline and proposed scenario and Appendix N2: Daylight and sunlight results for baseline v proposed, prepared by the applicant's technical consultant GIA Chartered Surveyors.

- 5.102 This includes a technical analysis which has been undertaken in accordance with the Building Research Establishment (BRE) Guidelines 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (2011) criteria.
- 5.103 To assess the surrounding existing properties, the BRE Guidelines provide two main methods for assessing daylight: 'Vertical Sky Component' (VSC) and 'No Sky Line' (NSL). The VSC method measures the amount of light available on a vertical wall or window following the introduction of barriers such as buildings. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room (i.e. a horizontal 'desktop' plane of 0.85 metres (m) in height). The NSL divides those areas of working plane in a room which receive direct sky light through the windows from those areas of the working plane which cannot. Where all of the windows meet the VSC and all of the rooms meet the NSL criteria within a property the effect is considered to be negligible.
- 5.104 For the assessment of sunlight, the approach considers the 'Annual Probable Sunlight Hours' (APSH) for a reference point on a window (i.e. if a window point can receive at least 25% APSH, then the room should still receive enough sunlight). Windows are checked to see if they are facing 90° due south, with the emphasis on main living rooms and other rooms such as the kitchen and bedrooms being of less importance.
- 5.105 Baltic Quay Apartments were identified as having the potential to be impacted on by the proposed development.
- 5.106 A total of 188 windows serving 107 rooms within one building (Baltic Quay) were assessed for daylight and 79 windows were assessed for APSH sunlight. Out of the 188 windows assessed for daylight, 118 (63%) meet the BRE guidelines for VSC. For NSL, 93 (87%) of the 107 rooms assessed meet the BRE criteria. For sunlight, 68 (86%) out of the 79 windows assessed meet the BRE criteria for both Winter and Annual APSH.

- 5.107 The assessment of baseline levels to the surrounding properties considers whether a window/room already meets the BRE criteria in the existing scenario only, whilst the BRE guide states that a window/room should not be reduced by any more than 0.8 times its former value (a 20% reduction) in the proposed scenario.
- 5.108 The potential daylight and sunlight effects during construction would gradually increase in magnitude as the massing of the Proposed Development increases. When considering the construction of the Proposed Development, the effects will be noticeable, however, such effects will be less than that of the Proposed Development when completed.
- 5.109 For VSC (Vertical Sky Component), 182 (97%) of the 188 windows assessed will meet the BRE criteria with the Proposed Development in place. Of the six which do not, all will experience a reduction between 20-30%.
- 5.110 For NSL (No Sky Line), 105 (98%) of the 107 rooms assessed will meet the BRE criteria with the Proposed Development in place. Of the two which do not, one will experience a reduction between 20-30% and one will experience a reduction between 30-40%.
- 5.111 Of the six windows that do not meet the BRE criteria for VSC daylight, four serve bedrooms, which the BRE consider as having a lesser requirement for daylight. Additionally, the BRE states that where there are multiple windows of similar size serving one room, the mean VSC can be calculated. Both of the living kitchen diners which have windows that do not meet the VSC criteria are served by multiple windows of a similar size and, when the mean VSC is calculated, both living kitchen diners meet the overall VSC room target.
- 5.112 Furthermore, all of the windows which do not meet the VSC daylight target are reduced by 20-30%, which is minor, and the worst affected is reduced by 24.0%.
- 5.113 Both of the rooms which do not meet the BRE target criteria for NSL daylight are bedrooms, which the BRE consider as having a lesser requirement for daylight. The rooms are reduced by 20.9%, which is marginally a minor reduction, and 30.4%, which is marginally a moderate reduction. Notwithstanding, the rooms will continue to receive a view of the sky to 60.9% and 72.9%, which is considered acceptable given the context of the Site and emerging height and density in the area.
- 5.114 A total of 79 windows were assessed for Annual and Winter PSH within Baltic Quay Apartments.
- 5.115 For both Annual and Winter PSH (Probable Sunlight Hours), 75 (95%) of the 79 windows assessed will meet the BRE criteria with the Proposed Development in place. For Annual PSH, one window will experience a reduction of between 20-30%, one window will experience a reduction of between 30-40% and one will experience a reduction in excess of 40%.

- 5.116 Four of the 79 windows assessed do not meet the BRE target criteria for Winter PSH sunlight. Due to the close proximity of the receptor to the Site, these windows experience reductions of more than 40% with the Proposed Development in place. Whilst these four windows in isolation experience a major adverse reduction, they represent only 5% of windows assessed to the receptor, which is a small proportion in context to the building as a whole, and the overall impact on the receptor is there considered to be minor adverse.
- 5.117 Furthermore, 11 windows do not meet the Annual or Winter PSH targets in the existing scenario, meaning the sunlight amenity to Baltic Quay with the Proposed Development in place is largely comparable to the baseline condition. As such, reductions are less likely to be noticed by the occupants.
- 5.118 The previous planning approvals DC/20/00323/FUL and DC/21/01436/FUL, included a dual brand hotel of 13 storeys in height intended to be constructed on land immediately to the west of Baltic Quay Apartments. The dual brand hotel has now been removed from the scheme and planning permission has been granted for a hotel to be constructed in an alternative location in Baltic Quarter. This part of the application site would now be occupied by a linear park comprising tiered steps and landscaping. The proposed conference centre would sit approximately 31m from the Baltic Quay Apartments at the closest point, with the linear park on intervening land. The building design would work with the sloping topography of the site, being of 4 storeys in height with associated roof and void above at the closest point to the apartments. The arena, which would be the taller element, would be situated around 90-100m from the apartments.
- 5.119 Removal of the dual brand hotel would have significant benefits in removing a tall built element away from the part of the site in closest proximity to the Baltic Quay Apartments, allowing the opportunity for more light and open space.
- 5.120 The application site and the Baltic Quay Apartments are in an urban core river front location where higher density, lower separation distances and thus greater constraints on daylight and sunlight would be expected. It is also worth noting that the application site is allocated for large scale development and therefore whilst some apartments have not had large scale development alongside them previously, this was never the long term intention.
- 5.121 Overall having regard to the assessments submitted with the planning application, impacts from light and shadowing resulting from the proposed development are considered negligible. The scheme and adjacent residents would benefit from the removal of the dual brand hotel and greater light levels that would now be available on that part of the site closest to Baltic Quay Apartments.
- 5.122 The potential daylight and sunlight effects during construction would gradually increase in magnitude as the massing of the proposed development increases. When considering the construction of the proposed development, the effects will be noticeable, although such effects will be less than that of the completed

development. No additional mitigation is proposed in relation to daylight and sunlight during construction.

5.123 The proposal is considered acceptable in terms of impacts from light and shadowing and would accord with Local Plan policies CS14 and MSGP17 and Parts 12 and 15 of the NPPF.

5.124 Noise and Vibration

Chapter G of the ES considers Noise and Vibration and is appended by a series of technical documents.

5.125 The submitted details indicate that there will be a period of 20 minutes of increased levels of sound at the nearest residential receptors during patron egress from events at the conference centre and arena. Due to the short duration, the impact is not considered significant and patrons will be encouraged to keep quiet through use of signage. A condition to agree details of and secure implementation of the signage is considered appropriate.

5.126 The buildings are designed to incorporate sound mitigation to mitigate the outbreak of noise when events are taking place at the arena and conference centre.

5.127 Various external plant and equipment would be provided in different locations across the site. Conditions to agree precise details of external plant and equipment are considered appropriate to ensure this complies with good practice standards and does not generate excessive noise.

5.128 Vibration from construction activities would be managed via a condition requiring approval and adherence to a construction environmental management plan.

5.129 Officers are satisfied from the details provided that noise and vibration from the proposed development would be to an acceptable level and would not result in adverse impacts on surrounding residents and commercial premises in accordance with Local Plan policies CS14, MSGP17 and MSGP18 and Parts 12 and 15 of the NPPF.

5.130 Construction Phase

The construction phase of the development has potential to impact on residents and businesses within the vicinity of the site, together with wider impacts such as traffic/transport, ecology and drainage. However these impacts would be for a temporary period only and are considered capable of being adequately managed during this period.

5.131 Officers recommend that a Construction Environmental Management Plan (CEMP) is agreed by condition prior to the commencement of the development. This would set out how a number of construction matters would be addressed while the development is being built, including traffic management, deliveries, temporary drainage, ecological issues and general amenity impacts. The CEMP will need to have consideration to other construction activities taking

place in the surrounding area, including the dual brand hotel in Baltic Quarter, and other operational uses, particularly bearing in mind the proposed phasing of the development.

- 5.132 Conditions to control construction working hours and to agree and implement the CEMP are appropriate to ensure amenity and other related impacts are minimised to an acceptable level, in accordance with Local Plan policies MSGP17 and CS14 and Parts 12 and 15 of the NPPF.

5.133 HERITAGE

Chapter I of the ES considers heritage impacts of the development and is appended by a Map of Heritage Assets (I1) and a Heritage Impact Assessment (I2).

- 5.134 It is considered that the principle of the comprehensive regeneration of the application site and the details that form part of this planning application would generally have a positive impact upon the setting of Bridges Conservation Area and would not harm the significance/setting of the Grade II listed Coal Drops, the locally listed Baltic Flour Mill, the Grade I listed St Marys Church or the Grade II* listed Tyne Bridge.
- 5.135 This is because it is considered that the massing arrangement, building locations and site layout and architectural appearance / materiality of the buildings works well together to form a high quality and distinctive design solution that respects its context and is suitable for such a prominent location, set amongst these recognised landmarks. Furthermore, the application proposes development of a high quality destination that would see the comprehensive regeneration of a brownfield site that has not previously contributed towards the setting or significance of these heritage assets.
- 5.136 The Coal Drops lie outside the site boundary but are in proximity to it. These are in Council ownership and are currently undergoing repair and stabilisation works. The repair works and adherence to a CEMP during construction works would ensure that the condition of the Coal Drops is not adversely affected during construction works.
- 5.137 Conditions are recommended to control external materials and lighting to ensure the final finish of the development relates acceptably to surrounding heritage assets.
- 5.138 Archaeological works were carried out on site in association with the previous planning permissions DC/20/00323/FUL and DC/21/01436/FUL. The works consisted of the extension of trial trenches and were designed to investigate the remains of the Park Iron Works. It was found that only a few heavily truncated structures of the Park Iron Works survived, as the site had been extensively redeveloped in both the later 19th and 20th centuries. An interim archaeological report is included with the application. However further work is required to produce a full report on the excavation, including post-excavation assessment, which may be followed by analysis and publication of the site if

merited. Conditions to secure the post excavation report and publication are considered appropriate.

5.139 The proposal is not considered to result in any adverse impacts in terms of heritage or archaeology and would preserve the significance and setting of heritage assets within the wider surroundings, in accordance with Local Plan policies CS15, UC12, MSGP24 and MSGP25 and Part 16 of the NPPF.

5.140 IMPACTS ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

Chapter D of the ES and associated appendices relate to Townscape and Visual Impact.

5.141 The proposed development would help to increase levels of activity within and around the application site and the high-quality public realm would encourage use of the routes and spaces. New buildings would define a positive new frontage facing Baltic Square and the River Tyne with retail uses and entrance spaces providing active frontages to South Shore Road.

5.142 Active frontages would be provided along Maiden's Walk and the new Performance Square which would improve natural surveillance and improve the perception of safety in these areas. The wider public realm and additional planting would enable the industrial historic character of the Coal Drops to be better appreciated and may in the future provide opportunities for their use.

5.143 The public realm of the new Performance Square would incorporate new planting and paving to create an attractive, sheltered and functional public space with the potential to be used for events as well as for people to take in local views. A wide area of public realm in the form of the linear park would be introduced along the east side of the site with terraced areas of planting and seating with views to the river. A proposed retail / leisure unit forming part of the conference centre would provide natural surveillance of part of the linear park and this would also be provided by the adjacent apartments.

5.144 The individual conference centre and arena buildings have their own architectural character that would help with navigation and wayfinding. The conference centre has a predominantly glazed frontage articulated by piers and balconies with expressed pitched roof of the galleria marking the main entrance and steps up to Performance Square. The form, scale and materials are considered to be appropriate to the character of the riverside. The arena would have a distinctive irregular form with materials that draw reference from the area's former industrial character.

5.145 The buildings and public realm utilise the noticeable change in levels across the site to create an interesting and attractive piece of townscape that addresses the existing barrier to movement and natural topography.

5.146 The proposed development would substantially enhance the character and appearance of the site bringing it into positive use and introducing a number of

well designed buildings and enhanced and functional public spaces in this prominent riverside location.

