

**Committee Report**

<b>Application No:</b>	<b>DC/21/00184/FUL</b>
<b>Applicant</b>	<b>Mark Gabriele (Bellway)</b>
<b>Date Application Valid</b>	<b>26 February 2021</b>
<b>Site:</b>	<b>Land to The South Of Fletcher Road Gateshead</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Demolition of existing structures on site and the construction of 98 no. 1-2 bed apartments with associated access, infrastructure, car parking, landscaping and open space on land to the south of Fletcher Road, Gateshead (additional information received 14/05/21 and 12/08/21, amended and additional information received 18/06/21, 29/09/21 and 13/12/2021).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is mostly vacant brownfield land of approximately 0.91 hectares in area from prior building demolitions with limited dilapidated railway buildings and structures remaining. The site forms part of the former Greenesfield Railway Works that was subsequently cleared and a masterplan established for the development of Ochre Yards.

1.2 To the south and east, the site is bound by a railway and, to the north and west, by existing residential development, known as 'Ochre Yards'. The modern Ochre Yards residential development was constructed over the last 15 years and provides a combination of new-build apartment blocks and some former railway buildings, converted to form an extensive development of residential accommodation.

1.3 The site benefits from access via Fletcher Road, which runs along its northern and north-western boundaries, and Worsdell Drive which runs along its south-western boundary, which in turns lead towards Askew Road.

1.4 The site is located within Bridges Conservation Area and the Urban Core, with good connections to Gateshead and Newcastle centres and local/natural transport networks.

## 1.5 DESCRIPTION OF THE APPLICATION

This application proposes demolition of the existing structures on site and the construction of 98 no. 1-2 bed apartments with associated access, infrastructure, car parking, landscaping and open space on land to the south of Fletcher Road, Gateshead (additional information received 14/05/21 and 12/08/21, amended and additional information received 18/06/21, 29/09/21 and 13/12/2021).

1.6 A new vehicular access point is proposed off Fletcher Road using the existing mini-roundabout to the south-west of the site; from which a new junction is proposed to be formed to enable access. The new estate road would travel south west to north east through the site serving the 6 four-storey blocks that make up the development. 5 of the blocks would be located north of the estate road facing out onto Fletcher Road and the other would be south of the estate road towards the south west corner of the site. The development would consist of 87 2-bed and 11 1-bed apartments.

1.7 The blocks themselves would be modern in their design, with predominantly simple gable end features, no dormer windows or roofline interventions and modern window detailing and proportions. A simple palette of sympathetic and contemporary materials consisting of red brick and dark grey tiled roofs along with grey window frames are proposed.

1.8 87 parking bays (one allocated to each unit) will be provided for the 2 bed units and 25 visitor bays will be provided across the site. No parking provision is proposed for the 1 bed units, albeit the visitor bays are open to for anyone to use.

## 1.9 RELEVANT PLANNING HISTORY

DC/07/00686/FUL: Planning permission granted for the erection of 9-storey office development (Point Phase 2), involving alterations and modifications to previously approved scheme. Granted June 2007.

DC/05/01477/LBC: Listed Building Consent granted for the demolition of a Grade II listed building in part and erection of replica building and extension of the former Station Hotel for office or hotel use. Granted December 2005.

DC/05/01476/FUL: Planning permission granted for the erection of 1 no. 9 storey office building, 1 no. 6 storey office building, 1 no. office or hotel building. Rebuilding and extension of the former Station Hotel for office or hotel use. Renovation of the former railway offices for office purposes and erection of a 2 storey building within retained and rebuilt walls of the former engine shed for office, retail, restaurant or drinking establishment use. Associated car parking, hard and soft landscaping and new access roads. Granted December 2005.

103/01: Planning permission granted for the demolition & conversion of redundant & existing buildings, erection of new buildings with associated access roads, parking and open space to provide accommodation for

residential use (class C3), hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3).

## **2.0 Consultation Responses:**

Northumbria Water	No objections.
Tyne And Wear Fire And Rescue Service	No objections.
Tyne And Wear Archaeology Officer	No further archaeological work is required.
Coal Authority	No objections, subject to conditions.
Environment Agency	No comments received.
Arriva Plc	No comments received.
The Go-Ahead Group Plc	No comments received.
Nexus	No objections.
Northern Gas Networks	No objections.
Newcastle City Council	No comments received.