- 5.147 Conditions to agree precise details of external materials, landscaping and street furniture are considered appropriate, to ensure the development is finished to a high standard.
- 5.148 As referred to in the Security and Hostile Vehicle Mitigation section, above, the Site Wide Security Strategy drawing proposes a set of double gates to the south west corner of the site at the southern end of Maidens Walk to prevent people bypassing where scanning for those attending events would take place. Concern was raised by officers about the visual impacts of a permanent set of double gates in this location in proximity to the grade II listed Coal Drops. A removable screen in this space is now proposed by the application and a condition to agree final details of this as part of the wider security strategy is considered appropriate. This would ensure an improved aesthetic to security features in a more sensitive part of the site closest to designated heritage assets.
- 5.149 The current proposal includes a staircase leading up from South Shore Road to Performance Square, this is indicated as being a platform type design supported by pillars below, which would be open beneath the platform. Officers have some concerns, which have been raised with the applicant, that the proposed design could lead to the gathering of litter and detritus beneath the staircase and also provide secluded areas with potential for anti-social behaviour. A condition is appropriate to agree details and secure implementation of an improved design for the staircase which would address these issues.
- 5.150 A new covered walkway to the northern side of Performance Square is proposed, details of this have not been included in the application. A condition to agree and implement final details of the walkway are considered appropriate to ensure it is well designed and relates to the appearance of its surroundings.
- 5.151 Given the intended phasing of the development, there may be a period of time where a shared wall between the conference centre and arena, intended to be an internal wall on completion of the scheme, would be exposed. The treatment and finish of this wall is currently unknown. A condition to agree details of the exposed area of wall for a temporary period until both phases of the development are complete is appropriate to ensure this is acceptable in terms of visual amenity in the interim.
- 5.152 Local Plan policies UC17 and CS15 require the provision of public art on development of key sites within the Urban Core. The amended design and access statement sets out some indicative proposals for incorporating public art within the scheme to the north east and south west of the building. A condition is appropriate to secure agreement and implementation of public art as part of the development.

5.153 Subject to conditions to agree various elements including precise details of landscaping and external finishes, it is considered the development is of a high quality design and would relate well visually to the character and appearance of the surrounding area, in accordance with Local Plan policies CS15, UC12, QB2 and MSGP24 and Part 12 of the NPPF.

5.154 ECOLOGY/BIODIVERSITY

Chapter L of the ES relates to Ecology and Nature Conservation and is appended by an Ecological Walkover Survey (Appendix L1) and an Updated Preliminary Ecological Appraisal (Appendix L2). A Biodiversity Net Gain Assessment has also been submitted.

5.155 Prior to the commencement of the enabling works, the site supported a mosaic of habitats including: semi-natural broadleaved woodland; semi-improved neutral grassland; ephemeral/short perennial vegetation incorporating areas of bare ground; tall ruderal vegetation; the Coal Drops and railway arches located along Maidens Walk, and; the River Tyne including a small area of intertidal mud located between the Gateshead Millennium Bridge and Baltic Centre for Contemporary Art have the potential to support a range of statutorily protected and/or priority/notable species. These include priority butterfly species, small numbers of widespread and commonly occurring roosting, foraging and commuting bats, nesting, foraging and roosting birds, migratory fish, otter and hedgehog. The River Tyne also hosts a significant and arguably unique population of inland breeding kittiwakes (Birds of Conservation Concern Red List and DBAP priority species), with notable colonies established in close proximity to the proposed development site on the Tyne Bridge and Baltic Centre for Contemporary Arts.

5.156 The proposed development would result in the comprehensive loss of existing habitats on site and their associated interest. However, subject to suitable mitigation, it is considered that the predicted impacts would not be significant, and the development can be achieved within acceptable ecological limits and in accordance with national and local planning policy.

5.157 The Chapter L of ES and its appendices include a series of on-site and off-site proposals to minimise the ecological impacts. The on-site proposals include the following:

- Construction works to be undertaken in accordance with a Construction Environment Management Plan controlling the timing and method of site clearance and construction activities and emissions from the site including dust and sediments
- Nesting bird surveys during the construction process
- Suspension of sediments and potentially contaminated liquids prior to discharge of surface water into the River Tyne
- External lighting to be designed, located and operated so as to avoid/minimise intrusive light-spill impacting retained and/or newly created habitats/features including River Tyne Local Wildlife Site during the construction and operational phases of the development
- Creation of new/replacement habitats as part of the development

- 5.158 The development involves the loss of brownfield and neutral grassland habitat which was used by invertebrates. The final planting mix for landscaping on the site would include species suitable for use by dingy skipper, grayling and small heath butterflies to address the loss of habitat for these species. A condition to agree a detailed management plan for these habitats is appropriate to ensure that they reach the required habitat type and condition as specified within the Biodiversity Net Gain assessment and are suitable for use by butterfly species including dingy skipper.
- 5.159 Invasive non-native species ('INNS') were recorded within the Site during previous surveys completed to inform the ES submission in 2020. However the most recent survey work undertaken in 2023 indicates these areas of habitat have been removed as part of the clearance works under the previous application. Given that these features were of negative ecological importance and they have been cleared from site, their removal does not present an adverse ecological effect and can be considered beneficial.
- 5.160 Policy MSGP37 and Para. 174 (d) of the NPPF require that new development provides a net gain to biodiversity. The Government's emerging Environment Bill proposes to set a requirement for all new developments to achieve a 10% BNG using Defra's Biodiversity Metric calculator tool to inform off-site requirements, however as this is currently a draft Bill only and not currently an Act of Parliament, these requirements cannot be enforced at this time and only a net gain is required to be delivered in accordance with the above policies.
- 5.161 The onsite baseline biodiversity value of the site, prior to the commencement of enabling works, calculated using Defra metric was 15.78 habitat units. As enabling works have already commenced and given the proposed site layout, presence of contamination and requirement for further remediation, it is not considered possible to retain any of the existing onsite habitats.
- 5.162 The submitted details indicate that 3.86 habitat units would be created on site from new planting and SuDs features. Whilst this which would make a small contribution to its biodiversity value, overall the development would result in a net loss to biodiversity. Previous planning applications DC/20/00323/FUL and DC/21/01436/FUL, identified 4 off site locations within the Council's control where a BNG of 7.5% could be provided, with conditions used to agree final details of these proposals. With regards the current application, officers consider that an off site BNG compensation scheme achieving the same percentage net gain as the previous scheme is capable of being achieved either within previously identified off site locations or on other Council land if required. Precise details of this are unclear at this time. As such conditions are considered appropriate to require the proposed development to provide a minimum of 7.5% BNG, to agree a final landscaping scheme and to implement and maintain on and off site enhancements for at least 30 years. This will ensure an acceptable level of BNG, consistent with the previous scheme, is provided as part of the development, in accordance with Local Plan policy MSGP37 and Part 15 of the NPPF.

5.163 Furthermore conditions are also considered appropriate to agree and implement a Construction Environmental Management Plan for biodiversity to ensure there are no adverse impacts on ecology and biodiversity during construction works and a lighting design strategy to ensure back spill of light towards the river corridor does not occur, which are in line with the measures specified in Chapter L of the ES and in accordance with Local Plan policy MSGP37 and Part 15 of the NPPF.

5.164 AIR QUALITY

Chapter F of the ES relates to Air Quality, an associated appendix has been submitted containing relevant assessments on air quality. Officers agree with the methodology used and assessment of both construction and operational impacts, including traffic, detailed in the report. The assessment concludes that there will be no exceedance of relevant air quality standards at residential receptors, no introduction of new residential receptors into an area of poor air quality, nor any significant impact on the wider town centre Air Quality Management Area (AQMA) or the Tyneside Clean Air Zone (CAZ) as a result of the development. As such it is considered that there are no air quality constraints with the proposed development.

5.165 Given the proximity of residential and commercial premises it is appropriate that dust emissions from site preparation and construction should be controlled. A dust management plan (DMP) should be embedded into a broader Construction Environmental Management Plan (CEMP) which should be subject to a condition.

5.166 Subject to the above condition, it is not considered there would be any adverse impacts in terms of air quality both during construction and once the development is operational, in accordance with policies CS14 and MSGP19 of the Local Plan for Gateshead and Part 15 of the NPPF.

5.167 GROUND CONDITIONS

Contamination from extensive historic industrial site uses is known to be present below ground and has been confirmed in historic site investigations. Historic site uses have included; Iron works, coke ovens, rope works, machine tool works, and the presence of gas holders, tanks, railway lines and work buildings.

5.168 Following site investigations and remediation proposals agreed by planning permissions DC/20/00323/FUL and DC/21/01436/FUL, a programme of enabling works was undertaken in late 2021 and 2022, which included the removal and processing of former foundations and structures. Asbestos containing materials were also discovered on the site during these initial enabling works.

5.169 Chapter K of the ES and associated appendix relate to Ground Conditions, Soils and Contamination. These details provide verification for the remediation works carried out to date and sets out remaining remediation works that still need to be undertaken. Conditions requiring the undertaking of remaining remediation works and verification of this prior to the development being

brought into use are considered appropriate to ensure the site made safe for all future users.

5.170 A Coal Mining Risk Assessment is also contained within the Ground Conditions ES chapter. This identifies that shallow coal workings have been identified on part of the site. As such remediation is required to stabilise these areas of the site. Conditions are recommended by the Coal Authority to require the undertaking and verification of remedial works.

5.171 Subject to the above conditions, the development is considered to comply with the requirements of Local Plan Policies CS14 and MSGP20 and Part 15 of the NPPF.

5.172 CLIMATE CHANGE/SUSTAINABILITY

Chapter O of the ES and associated appendices relate to Climate Change and Resilience. The proposed development would connect to the Gateshead District Energy Centre, which would provide the development with combined heat and power. The proposed building fabric has been designed to minimise energy consumption once operational. The conference centre would have photovoltaic panels on the roof to provide a renewable source of energy. Waste and energy use would be minimised during the construction phase and a construction environmental management plan (CEMP) condition would agree and secure implementation of these details. A condition to agree the precise design and layout of photovoltaic panels is also considered appropriate. The proposal is therefore considered to accord with Local Plan policies CS16 and MSGP28 and Part 14 of the NPPF.

5.173 WIND ENVIRONMENT

Chapter M of the ES relates to Wind Environment and appendix M1 contains a Pedestrian Level Wind Microclimate Assessment.

5.174 To predict the local wind environment associated with the completed proposed development, and the resulting pedestrian comfort within and in the area surrounding the site, wind tunnel testing of the proposed development has been undertaken.

5.175 The modelling identified that without any mitigation the new public realm proposed to the west of the arena would suffer higher wind speeds than considered acceptable for sitting and standing and would be less appealing to visitors as a result.

5.176 A drawing detailing wind mitigation has been submitted as part of the planning application. Adequate mitigation is generally provided throughout the majority of the site, with the exception of the western side, where further modelling and refinement of mitigation is required. As such conditions are considered appropriate to agree details of final wind mitigation measures and the further modelling required to ensure the development does not result in safety concerns.

5.177 Subject to these condition it is considered the development can be accommodated without exposing pedestrians and cyclists to unacceptable conditions, in accordance with Local Plan policies CS13, CS14, MSGP15 and MSGP17 and Parts 9 and 12 of the NPPF.

5.178 EMPLOYMENT OPPORTUNITIES

A major priority for the Council is the creation of employment and training opportunities, especially apprenticeships for local people and as such the Council seeks to bring forward opportunities in construction and also the operation of the development.

5.179 The apprenticeships could be through the Council's supply chain, contractors, delivery partners or ancillary activities across the length of the build and the long-term operation of the development upon completion. Any such opportunities would be made available to target groups within the Borough and beyond.

5.180 In line with the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, agreement and implementation of an Employment and Training Plan for both the construction and operational phases can be secured by conditions.

5.181 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 includes some small retail units which would be considered CIL chargeable development, however as the site is located in Commercial Zone 1 the small retail units do not attract any CIL payments. Overall no CIL payments are required for the development as a whole.

6.0 CONCLUSION

6.1 The environmental information contained within the Environmental Statement submitted with the application has been examined and the effects of the proposed development on the environment considered in the assessment of the scheme.

6.2 Planning permissions DC/20/00323/FUL and DC/21/01436/FUL previously granted approval for development of an arena, conference and exhibition centre, dual brand hotel and associated ancillary development on the site. These have been implemented and remain extant consents, giving a strong fall back position to the current proposal which effectively removes the dual brand hotel from the scheme and replaces this with a linear park, together with other minor design changes.

6.3 Policy QB2 allocates the site for mixed use development, with Offices, Leisure and Conferencing Facilities, Hotel and Residential with ancillary Retail uses and the current proposal would accord with this site specific allocation.