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) 2015.

3.2 A total of 20 letters of objection have been received from local residents and occupiers, albeit 18 of those objections were received to the initial submissions, with the latest revisions only receiving 2 letters of objection. A summary of the concerns raised is as follows:

- Out of character with the Conservation Area.
- No reuse of existing historical buildings or materials.
- Unimaginative design that does not reflect the heritage of the area.
- Out of character with streetscene.
- Should include a bespoke design that considers the shape of the site and the character and significance of the area.
- The site supports wide variety of wildlife and is within a designated wildlife corridor. The new development will remove this asset.
- Only small amount of soft landscaping and too much surface parking.
- No public art proposed.
- Loss of privacy and loss of light.

- Parking for 100 more vehicles will exacerbate existing congestion/parking issues.
- Consideration of build quality to prevent poor finishing of the development.
- No provision for a cafe or shop has been included.
- Noise issues for future residents from relationship to the railway lines.
- Roof design is out of keeping with the rest of Ochre Yards.
- Buildings should be positioned further into the site away from Fletcher Road to maintain views and increase sense of space.
- Noise and dust issues for existing residents during construction phase.
- Contrary to mixed use policy allocation for this site.
- Too much parking provision shown. This should be reduced significantly and solutions such as car clubs explored.
- Tall blank gable elevations.

3.3 Two letters neither supporting nor objecting to the application have also been received. A summary of the points raised are as follows:

- No reuse of existing historical building materials.
- Off the shelf design.
- Considerable increase in traffic on roads that are already unsafe.
- More landscaping is required to the area for attractive for residents.
- Existing stone should be reused elsewhere.
- The site is a haven for wildlife.
- Prefer if the natural (living and historical) aspects of the site could be actively retained.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS2 Spatial Strategy for Urban Core

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

QB1 Quays and Baltic Sub Area

QB3 Quays and Baltic Development Opportunity Sites

UC1 Offices and Business Development

UC4 Homes

UC6 Cycling

UC10 Car Parking

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting Views In and Out of the Urban Core

UC14 Heritage

UC16 Public Realm

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP36 Woodland, trees and hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

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

### **5.1 ASSESSMENT**

The main planning issues to be considered are the principle of the development, viability, heritage, design, transport, ecology, drainage, contaminated land, coal mining legacy, refuse, residential amenity and CIL.

### **5.2 PRINCIPLE**

Employment Land and Urban Core

This site is allocated for mixed-use development in policy QB3.4 as a Development Opportunity Site. The policy states that development at The Point will: "Encompass a mix of the following principal uses: Offices (B1a) and Residential (C3)".

- 5.3 The planning statement submitted on behalf of the applicant notes that Gateshead has not met the minimum performance threshold of the Housing Delivery Test, set out in the 2020 measurement, and accordingly the presumption in favour of sustainable development must apply in Gateshead. 98 residential units on this site would undoubtedly make a positive contribution towards housing delivery in Gateshead, and the application claims this, among other factors, helps to justify the development of the site for residential use only.
- 5.4 However, it should be noted that the presumption in favour of sustainable development would not apply to this particular site as the site is within a conservation area (designated heritage asset) which is included at footnote 6 of paragraph 11 of the NPPF.
- 5.5 The amendments to the application have included additional information on why it is not feasible or viable to provide offices as part of the development. This includes an overview of efforts made to market the site for offices and that offices in the vicinity of the site were only provided with help from external funding and even then, a loss was still made. The Council's Economic Development and Property Services teams have been consulted on the matter and the following two paragraphs incorporate their response.
- 5.6 The office market remains active with a number of businesses actively looking for office accommodation in the urban core. However, the main issue which businesses are facing is the lack of office accommodation opportunities to consider due to the lack of any new build development. Whilst there are a number of development opportunities in the Borough, the lack of new build

development remains due to the current build costs, the achievable rental levels in the Borough (well below those required to support viable development) and the need for any private developer to secure a level of pre-lets before any construction can take place. Also, whilst there is tenant interest, the majority of tenants will only commit to a lease term of 5 years which may not satisfy any institutional lenders. The more recent core office area in the Borough has been around Baltic Quarter/Quays as it has become its own destination, with at least 10 years' office land supply in the current market conditions and which have better access than this application site. Moreover, as set out further on within this report, the development has wider viability issues that also are material to the consideration of this proposal.