6.4 The proposed scheme is of a good quality of design and well related in terms of scale, mass and appearance to the surroundings. Subject to appropriate conditions and taking into account all the relevant material planning considerations, including the environmental information contained with the Environmental Statement and the comments made by consultees and third parties, it is considered that the proposal is acceptable and accords with the aims and objectives of Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, relevant policies from the Local Plan for Gateshead and the NPPF.

6.5 There are no material considerations which indicate otherwise and the application is recommended for approval.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport 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:

GHQ-PIE-PB-ZZZZ-DR-L-P-2507 Rev P2 - Coal Drops Sections
GHQ-PIE-PB-ZZZZ-DR-L-P-2506 Rev P2 - Indicative Brown and Green Roof Layouts
GHQ-PIE-PB-ZZZZ-DR-L-P-2503 Rev P2 - HVM Bund Indicative Detail
GHQ-PIE-PB-ZZZZ-DR-L-P-2501 Rev P2 - Podium Walk & Arrival Plaza Detail Area
GHQ-PIE-PB-ZZZZ-DR-L-P-2401 Rev P2 - Linear Park Detail Area
GHQ-PIE-PB-ZZZZ-DR-L-P-2301 Rev P2 - Baltic Square & South Shore Road Detail Area
GHQ-PIE-PB-ZZZZ-DR-L-P-2201 Rev P2 - Coal Drops Detail Area
GHQ-PIE-PB-ZZZZ-DR-L-P-2101 Rev P2 - Performance Square Detail Area
GHQ-PIE-PB-ZZZZ-DR-L-P-1503 Rev P1 - Wind Mitigation Strategy
GHQ-PIE-PB-ZZZZ-DR-L-P-1501 Rev P2 - Site Wide Furniture Strategy
GHQ-PIE-PB-ZZZZ-DR-L-P-1401 Rev P2 - Levels - Site Wide
GHQ-PIE-PB-ZZZZ-DR-L-P-1303 Rev P1 - Tree & Vegetation Removals
GHQ-PIE-PB-ZZZZ-DR-L-P-1302 Rev P1 - Planting Typologies
GHQ-PIE-PB-ZZZZ-DR-L-P-1301 Rev P2 - Softworks - Site Wide
GHQ-PIE-PB-ZZZZ-DR-L-P-1201 Rev P2 - Hardworks - Site Wide
GHQ-PIE-PB-ZZZZ-DR-L-P-1101 Rev P2 - External Works General Arrangement
GHQ-PIE-PB-ZZZZ-DR-L-P-1002 Rev P1 - Site Wide Security Strategy
GHQ-PIE-PB-ZZZZ-DR-L-P-1001 Rev P2 - Site Boundaries
GHQ-HOK-ZZ-ZZZZ-DR-A-9604 Rev P1 - Gateshead Quays - Exhibition Halls Section 03 - Arena
GHQ-HOK-ZZ-ZZZZ-DR-A-9603 Rev P1 - Gateshead Quays - Exhibition Halls Section 02 - Multipurpose Halls

GHQ-HOK-ZZ-ZZZZ-DR-A-9601 Rev P1 - Gateshead Quays -
 Masterplan: Contextual Sections
 GHQ-HOK-ZZ-ZZZZ-DR-A-9506 Rev P2 - Gateshead Quays - Arena:
 Elevation Arena 02
 GHQ-HOK-ZZ-ZZZZ-DR-A-9506 Rev P1 - Arena: Elevation - Arena 02
 GHQ-HOK-ZZ-ZZZZ-DR-A-9504 Rev P2 - Gateshead Quays - Arena:
 Elevation - Arena 01
 GHQ-HOK-ZZ-ZZZZ-DR-A-9504 Rev P1 - Arena: Elevation - Arena 01
 GHQ-HOK-ZZ-ZZZZ-DR-A-9503 Rev P2 - Gateshead Quays -
 Exhibition Halls: Elevation - Co-ex BOH
 GHQ-HOK-ZZ-ZZZZ-DR-A-9503 Rev P2 - Gateshead Quays -
 Exhibition Halls: Elevation - Co-ex BOH
 GHQ-HOK-ZZ-ZZZZ-DR-A-9502 Rev P2 - Gateshead Quays -
 Exhibition Halls: Elevation - Co-ex 01
 GHQ-HOK-ZZ-ZZZZ-DR-A-9502 Rev P1 - Exhibition Halls: Elevation -
 Co-ex 01
 GHQ-HOK-ZZ-ZZZZ-DR-A-9501 Rev P2 - Gateshead Quays -
 Masterplan: Contextual Elevations
 GHQ -HOK -ZZ -ZZZZ -DR - A -9104 Rev P2 - Gateshead Quays - Site
 Information: Proposed Site Plan
 GHQ -HOK -ZZ -ZZZZ -DR - A -9101 Rev P2 - Gateshead Quays - Site
 Information: Site Location Plan
 GHQ -HOK -ZZ -ZZ55 -DR - A -9208 Rev P2 - Gateshead Quays -
 Masterplan: GA Plan - LVL. ZZ55 - Arena Roof
 GHQ -HOK -ZZ -ZZ46 -DR - A -9207 Rev P2 - Gateshead Quays -
 Masterplan: GA Plan - LVL. ZZ46 - Arena Plant
 GHQ -HOK -ZZ -ZZ22 -DR - A -9204 Rev P2 - Gateshead Quays -
 Masterplan: GA Plan - LVL. ZZ22 - Arena Event Floor
 GHQ -HOK -ZZ -ZZ13 -DR - A -9202 Rev P2 - Gateshead Quays -
 Masterplan: GA Plan - LVL. ZZ13 - Conference Rooms
 GHQ -HOK -ZZ -ZZ08 -DR - A -9201 Rev P2 - Gateshead Quays -
 Masterplan: GA Plan - LVL. ZZ08 - Co-ex Entrance
 GHQ -HOK -AR -ARUR -DR - A -9308 Rev P1 - Gateshead Quays -
 Arena: GA Plan - LVL. ARUR - Bowl Roof
 GHQ -HOK -AR -ARRF -DR - A -9307 Rev P1 - Gateshead Quays -
 Arena: GA Plan - LVL. ARRF - Roof Plant
 GHQ -HOK -AR -AR07 -DR - A -9306 Rev P1 - Gateshead Quays -
 Arena: GA Plan - LVL. AR04 - MEP Plant
 GHQ -HOK -AR -AR06 -DR - A -9305 Rev P1 - Gateshead Quays -
 Arena: GA Plan - LVL. AR03 - Main Concourse
 GHQ -HOK -AR -AR02 -DR - A -9304 Rev P1 - Gateshead Quays -
 Arena: GA Plan - LVL. AR02 - Services Mezzanine
 GHQ-HOK-AR-AR01-DR-A-9303 Rev P1 - Gateshead Quays - Arena:
 GA Plan - LVL. AR01 - Entrance and VIP
 GHQ-HOK-AR-AR00-DR-A-9302 Rev P1 - Gateshead Quays - Arena:
 GA Plan - LVL. AR00 - Event Floor
 GHQ-HOK-ZZ-ZZZZ-DR-A-9602 Rev P1 - Gateshead Quays -
 Exhibition Halls: Section 01 - Conference Halls and Galleria
 GHQ -HOK -CX -CXRF -DR - A -9407 Rev P1 - Gateshead Quays -
 Exhibition Halls: GA Plan - LVL. CXRF - Co-ex Halls Roof

GHQ -HOK -CX -CX05 -DR - A -9406 Rev P1 - Gateshead Quays - Exhibition Halls: GA Plan - LVL. CX05 - Plenary and Plant Deck
GHQ -HOK -CX -CX04 -DR - A -9405 Rev P1 - Gateshead Quays - Exhibition Halls: GA Plan - LVL. CX04 - Galleria and Plant Deck
GHQ-HOK-CX-CX03-DR-A-9404 Rev P1 - Gateshead Quays - Exhibition Halls: GA Plan - LVL. CX03 - Exhibition Halls Concourse
GHQ-HOK-CX-CX01-DR-A-9402 Rev P1 - Gateshead Quays - Exhibition Halls: GA Plan - LVL. CX01 - Convention Centre Medium Rooms
GHQ-HOK-CX-CX00-DR-A-9401 Rev P1 - Gateshead Quays - Exhibition Halls: GA Plan - LVL. CX00 - Entrance, Box Office and Retail
GHQ-HOK-AR-CX03-DR-A-9301 Rev P1 - Gateshead Quays - Arena: GA Plan - LVL. CX03 - Back of House & Admin B. Entrance
GHQ -HOK -ZZ -ZZ35 -DR - A -9206 Rev P2 - Gateshead Quays - Masterplan: GA Plan - LVL. ZZ35 - Arena Main Concourse
GHQ -HOK -ZZ -ZZ26 -DR - A -9205 Rev P2 - Gateshead Quays - Masterplan: GA Plan - LVL. ZZ26 - Arena Entrance & VIP
GHQ-HOK-ZZ-ZZ18-DR-A-9203 Rev P2 - Gateshead Quays - Masterplan: GA Plan - LVL. ZZ18 - Co-ex Concourse Entrance

Reason

In order to ensure that the development is carried out in accordance with the approved plans.

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 the commencement of any part of the development hereby approved a phasing plan detailing the extent of development within each phase of the overall development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To establish the extent of development in each phase so that conditions specific to each phase of the development can be discharged in accordance with Local Plan policies QB1 and QB2.

Reason for prior to commencement condition

So that it can be established before any part of the development is constructed which elements will be carried out in which phase and relevant conditions can be discharged for each phase to which they relate.

4

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be implemented in accordance with the phasing plan approved by condition 3.

Reason

To establish the extent of development in each phase so that conditions specific to each phase of the development can be discharged in accordance with Local Plan policies QB1 and QB2.

5

Prior to commencement of each phase of development hereby, a Construction Environment Management Plan relating to that specific phase shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of the following:

- a) Construction Traffic Management Plan (CTMP) including routing of vehicles
- b) Details of site compounds
- c) Means of travel and parking of vehicles for site operatives, contractors and visitors
- d) Details of anticipated deliveries, loading and unloading of plant and materials
- e) Storage of plant and materials used in constructing the development
- f) The erection and maintenance of security hoarding
- g) Liaison with other contractors in the area
- h) Wheel washing facilities and methods to prevent transfer of mud/debris and effluent from the construction site to the highway
- i) Dust Management Plan (DMP)
- j) Scheme for the recycling/disposing of waste arising from construction works
- k) Measures to minimise noise during the construction phase including:
 - i. Selection of appropriate equipment and construction methods;
 - ii. plant to be located as far away as is reasonably practicable from noise-sensitive receptors;
 - iii. static plant/equipment fitted with suitable enclosures or screening where practicable;
 - iv. temporary hoardings/screens around the site boundary or specific activities as appropriate;

- v. site personnel instructed on best practice to reduce noise and vibration as part of their induction training and as required prior to specific work activities;
 - vi. appropriate management of working hours for noisier tasks; and
 - vii. liaison with residents and nearby businesses in advance of works commencing to provide information regarding the programme.
- l) Risk assessment of potentially damaging construction activities upon ecology/biodiversity.
 - m) Identification of "biodiversity protection zones"
 - n) Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological/biodiversity impacts during construction (may be provided as a set of method statements).
 - o) The location and timing of sensitive works to avoid harm to biodiversity features e.g. avoidance of vegetation clearance during the nesting bird season (March to September inclusive).
 - p) Any times during construction when specialist ecologists need to be present on site to oversee works e.g. nesting bird checks for any vegetation clearance within the nesting bird season
 - q) Responsible persons and lines of communication for works affecting ecology/biodiversity.
 - r) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - s) Use of protective fences, exclusion barriers and warning signs for ecology/biodiversity where appropriate
 - t) Management of Invasive Non Native Species.
 - u) Preventing pollution upon sensitive receptors including the River Tyne
 - v) Measures to control/minimise disruption to the highway network during peak periods

In addition, all works and ancillary operations in connection with site preparation works and the construction of the new development, including the use of any equipment or deliveries to the site shall be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1700 hours Saturday and at no time on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent adverse environmental and amenity impacts during the construction phase, in accordance with Local Plan policies CS13, CS14, MSGP15, MSGP17 and MSGP37 and Parts 9, 12 and 15 of the NPPF.

Reason for prior to commencement condition

To safeguard the sensitive environmental features that have the potential to be affected by the construction of the proposed 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.

6

The CEMP approved under condition 5 shall be adhered to and implemented throughout the construction period for each phase of development to which it relates strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To prevent adverse environmental and amenity impacts during the construction phase, in accordance with Local Plan policies CS13, CS14, MSGP15, MSGP17 and MSGP37 and Parts 9, 12 and 15 of the NPPF.