5.7 In conclusion, a proposed single residential use of the site would not wholly accord with policy QB3.4. However, there are challenges with the provision of office space in this location and this location is not seen as the most desirable for office development, despite being located within the urban core. Therefore, whilst not incorporating some office development into this scheme it is at odds with policy QB3.4, on balance, it is considered that the benefit of providing much needed housing within a sustainable urban core location, the business issues referred to above and, viability issues outweigh the harm of not fully addressing the site specific policy in this case.

#### 5.8 Space standards and Housing Provision

Policy CS11(4) of the Core Strategy requires adequate space inside and outside of the home to meet the needs of residents.

5.9 Policy MSGP12 of MSGP also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy will come into force from 1st February 2022 to allow for a transition period.

5.10 The Planning Statement submitted with the application sets out that all dwellings will conform to the NDSS, which is welcomed. It is also noted that all dwellings have access to either a small balcony, Juliet balcony or patio.

5.11 Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards.

5.12 Policy CS11 also seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes.

5.13 The Planning Statement submitted with the application sets out that all dwellings will accord with the M4(2) standards and this is welcomed as going beyond the policy requirement.

- 5.14 Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.
- 5.15 The proposed development would incorporate only one and two-bedroom properties and therefore would not help to contribute to this target. However, it is acknowledged that the location of the site may not be as attractive to families and so it is not considered necessary to introduce larger units in this location.
- 5.16 The site would provide adequate play and open space to serve the development, taking into account the modest site area and its constrained location.
- 5.17 **VIABILITY**  
The application is supported by a Viability Assessment, which seeks to demonstrate that the provision of affordable housing makes the scheme unviable. The report has been comprehensively reviewed by officers and it is considered that the appraisal inputs that have been used in the viability assessment are reasonable and in line with market rates for both build and sales values. It is also considered that the approach to the Benchmark Land Value and the values used are reasonable for this area of Gateshead.
- 5.18 In addition, sensitivity analysis has also been carried out in terms of reducing the development costs to the scheme, which shows that even with a 10% deduction in abnormal development costs the residual land value is still below the Benchmark Land Value for the site.
- 5.19 Therefore, on balance, it is considered that the provision of affordable housing would place the delivery of the scheme into question and hence should not be required in this instance.
- 5.20 **HERITAGE/URBAN DESIGN/LANDSCAPING**  
The principle of the design, materials and landscaping proposed is considered to be acceptable and of good quality, which should result in a development that is sympathetic to its neighbours and respects of the character and significance of this part of the Bridges Conservation Area.
- 5.21 The application site makes up part of the former Greenesfield Railway Works site. The townscape of the former works is highly valued in terms of its location and importance in Gateshead's history and the remaining buildings add to its significance. Although the area is cut largely off from the surrounding areas it is still of high visual interest due to the dramatic railway works buildings which are prominent, and the views of the bridges themselves. Therefore, any development should enhance the significance of the conservation area. This is best achieved by ensuring that the new scheme integrates positively with its surroundings.