7

Notwithstanding the approved plans and with the exception of site levels at the interface with the public highway, prior to the commencement of any phase of development precise details of existing and proposed ground levels, finished floor levels, site sections and gradients within that phase shall be submitted to and approved in writing by the Local Planning Authority. All site levels at the interface with the public highway shall be submitted to and approved in writing by the Local Planning Authority as part of the first phase.

Reason

In the interest of the visual amenity of the surroundings and highway safety, in accordance with Local Plan policies CS13, CS15, QB3, MSGP15 and MSGP24 and Parts 9 and 12 of the NPPF.

Reason for prior to commencement condition

To ensure accurate site levels are established at an early stage to enable detailed design of floor levels, highway, public and private realm works to progress and in advance of any ground works or laying of foundations taking place.

8

Each phase of development shall be implemented in complete accordance with the ground levels, finished floor levels, site sections and gradients approved under condition 7.

Reason

In the interest of the visual amenity of the surroundings and highway safety, in accordance with Local Plan policies CS13, CS15, QB3, MSGP15 and MSGP24 and Parts 9 and 12 of the NPPF.

9

Prior to commencement of any part of the development a final detailed drainage scheme for the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA. The drainage scheme shall include comprehensive use of SuDS across the entire development to deliver water quality, quantity, biodiversity and amenity benefits. Details of final levels and an assessment of exceedance flow shall be included in a supporting report to the drainage scheme together with drainage calculations, drawings and details.

Reason

To demonstrate that the final detailed drainage design follows GMBC's Interim Surface Water (SuDS) Guidelines for New Development and is in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

Reason for prior to commencement condition

Because installation of drainage in the ground will be one of the initial works undertaken once the development commences and it will need to be ensured in advance of this that the proposed drainage scheme is adequate.

10

The development in each phase shall be implemented in complete accordance with the Final Drainage Scheme approved under condition 9.

Reason

To demonstrate that the final detailed drainage design follows GMBC's Interim Surface Water (SuDS) Guidelines for New Development and is in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

11

Prior to commencement of any part of the development within a specific phase, an assessment of pre and post development groundwater flows of that phase based on site specific geological and hydrogeological information, together with a strategy detailing measures to ensure groundwater movement will not be adversely disrupted shall be submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To demonstrate that the proposed development will not cause groundwater flooding in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

Reason for prior to commencement condition

Because installation of drainage in the ground will be one of the initial works undertaken once the development commences and it will need to be ensured in advance of this that ground water flows associated with the proposed drainage scheme is adequate.

12

The development in each phase shall be implemented in complete accordance with the pre and post development groundwater flow assessment and strategy approved under condition 11.

Reason: To demonstrate that the proposed development will not cause groundwater flooding in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

13

Prior to commencement of any specific phase of the development a detailed Drainage Construction Method Statement (DCMS) for that phase of the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA. This shall include details of demonstrating that phase of development would be protected from the risk of surface water flooding from other parts of the site, bunds together with evidence of the capacity of the existing drainage network required as mitigation for overland flooding referred to in section 3.2 of the Flood Risk Assessment (GHQ-CDL-ZZ-ZZZZ-RT-C-01004, rev P03). All enabling works including final details of the diversion of existing drainage and evidence of agreement with existing drainage asset owners are to be included on the Drainage Construction Method Statement.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

Reason for prior to commencement condition

Because initial ground works would impact on existing drainage beneath the site and could also generate new surface water flows, as such it will need to be demonstrated how these issues will be dealt with before any works to commence the development begin.

14

The DCMS approved under condition 13 shall be adhered to in full at all times during construction of each phase of the development.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

15

Construction of each phase of the development shall not commence until an Employment and Training Plan which is in accordance with the principles set out in the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, outlining the potential creation of employment and training opportunities for the phase of development to which it relates, especially apprenticeships for local people during the construction phases of the development is submitted to and approved in writing by the Local Planning Authority.

Reason for prior to commencement condition

To ensure details of employment and training opportunities for the construction phase are agreed before construction of the development begins.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

16

The construction Employment and Training Plan shall be implemented for the duration of the construction of each phase of the development in accordance with the details submitted and approved under condition 15.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

17

No development shall commence within any phase of the development located within Zone 1, as defined in the Coal Mining Risk Assessment in Section 8 of the Phase II Geotechnical and Geoenvironmental Assessment (February 2023, Cundall), until remedial stabilisation works to address land instability arising from shallow coal mining legacy in that phase of development, as set out in the above report have been carried out in full in that phase of development in order to ensure that the phase of development to which it relates is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason for prior to commencement condition

Risks to the development from coal mining legacy features must be remediated before the development commences in order to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of construction works.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

18

The outstanding remediation and mitigation schemes for each phase of development shall be carried out in complete accordance with the details set out in Appendix K1: Detailed Remediation & Verification Strategy: Report ref GHQ-CDL-ZZ-ZZZZ-SP-GE-60302rev P01 dated 3 March 2023. Following completion of the measures identified in the approved Remediation & Verification strategies a Full Verification Report that demonstrates the effectiveness of all the remediation works carried out (both prior to and post March 2023) in that phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the phase of development to which it relates.

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 CS14 and MSGP20 of the Local Plan.

19

In the event that contamination is found at any time when carrying out the approved development that was not previously identified and/or anticipated in the approved Remediation & Verification Strategy, it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment shall be undertaken and where remediation is necessary a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the additional remediation being commenced. Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the approved

Remediation verification measures, prior to first occupation 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 CS14 and MSGP20 of the Local Plan.

20

Prior to the first use of any phase of development in Zone 1, as defined in the Coal Mining Risk Assessment in Section 8 of the Phase II Geotechnical and Geoenvironmental Assessment (February 2023, Cundall), a signed statement or declaration prepared by a suitably competent person confirming that the specific phase of development within Zone 1 has been made safe and stable shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures within the relevant phase of development in Zone 1 necessary to address the risks posed by past coal mining activity. Signed statements or declarations for subsequent phases of development shall be submitted to and approved in writing prior to first use of relevant phase.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

21

Prior to installation of any external walling and roofing materials to each phase of the development details of the make, colour and texture of all external walling and roofing materials to the related phase of development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

22

The external materials for each phase of development approved under condition 21 shall be implemented in full accordance with the approved details as part of the development.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

23

Prior to its construction, details of the materials and external finish of the shared wall between the conference centre and arena that would become an internal wall on completion of the development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

24

The external detailing of the shared wall between the conference centre and arena shall be implemented in complete accordance with the details approved under condition 23.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

25

A scheme for public art for each phase of development that reflects the approach, opportunities and scope advocated in the Gateshead Quays Artwork Opportunities Document (Planit-IE, 2023) shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the phase of development to which it relates.

Reason

To accommodate public art into the development and ensure the development is well related to the character of the surroundings, in accordance with Local Plan policies CS15, UC12, UC17, QB3 and MSGP24 and Part 12 of the NPPF.

26

The public art for each phase of development approved under condition 25 shall be implemented in complete accordance with the approved details prior to first use of the phase of development to which it relates and retained for the lifetime of the development.

Reason

To accommodate public art into the development and ensure the development is well related to the character of the surroundings, in accordance with Local Plan policies CS15, UC12, UC17, QB3 and MSGP24 and Part 12 of the NPPF.

27

Prior to the installation of any external plant, machinery or equipment in each phase of the development, full specification details shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of preventing noise outbreak and maintain a good level of amenity for local residents and users, in accordance with Local Plan policies CS14, MSGP17 and MSGP18 and Parts 12 and 15 of the NPPF.

28

The details approved under condition 27 shall be implemented prior the first use of the phase of development to which they relate and retained as such for the life of that phase of development.

Reason

In the interests of preventing noise outbreak and maintain a good level of amenity for local residents and users, in accordance with Local Plan policies CS14, MSGP17 and MSGP18 and Parts 12 and 15 of the NPPF.

29

Full details of the noise mitigation signage for each phase of the development as detailed in tables paragraph G6.7 of Chapter G (Noise and Vibration) of the Environmental Statement 2023 shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the phase of development to which it relates.

Reason

In the interests of minimising noise and disturbance and maintaining a good level of amenity for local residents and users, in accordance with Local Plan policies CS14, MSGP17 and MSGP18 and Parts 12 and 15 of the NPPF.

30

The signage details approved in condition 29 shall be implemented in full prior to the first use of development to which they relate and retained for the lifetime of the development.

Reason

In the interests of minimising noise and disturbance and maintaining a good level of amenity for local residents and users, in accordance with Local Plan policies CS14, MSGP17 and MSGP18 and Parts 12 and 15 of the NPPF.

31

No part of the development shall be brought into use until the final report of the results of the archaeological fieldwork based on the Scheme of Archaeological Works Interim Report 5485 (Durham University Archaeological Services, 15 February 2021) and provision for analysis, publication and dissemination of results has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan Policies CS15, UC14 and MSGP25.

32

The final archaeological report agreed under condition 31 shall be analysed and published in accordance with the approved details.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan Policies CS15, UC14 and MSGP25.

33

Prior to first use of the conference centre, precise details of all wind mitigation identified as required in the Pedestrian Level Wind Microclimate Assessment (RWDI, Ref: RWDI #1904310, dated: 9 February 2023) in the phase of development in which the conference centre is situated shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of users of the site in accordance with Local Plan policies CS13, CS14, MSGP15 and MSGP17 and Parts 9 and 12 of the NPPF.

34

The wind mitigation for the conference centre phase approved under condition 33 shall be implemented in full in accordance with the agreed details prior to first use of the conference centre.

Reason

To safeguard the amenities of users of the site in accordance with Local Plan policies CS13, CS14, MSGP15 and MSGP17 and Parts 9 and 12 of the NPPF.

35

Prior to first use of the arena, an updated Wind Microclimate Assessment relating to the phase of development in which the arena is situated shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of further mitigation measures proposed in, such as wind baffles, and further wind modelling having regard to points 65 and 66 of the Pedestrian Level Wind Microclimate Assessment (RWDI, Ref: RWDI #1904310, dated: 9 February 2023).

Reason

To safeguard the amenities of users of the site in accordance with Local Plan policies CS13, CS14, MSGP15 and MSGP17 and Parts 9 and 12 of the NPPF.

36

The wind mitigation approved under condition 35 shall be implemented in full in accordance with the agreed details prior to first use of the arena phase of the development.

Reason

To safeguard the amenities of users of the site in accordance with Local Plan policies CS13, CS14, MSGP15 and MSGP17 and Parts 9 and 12 of the NPPF.

37

A lighting design strategy (prepared in consultation with a Suitably Qualified Ecologist) for each phase of the development shall be submitted to and approved in writing by the local planning authority prior to first use of the specific phase of development to which it relates. The strategy shall:

- a. Identify those areas/features on or adjacent to each phase that are ecologically sensitive and potentially vulnerable to light disturbance; and
- b. Provide details of how and where external lighting will be installed in each phase (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that potential

adverse impacts on sensitive ecological receptors resulting from external lighting will be avoided/minimised.

c. Ensure external lighting does not result in any highway safety issues.

Reason

To maintain the value and function of the site and adjacent areas for biodiversity and ecological connectivity and in the interest of highway safety in accordance with Local Plan policies CS13, CS18, MSGP15, MSGP36 and MSGP37 and Parts 9 and 15 of the NPPF.

38

All external lighting shall be installed in accordance with the details approved under condition 37 for each phase of development prior to the phase to which it relates being brought into operation and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed in any phase of the development without prior consent from the Local Planning Authority.

Reason

To maintain the value and function of the site and adjacent areas for biodiversity and ecological connectivity and in the interest of highway safety in accordance with Local Plan policies CS13, CS18, MSGP15, MSGP36 and MSGP37 and Parts 9 and 15 of the NPPF.

39

Notwithstanding the approved plans, prior to the commencement of any landscaping works in each phase of development, a hard and soft landscaping scheme for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) areas of habitat creation, planting species, sizes, layout, densities, numbers, planting procedures or specification and the establishment and maintenance regime
- b) the specification, appearance and siting of all new hard surfacing materials within and outside of the public highway and including the linear park
- c) precise footway widths
- d) retaining walls/structures
- e) street furniture
- f) external handrails and cycle channels
- g) a phasing plan and timetable for implementation of the above hard landscaping works

Hard surfacing materials and street furniture shall be consistent across all phases of the development and correspond to the wider palate in the Gateshead Quays area.

Reason

In the interests of the appearance of the surrounding area and highway safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

40

The hard and soft landscaping works shall be implemented in accordance with the details, phasing plan and timetable approved under condition 39 for each phase of development.

Reason

In the interests of the appearance of the surrounding area and highway safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

41

Prior to the installation of the covered walkway between the Sage Gateshead and the conference centre, precise details of the location, dimensions, appearance and materials for the walkway and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area and fire safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

42

The covered walkway shall be implemented in complete accordance with the details and timetable approved by condition 41.