- 5.22 The remains of a former engine shed that are present on this site are not considered viable for conservation or restoration and so its demolition has been accepted in order for the site to be redeveloped.
- 5.23 The four storey blocks are acceptable in principle in terms of footprint and massing, the larger projecting windows, as are the strong and simple pitched pitch roof lines that strengthen the scale of the buildings, reflecting the industrial legacy of the site. The use of a simple palette of appropriate materials (red brick, grey flat roof tiles and grey window frames) is also welcomed, which collectively should result in a development that is designed as a whole to produce a cohesive appearance.
- 5.24 In terms of the public realm, the materials and finishes proposed for the surface treatments, to break up hardstanding areas; and also the landscape plan, with its proposed screen planting and the pergola walk and arches are welcomed. The planting will help to define spaces and soften edges, and the pergolas will emphasise gateways and building entrances to help with legibility, and also to bring some height and definition to the streetscape. The central element of open/play space helps to break up the built form, creating a garden feel within a high density urban setting and should provide good permeable for pedestrians and cyclists. These factors, together with the design of the built form will enhance the overall character and appearance of the scheme, improving quality of place quite significantly, which will be to the public benefit.
- 5.25 To help ensure that is the case it is considered necessary to condition that the final details be approved prior to installation. This can be addressed by condition (condition wording will follow as an update report) and subject to them, the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC14, UC16, CS15, CS18 and MSGP of the Local Plan for Gateshead.
- 5.26 TRANSPORT  
A full Transport Assessment (TA) has been submitted with the application. The TA is a coherent and detailed document that covers the various aspects that would be expected as part of a review for a development of this size (trip generation, existing and proposed road conditions, sustainable travel options, parking provision, vehicular/pedestrian/cycle movement, and so on).
- 5.27 Trip generation  
  
The TA author has had the difficult task of preparing a TA during the Covid pandemic. Under normal circumstances, the author would likely base a TA upon current data or new surveys that would be commissioned by the TA team. Due to the Covid pandemic having an adverse impact upon traffic flows, parking demand and public transport usage, any surveys completed at the present time would be of little value.
- 5.28 The TA author has therefore had to consider other options when reviewing the potential trip generation of the proposed development. Key to this is the

availability of data from a 2015 traffic survey that was completed at Ochre Yards. At approximately 5 years old, this data is only just considered acceptable in terms of age. The use of this data is accepted as being the most robust alternative to new survey data that would likely be compromised by the impact of Covid.

- 5.29 At the time of the 2015 survey over 75% of the wider Ochre Yards development was complete and as such officers agree with the TA author that this is sufficient occupancy to allow the captured trip rates to be factored up to allow for current development occupancy.
- 5.30 The trip rates used to estimate the traffic impact of this application proposal are also in line with the trip rates used for other residential developments in the Core Strategy 'Urban Core' area.
- 5.31 Section 5 of the TA considers the predicted trip generation and estimates that the vehicular impact of the proposed 98 apartments would be in the region of 30 two-way trips during the am peak hour and 33 trips during the pm peak hour. It is typical for approximately 30 two-way movements to be used as the threshold beyond which additional junction capacity analysis would be required.
- 5.32 As the predicted traffic generation is at, or very close to, the usual threshold (and giving some weight to the extensive signalisation and control measures already in place at nearby key junctions), officers do not consider it necessary for more detailed analysis work to be completed or for mitigation (such as junction improvement works) to take place. That said, it is worth noting that the TA does consider the wider impact of the development on the local road network (taking into account pre and post Covid conditions, and also the current experimental closures to general traffic on the A184 Tyne Bridge approach) and concludes that any impact will be minimal and within normal tolerances. As the reasoning given and data analysis techniques used are considered appropriate, there is considered no reason to dispute the conclusions that any traffic impact on the wider network will be low.
- 5.33 The TA (section 5.8) also gives some consideration to a 2007 planning approval on this site which comprised of a substantial hotel and office complex. The data suggests that the hotel and office complex would have generated 387 additional am peak hour movements and 329 additional pm peak hour movements compared to the 98 apartments that are now being proposed.
- 5.34 Whilst this comparison exercise is only given limited weight due to the length of time that has elapsed since that approval, and the many changes to the highway network in that time, it is acknowledged that in very general terms, the proposed 98 apartments would be a very different prospect and, in all likelihood, a considerably lower traffic generator.
- 5.35 In conclusion, it is considered that the TA (in respect of trip generation and traffic impact) has been completed in as robust a manner as possible,

particularly when taking into consideration the effects on the local highway network as a result of the Covid pandemic and the experimental traffic regulations orders that have recently been introduced by the Local Highway Authority.

5.36 Officers therefore have no reason to disagree with the conclusions of the TA, specifically those outlined in paragraph 5.25, that the proposed 98 apartments should not have an adverse impact upon the local road network.

5.37 Parking provision

Due to the unique position of the development, between the centres of Gateshead and Newcastle, there is potential for this development to consist of a lower parking provision for residents, subject to appropriate justification and sustainable travel incentives/facilities.