Reason

In the interests of the appearance of the surrounding area and fire safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

43

Notwithstanding the approved plans, prior to the commencement of any landscaping works on the site, details of a biodiversity net gain compensation scheme, including the mechanism(s) for delivery of on and off site measures, which delivers a minimum net gain of 7.5% measured against the onsite baseline of 15.78 habitat units, as demonstrated through application of the Defra metric 3.0, to be delivered on suitable land, and including timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

44

No part of the development hereby approved shall be brought into operation until a detailed Habitat Management and Monitoring Plan, to include an annual maintenance plan capable of being rolled forward every 5 years and arrangements/person(s) responsible for identifying, reporting and addressing any defects/issues adversely impacting the value and function of landscaping and/or habitats provided on site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

45

The approved biodiversity net gain compensation scheme, including both on and off site measures, shall be implemented in full accordance with the measures and timetables approved under conditions 39, 43 and 44, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

46

Notwithstanding the approved plans, prior to its installation, precise details of the specification and appearance of the staircase leading from South Shore Road to Performance Square, including demonstration of adequate sight visibility for users of HMS Calliope parking spaces on South Shore Road, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety, the appearance of the surrounding area and to prevent anti-social behaviour, in accordance with Policies MSGP15, MSGP24, QB2, CS13, CS14 and CS15 of the Local Plan for Gateshead and Parts 8, 9 and 12 of the NPPF.

47

The staircase leading from South Shore Road to Performance Square shall be implemented in complete accordance with the details agreed by condition 46.

Reason

In the interests of highway safety, the appearance of the surrounding area and to prevent anti-social behaviour, in accordance with Policies MSGP15, MSGP24, QB2, CS13, CS14 and CS15 of the Local Plan for Gateshead and Parts 8, 9 and 12 of the NPPF.

48

Prior to first use of each phase of the development a Drainage Maintenance Plan (DMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The DMP should include a site plan identifying ownership and responsibility for all drainage components and SuDs features within the phase of development to which it relates together with a maintenance schedule and inspection checklist. The DMP should identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason: To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

49

Development of each phase shall be carried out in complete accordance with the Drainage Maintenance Plan (DMP) approved under condition 48.

Reason: To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with Local Plan policies QB2, CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

50

Final details of a coach parking strategy that provides for the demand for coach parking serving the Gateshead Quays Framework Area as defined in Policy QB2 - Gateshead Quays Key Site (the Core Strategy and Urban Core Plan) including a review of existing Coach Parking at the Sage Gateshead shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any part of the development hereby approved.

Reason

To ensure adequate coach parking provision is provided whilst safeguarding highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

51

The strategy approved under condition 50 shall be implemented prior to first use of the development hereby approved and retained as such thereafter.

Reason

To ensure adequate coach parking provision is provided whilst safeguarding highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

52

Notwithstanding the details on the submitted plans, final details of secure parking for at least 42 bicycles for use by visitors within external areas, and secure and weatherproof parking for at least 40 long stay staff bicycles together with locker and shower facilities, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby approved.

Reason

In order to ensure adequate provision for cyclists and in compliance with Local Plan policies CS13 and MSGP15, Part 9 of the NPPF and the Gateshead Council Cycling Strategy.

53

Cycle parking approved under condition 52 shall be implemented prior to first use of each phase of development to which it relates and retained as such thereafter.

Reason

In order to ensure adequate provision for cyclists and in compliance with Local Plan policies CS13 and MSGP15, Part 9 of the NPPF and the Gateshead Council Cycling Strategy.

54

Prior to any service yard being brought into use a comprehensive servicing management plan for that service yard and the use to which it relates which clearly details how the service yards and service areas will operate and be managed shall be submitted to and approved in writing by the Local Planning Authority.

The submitted management plans shall also consider the operation of security/hostile vehicle mitigation (HVM) measures, and a HGV Movement Management Strategy between the development and suitable muster points/off-street parking areas, to ensure there is no material impact on the wider transport network together with a strategy outlining what measures can be put in place if problems do arise.

Reason

To ensure servicing is managed effectively, in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

55

The details approved under condition 54 shall be implemented prior the first use of the phase of the development to which they relate and retained as such for the life of that phase of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure servicing is managed effectively, in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

56

Unless otherwise agreed in writing with the Local Planning Authority, prior to first use of the arena and conference service yards, plans for the marking out of bays within each of the service yards, based on the largest vehicles that would use them, to aid operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure servicing is managed effectively, in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

57

The details approved under condition 56 shall be implemented prior the first use of the phase of the development to which they relate and retained as such for the life of that phase of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure servicing is managed effectively, in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

58

Prior to first use of any phase of the development a comprehensive Event Plan relating to that specific phase of development shall be submitted to and approved in writing by the Local Planning Authority.

The Event Plan shall include but not be limited to the following:

- a) An up-to-date assessment of on-street and off-street car parking in the surrounding area;
- b) road closures and diversion routes for general traffic and public transport;

- c) management of pick up and drop off by cars, coaches, taxis and private hire vehicles;
- d) management of traffic and pedestrians;
- e) temporary signs;
- f) enforcement; and
- g) Necessary legal mechanism.

Reason

To ensure the operation of the development is well managed and does not result in any adverse impacts upon highway safety, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

59

Unless otherwise agreed in writing with the Local Planning Authority or in emergencies, each phase of the development shall operate in complete accordance with the event plan approved under condition 58 for that phase for the lifetime of the development.

Reason

To ensure the operation of the development is well managed and does not result in any adverse impacts upon highway safety, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

60

Notwithstanding the approved plans, prior to the first use of any part of the development final details of the highway works proposed and the boundary between public highway and private realm on Hawks Road, Mill Road, South Shore Road and Abbots Road, including access points, enhancements to the public realm, changes to pedestrian and cycle provision, alterations/relocation of existing bus stops and the associated works subject to a 4 stage independent Road Safety Audit, a highway works phasing plan and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area and highway safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

61

The highway works shall be implemented in accordance with the details, phasing plan and timetable approved under condition 60.

Reason

In the interests of the appearance of the surrounding area and highway safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

62

Notwithstanding the approved plans, prior to the first use of any part of the development, the final location and details together with a strategy for the installation, operation, a phasing plan and timetable for implementation, on-going maintenance, and future replacement or reinstatement costs of the proposed Hostile Vehicle Mitigation (HVM) and other security measures including walk through security scanners proposed for Hawks Road, Mill Road, South Shore Road, Abbots Road, and Eastgate including at the access and egress to the Arena and Co-Ex Service Yards and security gates/screens to the southern side of Maidens Walk, shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. The strategy shall include the making of any necessary changes to existing traffic regulation orders (TROs) and/or requirements for permanent or Temporary TROs or other necessary legal orders.

Reason

In the interest of security and highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF

63

The Hostile Vehicle Mitigation (HVM) and other security measures shall be implemented in accordance with the details, phasing plan and timetable approved under condition 62.

Reason

In the interests of the appearance of the surrounding area and highway safety, in accordance with Policies MSGP15, MSGP24, CS13 and CS15 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

64

Notwithstanding the approved plans, prior to first use of any part of the development final details of the lift between South Shore Road and Linear Park together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure accessibility throughout the site for all users, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

65

The lift between South Shore Road and Linear Park shall be implemented in complete accordance with the details and timetable approved under condition 64. Unless otherwise agreed in writing with the Local Planning Authority the internal lifts at the northern entrance of the Co-Ex on South Shore Road and between South Shore Road and the Linear Park shall be accessible 24 hours a day, every day and shall

be retained as such for the life of the development (other than for essential maintenance reasons) unless alternative suitable provision has been provided.

Reason

To ensure accessibility throughout the site for all users, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

66

Unless otherwise agreed in writing with the Local Planning Authority from the date of first use of the conference centre or arena onwards, whichever is brought into use first, the route through the linear park shall be accessible 24 hours a day, every day as a permissive route and shall be retained as such for the life of the development (other than for essential maintenance reasons) unless alternative suitable provision has been provided.

Reason

To ensure accessibility throughout the site for all users, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

67

A strategy to manage access via Maidens Walk from a highway to a permissive route to and from Hawks Road, Performance Square and Abbots Road in line with security proposals associated with large events shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any part of the development hereby approved.

Reason

In the interest of highway safety and to ensure accessibility throughout the site for all users, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

68

The details approved under condition 67 shall be implemented prior the first use of any part of the development and retained as such for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of highway safety and to ensure accessibility throughout the site for all users, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

69

Unless otherwise agreed in writing with the Local Planning Authority, full details of the following pedestrian improvement measures together with a phasing plan and timetable for their delivery to support the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any part of the development:

- 1) Measures to prevent general traffic using areas adjacent to the HVM measures on South Shore Road and Hawks Road immediately following the end of major events.
- 2) Mill Road / Quarryfield Road / Hawks Road junction signal timings and layout changes.
- 3) Toucan crossing on Hawks Road.
- 4) Increased footway widths on the north side of Hawks Road adjacent to the development.
- 5) Measures to manage Hawks Road and Quarryfield Road from the development to the entrances of the multi storey car park approved in planning permission DC/20/00698/FUL and Quarryfield Road car park respectively to ensure a safe environment for pedestrians post event travelling towards these car parks.
- 6) Traffic signal timing improvements for A167 crossing from East Street towards High Street to meet pedestrian flow requirements.
- 7) Introduction of signage/other measures to deter pedestrians crossing to the former Auto Trader site from Eastgate.
- 8) Review of signal timings and crossing layout at East Street to ensure timing and infrastructure are suitable for peak pedestrian demand.
- 9) Review of the existing two stage pedestrian crossing at the south end of the Tyne Bridge and implementation of improvements to ensure peak pedestrian demand can be accommodated.
- 10) A way-marking strategy directing pedestrians between the development site and Gateshead interchange/town centre, as well as though the site and to and from car parks.

Reason

To ensure adequate pedestrian infrastructure provision is provided to safeguard highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

70

The pedestrian improvement measures shall be implemented in complete accordance with the details, phasing plan and timetable approved under condition 69.

Reason

To ensure adequate pedestrian infrastructure provision is provided to safeguard highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

71

Unless otherwise agreed in writing with the local planning authority prior to first use of any specific phase of the development, final details of a public transport strategy for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include:

- a) Operation of a public transport shuttle service between Gateshead Interchange and St Mary's Square including details of when this would operate
- b) Proposals for the diversion of existing services during events
- c) Communication proposals that will encourage use of public transport
- d) Final details of the real-time information at the foyer and at local bus stops proposed in paragraphs 9.13 and 9.15 of the Travel Plan (Vectos, Ref: VN222405, March 2023)
- e) Review of bus shelter provision and capacity on Hawks Road, Mill Road, South Shore Road, St Mary's Square and Wellington Street and any necessary bus shelter infrastructure improvements
- f) A plan and timetable for implementation for all public transport improvements

Reason

To ensure adequate public transport provision to serve the development in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

72

Unless otherwise agreed in writing with the local planning authority the public transport strategy, including provision for a public transport shuttle between Gateshead Interchange and St Mary's Square during major events, shall be implemented in accordance with the details, phasing plan and timetables approved by condition 71.

Reason

To ensure adequate public transport provision to serve the development in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

73

Final details of taxi infrastructure provision for both Hackney carriages and private hire vehicles and an associated management strategy to serve each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the phase of development to which they relate.

Reason

To ensure adequate taxi infrastructure provision is provided whilst safeguarding highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

74

The taxi infrastructure provision and management strategy shall be implemented in accordance with the details approved by condition 73 prior to the first use of development to which they relate.

Reason

To ensure adequate taxi infrastructure provision is provided whilst safeguarding highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

75

A traffic signal plan to best manage traffic movements at the beginning and end of events in consultation with appropriate stakeholders shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any part of the development. This shall include:

- a) the following junctions:
 - i) Hawks Road/Quays Boulevard
 - ii) Hawks Road/Mill Road/Quarryfield Road
 - iii) Eastgate/East Street/Oakwellgate
 - iv) Oakwellgate/Quaysgate
 - v) East Street/A167
 - vi) Albany Road/Quays Boulevard/Quarryfield Road
 - vii) Albany Road/Park Lane/Park Road
- b) Final details of changes to the layout of Albany Road/Park Lane/Park Road junction to enable two lanes westbound onto Park Lane, and
- c) Final details of measures at Hawks Road/Quays Boulevard to control the flow of traffic travelling westbound onto Hawks Road at the end of events
- d) A phasing plan and timetable for delivery

Reason

To best manage demand and minimise delays on the local network in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

76

The details approved under condition 75 shall be implemented in accordance with the approved timetable and retained as such for the lifetime of the development unless otherwise approved in writing by the local planning authority.

Reason

To best manage demand and minimise delays on the local network in the interest of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

77

Notwithstanding the submitted details, prior to occupation of the arena, conference centre and retail units an individual and specific Occupier Travel Plan relating to that specific part of the development shall be submitted to and approved in writing by the Local Planning Authority.

Each Occupier Travel Plan shall include but not be limited to the following:

- 1) 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 sustainable travel.
- 2) Appointment of a named travel plan co-ordinator for a minimum of five years post full occupation of the development.
- 3) Clearly defined objectives, challenging targets and associated initiatives to help meet those targets, indicators and methods of measurement of success;
- 4) Measures to incentivise staff and visitors to travel to and from the site by sustainable means;
- 5) Details of any complementary or discounted travel tickets for staff and visitors;
- 6) Reduction in car usage and increased use of sustainable means;
- 7) An increase in environmentally friendly delivery and freight movements;
- 8) Details of measures identifying how the occupiers will manage demands relating to:
 - i) taxis and private hire vehicles
 - ii) drop off and pick up
 - iii) coach parking
 - iv) public transport
 - v) cycle parking
- 9) Identification of all the measures and timetable for implementation;
- 10) Proposals for maintaining momentum and publicising success;
- 11) A programme of continuous review of the approved details of the Occupier Travel Plan and the implementation of any approved changes to the plan.
- 12) Commitment to the use of the Council's preferred monitoring database
- 13) Identification of associated budget to carry out the above.

Reason

To promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

78

Within 18 months of the date of occupation of the part of the development to which the travel plan relates, evidence of the implementation of the Occupier Travel Plan approved under condition 77 over a minimum period of 12 months, and any necessary revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

79

Each individual and specific Occupier Travel Plan approved under condition 77 shall be implemented on commencement of that specific part of the development hereby approved. Each individual and specific Occupier Travel Plan and any revisions approved under conditions 77 and 78 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

80

A review of the existing waiting and loading restrictions within the area shown on plan reference VN70892-D134 (Waiting Restrictions Review) bounded by the A167 in the west, Hillgate and South Shore Road in the north and east, and Quarryfield Road and Albany Road in the south and east, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any part of the development. The review shall identify if any changes need to be made to the waiting and loading restrictions in respect of taxis, drop off and pick up, coaches and delivery vehicles associated with the operation of the development and if required a timetable for delivering those changes.

Reason

In the interest of highway safety, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

81

The details approved under condition 80 shall be implemented in accordance with the approved timetable and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

82

The arena and conference centre, whichever opens first, shall not be brought in to use until the multi storey car park approved in planning permission DC/20/00698/FUL is operational.

Reason

To ensure adequate car parking provision is available for users of the proposed development and in the interests of highway safety in accordance with Local Plan policies CS13, QB3 and MSGP15 and Part 9 of the NPPF.

83

Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of each phase of the development, an Employment and Training Plan which is in accordance with the principles set out in the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016 , which sets out the potential creation of employment and training opportunities, especially apprenticeships for local people, for the operation of the phase of development to which it relates shall be submitted to and approved in writing by the Local Planning Authority. A further Employment and Training Plan relating to subsequent phases of development shall subsequently be submitted to and approved in writing by the Local Planning Authority prior to the first use of the corresponding phase of the development.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

84

The operational Employment and Training Plans shall be implemented for each operational phase in accordance with the details submitted and approved under condition 83.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

85

Prior to the installation of any photovoltaic panels, precise details of specification and location of those photovoltaic panels shall be submitted to and approved in writing by the local planning authority.

Reason

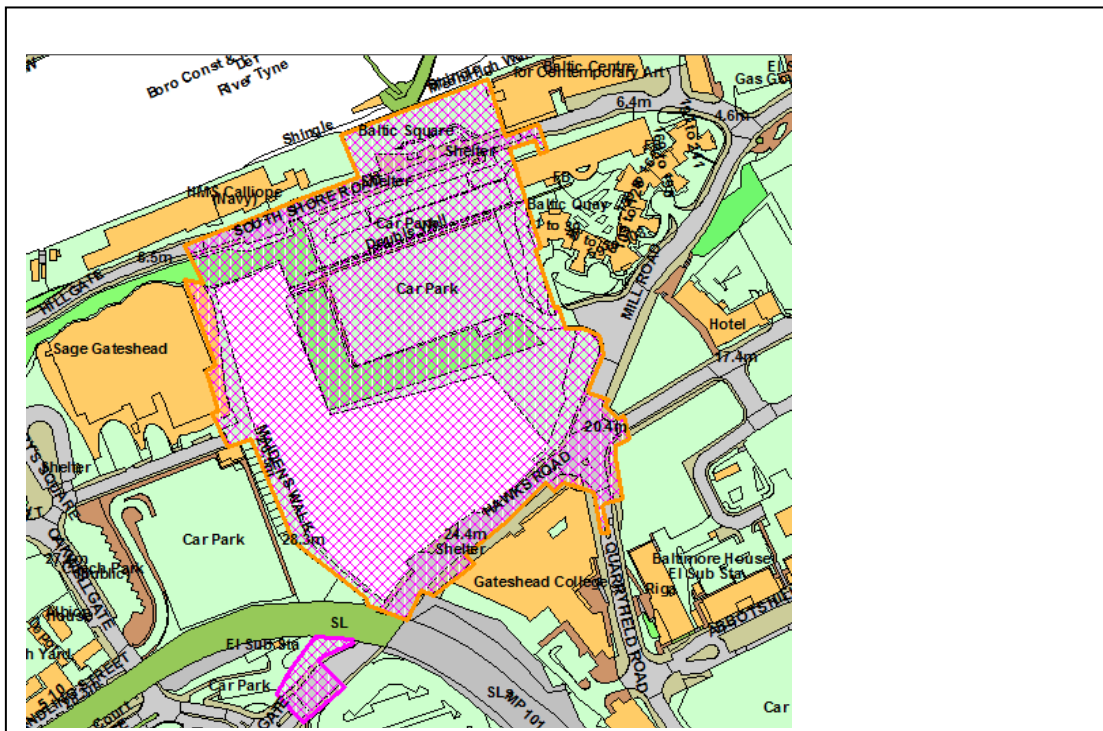
To ensure the development benefits from renewable sources of energy and in the interests of the character and appearance of the surrounding area, in accordance with policies CS15, CS16, MSGP24 and MSGP28 of the Local Plan for Gateshead and Parts 12 and 14 of the NPPF.

86

Photovoltaic panels shall be installed in complete accordance with the details approved under condition 85.

Reason

To ensure the development benefits from renewable sources of energy and in the interests of the character and appearance of the surrounding area, in accordance with policies CS15, CS16, MSGP24 and MSGP28 of the Local Plan for Gateshead and Parts 12 and 14 of the NPPF.



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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director – Climate Change, Compliance, Planning and Transport

Purpose of the Report

- To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

- The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

- It is recommended that the Committee note the report.

Within the date range commencing 04.05.23 and ending 30.05.23 the enforcement team has received 162 new service requests. The enforcement team currently has 649 cases under investigation.

TYPE OF SERVICE REQUEST	NEW SERVICE REQUESTS RECEIVED	CASES ALLOCATED TO OFFICER	CASES RESOLVED	UNDER INVESTIGATION	PENDING PROSECUTIONS
Planning	50	16	42	286	0
Empty/vacant properties & sites	5	5	0	70	0
Highways	35	19	24	169	0
Abandoned vehicles	36	36	37	11	0
Waste investigations	36	25	45	113	1

TOTALS	162	101	148	649	1
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COURT HEARINGS
No court hearings have occurred in this period.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

12 July 2023

TITLE OF REPORT: Enforcement Action

**REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport**

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However, this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
Page 95	1. Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June 2019, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>	<p>04.05.2023 – Site meeting took place with with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales. Ongoing monitoring in place to ensure the works continue and conditions are met.</p>
	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p> <p>February 2023 - Development management have engaged a minerals and landfill specialist consultant to consider the current planning status of this development and determine an appropriate course of action should further enforcement activity be required.</p>	<p>04.05.2023 – Site meeting took place with owner, Environment Agency, Planning, Enforcement and consultant on 03.05.23.</p> <p>Agreed on action that is required by owner to ensure compliance and required timescales. Ongoing monitoring in place to ensure the works continue and conditions are met.</p> <p>.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
3.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Update 08.02.2023 - Building work has commenced at the rear of the property. Old kitchen has been demolished in preparation for the new development. Gable wall is being repointed.</p>	31.05.2023 – Ongoing monitoring to ensure works continue. Good progress being made with refurbishment of the property.
4.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses</p>	31.05.2023 – Ongoing monitoring to ensure compliance. Site visit arranged with Owner and agent for 01.06.23

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
								taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.	
5.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.</p> <p>Section 330 Notices have been served to determine interests in land by all parties known to be involved with the site. This information will be used as the basis for further enforcement action.</p> <p>Notices have not been responded to and are being pursued.</p> <p>Site visit took place in March with landowner's agent in attendance. No works have been undertaken by the site leaseholder to comply with the notice and further unauthorised uses on site were identified. The landowner has confirmed that use rights were not to extend beyond 31st March 2023. Agreed with the landowner that the unauthorised uses taking place on the land and in the buildings must cease and the site must be fully cleared not later than 31st May 2023. Ongoing monitoring to ensure compliance.</p>	31.05.2023 – Ongoing monitoring to ensure compliance. Site visit arranged with Owner and agent for 01.06.23
6.	Kwik Save, High Street, Felling	Felling	Building and land in ruinous and dilapidated condition	27 th April 2022	27 th April 2022	18 th May 2022	5 th September 2022	<p>Complaints have been received regarding the condition of the property and the adjoining land. The site has been subject to a number of arson attacks, fly tipping and other anti-social behaviour. A Notice has been issued pursuant to section 79 (1) of the Building Act 1984 requiring the recipient to either carry out such works of restoration or carry out demolition and remove the resultant rubbish or other materials from the site as specified in the notice. This has been the subject of an appeal. Work is ongoing with Northumbria Police and Tyne and Wear Fire & Rescue service to expedite a resolution.</p>	<p>31.05.2023 – Work is continuing to progress demolition costs and methodology by construction services.</p> <p>On 12.05.2023 Representatives of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service met on site to examine the condition of the building and consider further opportunities to restrict access and minimise the</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
								<p>Construction services have also been requested to provide a method statement and costings for demolition, should the local authority be required to undertake works in default. –</p> <p>Works progressing to determine costs of demolition and consideration being given to issuing community protection warning in conjunction with TWFRS and Northumbria Police</p> <p>Construction services instructed to progress to tendering stage for demolition</p>	impact of ongoing ASB. Work is ongoing to provide a legal remedy.
7.	Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN	Ryton, Crookhill and Stella	Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps	22 nd May 2023	24 th May 2023	28 th June 2023	<p>28th October 2023 - removal of all structures</p> <p>28th November 2023 - removal of all resultant debris</p>	<p>Complaints were received regarding the erection of an unauthorised building for use as a café.</p> <p>A retrospective planning application was submitted. It was refused on 28.2.22.</p> <p>An appeal was submitted to the Planning Inspectorate in relation to the planning refusal. The appeal was dismissed.</p> <p>An amended scheme/application was submitted to the Council on 14.10.22 and refused by Committee on 17.5.23.</p> <p>As two applications have been refused and giving weight to the appeal dismissed by the Planning Inspectorate it was considered expedient to take enforcement action and an Enforcement Notice has been served.</p> <p>The notice requires the removal of the unauthorised structures (café building, raised deck, smoking shelter, canopy and steps).</p>	If an appeal is to be made it will need to be lodged with the Planning Inspectorate prior to the enforcement notice coming in to effect on 28 June 2023.
8.	31 Cromer Avenue Gateshead NE9 6UL	Chowdene	Untidy Land	31 st May 2023	31 st May 2023	31 st May 2023	<p>28th June 2023 – cut back all weeds, brambles, bushes, shrubs and long grass.</p> <p>12th July 2023 –</p>	<p>Complaints have been received regarding the condition of the rear garden of the property. The property has been vacant for several years. The owner has failed to take reasonable steps to maintain the vegetation within the premises in such a manner to prevent detriment to the amenity of the area and the quality of life of others in the locality. Notices have been issued pursuant to section 43 of the Anti Social Behaviour, Crime and Policing Act</p>	The recipient of the notice has a right of Appeal to the Magistrates Court within 21 days from the date the notice takes effect.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Case History	Current Update
							Remove all resultant rubbish and debris	2014 on the landowner requiring certain steps to be taken to prevent nuisance or detriment to the amenity of others.	