5.38 The drawings indicate that 112 parking spaces will be provided in total, broken down as follows:

- 87 spaces allocated to the 2-bed flats
- 25 unallocated spaces for visitors

5.39 There will be 11 one-bed flats with no formal parking, although the 25 visitor spaces are intended to be flexible and available to all users.

5.40 During pre-application discussions with the developer, the lower parking provision approach was considered a possibility, but subject to the provision of high quality cycle storage and sustainable travel incentives/improvements. Cycle storage is covered in greater detail later in this report.

5.41 In summary, the scheme does not meet Council parking standards (due to the absence of formal parking for the 11 one-bed flats) and whilst this may be acceptable in principle, it is only on the basis that sustainable travel options and cycle storage will be strong. The absence of horizontal cycle storage facilities for all dwellings (currently it is 50% horizontal lockers and 50% vertical lockers) is not an ideal solution.

5.42 Access and layout

The vehicular access arrangement, whereby a new junction is formed onto the existing 'roundabout feature' at the south-west of the site, is considered acceptable in principle.

5.43 A visibility splay of 2.4m x 43m must be demonstrated on a drawing as part of this planning submission and then implemented on-site. The addition of a substation close to the junction is considered to fall within the required splay area, which means the sub-station and maintenance bay must be kept clear of the splay area. This can be addressed by condition (condition wording will follow as an update report).

5.44 It is noted that an indicative design for the roundabout access works has been completed by Milestone Transport Planning Limited. This includes new blocked paving areas to match the other legs of the roundabout, however, officers are aware that many surface finishes in the area have been prone to failure. A more detailed review and redesign of the roundabout (drainage, surface materials, pedestrian crossing points, signage etc) will need to be completed by the Council's highway design team post-planning. As a minimum it is expected that it will be necessary for the existing channel block detail to be removed at, and on approach to, the roundabout and a new asphalt and cycle lane lining scheme introduced. The final highway layout/design can be addressed by condition (condition wording will follow as an update report).

5.45 The refuse vehicle swept path is acceptable.

A full street lighting scheme, to adoptable standards, will be required. This can be addressed by condition (condition wording will follow as an update report).

5.46 Electric car charging points must be included for all new private resident parking spaces. The developer's planning submission appears to support this, but an appropriate planning condition must secure final details of the type and location of all charging points (condition wording will follow as an update report).

5.47 Cycle storage

The developer is proposing a mix of 50% vertical and 50% horizontal storage units that would be located in dedicated storage areas within each block. The cycle storage meets the 1 space per unit requirement, however, officers do have some concerns around vertical lockers in terms of ease of use by all residents and potential greater wear and tear on equipment from bikes hung vertically. However, there is no policy requirement to require 100% horizontal storage, many residents may not have an issue with storing their bike vertically and it cannot be guaranteed that all residents will utilise the provision in the first place. Therefore, on balance, it is considered that the applicant has made a reasonable attempt to provide a good standard of cycle storage provision, as it will be on a 1:1 ratio albeit not all horizontal, will be secure lockers and internally housed. That said, to improve security further and thus provide further confidence to residents to make use of the provision, it is considered measures, such as CCTV, electronic access, etc. should be incorporated into the final design. Therefore, it is considered necessary to condition (condition wording will follow as an update report) that a cycle storage management plan be submitted to agree a final strategy for the development.

5.48 Refuse

The submitted plans demonstrate that a refuse vehicle and adequately service the whole development and access to and from the define refuse

stores will via a level means of access and hence does not pose any concerns.

#### 5.49 Travel Plan

The Travel Plan (TP) contains insufficient detail at this stage and so a more detailed TP will be required, which can be addressed by condition (condition wording will follow as an update report).

#### 5.50 The TP must consider truly proactive measures to encourage the uptake of sustainable transport. Key to this may be:

- Cycle purchase incentives/discounts.
- Provision of pre-paid travel cards (typically with values of at least £100).
- A clearly agreed budget within the TP. Accounts should be reviewed annually with any underspend immediately reviewed and ploughed back into new initiatives or incentives.
- Review of cycle store facilities and how they are operating/being managed.

#### 5.51 The final TP should consider the use of these and other proactive measures.

#### 5.52 Overall, subject to the conditions referred to above, it is considered that the proposal would be acceptable from a transport perspective and thus accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

#### 5.53 ECOLOGY

The application site is not located within or immediately adjacent a designated nature conservation site and no significant adverse impacts on any such feature is anticipated. The site is located partially with a designated Wildlife Corridor formed by the River Tyne and its banks. An active railway line is located along the southeast boundary of the site and provides ecological connectivity. It is considered unlikely that the proposals will have a significant adverse impact on the value and integrity of the Wildlife Corridor and/or ecological connectivity.

#### 5.54 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Net Gain (BNG) Assessment. The site has been confirmed as comprising a range of habitats including areas of dense and scattered scrub, botanically diverse ephemeral short perennial grassland, ephemeral wetland and bare ground which meets the criteria for the national and local priority habitat Open Mosaic Habitats on Previously Developed Land. Survey work has confirmed the presence of dingy skipper butterfly (national and local priority species) on site. The site has also been confirmed as supporting low numbers of nesting birds and foraging and commuting bats consistent with its urban setting, and posing a residual risk for small mammals including hedgehog and terrestrial amphibians including common toad.

- 5.55 The proposed development will result in the direct loss of all existing habitats within the site and their associated species. Measures have been recommended to avoid/reduce the risk of harm to species during the site clearance, construction and operational phases of the development. The submitted BNG Assessment calculates the baseline value of the site to be 17.04 Biodiversity Units (Habitats). The post development value of the landscaping/habitats to be provided on site = 1.2 Biodiversity Units (Habitats) and 0.85 Biodiversity Units (Linear). In the absence of offsite BNG compensation measures, the proposed development will result in a residual net loss of -15.85 Biodiversity Units (i.e. a 92.98% net loss of biodiversity).
- 5.56 It is therefore recommended that a developer obligation be required to allow for the delivery of offsite compensation measures to address the residual impacts of the development on priority habitats and species, and ensure the development achieves measurable net gain for biodiversity. This can be secured by a Section 106 Legal Agreement, linking it to the planning permission, should planning permission be granted.
- 5.57 Furthermore, having assessed the proposal in respect of ecology and biodiversity it is recommended that, subject to the addition of conditions (condition wording will follow as an update report) to agree a biodiversity method statement, lighting design strategy, landscape and ecological design strategy and management plan, planning permission be approved. The proposal thus accords with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.58 TREES  
There are a number of self-seeded trees and shrubs across the site that are intended to be removed as part of this proposed scheme. The impact of removing them has been considered above in respect of ecology and biodiversity and appropriate mitigation is proposed in that regard. From a more general amenity perspective, the trees and shrubs are of very limited value and, subject to implementing a good quality landscape scheme as part of the development, removing them is considered to be acceptable. This can be dealt with by condition (condition wording will follow as an update report). Subject to the conditions, the proposed development does accord with the NPPF and policies CS18 and MSGP36 of the Local Plan for Gateshead.
- 5.59 DRAINAGE  
The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy. The methodologies used and conclusions reached are considered to be acceptable and Northumbrian Water have confirmed that they do not object to the application, subject to the application being implemented in accordance with the submitted FRA, which can be dealt with by condition (condition wording will follow as an update report).
- 5.60 Furthermore, the proposal includes permeable paving to private parking areas, however, there is insufficient evidence of water quality control measures for runoff from the proposed adoptable highway and associated parking bays. Whilst the drainage strategy notes that there will overall be a

reduction in pollutant hazard level due to the change of use proposed, runoff from the adoptable highway cannot be considered as having a very low pollution hazard level. Therefore, further information is required to address the issue. This can be dealt with via condition (condition wording will follow as an update report) and subject to them the proposal would accord with the NPPF and policies CS17 and MSGP30 of the Local Plan for Gateshead.

#### 5.61 CONTAMINATION/COAL MINING LEGACY

The application site has been assessed and inspected as part of the Council's Contaminated Land strategy, as part of the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990 and has not been determined as "Contaminated Land". However, the site is situated on potentially contaminated land based on previous historic uses, i.e. the site is part of the former Greenesfield Engine Works, with the majority of buildings demolished and the land remediated in phases between 2003 and 2012. However, there is no documented record of the completed remedial works in the vicinity of this application site and what the existing condition of the site is with respect to potential contamination risk.

5.62 The application is accompanied by a Phase 1 Geo environmental Desk Study, Phase 2 Geo-environmental Ground Investigation and Remediation Report, and Ground Gas Assessments. The reports have been assessed by officers and it is considered that the methodologies used and conclusions reached are acceptable. The Phase 2 reports provides details of an intrusive site investigation undertaken within the site boundaries which concludes that the previous reclamation works undertaken when the overall site was cleared was to an inadequate standard, with the remediation works not completed across the full site area. The Phase 2 investigation with this application has identified localised hotspots of contamination that need to be removed and tested to see if they can form part of the cut and fill enabling works in a non-sensitive part of the site or removed from site altogether. Officers consider this an acceptable strategy and should be implemented on site, which can be secured by condition (condition wording will follow as an update report).

5.63 Furthermore, the applicant has undertaken the required level of gas monitoring and the subsequent ground gas report has demonstrated that gas protection measures are not necessary for the development and no further works are required.

5.64 Notwithstanding the above there is the potential that previously unidentified contaminated materials could be discovered during the construction process. Therefore, should that occur the affected material and ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. This can be dealt with via condition (condition wording will follow as an update report).

- 5.65 Overall, taking into account the condition referred to above, it is considered that the proposed development accords with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in respect of contamination.
- 5.66 With regard to coal mining legacy, there is a potential unrecorded mine entry on the site and the Phase 2 Site Investigation Report details the trial trench works undertaken in the vicinity of where the mine entry is thought to be. No evidence of the mine entry was found but the report does conclude that further land stability remedial works should be undertaken across the site to ensure the site is safe for the proposed development. This is considered to be the appropriate action and can be secured by condition (condition wording will follow as an update report).
- 5.67 As a result, it is considered that the applicant has demonstrated to the LPA that the site is or can be made safe and stable for the development proposed and thus is in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead in terms of coal mining legacy.
- 5.68 **RESIDENTIAL AMENITY**  
The location, height and scale and orientation of windows within the new development relative to existing neighbouring units is not considered to raise any significant residential amenity issues. This is because any overlooking would be mutual and is something to be reasonably expected in an urban core location where high density development sit together. The separation distance involved would be 16.5m at the closest point, which again is considered to be acceptable in an urban core location where higher density and thus lower separation distances can be expected and in fact a similar arrangement is reflected throughout the Ochre Yards development. It is accepted that a number of the surrounding properties do currently enjoy a view across an open site and enjoy greater levels of privacy than other properties elsewhere within the development. However, that was never intended to be the case and the previously approved office led development would have resulted in an even higher density development with buildings up to 9 storeys in height. Therefore, on balance, it is considered that the proposed development is in keeping with its surroundings and would not unreasonably impact upon neighbouring residential amenity in this case.
- 5.69 The application is supported by a noise and vibration impact assessment that has considered the various noise issues that could impact upon the residential amenity of future occupants. Railway traffic associated with the rail line immediately to the south of the site is the most significant noise source, with other noise sources include road traffic on Askew Road and other surrounding road networks. The layout of the apartments blocks has been revised during the application to keep the majority of the units towards the northern edge of the site away from the southern boundary of the site. Furthermore, the report establishes the required façade sound insulation treatments needed to maintain acceptable levels of amenity with windows closed. Officers have reviewed the document and are satisfied with the methodology used, the conclusions reached, and recommendations made. Therefore, it is considered the development is acceptable, subject to conditioning the



development comes forward in line with the submitted report (condition wording will follow as an update report).

- 5.70 To help ensure that noise and dust during construction is managed appropriately to minimise impacts on residential amenity, it is considered necessary for a Demolition and Construction Management Plan to be approved, which shall include measures to minimise fugitive dust emissions. This is to ensure that the demolition and construction phases are managed to prevent undue impact upon sensitive environmental receptors in accordance with the NPPF and policy CS14 of the CSUCP. This can be dealt with via condition (condition wording will follow as an update report).
- 5.71 Therefore, on balance, it is considered that the development does accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead and is considered to be acceptable in terms of safeguarding reasonable residential amenity for both existing and future residents.
- 5.72 CIL  
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development, as it is housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, subject to a legal agreement to secure off-site ecological mitigation as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## **7.0 Recommendation:**

**GRANT SUBJECT TO A SECTION 106 AGREEMENT**

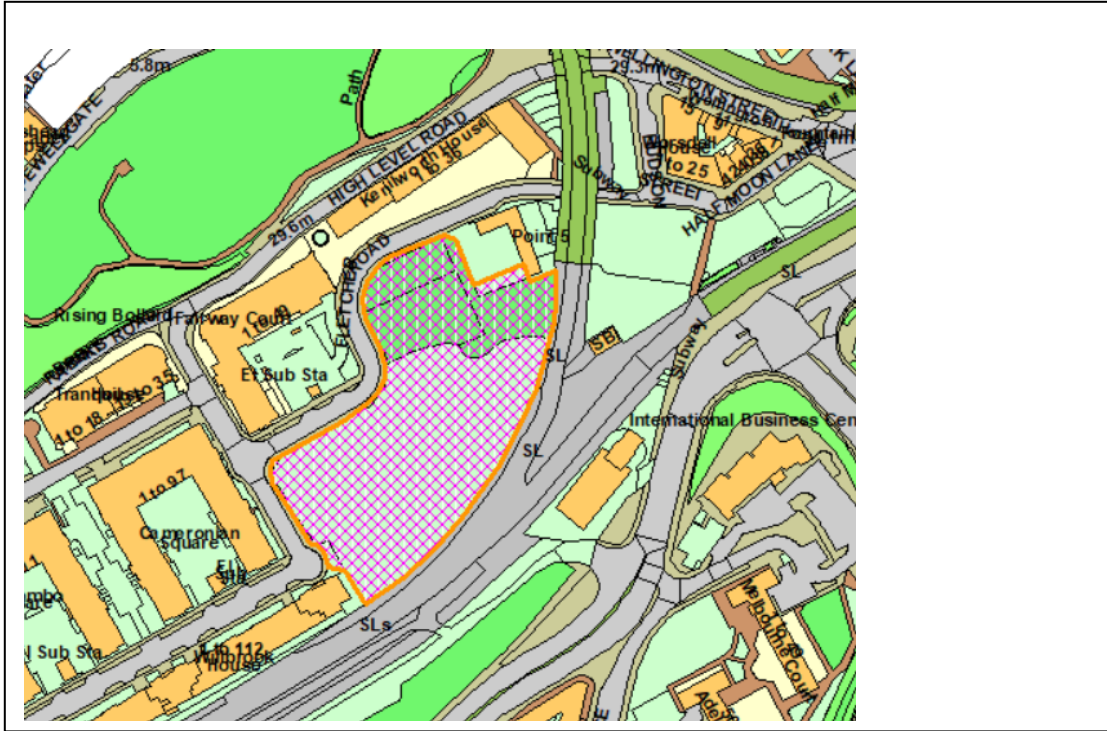
1) The agreement shall include the following obligations: Off-site ecological mitigation to address the net loss of on-site habitat.

2) That the Service Director of Legal and Democratic Services be authorised to conclude the agreement.

3) That the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include: The report sets out the required conditions, with the precise wording to follow as an update report.

- In accordance with approved plans
- Time limit to implement
- Demolition and Construction Method Plan (DCMP) approval
- DCMP implementation
- Land stability approval
- Land stability implementation
- Contamination remediation implementation
- Unexpected contamination
- Final drainage scheme for approval
- Final drainage scheme implementation
- Biodiversity method statement approval
- Biodiversity method statement implementation
- Visibility splays approval
- Visibility splays implementation
- Final highway design and layout approval
- Final highway design and layout implementation
- Lighting scheme approval
- Lighting scheme implementation
- Cycle storage strategy approval
- Cycle storage strategy implementation
- Travel plan approval
- Travel plan implementation
- Materials approval
- Materials implementation
- Landscaping approval
- Landscaping implementation
- Landscaping maintained
- Glazing specification implemented
- Undertake post completion sound insulation testing approval
- Implement extraction system



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