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

12th July 2023

TITLE OF REPORT: Planning Enforcement Appeals

REPORT OF: Anneliese Hutchinson, Service Director - Climate Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

New Appeals

2. There has been **one** appeal received since an update was provided to committee.

APPELLANT	REASON FOR NOTICE	HOW APPEAL IS TO BE CONSIDERED
Jack and Jo's Nursery Garden, Middle Hedgefield Farm, Blaydon on Tyne, NE21 4NN	Without planning permission, the erection of a timber building to provide café with associated raised deck, canopy and smoking shelter and the installation of access railings and steps	Awaiting confirmation from Planning Inspectorate

Appeal Decisions

3. There have been **no** appeal decisions received since the last Committee.
4. Details of outstanding appeals can be found in **Appendix 2**

Recommendations

5. It is recommended that the Committee note the report.

CONTACT: Elaine Rudman extension 3911

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

WARD IMPLICATIONS –

Low Fell

BACKGROUND INFORMATION

Appeal Decision

Outstanding Enforcement Appeal Cases

There are no outstanding enforcement appeal cases

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TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Climate Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **two** new appeals lodged since the last committee:

DC/22/01392/CDPA – The Glasses Factory, 32 Wesley Court, Blaydon, NE21 5BT
DETERMINATION OF PRIOR APPROVAL: Conversion of first floor commercial unit to create 4 flats - mix of 1 and 2 bed.

This was a delegated decision refused on 14 April 2023

DC/23/00148/ODPA - Shoefayre Ltd, 4 Wesley Court, Blaydon, NE21 5BT
DETERMINATION OF PRIOR APPROVAL: Conversion of vacant first floor Class E premises to C3 residential (2no. 1 bedroom flats).

This was a delegated decision refused on 14 April 2023

Appeal Decisions

3. There have been **three** new appeal decisions received since the last Committee:

DC/21/00595/TPO - 42 Woodlands Park Drive, Axwell Park, Blaydon, NE21 5PQ
Tree works at 42 Woodlands Park Drive (amended 11/06/21).

This was a delegated decision granted on 19 May 2023

Appeal allowed 15 June 2023

DC/21/00977/FUL - Pear Trees, Orchard Road, Rowlands Gill, NE39 1DN
Demolition of existing bungalow and garage and construction of two new dwelling with vehicular and pedestrian access (Resubmission)

This was a delegated decision refused on 27 October 2021

Appeal dismissed 2 June 2023

DC/21/01368/FUL - Land To The West Of Sainsburys Supermarket, Eleventh Avenue, Team Valley, Gateshead

Construction of a building for flexible employment-based development for B8 (Storage and Distribution) or as a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022,

30 September 2022 and 14 October 2022 and amended description 19 August 2022).

This was a committee decision refused on 27 October 2022

Appeal dismissed 23 June 2023

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/21/00595/TPO	42 Woodlands Park Drive Written Axwell Park Blaydon NE21 5PQ	Tree works at 42 Woodlands Park Drive (amended 11/06/21)	Written	Appeal allowed
DC/21/00977/FUL	Pear Trees Orchard Road Rowlands Gill NE39 1DN	Demolition of existing bungalow and garage and construction of two new dwelling with vehicular and pedestrian access (Resubmission)	Written	Appeal allowed
DC/21/01368/FUL	Land To The West Of Sainsburys Supermarket Eleventh Avenue Team Valley Gateshead	Construction of a building for flexible employment-based development for B8 (Storage and Distribution) or as a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022, 30 September 2022 and 14 October 2022 and amended description 19 August 2022).	Written	Appeal dismissed
DC/22/00635/CPE	Allotment Gardens West Of Pelaw Youth Centre Shields Road	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT: Use of	Written	Appeal in Progress

	Felling Gateshead NE10 0YH	land as private general amenity space (Sui Generis). (Additional information received on 15/07/2022 and 10/08/2022)		
DC/22/00900/FUL	The Cottage 18 Talbot Terrace Birtley Central Birtley Gateshead DH3 2PQ	Erection of canopy over front entrance and glass balustrade around front boundary to create seating/waiting area, including alterations to stepped frontage (part retrospective).	Written	Appeal in Progress
DC/22/01392/CDPA	The Glasses Factory, 32 Wesley Court, Blaydon, NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of first floor commercial unit to create 4 flats - mix of 1 and 2 bed.	Written	Appeal in Progress
DC/23/00148/ODPA	Shoefayre Ltd 4 Wesley Court Blaydon NE21 5BT	DETERMINATION OF PRIOR APPROVAL: Conversion of vacant first floor Class E premises to C3 residential (2no. 1 bedroom flats).	Written	Appeal in Progress
DC/23/00211/ADV	Land Adjacent Blaydon Railway Staff Social Club, Tyne Street, Blaydon, NE21 4JB	Display of 1No freestanding 48-sheet LED advertisement display	Written	Appeal in Progress



Appeal Decision

Site visit made on 8 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/H4505/W/23/3315217

Land to the west of Sainsburys Supermarket, Eleventh Avenue, Team Valley, Gateshead NE11 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Location 3 Properties Limited against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/01368/FUL, dated 19 November 2021, was refused by notice dated 27 October 2022.
 - The development proposed is the construction of a building for flexible employment-based development for B8 (Storage and Distribution) or as a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed during the course of the planning application to reflect changes to the uses that are proposed. I have therefore used the description as it appears on the decision notice and appeal form in the banner header above.
3. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the efficient operation of the highway network and upon highway safety.

Reasons

Character and appearance

5. The appeal site is a vacant and overgrown parcel of land located between Kingsway South and a supermarket. Kingsway South is a dual carriageway which leads from a roundabout on the A1 and passes through the established industrial and commercial Team Valley Trading Estate. The surrounding area is characterised for the most part by functional buildings and a corresponding functional road layout, however the presence of mature trees and other planting is a positive visual contributor to the area, and it considerably softens the harshness of the general surroundings. The Council advises that the appeal

- site is on the edge of, but not within, a locally listed park and garden, although no specific details of this designation have been provided.
6. A great number of mature trees run along the boundaries of the appeal site which are shared with both Kingsway South and Chowdene Bank. The presence of mature trees is also characteristic of the estate in areas close to the appeal site. As one of the first visual receptors when entering the estate from the A1 roundabout, they make a valuable contribution to the character and appearance of the area. Indeed, the Arboricultural Impact Assessment provided with the application submission classifies the majority of these as category B trees, with some category A trees also present. The proposal would necessitate the removal of most of those trees and would open up views into the appeal site, and of the building that is proposed to be built upon it.
 7. The rear elevation of the proposed building would face towards Kingsway South, placing a large mass of mostly unbroken wall very close to the western site boundary. Due to its bulk and positioning, the proposed building would be a visually dominant feature within the street scene. The impact that would arise on the character and appearance of the area from the proposed development would be harmful in two respects; firstly, due to the loss of the trees which make such a positive visual contribution to the area and, secondly, due to the design and massing of a new building that would be in such close proximity to Kingsway South.
 8. Trees on the appeal site have been subject to a tree preservation order (TPO), although it would appear that this order has now lapsed. The Council suggests that a new order is to be made, but no confirmation of the progress of this has been provided. Following the making of the original order, the appellant enlisted a separate tree specialist to provide comments as to why, in their opinion, the serving of the TPO was not well founded. The findings of the second survey contradict the first in terms of the life expectancy of the trees. But, irrespective of this, the likely life expectancies of the vast majority of the trees as stated in the second survey are not so short to justify their removal to facilitate the proposed development.
 9. I acknowledge that some existing buildings close to the appeal site are large in size and built close to the road with limited screening, and that the surrounding area is industrial and commercial in its character. The A1 also passes close by at an elevated level. But nonetheless there are other parts of the estate close to the appeal site where mature trees help to define its character and contribute positively to its appearance and the impact that it has on the surrounding area. This includes on the opposite corner of Eleventh Avenue, on sites further down Kingsway South and via street trees. In this context, the presence of that existing development which contributes less positively to the area does not justify the harm that would be caused by the appeal proposal.
 10. For these reasons, I conclude that the harm caused by the proposed development to the character and appearance of the area would be significant. Consequently, the proposal would fail to accord with Policies MSGP24 and MSGP36 of the Site Allocations and Development Management Policies 2021 (SADMP) and Policy CS15 of the Core Strategy and Urban Core Plan 2015 (CSUCP), where they seek to protect character and appearance. There would also be a conflict with the aims of the National Planning Policy Framework (the Framework) where it seeks to achieve well-designed places.

Highway matters

11. Reason for refusal 2 states that the proposal would not mitigate the additional vehicle movements it would generate in an existing heavily trafficked area or maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links.
12. It is not clear from the Council's submissions as to whether they consider that there would be harm to the safe and efficient operation of the highway from the level of traffic generated by the proposed development *per se*, and if so on what basis this conclusion is reached. It would certainly appear that the surrounding roads are heavily trafficked, as would be expected given the size of the industrial and commercial estate, the nature of the uses that take place there and the close proximity to a major motorway. However, the surrounding road network appears to be designed and set out to serve the industrial and commercial uses in the area, and to provide access to and from the motorway network.
13. The Transport Statement submitted by the appellant finds that the highway would have capacity to absorb the traffic generated by the appeal proposal. National Highways do not raise an objection in terms of any implications that may arise on the motorway network and the roundabout at the end of Kingsway South which adjoins the A1. There is therefore nothing substantive before me to demonstrate that the traffic generated by the proposed development would have an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe, which are the tests set out both in paragraph 111 of the Framework and within a criterion of Policy MSGP15 of the LP.
14. The alternative interpretation of the position put forward by the Council is that they deem the parking provision proposed to be inadequate. Whereas the appellant considers that 28 spaces would be sufficient to meet the needs of any operator, be it a B8 use or a builders' merchant, the Council refers to its parking standards set out in Appendix 4 of the SADMP, which they consider would require 70 spaces for the builders' merchant use.
15. The Council's parking standards for builders' merchants are aligned with a retail use. In reaching their figure of 70 spaces, all of the internal area of the ground floor of the building has been taken into account. However, whilst the proposed builders' merchant would be accessible to the general public, as the appellant sets out this would be predominantly to provide a showroom for people to view products that they might wish to purchase for works that the trade is undertaking for them. Their interest would be likely to be confined to those products in the showroom such as kitchens and bathrooms, and not to viewing bulk materials stored either inside or outside the building.
16. It is therefore reasonable to make an assessment of the parking needs on the basis of the showroom and office area only. This it is said would generate a parking requirement of 25 parking spaces, which would be provided. This would therefore mean that the proposal would provide an adequate number of parking spaces and would not cause harm to highway safety with respect to parking matters.
17. The Council sought the widening of a section of cycle path running along Chowdene Bank in mitigation against what they considered to be an under

provision of car parking. However, as I have found the proposed parking provision to be acceptable and, because the proposed development would not in itself lead to a significant increase in the number of people using the cycle path, the widening of it would not be necessary to make the development acceptable in planning terms nor would it be fairly or reasonably related in scale and kind to the development. Consequently, it would not meet the statutory tests set out in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010, which are also contained within paragraph 57 of the Framework.

18. Policy CS13 of the CSUCP does seek to promote sustainable transport choices, but the Council's main justification for enhancing the cycle network, relating to car parking provision, has fallen away in light of my findings above. However, noting that it is highly unlikely that members of the general public or trade customers would visit a builders' merchants on a cycle, the appellant intends to provide employee facilities for those people that did choose to travel to work on a bike. This would help meet the aims of Policy CS13 where it refers to sustainable travel.
19. The matter of concern that forms reason for refusal 3 relates to turning provision for flat bed heavy goods vehicles (HGVs). However, providing that access is available to the service yard at all times when the business is open, which the appellant confirms could be the case, then there would be the ability for HGVs to turn around within the appeal site. This could be controlled by way of a planning condition requiring the gates to the service yard to remain open during business hours, and through the submission and agreement of a service yard management plan. Accordingly, this would ensure that there would not be an adverse impact on the surrounding highway network in terms of the movements of HGVs.
20. For the reasons given above, I conclude that the proposed development would not cause harm to the efficient operation of the highway network or upon highway safety. Therefore, the proposal would accord with Policy MSGP15 of the SADMP and Policy CS13 of the CSUCP where they seek to ensure that new development does not cause harm to highway safety and that it promotes the enhancement and delivery of an integrated transport network. There would also be no conflict with the aims of the Framework in those regards.

Other Matters

21. The proposal would make use of vacant land in an employment area and would not cause conflict with surrounding uses. It would also promote economic development, create jobs and provide biodiversity net gain. Whilst these would be benefits of the proposal which weigh in its favour, there is no substantive evidence before me to demonstrate that the same benefits could not be achieved in a way that would not cause the significant harm to character and appearance that I have found.
22. In particular, the appeal site is large in size and there would appear to be reasonable scope to avoid the impact that would be caused by the loss of the trees. Matters relating to the site being unkempt would also be addressed in such a scenario. Therefore, in these circumstances, the benefits of the proposal as set out carry only limited weight in favour of the proposal.

Planning Balance and Conclusion

23. Whilst I have found that the proposed development would not cause harm to the efficient operation of the highway network or upon highway safety, it would cause significant harm to the character and appearance of the area and would fail to accord with Policies MSGP24 and MSGP36 of the SADMP and Policy CS15 of the CSUCP. This harm would not be outweighed by the benefits of the proposal, which for the reasons I have given carry limited weight. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR

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Appeal Decision

Site visit made on 5 May 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/TPO/H4505/8735

42 Woodlands Park Drive, Axwell Park, Blaydon NE21 5PQ

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for consent to undertake work to trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mrs Helen Whitfield against Gateshead Council.
 - The application Ref: DC/21/00595/TPO, is dated 3 May 2021.
 - The work proposed is described as: T1 Oak - Reduce lateral branches up to 2m to bring outlying branches into the current canopies shape. Remove epicormic growth. 5-10% thin; T2 Sycamore - 5 - 10% thin; T3 Sycamore - Prune lateral branches up to 1m to bring outlying branches to the current canopies shape. 5 - 10% thin; T4 Oak - Reduce lateral branches up to 1.5m bringing outlying branches to current canopies shape. 5 - 10% thin; and T5 Sycamore - Reduce lateral branches up to 1.5m bringing outlying branches to current canopies shape. 5 - 10% thin.
 - The relevant TPO is the Blaydon Urban District Council 'The Parklands, Blaydon' TPO 1971, which was confirmed on 6 May 1971.
-

Decision

1. The appeal is allowed, and consent is granted to undertake work to trees protected by the Blaydon Urban District Council 'The Parklands, Blaydon' TPO 1971, in accordance with the terms of the application, Ref DC/21/00595/TPO, dated 3 May 2021, as amended, and subject to the following conditions:
 - 1) The work for which consent is hereby granted shall be implemented within two years of the date of this decision.
 - 2) All tree work shall be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations (or an equivalent British Standard if replaced).

Procedural Matters

2. Although the Appeal Form cited that the appeal was against conditions attached to a consent, there had in fact not been any consent, as sections D and I of the Form made clear. The appeal has consequently been made against the failure of the Council to determine the application. I have determined the appeal on that basis. Nevertheless, the Council subsequently issued a 'decision' notice granting consent. As the appeal had already been made by that time, jurisdiction for making a decision had been transferred away from the Council.
3. The proposal had been amended from that originally applied for before this appeal was made. The appellant's grounds of appeal indicate that they were unhappy with making those amendments and that they wish to pursue their

original proposal. I can appreciate that the appellant retains a desire for more extensive works, however it is clear that the application was amended with a revised description of proposed works and that this had been accepted by the Council by the time the appeal was made. Furthermore, it was on this basis that the Council made its recommendation to support the proposal. In the interests of fairness to all parties, I have determined the appeal on that basis also, and this is reflected in the description of work proposed in the banner heading above.

Main Issues

4. The main issues raised in this appeal are: the effect of the proposed works on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.

Reasons

5. The trees, which are all large and mature specimens, are located in the side and rear garden of 42 Woodlands Park Drive, a detached property situated on gently sloping land.
6. Together, the trees display an attractive shape and form. They are visible from a number of public vantage points, both nearby from Woodlands Park Drive, and farther afield including from along Shibdon Road due to their elevated situation. They form a distinct group in themselves but along with other mature trees in the vicinity form part of an attractive wooded hillside rising up to the west. Although the crown of T2, a sycamore, has a more limited spread than its neighbours either side, it nevertheless has amenity value by itself and particularly as part of the group by virtue of its height and appearance. All of the trees consequently make a positive and important contribution to the mature and verdant landscape of the area.
7. The canopies are largely well formed with few if any prominent outlying branches. The proposal to reduce outlying branches is caveated by bringing them into the canopy's shape. In such circumstances the proposal to reduce any other outlying branches would help to maintain their form whilst not drastically altering the trees' present extent or shape. At the time of my visit the crowns of those trees adjacent to the gables of Nos 40 and 42 did not appear overly close to either building. However, crown reduction of the extent proposed would ensure this relationship could be maintained allowing for regrowth. Crown thinning of the extent proposed would similarly be of a scale that would help to maintain an even density of foliage and would ensure that the outstanding amenity value of the trees would be maintained.
8. T1 shows signs that epicormic growth has been removed from the trunk beneath the crown in the past but at the time of my visit none was apparent. However, taking into account the potential for regrowth this aspect of the works would also be acceptable should it become necessary within the time frame of any consent.
9. There is therefore sufficient justification for all of the proposed works and the character and appearance of the area would be maintained as a result.
10. The appellant's case effectively relates to support for the more extensive work originally applied for, as does the support from interested parties. If the

appellant wishes to pursue those works, a fresh application should be made to the Council for its consideration.

11. Requiring the work to accord with the appropriate British Standard will help safeguard the health of the trees. It is necessary to specify that any consent is valid for two years from the date of consent in line with the Regulations¹. As it is clear from the banner heading that the proposal relates to the amended proposal which clearly specifies the extent of work to each tree, it is not necessary to attach a condition specifying the proposed works.
12. The appeal is therefore allowed, and consent for the works granted in the terms set out above.

Geoff Underwood

INSPECTOR

¹ Regulation 17(4).

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Appeal Decision

Site visit made on 10 January 2023

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/H4505/W/22/3297612

Pear Trees, Orchard Road, Rowlands Gill, Gateshead NE39 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jamie Wilson against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00977/FUL, dated 29 July 2021, was refused by notice dated 27 October 2021.
 - The development proposed is demolition of existing bungalow/detached garage, construction of 2 new dwellings including pedestrian/vehicular access.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow/detached garage, construction of 2 new dwellings including pedestrian/vehicular access, at Pear Trees, Orchard Road, Rowlands Gill, Gateshead NE39 1DN, in accordance with the terms of the application, Ref DC/21/00977/FUL, dated 29 July 2021, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. The appeal site is within the Rowlands Gill Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal site comprises a detached bungalow with a detached garage accessed from Orchard Road. It sits on raised ground above the adjacent highway, with its front boundary defined by a fence and hedgerow. Mature trees lie to the rear of the site behind the existing dwelling.
5. The Character Statement (the CS) defines the CA as an essentially Edwardian housing development. Its significance derives from the areas of distinct character within it, which include areas of large detached houses in substantial gardens, and areas of small detached and semi-detached houses built in a similar architectural style to one another. The area contains two denes,

- extensive tree cover and substantial changes in level, all of which help to shape the character of the CA.
6. The appeal site sits at a point within the CA where sub-areas of differing, distinct character meet. Denser development comprising mainly of smaller houses lie to the north and west, and larger dwellings set within more spacious plots with an abundance of mature trees and vegetation lie to the south and east.
 7. When compared to the predominant form of the higher density development to the north and west, the existing dwelling is lower in height and covers a larger footprint. The appeal plot is also larger, with more tree and hedge cover and a more extensive garden. In comparison to the lower density development to the east and south, the appeal plot is smaller with more limited tree and hedge cover, and the built form is more visible from the street.
 8. Accordingly, a key characteristic of the site is its role as a point of transition between these areas of distinct character within the CA. Whilst the appearance of the existing buildings has little influence on the significance of the CA, the site's principal contribution to the significance of the CA is its spaciousness and mature landscaping.
 9. Although the proposed dwellings would result in additional built form and would be taller than the existing buildings on site, the proposals would involve excavating into the slope which would lessen the overall increase in massing. Furthermore, a reasonable distance would be provided between the two dwellings that would retain the site's sense of spaciousness. While a small amount of hedgerow removal would be required to the site frontage to accommodate the new driveways, the amount of removal would be limited and would not be visually detrimental to the significance of the CA. Moreover, a sizeable area of the existing garden would be kept which would retain the verdant nature of the site and mature trees. On this basis, the contribution of the site to the significance of the CA would be maintained.
 10. Consequently, I find the proposed development would preserve the character and appearance of the CA. As such, it would accord with Policy CS15 of 'Planning for the Future' – Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (Adopted March 2015) (the 'CS') and Policy MSGP25 of the Site Allocations and Development Management Policies – 'Making Spaces for Growing Places' – Local Plan Document for Gateshead (Adopted February 2021) (the 'SADMP'). Together these policies seek, among other objectives, to ensure development will contribute to good place making through the delivery of high quality and sustainable design and the conservation of the historic environment, for development which results in the sub-division of gardens and grounds within Conservation Areas to generate no harm to the historic environment, and to ensure development sustains and conserves the character and setting of identified heritage assets in a manner appropriate to their conservation.
 11. The proposed development would also comply with the provisions of the National Planning Policy Framework (the Framework), which requires the consideration of the impact of proposed development on the significance of designated heritage assets to place great weight on the asset's conservation. Even when giving great weight to the asset's conservation, I have identified no harm to its significance.

Other Matters

12. I note several objections from neighbours referring to matters outside of the scope of the Council's reason for refusal. These include matters of highway safety, living conditions of neighbouring occupiers, detailed design and materials, impact on trees, ecology and biodiversity, and a lack of need for additional housing in the area. However, these matters have not been raised as a reason for refusal by the Council and there is no compelling evidence before me that would lead me to a different conclusion than the Council on these matters.
13. The Council do not refer to any listed buildings being affected by the development. Nevertheless, the appellant has considered the proximity of the development to Friars Chapel and the Rowlands Gill War Memorial, which are both Grade II listed buildings. Both buildings are a considerable distance from the appeal site and, having regard to section 66(1) of the Act, I am satisfied that their settings would be preserved.

Conditions

14. The Council has provided a list of suggested conditions that I have considered against the provisions of Paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). Where necessary to ensure compliance with the provisions of the Framework and PPG I have amended, and in some cases omitted, certain conditions.
15. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A condition relating to the submission of details of external materials is necessary to ensure the development delivers a high standard of design.
16. A condition to secure a landscape strategy is necessary to preserve the character and appearance of the CA. This includes a requirement for a scheme of maintenance, and for the strategy to be implemented and maintained in accordance with the approved details. A condition requiring details of tree protection measures is also necessary to preserve the character and appearance of the CA.
17. In the absence of specific details setting out refuse and cycle storage, it is reasonable and necessary to impose conditions requiring the submission of further details in the interests of highway safety and to ensure high quality design.
18. I note the ecology section of the officer report refers to a requirement for the submission of further details relating to demolition and a scheme of bat roosting features, in the interests of avoiding harm to protected species. These conditions are reasonable and necessary, and they will be imposed subject to minor amendments.
19. Due to the limited scale of the development, a condition to limit construction hours is not necessary as unreasonable levels of disturbance could be addressed through other regulatory regimes.

Conclusion

20. Taking all above matters into account, I conclude that the proposed development would accord with the development plan and the Framework, and there are no material considerations that would outweigh these findings. Accordingly, the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan Existing 1:1250 – 110418/1
Proposed Site Plan – 010321/3
Street Elevations / Sections – 010321/4
Proposed Dwelling Plot 1 – Proposed Plans – 010321/5
Proposed Dwelling Plot 2 – Proposed Plans – 010321/6
Existing Proposed Build Forms – 010321/9
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No demolition shall take place until a Biodiversity Method Statement (BMS) for the demolition phase of the development has been submitted to and approved in writing by the local planning authority. All demolition shall be undertaken in accordance with the approved details.
- 5) The development hereby permitted shall not progress above damp proof course until a scheme for the provision and management of replacement bat roosting features (both tree mounted and integral bat boxes), including timings for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and maintained thereafter in full accordance with the approved details.
- 6) The development hereby permitted shall not progress above damp proof course until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) Notwithstanding the submitted plans, no dwelling hereby approved shall be occupied until a fully detailed scheme for soft landscaping and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details and proposed timing of landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedges and a scheme of maintenance of the landscaping (for a period of five years following planting). The landscaping

scheme shall be implemented and maintained in accordance with the approved details and timings.

- 8) Prior to the first occupation of any dwelling hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities for each dwelling shall be installed prior to its first occupation and retained thereafter for the storage of refuse.
- 9) Prior to the first occupation of any dwelling hereby approved, details of cycle storage, to include details of the locking mechanism and anchor point to be located in each garage or shed to Secured by Design standards, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities for each dwelling shall be installed prior to its first occupation and retained thereafter for the parking of bicycles.

**** End of conditions ****



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

12 July 2023

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Climate Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 12 July 2023.

Recommendations

4. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations