

Development Control Committee

12 October 2007

Reference: 2007/0902/01/DET & 2007/0909/01/CAC

Proposal: Erection of a 13 storey residential development comprising cafe (Class A3) and gallery (Class D1/A1) at ground floor and 89 apartments (Class C3) at ground to eleventh floors, a 5 - 7 storey office development (Class B1) and a double height restaurant (Class A3) and newsagents (Class A1), formation of public square, 40 underground car parking spaces, works to Quay Wall following demolition of existing pumping station; and erection of pumping station and associated works on land to south of Glasshouse Bridge as amended by plans and supporting information received 2 August 2007

Conservation Area Consent: Demolition of unlisted building

Location: Land at the Confluence of the Rivers Tyne and Ouseburn to the east of Mariners Wharf

Applicant: George Wimpey UK Ltd

Report by: Head of Planning & Transportation

Ward Implications: Ouseburn and Byker

Planning Control Area 1

1. INTRODUCTION AND BACKGROUND

- 1.1 The site of these applications is at the eastern end of the East Quayside, and comprises land south and north of the Quayside road, west of the Ouseburn, and east of Mariners Wharf. The land is unused apart from a Northumbrian Water pumping station.
- 1.2 To the east of the site, across the mouth of the Ouseburn with its moorings, the ground rises up to the Free Trade Inn. South of the Quayside road is the Ouseburn Resource Centre, adjacent to and east of which is open land comprising former quays and warehouses; most of this land is now laid out as a surface car park,

though it is little used. It extends eastwards as far as the Spillers' Mill and is a potential development site.

- 1.3 The application site also includes land immediately north of the Quayside road. Currently occupied by the vacant warehouse of R Steenberg & Son Ltd, this is the only part of the site located within the Ouseburn Conservation Area. West of the site are the five-storey terraces of flats comprising Mariners Wharf, with open land and the Quayside walkway to the south in front of them. To the immediate south of the application site is the River Tyne itself with the Lefarge Redland plant in Gateshead beyond.
- 1.4 The site forms, together with the site known as Plot 12 west of Mariners Wharf and High Quays, one of the last remaining undeveloped sites within East Quayside. Redevelopment of this area, which extends west as far as the Milk Market, was undertaken by the former Tyne and Wear Urban Development Corporation (UDC) whose life ran from April 1987 to March 1998. The redevelopment was carried out under the umbrella of the East Quayside Master Plan, prepared for the UDC by Terry Farrell and Partners in 1992. The Master Plan was followed up in 1996 by a further report, the East Quayside Residential Development Master Plan Guidelines, which set out the detailed parameters for the residential developments in the eastern part of East Quayside. After its adoption by the UDC the Master Plan then became included as part of an outline permission for the redevelopment, and the form of development so far completed in East Quayside generally follows very closely in plan form the guidelines set out in the Master Plan and the Residential Guidelines.
- 1.5 The Masterplan of 1992 contained no detailed proposals for this site or indeed for any of the residential areas of East Quayside east of Plot 12. The detailed proposals for these areas were contained within the 'Scheme Design Report for the Residential Element of the East Quayside Masterplan' (referred to in this report as the 'Residential Guidelines') of 1996. For this application site the Guidelines put forward the idea of a curved building, known as the 'Crescent', of a maximum of ten storeys; all its car parking would have been contained within the ground floor and in the open area at the back of the building, facing on to the Ouseburn as it flowed out from under the Low Level Bridge. As the scheme developed, its shape changed somewhat and it became known as the 'Hockey Stick'. It will be referred to by this name in this report. Two successive planning applications for its construction, at twelve storey height, were submitted, the first (reference 1998/0637/01/DET) by Miller Homes in 1998 and the second (reference 2000/2028/01/DET) by Wimpey Homes in December 2000. Both these proposals became the subject of intense opposition because of their effect on the mouth of the Ouseburn and on views of the River Tyne and the bridges, and because all the car parking was proposed in the open area between the proposed building and the river. Both the applications were subject to significant expression of concern, neither were subject to an officer recommendation to committee and both were withdrawn, in December 2000 and December 2001 respectively.
- 1.6 In December 2001 the first of the 'Wimpey Tower' or Northern Lights applications (reference 2001/2133/01/DET) designed by Stephenson Bell architects was submitted for a 32 storey tower comprising 154 flats and car parking in a 5 storey podium block. At that time the fate of the existing Water Authority pumping station on the site was unclear, and although the demolition of the station would have been required the application did not include any proposal for its relocation. The application site therefore did not include any land north of the Quayside Road.

Following the registration of the application the Secretary of State directed that an Environmental Impact Assessment be carried out.

1.7 When the Environmental Statement was completed, in December 2003, the applicants decided to submit it on the original December 2001 application and also to submit a new identical application, (reference 2004/0010/01/DET) accompanied by the same ES - a process known as 'twin-tracking' - in order to give them an ability to appeal against the refusal or non-determination of one at the end of the relevant 16-week period whilst keeping the other one alive. The two new submissions, for a 32 storey building for residential use, comprising 154 dwellings, including parking spaces for 158 cars at ground, first and second floors, a unit for retail or bar/restaurant use at ground floor, the creation of a landscaped public space and the relocation of the existing pumping station, were made to the Council in January 2004 and again submitted to full consultation and publicity. Both of these applications were subject to significant expressions of concern from a number of third parties including statutory consultees and members of the public. No officer recommendation was made to committee and the applications were withdrawn on 27 July 2004.

1.8 Following the withdrawal of these applications George Wimpey appointed new architects (Farrell's) who had been responsible for the 1992 master plan. During 2005 they prepared proposals for a residential development which stepped up to 12 storeys at back of Quayside and comprised circa 150 dwellings. They also engaged with the local community to a much greater extent than had been the case with the 32 storey tower proposals. No actual application was ever submitted as shortly before Christmas 2005 officers of the Council wrote to George Wimpey setting out why it was felt that such a scheme stood, in the view of officers, little chance of positive progress. In essence though of a reduced scale many of the fundamental issues had still not been addressed which did rather demonstrate that scale alone was not the sole critical issue. That letter also took the opportunity to set out what officers considered were the key base criteria for there to be a chance of a successful scheme to be achieved on the site.

1.9 In short a scheme would need to:

- Be a genuinely mixed use scheme of approx 80 flats which should be a mix of apartment size. Serious consideration should be given to offices or a hotel element which might require less car parking than apartments.
- Follow the built line of the existing East Quayside i.e. a continuation of the nearest block of Mariners Wharf with public realm space to the south enjoying a much more favourable orientation.
- Contain parking within the development to avoid the open car park issue of the hockey stick but also to avoid the visually unattractive podium of the Stephenson Bell scheme.
- Have active uses at ground floor.
- The scale and design should respond carefully to surrounding building and topography in particular landmark listed buildings.

1.10 Being in possession of that advice George Wimpey decided not to progress with their 2005 scheme and instead identified a new concept during which in essence is this application, submitted in the spring of 2007.

2. **DESCRIPTION OF PROPOSALS**

2.1 In this section the design of the proposals is described in more detail.

2.2 In essence the application comprises two primary elements, the residential building on the Quayside frontage itself and an office building towards the rear of the site onto the Quayside Road. In addition there is also proposed a single storey restaurant/café building linked to the office building and a single storey relocated pumping station adjoining the Glasshouse Bridge. Central within the application site is an area of public space which contains beneath it 40 parking spaces. The remaining paragraphs of this section set out in more detail the precise nature of each element.

2.3 **The residential building** - The proposed residential building is 13 storeys (45.15 metres) in height containing 89 apartments on the upper floors and a café and gallery at ground floor. The proposed building is to be located at the prow of the East Quayside literally at the confluence of the two rivers and is prismatic in shape. The principal material is a blue/green aluminium cladding system designed to change in reflection depending on lighting and reflective conditions. The centre of the building contains a courtyard which provides some amenity spaces for future residents.

2.4 **The office building** - The office building is of principally brick construction and is to be located to the east of the Mariners Wharf flats and essentially follows the built line of that scheme. To the north of the building is the Glasshouse Bridge with the Ouseburn Valley beyond. The building as amended is 6 storeys (33.50 metres) in height at its highest point.

2.5 **The Pumping Station** - The relocated pumping station is single storey and to be located next to the Glasshouse bridge, north of Quayside Road and essentially consists of the building contains the equipment and a walled enclosure.

2.6 **The Restaurant Building** - The restaurant building is a single storey “pebble shaped” linked to the office building by an upper floor connection which provides an underpass and wide passage between the two buildings. At ground floor there is “active” restaurant frontage for 3/5’s of the underpass frontage. Onto Quayside road there is also a small retail unit.

2.7 The car parking is located at sub basement level beneath the public space.

The Application and Supporting Information

2.8 The following documents have been submitted alongside the planning application as supporting information:

- Design and access statement.
- Statement of Community involvement.
- Transport Assessment.

- Visual assessment including photomontages.
- Ecological report.
- Noise assessment.
- Wind/micro climate assessment.
- Building Research establishment daylight/sunlight assessments in relation to the potential impact on the Mariners Wharf flats and the open space within the site.
- Flood risk assessment and sequential report.

2.9 As a result of the plans being amended these documents where relevant have also been amended.

Environmental Impact Assessment

2.10 The issue of EIA is worthy of note as it has previously featured in relation to applications for this site. In respect of the 32 storey tower scheme the City Council even if it had been minded to would have not been able to require the submission of an EIA as the site threshold was below the criteria for EIA development. However in 2002 the Secretary of State directed that the scheme was EIA development and an Environmental Statement was duly submitted in 2004. In relation to the never formally submitted 2005 proposals, George Wimpey sought a screening direction from the Secretary of State who concluded that what was proposed was not EIA development. In assessing this scheme officers have had cognisance to that judgement and have concluded that it is not EIA development. Whilst a different scheme the quantum of development is similar as is the overall scale and it is not considered that there would be any different environmental effects to the 2005 scheme.

2.11 Committee visited the site on 9 May 2007 and again on 26 September 2007 following the submission of amended plans.

3. CONSULTATION AND PUBLICITY

3.1 The planning application has been advertised by way of a press notice and site notices as a major application, as affecting the character and appearance of a conservation area, as affecting the setting of listed buildings and as affecting a public right of way. The application for conservation area consent has been advertised by way of press and site notice.

3.2 Ward Councillors in Ouseburn and Byker were consulted, and residents and businesses in Lime Square, High Quays, Mariners Wharf, Horatio Street, Breamish Street, City Road, Albion Row, Cut Bank, Ford Street, Hume Street, Maling Street, St Lawrence Square, Walker Road, Ouseburn Wharf, Albion Court Lime Street.

3.3 In total 647 occupiers were notified by letter. Following receipt of amended plans and supporting information a reconsultation exercise was carried out on the scale of the original exercise.

3.4 Apart from the Council's standard practice of having plans and information available for viewing on the internet and at the Civic Centre, given the widespread and longstanding public interest in this site copies of the applications were also available for viewing at the Byker (Shields Road Library), the community area at St Dominic's

Priory, the Ouseburn Regeneration Centre and the Ouseburn Trusts Offices. A set of plans was also provided to the Member of Parliament for Newcastle Central, Jim Cousins, from the start of the consultation exercise.

- 3.5 As a result of the publicity and consultation exercise the following responses were received.
- 3.6 On the evening of 4 June 2007 a public meeting was organised by the Ouseburn Trust to discuss the applications. The meeting was attended by representatives of the applicants the Council as well as by my estimate circa 50 people.
- 3.7 **Councillor Kemp (Byker)** has written in his capacity as chair of the Byker Ward committee and has objected on the following grounds.
- 3.8 That the massing of the building still provides a major barrier to the residents of Byker and the riverside, for which there is a deep and historic relationship. Its general massing is not pleasant in design from the Byker perspective, possibly more so from the river frontage. The application is as amended for 89 apartments and the area already suffers from a huge amount of vacant apartments, the demand has never been demonstrated, despite numerous questions being asked. There is a major fear that like the building now located on this site of the former Rose and Crown, the units will begin to be let out rather like a hotel. This is not the type of application Byker ward wishes to see or support, it does nothing to help sustainable communities quite the reverse. The design is unattractive, located in such close proximity to the world famous listed building the Byker Wall.
- 3.9 The number of units provide serious concern, 89 units but only 40 parking spaces, we are extremely concerned at the potential for traffic chaos in the area. It must be considered likely the number of cars per property could be two, therefore serious parking problems will inevitably occur along with significant road congestion, along the Quayside and city road which is already a pressure point at peak times. Councillor Kemp concludes by requesting that the application is refused as it is not something that the neighbouring ward feels adds benefit. Traffic massing, highways issues, site access, noise and disturbance are all the reasons discussed at the ward committee and why Byker Ward formally objects.
- 3.10 **Councillor Dunn (Byker)** has objected on the grounds that she does not think that what is proposed is an appropriate plan for the site, will cause a detraction to the view of its neighbours and has totally inadequate parking facilities.
- 3.11 **Councillor Kane (Ouseburn) on behalf of Ouseburn Ward Councillors** has indicated that having strongly opposed the previous proposal for a 32 storey tower on this site they recognise that the current application is significantly different. He goes on to observe inter alia on the positive side that it is certainly lower than the previous proposal in overall height. The proposal for the public realm is much improved and the developer's commitment to improving the linkages from the site up into the further Ouseburn Valley is welcome. The new building profile does allow for the retention of some of the views of the Tyne Gorge from the surrounding area, though the view will be negatively affected particularly that from the Free Trade. Views from the wider area should be relatively little affected, if the photomontages prepared by the developers are accurate.
- 3.12 The main concerns are:

- The height of the main residential block at 12 storeys (amended to 13) is still too tall and it will dwarf the surrounding residential buildings such as Mariners Wharf, being greatly out of scale. Residents High Quay are also concerned about the height of the residential block and the massing of the development as a whole.
- The issue of the limited 40 car parking spaces. We assume that these will be available for the offices during the day, but would ask that some be available for the residents during the evening, proving at least a partial trial flow parking system to increase the utilisation factor of these spaces. Nevertheless there is already inadequate parking for the development (Office residential, entertainment) as a whole. We understand that the developers would be required to provide dedicated off site parking spaces in existing commercial car parks within walking distance. We also understand that they would be required to contribute an additional substantial amount in the order of £250,000 for the provision of measures to tackle the parking issue. Given human nature we anticipate many office workers, residents and visitors may/ignore abuse the off site parking facilities and we would ask that substantial part of this developer contribution be earmarked for resident only parking schemes on the Battlefield and Quayside areas of Ouseburn ward, plus other highway improvement measures as required.

3.13 **Gateshead Metropolitan Borough Council** have commented, in general design terms, the latest scheme is a material improvement on previous proposals for this site. Notably, the scheme pays much more careful regard to its wider Tyne Gorge context. The scheme would generally safeguard strategic views and protect the prominence and general visibility of import landmark building such as the Gateshead Millennium Bridge and The Sage Gateshead (as required by the “Urban Landscape Study of the Tyne Gorge” of January 2003). However, there are two outstanding issues relating to the two main proposed buildings.

3.14 The first issue is a visual impact one and involves the potential visual dominance of the office building in relation to the existing Quayside housing to the west and its potential visual competition with the proposed 12 storey “landmark” building to the south when viewed from the Quayside. This can be resolved by visually lightening the proposed dark brick of the office building and by reducing its overall height by one storey. The second issue is a specific view issue and relates to the potential material visual impact of the 12 storey “landmark” building on views eastwards from Performance Square towards Byker should its height be increased. This existing Performance Square view (as framed by the Baltic Centre for Contemporary Art on one side and the Baltic Quays apartments on the other) will be shown at the Committee together with the view as it would be affected by the current 12 storey proposal. The issue here is that the tree-lined horizon of Byker with the spire of St Michael’s Church is just sufficiently visible (given the impact of the 12 storey proposal) to retain its considerable townscape value. However, it is understood that an increase in the height of this building is being considered by Newcastle. If an increase in height should be approved, this strategic view of Byker and its skyline would be materially damaged if not lost.

3.15 **English Heritage** have commented that they have been involved in the development of this site for a number of years and are generally pleased with the way in which the thinking has progressed. They go onto comment inter alia that the site is highly significant within the Tyne Gorge and that English Heritage’s remit is to

consider the impact of the proposed development upon the setting of the Lower Ouseburn Valley Conservation Area and the Grade II* listed former Ouseburn Scholl, but that they have also considered the wider impact of the development upon the Tyne Gorge, having cognisance to the 2003 study.

- 3.16 They note that in terms of scale and massing the proposed development is appropriate, the quality of architectural detailing high and the form of buildings relates well to the grain of development along the Quayside whilst also enabling easier movement between it and the Lower Ouseburn Valley. English Heritage conclude by commenting that the proposed buildings will add to the experience of Newcastle's Quayside and Tyne Gorge as a whole.
- 3.17 The ***Commission for Architecture and the Built Environment*** have commented that:
- 3.18 In broad terms they think that the proposal responds well to its context, and they applaud the approach adopted to ensure that the project acts as a catalyst for the surrounding area. However, they continue to think that further work will be required to achieve a successful public realm at ground level.
- 3.19 CABE think that the project could benefit from a further look at the design of the public space. The area proposed is, they think, too large to be sustained by the likely footfall in this part of the city. What little pedestrian traffic there might be will be highly dissipated across the space with the consequence that the scheme will lack the activity necessary to make it a stimulating attractive place to be in. They are aware of the influence that the view from St Lawrence's Road has had on the massing of the scheme, but wonder if an increased building footprint might be achieved without compromising this view, by extension of the lower levels of the office. This might also provide an opportunity to create a terrace above.
- 3.20 CABE continue to think that the project would benefit from further enrichment in term of uses, to ensure that the area is occupied and animated throughout the day and evening. It strikes them that part of the requirement to connect in to the Ouseburn Valley could be accomplished by making this building far richer in its programme, for instance by providing workshop/studio type spaces for local craft businesses and artists and in doing so actively providing the link between Quayside and Ouseburn to which the wider strategy aspires. This might also contribute to the creation of a much needed destination at the end of the Quayside.
- 3.21 They support the analysis that a strong link to the north is required, although they continue to think that it might serve the scheme better if the underpass space was reconsidered. The demands that it is likely to place on the management and quality of the public spaces suggests that it might be better to remove it altogether, even in highly animated and populated areas, such spaces are rarely successful. In this location, given the likelihood that the footfall will be less than a town centre site, they think it best avoided.
- 3.22 CABE indicate that firm commitments to achieving environmental sustainability including energy efficiency should be made as part of the detailed planning application. They are therefore disappointed to note that the application material describes only aspirations to investigate technologies such as the recycling of waste heat from offices for the benefit of residential accommodation.

- 3.23 **Nexus** have commented that they have no objections in principle to what is proposed but comment that the suggested travel plan whilst ostensibly reasonable lacks details. This in their view undermines confidence in the plan as does the failure to refer to the service 106 which runs near the site. Finally Nexus notes that they would expect a development of this size to contribute towards the revenue costs of the Quayside transit via a section 106 agreement.
- 3.24 **The Environment Agency** as a result of receiving additional and amended information in August have withdrawn their original objection and are now satisfied that what is proposed is acceptable subject to a number of conditions that they suggest. They also comment that the information provided also complies with the Agency's sequential test table.
- 3.25 **The Port of Tyne Authority** has no objection in principle to the scheme, but state that lighting to the tower and surrounding amenity areas both during construction and when the building would be in use must be designed so as not to cause a distraction to vessels navigating in the vicinity; in particular red, green, or flashing lights must not be permitted to shine out over any part of the river.
- 3.26 **NCAP** have commented (on the application as originally submitted):
- The principle of the development is acceptable and the master planning approach and the degree of historical research which has gone into the proposals is welcome.
 - The layout and permeability of the site is acceptable. The proposed height, and the distribution of heights across the site are also acceptable.
 - The use of an elevated ground level to conceal underground parking is acceptable and an ostensibly good way of removing the need for an above ground multi storey car park.
 - The design of the long building (the office) is unresolved, particularly at the upper levels roof where there are large areas of unrelieved masonry which detract from a lively architectural approach.
 - The design process should ensure the sensitive and interesting parts of the scheme are not eroded eg the character of the public space and the publicly accessible elements such as the retail and the café.
- 3.27 **Northumbrian Water** have commented that the current pumping station represents a constraint on the potential urban form achievable for the application site, the last available location within the Quayside development at an important point on the River Tyne and it has been agreed that it may be diverted as part of the overall project. They go on to observe inter alia that over the past few months they have worked with Nathaniel Litchfield and partners to develop the general layout, aesthetic appearance, access and security arrangements for the proposed pumping station to such a level that they are confident that subject to very minor modifications the proposals would be acceptable to the operational side of Northumbrian Water, the developers within Ouseburn Gateway and the general public. Northumbrian Water conclude by stating that they have no objection to the application subject to the conclusion of legal agreements regarding funding and land transfer between the parties.

- 3.28 **Sustrans** have commented that from the point of view of sustainable transport they welcome the proposal to provide a better physical link up from the promenade to the slightly higher level of Ouseburn Bridge. Given that cyclists have been forced to cut across the front of neighbouring residential properties for some time due to the site being fenced of this will be an improvement. Sustrans feel however that the development is likely to increase the amount of traffic along the Quayside Road which forms part of the National Cycling Network (NCN) important for both local cycle commuter and long distance walkers on Hadrian's Way. Any future plans to create a Park and Ride site nearby will exacerbate the problem.
- 3.29 Sustrans go on to draw reference to the Transportation assessment referring to the NCN route as being traffic free and makes little mention that the NCN continues eastwards on road. East of the Wimpey site through to Spillers and British Engines the on road cycle lanes are rather irregular, indistinct in many places and prone to serious flooding after rain. Driver speeds along this section are often very much higher than the 30mph limit. Furthermore the footway on the north side is rather narrow and generally inadequate usually causing pedestrians to walk in the carriageway. This weighs negatively on the likelihood of workers at the office block wishing to travel to the site from the east. As a solution they would like to ask that the developers consider contributing towards the construction of a new cycle/footbridge across the mouth of the Ouseburn which would allow access through to the raised promenade which exists along the front of the cleared Spiller Quay. This would, they feel, be a major strategic boost to sustainable transport and would reinforce the status of the Quayside promenade as a key green traffic free corridor for the greatest possible distance. Sustrans indicate that they were disappointed that the developments at St Peters Basin did not allow for a promenade to be constructed the whole way along: at the Wimpey and Spillers site there does not seem to be any particular physical barrier to implementation. They acknowledge the substantive cost of a new bridge but point to the potential to seeking funding from other foreseeable development such as the British Engines or the Spillers site with a view to bridge construction in a few years time. They go onto suggest that an alternative and less expensive alignment could see the sustainable transport corridor taking the wide footway over the existing Ouseburn bridge and then cutting immediately back through the grounds of the former water sports centre to the river promenade. Should either bridge option be rejected they would ask that there be consideration given to means of substantially improving the facilities for cyclists and walkers along the Quayside road between the Wimpey site and British Engines such as higher visibility lanes horizontal traffic calming measures and wider footways. As a final point Sustrans urge the Council to ensure that Wimpey are required to install secure cycle parking facilities for residents, visitors and office workers in the undercroft parking area. Additional cycle parking should be provided in the public access space between the buildings and the entrance to both blocks. All cycle parking should be designed to best practice standards i.e. covered, overlooked, conveniently located and of a standard design.
- 3.30 The **Ouseburn Trust** have expressed the following views following their board meeting on 28 June 2007.
- 3.31 Their overall view is one of disappointment in that in their view the proposal does not answer the challenge posed by the site or meet the opportunities presented for development at this point on the Quayside or in the valley and the opportunity for

satisfying local needs and aspirations. In terms of detailed comments these are as follows:

Design and scale

- 3.32 This is a prime site coming at the last stages of the Quayside development with a great opportunity to bring innovative and exiting design to the Tyne Gorge, indeed to take your breath away. The proposed designs are thought by most to be rather disappointing particularly in respect of the office building. The shape and materials chosen do not seem to be compatible with the topography or colours of the Tyne Gorge.

Housing Issues

- 3.33 The board has expressed concern about the number and type of flats proposed and despite the statements made by Wimpey representatives at the public meeting and at the Ouseburn Advisory committee, remains unconvinced that there is a demand for this type of development. Were the flats to be sold for buy to let purposes or for corporate or holiday lettings this would add to the lack of a sense of commitment to the area that has already seen amongst residents in nearby schemes with the resulting soullessness that is emerging as a feature of the area.

Role of the development- Ouseburn or Quayside

- 3.34 It is felt that there is a lack of clarity about whether the development should be part of the Quayside or the Ouseburn valley and what the scheme tries to be. It was concluded that its scale made it feel part of the Quayside as opposed to the valley.

Connectivity

- 3.35 It was noted that the architect had made considerable efforts to encourage and enable pedestrians and cyclists to pass through the site so as to link the Quayside with the valley. It is doubtful though that the site would be as attractive for open air events as the developer suggest and there were concerns about how well the open space would be managed in practice.

View and Community values

- 3.36 Whilst it is accepted that restriction of views over the river is not a valid planning matter the board wished to note two following key points:
- there is considerable community interest in retaining views from the Free Trade and from other nearby spots;
 - the view from the Free Trade generates huge interest in tourist itineraries.
- 3.37 The view from the Free Trade is one of the most stunning views of the river in the city. It is visited by large numbers of people from across the region and the country in general and is mentioned in a number of tourist publications including this years Newcastle Gateshead visit pamphlet which suggests the pub as one of the top 1 places to drink in the area. It has also been chosen as one of 16 contenders for a competition called "Britain's favourite view to feature in an ITV programme to be shown in August 2007.

- 3.38 In short this is an iconic view the loss of which would affect not only the local and regional community but potentially income from tourism currently enjoyed by Newcastle Gateshead.

Shadows and canyons

- 3.39 There would be a great deal of shadow cast by the buildings over much of the end of Horatio Street as well as the mouth of the Ouseburn itself and the Tyne pub and this would be a most undesirable effect of the height of the two buildings. The Board considers that the resulting dark narrow corridor would fill the gorge in a way that was not envisaged when the original Quayside master plan was established and that this would not be in keeping with the plans for the Tyne Gorge.

Links with other sites

- 3.40 A key issue for the Ouseburn Trust is the potential impact on the other sites awaiting development in the valley. It is regrettable that the city council appears to be unable to link the development of this site with that of other sites such as the impending development of Lower Steenbergs yard on the land in front of the Free Trade or to take account of the impact that the design of this proposed development would have on the approach to the valley from the Quayside.
- 3.41 The proposed relocation of the pumping station shows scant evidence of being planned within the overall infrastructure need of the valley and adjacent (growing) communities .More locally its proposed position threatens to block the entrance to Lower Steenbergs. The Ouseburn Gateway proposal appears to have been considered in isolation to other sites and as a reactive proposal rather than as an imaginative use of a difficult site.

Parking

- 3.42 The proposal to require residents to park elsewhere is an interesting approach to the difficulty of locating sufficient parking spaces on this site, but is not considered to be a realistic solution to the problem and the board is concerned that the result would be that residents would parking in other places putting other residents and visitors at a disadvantage as has happened at Mariners Wharf. There did not appear to be a plan for parking for users of the proposed restaurant.
- 3.43 The ***Ouseburn Management Board*** met on 20 September 2007 and have made the following comments on the application.
- The meeting resolved to make the following comments opposing the current application by Wimpey:
 - The scale and massing of the proposal would adversely affect the immediately surrounding sites and buildings and would prejudice their future regeneration.
 - The shape of the residential block is too squat for the site especially for views from the Baltic and Tyne Bridge
 - The materials and shape of the office block is too bland and is not in keeping with surrounding buildings and structures. It should be designed more as a continuation of Mariners Wharf

- There is also concern that this block will cut off views of the quayside from Glasshouse Bridge
- There is concern over the car parking and vehicle access proposals which are likely to cause problems to surrounding developments
- There is concern over the management proposals for the open space /public areas in the scheme in particular the prevention of vehicles and its maintenance.
- Having said this The OMB would make the following positive points :
- The concept of a modern iconic building close to the quayside is welcome
- The possibility of linking this development with Lower Steenberg's and creating an entrance into Ouseburn.
- The public space could be a major asset
- The mixed use nature of the development is welcome
- The OMB considers that there should be a design study carried out for the development sites in this area including this site and land West of the Free Trade and comments from current developments such as the Hotel du Vin along the lines already completed for Lower Steenberg's and Maling St.

- 3.44 The **Head of Public Health and Environmental Protection** has commented that the moving of the pumping station should enable odour issues to be addressed adequately and therefore would not preclude development of the site.
- 3.45 It should also be noted that the applicant's noise report, produced by Robin McKenzie Partnership and dated February 2007, states, "The assessment has indicated that noise from the Lafarge plant will have a marginal impact on the noise environment of the proposed residential properties during the daytime. However, noise during the night noise may give rise to complaints, particularly from the reversing sirens fitted to the various vehicles used within the yard".
- 3.46 It is noted that the noise report recommends a glazing specification 10mm float glass – 12mm cavity – 6mm float glass to achieve good internal levels. Whilst it may be possible to achieve good internal noise levels with the windows closed, I feel, given that the noise from Lafarge is outside the control of the applicant and that it happens during the night, that it will be impossible to maintain good internal noise levels once the windows are opened.
- 3.47 The Head of Public Health and Environment Protection concludes by indicating that he is of the opinion it is unreasonable to install mechanical ventilation of all living rooms and bedrooms overlooking Lafarge and therefore recommends that the application be refused.
- 3.48 The **Head of Sustainable Developments** has commented that what is proposed would bring about a number of positive benefits principally. He notes that the site is currently unsightly and (apart from the existing perimeter path) does not make a

positive contribution to the area. The development of a beneficial use at this key location will be of benefit to the area and the Lower Ouseburn Valley.

3.49 He goes on to raise a number of detailed issues relating to:

- The visual relationship between the office building and the lower part of the Ouseburn to the north which may create an overbearing canyon like effect particularly at street level.
- The potential overshadowing of the area to the north including the Lower Steenbergs Yard which has been marketed by the Council as a development site. The area is a vital access route between the Quayside and the Ouseburn. Consideration therefore needs to be fully examined in relation to Lower Steenbergs and public safety.
- The pedestrian underpass unless well designed and lit may discourage pedestrian movement. The degree of active frontage proposed is relatively limited.
- The potential microclimatic effects of the new buildings on pedestrian movements.
- Issues of design and access in relation to Lower Steenbergs Yard in particular arising from the proposed pumping station.
- That adequate and suitable cycle parking is provided.
- The use of Spillers for vehicle parking may prejudice the future redevelopment of that site.

Third Party Representations

3.50 **Objections**

3.51 **A total of 53 letters/emails** responses have been received from members of the public as a result of both consultation exercises. All but two of these are clear and explicit objections. Below I have sought to set out the grounds of objections referred to in the letters of objection and the number of times collectively that ground for objection is referred to. The majority though not all objectors cited several reasons for objecting when responding. A minute and note of the public meeting will be circulated to Members.

Issue	No of objectors making reference to this issue
Buildings too large/out of scale	22
Impact on/blocking of Free Trade View	12
Excess traffic created	13
No demand for offices	2
Only benefits “greedy” developers	4
Impact on historic and architectural setting of locality and Ouseburn area	10
Unacceptable siting, layout and massing	2

Occupy space which should remain open land for public access along the riverside for big events such as tall ships	5
Lack of car parking	18
Does not meet tall buildings criteria	7
Block views from flat	4
Noise disturbance	6
Design unacceptable (eyesore)	15
Contrary to local plan perverse and as such subject to legal challenge	1
Non sustainable	2
Block light and overshadowing	3
Development should descend towards Ouseburn, not ascend to a point where it would isolate neighbours	1
Visual degradation of Quayside. Visitors and views of Tyne and Ouseburn Mouth	31
Too many flats already	13
Pumping station relocation would stifle regeneration of Lower Steenbergs	1
Affect views from Byker	1
Inadequate consultation with local community	2
Pollution created	4
Impact on city/tourism as a whole	2
Affect Ouseburn ambience/special; quality	1
Moving pumping station would be commercial bribery	1
Introducing a gallery is a sop to planners	1
Would not contribute to community	2
Maintenance issues unclear	1
Strain on infrastructure	1
Wind impact	1

Petition

- 3.52 In addition to the letters referred to above there was also a letter with a 1300 signature petition appended, this having been signed by persons visiting the Star and Shadow cinema and the Free Trade Pub.
- 3.53 The accompanying letter makes particular reference to the Free Trade with its spectacular views of the Tyne, its beer, its ambience and its gardens as well as the wide range of visitors from across the country and wider as well as regular visitors from Tyneside and other parts of the North East. The letter goes on to note inter alia that one reason for the popularity of the pub is its widespread coverage in tourist and other publications and the iconic view from the pub featured in ITV's Britain's Best View programme in August. It is also noted that the pub is one of several at the heart of the community in the east end and an important meeting place for people who visit Newcastle and those from the world of culture. The point is made that the pub is a popular spot from which to view fireworks and river based activities.

Objection is also made on the grounds of the impact that the scheme could have on noise levels for people living on or walking along Horatio Street, the poor design of the office building, the lack of parking for the residential, office and restaurant buildings which would place a strain on existing facilities and the fact that the larger building would block views and light for the Tyne Pub. The respondent comments that she is a supporter of new and interesting architecture but not where new buildings get in the way of people's enjoyment of their area which would be the effect in this case as well as damaging the income from tourism.

Other letters

3.54 Other than the letters of objection there were two other letters:

- 1 broadly in favour but citing too few parking spaces and an error in the application documentation over references to Quayside transit routes.
- 1 referring to concerns on parking grounds but the restaurant and newsagents being welcomed.

3.55 The above represents the sum of representations received at the time of the completion of this report. Any further representations received will either be circulated to members or reported verbally depending on the scale and volume of any such representations.

4. NATIONAL AND LOCAL PLANNING POLICY FRAMEWORK

Development Plan Allocation

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

4.2 RPG1, Planning Guidance for the North East was made into Regional Spatial Strategy, 2002, by the Planning and Compulsory Act 2004, and now forms part of Newcastle's statutory development plan together with the Unitary Development Plan. For the record the Development Plan in force is jointly the saved element of the UDP and RPG1.

4.3 In due course the UDP will be superseded by Local Development Documents, initially the Core Strategy.

4.4 The following RPG1 policies are considered to be relevant to this application:

T1 – Location of Development: Development Plans and other strategies should integrate transport considerations into their land use policies and proposals by considering the accessibility of development proposals.

T2 – Design of Development and Promoting Mixed-use Development: Development Plans and other strategies should ensure that the design of new development and redevelopment facilitates safe and convenient movement by all modes of

transport, in particular on foot and by cycle and public transport. The aim should be to facilitate public transport, cycling and walking through the detailed design of development, using supplementary planning guidance and development briefs where appropriate and to enable the safe and efficient movement of goods, whilst minimising conflict.

- 4.5 The emerging replacement RSS is called “View: Regional Spatial Strategy for the North East”. It was produced by the North East Assembly, and its current status is the Submission Draft June 2005. The Examination in Public (EIP) took place in March-April 2006. The EIP Panel report was published last July. Approval is expected later this year. The following draft RSS policies are considered relevant.

Policy 30 (Dwelling Provision)
Policy 32 (Improving Inclusively); and
Policy 39 (Sustainable Construction)

- 4.6 The following National Policy Guidance is considered to be of relevance:

Planning Policy Statement 1	Delivering Sustainable Development
Planning Policy Statement 3	Housing
Planning Policy Statement 6	Planning for Town Centres
Planning Policy Guidance Note 13	Transport
Planning Policy Guidance Note 15	Planning and the Historic Environment
Planning Policy Statement 23	Planning and Contaminated Land
Planning Policy Statement 25	Planning and Flooding
Planning Policy Guidance Note 24	Planning and Noise

- 4.7 The site is unallocated in the Unitary Development Plan. The UDP shows a wildlife corridor (Policies NC1.5 and NC1.6) running from the River Tyne northwards up the valley of the Ouseburn. The UDP also shows the Hadrian’s Way strategic recreational route (Policy OS2.1), which incorporates a proposed cycle route (Policy T5.4) along the Quayside. The land north of the Quayside in the vicinity of the application site is shown as an area for Industrial and Commercial Improvement (Policy ED4.1).

- 4.8 The following saved UDP Policies are considered to be of relevance.

- 4.9 The following policies in the UDP are considered relevant to consideration of the application:

- H1.3 WHERE APPROPRIATE, THE COUNCIL MAY SEEK TO ENTER INTO PLANNING OBLIGATIONS WITH A DEVELOPER FOR A SUITABLE PROVISION OF AFFORDABLE DWELLINGS IN NEW DEVELOPMENTS FOR PEOPLE ON LOWER INCOMES.**
- H1.4 WITHIN NEW DEVELOPMENTS PROVISION OF DWELLINGS SPECIFICALLY DESIGNED FOR PEOPLE WITH DISABILITIES OR TO MOBILITY STANDARDS, WILL BE SOUGHT SUBJECT TO SITE SUITABILITY AND IDENTIFIED LOCAL NEEDS. THE CITY COUNCIL WILL SEEK TO NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF AN ELEMENT OF HOUSING ACCESSIBLE TO PEOPLE WITH DISABILITIES, ON SUITABLE SITES.**
- H2 DEVELOPMENT WHICH WOULD HARM THE AMENITY OF ANY DWELLING, OR GROUP OF DWELLINGS WILL NOT BE ALLOWED. IMPACT ON RESIDENTIAL AMENITY WILL BE ASSESSED WITH PARTICULAR REGARD TO:**

- A. PROTECTING THE CHARACTER OF THE LOCALITY AND OF THE EXISTING BUILDING IN THE CASE OF ALTERATIONS, EXTENSIONS OR CONVERSIONS;
- B. PROTECTING TREES AND OTHER SOFT LANDSCAPING OF AMENITY VALUE;
- C. ENSURING SATISFACTORY DAYLIGHT, SUNLIGHT, OUTLOOK AND PRIVACY FOR ALL DWELLINGS, EXISTING AND PROPOSED, PARTICULARLY IN RELATION TO GOOD EXISTING STANDARDS IN THE LOCALITY;
- D. AVOIDING THE INTRODUCTION OF SUCH ADDITIONAL ACCESSES, TRAFFIC OR PARKING AS WOULD INCREASE VISUAL INTRUSION, NOISE OR DISTURBANCE, OR PREJUDICE ROAD SAFETY; AND
- E. ENSURING THAT NON-RESIDENTIAL DEVELOPMENT AND/OR ASSOCIATED OPERATIONS WILL NOT HARM RESIDENTIAL AMENITY THROUGH AN INCREASE IN NOISE, DISTURBANCE, SMELLS, FUMES OR OTHER HARMFUL EFFECTS.

H4 A HIGH QUALITY OF DESIGN AND LANDSCAPING WILL BE REQUIRED IN ALL HOUSING DEVELOPMENT. PARTICULAR ATTENTION WILL BE PAID TO:

- A. THE CHARACTER AND QUALITY OF THE LOCAL ENVIRONMENT;
- B. GOOD STANDARDS OF OUTLOOK, NATURAL LIGHT AND PRIVACY IN ALL DWELLINGS;
- C. SAFE, CONVENIENT AND COMFORTABLE CIRCULATION FOR PEDESTRIANS ESPECIALLY CHILDREN, ELDERLY PEOPLE AND THOSE WITH DISABILITIES, INCLUDING MEASURES FOR TRAFFIC CALMING AND CYCLING;
- D. MEASURES FOR DESIGNING OUT CRIME; AND
- E. MEASURES TO MAXIMISE ENERGY EFFICIENCY.

SD1.1 ENERGY CONSUMPTION AND CARBON DIOXIDE EMISSIONS WILL BE REDUCED BY:

- A. LOCATING THE MOST INTENSIVE FORMS OF DEVELOPMENT AT THE CITY CENTRE AND ITS FRINGES, CLOSE TO METRO STATIONS, AND ALONG MAJOR BUS ROUTES;
- B. ENCOURAGING MIXED USE DEVELOPMENT AND ACTIVITY;
- C. RETAINING AREAS OF MIXED USE DEVELOPMENT AND ACTIVITY;
- D. EFFICIENT USE OF ROAD SPACE;
- E. ENCOURAGING THE DEVELOPMENT OF RENEWABLE ENERGY; AND
- F. MAINTAINING THE COMPACT NATURE OF THE CITY.

SD1.4 THE DEVELOPMENT AND USE OF RENEWABLE ENERGY WILL BE ENCOURAGED BY:

- A. MAXIMISING PASSIVE SOLAR GAIN THROUGH BUILDING DESIGN AND ORIENTATION;
- B. INTRODUCING PHOTOVOLTAIC CELLS ONTO APPROPRIATE BUILDINGS;
- C. UTILISING BIO GAS FROM ENERGY CROPS OR WASTE; AND
- D. THE DEVELOPMENT OF WIND TURBINES IN SUITABLE LOCATIONS.

EN1.1 ALL DEVELOPMENT WILL BE REQUIRED TO MEET HIGH STANDARDS OF DESIGN IN ACCORDANCE WITH THE FOLLOWING PRINCIPLES:

- A. RETAINING THE BEST BUILDINGS;
- B. TAKING FULL ADVANTAGE OF LANDFORM, LANDSCAPE AND OTHER SITE FEATURES;
- C. INTEGRATING DEVELOPMENT INTO ITS SETTING WITH REGARD TO THE SCALE AND PATTERN OF SURROUNDING BUILDINGS AND SPACES, AND LINKS IN THE PEDESTRIAN ROUTE NETWORK;
- D. RELATING TO THE MATERIALS AND DESIGN CHARACTERISTICS OF SURROUNDING BUILT DEVELOPMENT;
- E. FACILITATING SAFE PEDESTRIAN MOVEMENT;
- F. DESIGNING FOR EQUAL ACCESSIBILITY FOR ALL USERS REGARDLESS OF AGE OR DISABILITIES, AND MINIMISING OPPORTUNITIES FOR CRIME;
- G. ENSURING NEW BUILDINGS ARE ADAPTABLE TO USE FOR OTHER PURPOSES;
- H. A COMPREHENSIVE AND CO-ORDINATED APPROACH TO NEW DEVELOPMENTS OF MORE THAN ONE BUILDING;
- I. INCORPORATING HARD AND SOFT LANDSCAPING AS AN INTEGRAL PART OF DESIGN, MAXIMISING TREE PLANTING WHERE APPROPRIATE, AND PROVIDING FOR ITS LONG TERM MAINTENANCE;
- J. MINIMISING ADVERSE IMPACTS ON NEARBY LAND USES;
- K. MINIMISING IMPACTS ON ACTIVITIES ON NEIGHBOURING OPEN LAND AND COUNTRYSIDE; AND
- L. MAXIMISING THE USE OF BUILDINGS, STRUCTURES AND LAND FORMS TO SCREEN NOISE SENSITIVE DEVELOPMENT AND SPACES.

EN1.3 IN DEVELOPMENT AND IMPROVEMENT SCHEMES, ENCOURAGEMENT WILL BE GIVEN TO THE PROVISION OF NEW WORKS OF ART. IN DETERMINING APPLICATIONS FOR PLANNING PERMISSION THE LOCAL PLANNING AUTHORITY WILL HAVE REGARD TO THE CONTRIBUTION MADE BY ANY SUCH WORKS TO THE APPEARANCE OF THE SCHEME AND THE AMENITIES OF THE AREA.

EN2 THE APPEARANCE OF THE CITY FROM MAIN APPROACHES AND FROM MAJOR MOVEMENT CORRIDORS THROUGH THE BUILT UP AREA AND FROM OR ACROSS THE RIVER TYNE WILL BE ENHANCED BY:

- A. ENCOURAGING, ASSISTING AND CARRYING OUT IMPROVEMENTS TO LAND AND BUILDINGS;
- B. REQUIRING IMAGINATIVE DESIGN IN NEW DEVELOPMENT, WITH SENSITIVITY TO ITS SETTING, AND HIGH STANDARDS OF MATERIAL AND LANDSCAPING; AND
- C. PROMOTING LANDSCAPED CORRIDORS INTO THE HEART OF THE BUILT UP AREA TO LINK THE CITY WITH THE COUNTRYSIDE.

EN2.1 DEVELOPMENT WHICH WOULD HARM THE FOLLOWING VIEWS WILL NOT BE ALLOWED:

- A. FROM MAIN APPROACHES TO THE CITY AND CITY CENTRE;
- B. FROM MAJOR MOVEMENT CORRIDORS;
- C. FROM OR ACROSS THE RIVER TYNE;

- D. TO THE NORTH TOWARDS THE CHEVIOTS, SIMONSIDE, AND OPEN COUNTRYSIDE; AND
- E. OF HISTORIC BUILDING OR SKYLINES OR OTHER DISTINCTIVE LANDMARK BUILDINGS AND STRUCTURES.

EN2.2 THE FOLLOWING BUILDINGS AND STRUCTURES ARE IDENTIFIED FOR THE PURPOSES OF POLICY EN2.1:

- 1. Byker Wall and Tom Collins House
- 2. Monument Mall Dome
- 3. Queen Elizabeth Bridge (Metro)
- 4. Redheugh Bridge
- 5. St James Park Football Stadium
- 6. St Nicholas Hospital (Central Tower)
- 7. Spillers Mill
- 8. Swan House

EN2.3 THE FOLLOWING MAIN APPROACHES TO THE CITY AND TO THE CITY CENTRE, AND MAJOR MOVEMENT CORRIDORS, ARE IDENTIFIED FOR THE PURPOSES OF POLICIES EN2 AND EN2.1:

MAIN APPROACHES TO THE CITY

Rail: East Coast Main Line

- 1. approaching and crossing King Edward Bridge
- 2. Little Benton area

Sunderland Line

- 3. approaching and crossing High Level Bridge

Metro:

- 4. Crossing Queen Elizabeth Bridge
- Approaching Kenton Bankfoot

Road: from north

- 6. A1 Western Bypass
- 7. A1/B1318 Great North Road

From north east

- 8. A189 Salters Road

From east

- 9. A1058 Coast Road

From south east

- 10. A6115 Felling Bypass

From south

- 11. A167 Gateshead Flyover/Tyne Bridge
- 12. A184/A189 Consett Route/Redheugh Bridge
- 13. A1 Gateshead Western Bypass/Blaydon Bridge
- 14. A695 Blaydon Highway/Scotswood Bridge

From west

- 15. A69/West Road
- 16. B6324 Stamfordham Road

From north west

17. A696 Woolsington Bypass

APPROACHES TO THE CITY CENTRE

Rail:

- 18. King Edward Bridge to Central Station**
- 19. Ouseburn Viaduct to Central Station**

Metro:

- 20. Crossing Queen Elizabeth Bridge**
- 21. Byker Station to Byker Metro Viaduct**

Road: From north

- 22. B138 Great North Road crossing Town Moor**

From east

- 23. A193 Shields Road crossing Byker Bridge**
- 24. A186 Walker Road/City Road at St Anthonys Recreation Ground and Glasshouse Bridge to Milk Market**

From south

- 25. A167 Tyne Bridge**
- 26. A189 Redheugh Bridge**

From west

- 27. A695 Scotswood Road at Marlborough Crescent**
- 28. A186 Westgate Road, Westgate Hill School to Blenheim Street**

From north west

- 29. A189 Grandstand Road/Barrack Road, Cow Hill to Gallowgate**
- 30. A167 North West Radial, Cow Hill to Great North Road**

MAJOR MOVEMENT CORRIDORS THROUGH CITY

Rail:

- 31. East Coast Main Line, King Edward Bridge to Little Benton**

Metro:

- 32. All of the system within City**

Road:

- 33. A1 Wideopen to Blaydon Bridge**
- 34. B1318/A167(M) Brunton Park to Tyne Bridge**
- 35. A187 Salters' Bridge to Redheugh Bridge**
- 36. A1058/A167/B6324/A696 Heaton to Stamfordham Road & Woolsington Bypass**
- 37. A193A/A167(M)/A186/A69 Shields Road via Mosley Street to West Road**
- 38. A186/B1600/A695 Walker via Quayside to Scotswood Bridge**

EN4 DEVELOPMENT CLOSELY RELATED TO THE RIVERS AND RIVERSIDES WILL ONLY BE PERMITTED IF IT:

- A. IS APPROPRIATE, IMAGINATIVE AND SENSITIVE TO RIVER SETTINGS;**
- B. CONTRIBUTES TO THE RENEWAL AND IMPROVEMENT OF RIVERSIDE CORRIDORS; AND**
- C. DOES NOT SIGNIFICANTLY DETRACT FROM THE AMENITY OF A RIVERSIDE CORRIDOR OR REDUCE ACCESS TO THE RIVERSIDE.**

- A. NEIGHBOURHOOD AND CITY CENTRE PARKS – SUBSTANTIAL PUBLIC SPACES PROVIDING FOR A RANGE OF ACTIVE AND PASSIVE PURSUITS FOR PEOPLE OF ALL AGES AND ABILITIES. MOST HOUSEHOLDS SHOULD BE WITHIN 0.5 KM OF A PUBLIC PARK OF 6 HECTARES MINIMUM;
- B. LOCAL OPEN SPACES – 1.2 HECTARES FOR 1,000 PERSONS;
- C. SPACES FOR OUTDOOR SPORT – PROVIDING FACILITIES FOR INDIVIDUAL PARTICIPATION IN SPORT AS WELL AS FOR ORGANISED TEAM GAMES – 1.1 HECTARES PER 1,000 POPULATION, INCLUDING EDUCATION FACILITIES USED BY THE PUBLIC;
- D. OTHER SPECIALIST RECREATION FACILITIES – SPACES PROVIDING OPPORTUNITIES FOR HORTICULTURE AND KEEPING ANIMALS, E.G. ALLOTMENTS AND STABLES –ALLOTMENT PLOTS SHOULD BE AVAILABLE FOR APPROXIMATELY 5% OF THE POPULATION OF 30-75 YEARS; AND
- E. THE AVAILABILITY OF AREAS OF NATURE CONSERVATION VALUE, COUNTRYSIDE CHARACTER, COMMUNITY WOODLAND OR COUNTRY PARKS WHICH CAN PROVIDE FOR A WIDE RANGE OF PASSIVE RECREATIONAL ACTIVITY.

OS2 A RECREATIONAL ROUTE NETWORK IS DEFINED WHICH WILL:

- A. GIVE SAFE, EASY ACCESS FOR WALKERS, CYCLISTS AND HORSERIDERS TO KEY OPEN SPACES, RECREATION SITES AND LEISURE FACILITIES;
- B. BE ACCESSIBLE TO ALL NEIGHBOURHOODS;
- C. LINK THE URBAN AREA WITH THE COUNTRYSIDE;
- D. ALLOW RECREATION IN THE COUNTRYSIDE SUBJECT TO AGRICULTURE AND WILDLIFE CONSIDERATIONS;
- E. LINK WITH RECREATIONAL ROUTES IN ADJOINING DISTRICTS TO CREATE STRATEGIC ROUTES OF REGIONAL AND NATIONAL IMPORTANCE THEREBY WIDENING RECREATIONAL CHOICE; AND
- F. BE ACCESSIBLE TO ALL SECTIONS OF THE COMMUNITY, INCLUDING THE VERY YOUNG, THE OLD AND PEOPLE WITH DISABILITIES.

OS2.1 HADRIAN'S WAY - THE DESIGNATED ROUTE OF THE HADRIAN'S WALL PATH NATIONAL TRAIL - WILL BE DEVELOPED AS A STRATEGIC RECREATIONAL ROUTE OF REGIONAL AND NATIONAL IMPORTANCE.

OS2.3 DEVELOPMENT PROPOSALS WHICH AFFECT A RECREATIONAL ROUTE WILL BE REQUIRED TO ENSURE ITS CONTINUITY, CONVENIENCE AND AMENITY. SEVERANCE OF A ROUTE WILL NOT BE ALLOWED UNLESS AN ACCEPTABLE ALTERNATIVE ROUTE IS PROVIDED.

NC1.5 DEVELOPMENT WHICH WOULD HARM THE NATURE CONSERVATION VALUE OF A WILDLIFE CORRIDOR WILL BE ALLOWED ONLY IN EXCEPTIONAL CIRCUMSTANCES (AS DEFINED BY POLICY NC1.1).

NC1.7 IN DETERMINING APPLICATIONS FOR PLANNING PERMISSION FOR DEVELOPMENT LIKELY TO HAVE A SIGNIFICANT IMPACT UPON WILDLIFE, THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

- A. AN ASSESSMENT SUBMITTED BY THE APPLICANT AS AN ECOLOGICAL APPRAISAL OF THE NATURE CONSERVATION VALUE OF THE SITE AND THE IMPACT OF DEVELOPMENT ON A DESIGNATED WILDLIFE SITE OR WILDLIFE CORRIDOR OR PROTECTED SPECIES;

- B. THE DESIRABILITY OF RETAINING NATURAL FEATURES AND HABITATS AND OF PROTECTING THEM DURING CONSTRUCTION;
 - C. MAINTAINING AND IF POSSIBLE INCREASING THE NATURE CONSERVATION VALUE OF THE SITE BY ENHANCEMENT OF EXISTING OR CREATION OF NEW WILDLIFE HABITATS;
 - D. USING A SIGNIFICANT PROPORTION OF LOCALLY NATIVE SPECIES IN LANDSCAPING AND PLANTING SCHEMES;
 - E. INCORPORATING THE MAXIMUM POSSIBLE AREA OF PERMEABLE GROUND SURFACES AND OTHERWISE MAINTAINING EXISTING NATURAL DRAINAGE AS FAR AS POSSIBLE WHEN DEVELOPING PREVIOUSLY OPEN SITES;
 - F. PROVIDING APPROPRIATE MEASURES EITHER ON OR OFF SITE TO OFFSET THE LOSS OR DISTURBANCE OF WILDLIFE HABITATS WHERE THIS IS UNAVOIDABLE; AND
 - G. PREPARING AND IMPLEMENTING SUITABLE MANAGEMENT ARRANGEMENTS TO SECURE THE LONG TERM SUCCESS OF ANY OF THE ABOVE.
- C1 THE CITY'S BUILT HERITAGE WILL BE PRESERVED, PROTECTED AND RESTORED, AND WHERE NECESSARY, THE PLAN'S POLICIES WILL BE APPLIED FLEXIBLY TO ACHIEVE THIS.
- C4 DEVELOPMENT WHICH WOULD HARM SITES OR AREAS OF ARCHAEOLOGICAL INTEREST AND THEIR SETTINGS WILL NOT BE ALLOWED
- POL6 DEVELOPERS WILL BE REQUIRED TO UNDERTAKE A THOROUGH SITE INVESTIGATION WHERE A SITE IS, OR MAY BE CONTAMINATED. THE INVESTIGATION MUST IDENTIFY THE NATURE OF CONTAMINATION TOGETHER WITH THE REMEDIAL MEASURES REQUIRED TO TREAT OR REMOVE IT IN ACCORDANCE WITH THE BEST PRACTICABLE ENVIRONMENTAL OPTION APPROPRIATE TO THE PROPOSED DEVELOPMENT AND THE NATURE OF THE SITE. DEVELOPMENT WILL NOT BE ALLOWED TO COMMENCE UNTIL THESE MEASURES HAVE BEEN COMPLETED, UNLESS THEY ARE AFFECTED AS PART OF THE ACTUAL DEVELOPMENT PROCESS.
- POL8 NOISE SENSITIVE DEVELOPMENT EXPOSED TO UNACCEPTABLE LEVELS OF NOISE FROM ROADS, EXISTING INDUSTRIAL AREAS OR OTHER NOISE GENERATING USES WILL ONLY BE ALLOWED IF IT COMPLIES WITH THE DEVELOPMENT CONTROL POLICY STATEMENT 22 - NOISE AND VIBRATION AND INCORPORATES SATISFACTORY ATTENUATION MEASURES.
- POL14 DEVELOPMENT WHICH WOULD BE AT DIRECT RISK FROM FLOODING OR LIKELY TO INCREASE THE RISK OF FLOODING ELSEWHERE WILL NOT BE ALLOWED.
- T1.1 OPERATING CONDITIONS FOR PUBLIC TRANSPORT WILL BE IMPROVED BY REQUIRING DEVELOPERS TO PROVIDE FOR OPERATIONAL NEEDS IN NEW DEVELOPMENT.
- T4.5 DEVELOPMENT SHALL PROVIDE PARKING WHICH SATISFIES OPERATIONAL REQUIREMENTS. PROVISION IN EXCESS OF THIS REQUIREMENT WILL BE DETERMINED IN RELATION TO THE IMPACT OF DEVELOPMENT ON THE ENVIRONMENT. PARKING PROVISION WILL BE MET BY:
- A. THE IMPLEMENTATION OF PARKING STANDARDS ON SITE; OR
 - B. THE PAYMENT, BY DEVELOPERS TO THE CITY COUNCIL, OF A COMMUTED SUM SO THAT ALTERNATIVE PROVISION CAN BE MADE ELSEWHERE; OR
 - C. THE PROVISION OF CAR PARKING SPACES BY THE DEVELOPER ON AN ACCEPTABLE SITE ELSEWHERE IN THE LOCALITY.

T7.1 WHERE A PROPOSED DEVELOPMENT WOULD GENERATE TRAFFIC CAUSING DEMONSTRABLE DANGER OR INCONVENIENCE ON THE PUBLIC HIGHWAY, OR OTHER SERIOUS HARM TO THE LOCAL ENVIRONMENT, AND WHICH COULD NOT BE SATISFACTORILY MITIGATED BY PLANNING CONDITIONS AND/OR PLANNING OBLIGATIONS, PERMISSION WILL BE REFUSED.

- 4.10 The application also needs to be considered in relation to government advice set out in Planning Policy Guidance Notes and Planning Policy Statements (PPGs and PPSs) no's 1 General Policy and Principles, 3 Housing, 13 Transport, 15 Planning and the Historic Environment, 23 Planning and Pollution Control, 24 Planning and Noise and 25 Development and Flood Risk. The application also falls to be considered under the City Council's Tall Buildings Guidance, and under the Tyne Gorge Study. The document is referred to in more detail below.
- 4.11 The Examination in Public Panel Report was published in July 2006 and proposed changes were issued by the Secretary of State in May 2007. Approval is expected in Spring 2008.

The Urban Landscape Study of the Tyne Gorge

- 4.12 The Urban Landscape Study of the Tyne Gorge, commonly called the Tyne Gorge Study, was commissioned by English Heritage, the Commission for Architecture and the Built Environment, the City Council, and Gateshead Borough Council in the summer of 2002. The brief for the Study required the consultants to define the geographical extent of the study area, analyse the historical development of Newcastle and Gateshead in the area of the Gorge, appraise their architectural quality, undertake a visual analysis of the Gorge, indicate the importance of areas of the Gorge, identify threats and opportunities within it, and indicate principles for the protection and development of the Gorge in the future. The Study was finished in January 2003. It was received by Cabinet in March 2003; Cabinet resolved (inter alia) to use it to inform the decision-making process on planning applications. The Study was then accepted by this Committee, also in March 2003. The Committee resolved to note the Cabinet decision on the use of the Tyne Gorge Study, and also agreed that planning guidance be produced for Committee consideration in order to provide a framework for future development within relevant parts of the Study Area.
- 4.13 The Study identified 31 **Key Landmarks** in the Tyne Gorge and its vicinity. The landmarks are listed to enable an assessment within the Study of their contribution to the landscape of the Gorge. The Study states that most of the landmarks are positive contributors to the Gorge landscape as a result of their unique form, cultural importance, or historic value, and that it is important to preserve views of these buildings and structures. On the other hand, the Study states, there are a few landmarks 'which detract from their surroundings due to their lack of architectural quality, incongruous form, location, etc, which, all other things being equal, it would be better to remove or for their negative impacts to be mitigated in some way' (page 45). The principal landmarks (pages 46 to 53) in the vicinity of the application site are listed below:

- (1) The Tyne Bridge;
- (2) The Millennium Bridge;
- (12) St Michael's Church, Byker;
- (13) The Baltic Arts Centre;
- (15) The Sage Music Centre;
- (16) Spiller's Mill;

- (21) Tom Collins House, Byker; and
- (30) St Ann's Church.

4.14 The Study contains a section on views of, from, and within the Gorge. It states that the structure of the landscape, which in this case is particularly influenced by topography and townscape form, conditions our viewing experience within that landscape. This in turn affects the way we perceive our surroundings and sense of place. The Study states that there are some very distinctive viewing experiences in and around the Gorge which the Study classifies into four types (page 55):

- (a) Panoramic Views;
- (b) Contained/Broad Prospect Views;
- (c) Surprise Views;
- (d) Unfolding Views; and
- (e) Terminating Vistas.

4.15 The Study gives examples of each type.

4.16 The Study next considers **Strategic Views** in and around the Gorge. These views have been equated in the Study with the 'quintessential' views of the landscape of the Gorge. The views were selected through discussions with the Local Authorities and the authors' own fieldwork. For each 'quintessential' view the study identifies (page 61):

- (a) the type of view;
- (b) composition of the view (including important landmarks);
- (c) the value of the view in terms of aesthetic, cultural, and historic values;
- (d) the compositional quality of the view;
- (e) perception/experience of the view; and
- (f) key issues/ threats to the view.

4.17 The Study then lists 14 Strategic Views (pages 61 to 89). Of these the following are considered the most relevant:

Newcastle Quayside (page 78);
Hadrian's Way East of the Metro Bridge, Newcastle (page 80);
Mariner's Wharf, Newcastle (page 82);
Ouseburn Watersports Centre, Newcastle (page 84);
St Lawrence's Road, Ouseburn (page 86); and
St Michael's Church, Byker (page 88).

4.18 For each strategic view the Study describes the view type and composition, landmarks, the value and quality of the view, the perception and experience of the viewer, and key issues and threats.

4.19 The Study then describes the Gorge on the basis of a series of **Character Types**, which are classified as follows (page 93):

- (1) Historic Waterfronts;
- (2) Flood Plains;
- (3) Gorge Slopes;
- (4) Settled Plateaux;
- (5) Settled Hills; and

(6) Denes and Valleys.

- 4.20 The Study then divides the Gorge into a number of **Character Areas**, categorised within the Character Types set out above. These are based on underlying physical characteristics (particularly topography), urban morphology, and land use. The boundaries of each Character Area are indicative and not definitive. The Study describes each Character Area and assesses its sensitivity to new built development and any threats to the gorge character, and suggests principles for accommodating new development.
- 4.21 The application site is within and on the eastern edge of Character Area 3C, St Ann's Quayside (page 133). The adjacent Character Areas are:
- 6A Ouseburn, to the north (page 203);
5B Byker, to the north-east (page 181);
3D St Lawrence Quayside, to the east (page 139);
3E South Shore Road, Gateshead, to the south across the river (page 143); and
4C St Ann's Settled Plateau to the north-east (page 163).
- 4.22 The Study states that the **St Ann's Quayside Character Area** is visually sensitive as a result of its highly visible location on the waterside, directly opposite Gateshead Quays redevelopment site. However, the robust character of the redeveloped Quayside means that the urban structure is not sensitive to accommodating new built development except in the few remaining undeveloped Quayside sites (page 135). Within this area **Threats to Gorge Character** comprise:
- (a) new built development that is overly large in scale, for example development that masks the scale of the topography of the Gorge sides;
 - (b) poor pedestrian access and the dominance of traffic leading to user conflicts;
 - (c) loss of the remaining vegetation on the Gorge sides;
 - (d) new built development that alters the rhythm of Quayside buildings; and
 - (e) new built development that obscures local landmarks along the lip of the Gorge, for example Keelmen's Hospital, St Ann's Church, or the Sailors' Bethel.
- 4.23 In terms of **Principles for Accommodating New Development** in the St Ann's Quayside area, the Study recommends that the following design and development principles should apply:
- (a) maintain the scale, pattern, and rhythm of the built Quayside, responding to the reduction in building scale and height towards Ouseburn in the east;
 - (b) ensure new built development does not compete for attention with local landmark buildings such as the Co-operative Wholesale Warehouse (now the Malmaison Hotel), St Ann's Church, and the Sailors' Bethel;
 - (c) have regard for adjacent character areas (Ouseburn, the redeveloped Newcastle waterfront, and St Ann's settled plateau) in any proposals for new built development;

- (d) maintain pedestrian access along the waterside;
- (e) in planning any new development consideration should be given to strategic views from Mariner's Wharf, St Mary's Church (Gateshead), Baltic Square, the public viewing area on the fifth floor of the Baltic, Ouseburn Watersports Centre, St Lawrence Road, and St Michael's Church (Byker);
- (f) maintain existing, and consider providing new, access between the top and the bottom of the Gorge;
- (g) consider new native planting on the Gorge sides and in the infilled valley of Pandon Dene and encourage active management of vegetation;
- (h) maintain a simple building palette using traditional materials (muted red brick and sandstone) with limited use of more modern materials (wood, glass, granite, and steel); and
- (i) any new development should maintain a close visual relationship with the river.

4.24 In respect of the **Ouseburn Character Area**, threats to gorge character include (page 205):

- (a) new built elements that rise above the existing landmark chimneys and buildings;
- (b) loss of human scale within the townscape, including the mouth of the Ouseburn; and
- (c) restrictions in access from the Tyne Gorge up into the Ouseburn Valley.

4.25 In respect of the **Byker Character Area** the threats to gorge character comprise (page 182):

- (a) new built development that dramatically alters the skyline or has an overbearing effect on historic buildings, particularly on existing landmarks such as Tom Collins House and St Michael's Church;
- (b) new built urban development that alters the urban grain of the hillside; and
- (c) built development that obscures views from the hillside down into the Gorge.

4.26 In respect of the **St Lawrence Quayside Character Area** the threats to gorge character include:

- (a) new built development that is overly large in scale, for example development that masks the scale of the topography of the Gorge sides; and
- (b) new built development that competes for attention with existing landmarks such as Spiller's Mill and the Baltic.

4.27 In respect of the **St Ann's Settled Plateau Character Area** the threats to gorge character include:

- (a) 'The plateau topography in this area means that it is easy to block views into the Gorge by siting large buildings on the edge of the Gorge'; and
- (b) new built development that overshadows existing landmarks such as St Ann's Church.

4.28 Finally the Study sets out the **Broad Principles for the Siting and Design of New Development in the Tyne Gorge** (page 207 et seq). The Study notes that there is undoubted potential for new development or re-development in parts of the Gorge, and considers where in townscape terms new development might occur beyond the immediate confines of the Gorge. The Study concludes that the most obvious opportunity of this nature is likely to occur in the lower reaches of the Ouseburn Valley, and particularly on the bend of the river in the St Lawrence area. The Study sets out a number of criteria, in the form of statements and questions, to enable assessment of proposed development. These include:

- (a) would the new development be part of the intrinsic structure of the Gorge or is it seeking to stand out in contrast to its surroundings? (page 208);
- (b) is the development for the use and enjoyment of the public at large, and if so does it enhance or detract from the rest of the public realm, or is it for private use and benefit which in part depends on 'feeding off' the quality of the existing townscape? (page 208);
- (c) it is necessary to assess the impact of proposed development to see to what extent it might affect the principal approaches to the Gorge, and whether or not this effect is positive or negative (page 208);
- (d) whether there are good economic as well as environmental and cultural reasons for maintaining strong visual links with these landmarks (i.e. by ensuring that new development does not block views from the main vantage points of these landmarks, and vice versa, so that the setting of these landmarks is not impaired) (page 209);
- (e) no development should be allowed to come to the water's edge in the Gorge, and the water's edge should be reserved for public use or for a public footpath/cycleway (page 210);
- (f) all new development proposals within the Gorge's visual envelope should be able to demonstrate how they have taken the Character Area descriptions into account, such that the existing character is maintained and, where appropriate, enhanced, with particular reference to the effects on the public realm (page 210).

4.29 Within the Study's final section, on broad principles, is a section on '**Opportunities for Tall Buildings**' (page 209). A 'tall building' is defined in the Study as a building that is proportionally much taller than it is wide and which appears to tower above its surroundings. Here the Study states:

'...it is difficult to see where new tall buildings could make a positive contribution to the landscape of the Gorge unless they represented buildings of high community/cultural value (such as the churches) and were located in such a

position as not to detract from the other design principles described in this section of the Study. In these terms we do not see any scope for tall buildings on the lower slopes or along the Quayside within the main section of the Gorge, although there may be some opportunity if they were to be set further back behind the lip of the Gorge, and as long as they did not detract from the skyline where this is important in key views.

'The only other opportunity for tall buildings that we have identified as part of this study is where such buildings would help to bring definition at the ends of the Gorge where topography is not nearly so strong, and where there is a need to make a transition from the Gorge to adjoining areas.

'For example an area with, it seems, great potential for redevelopment is either side of the river downstream of the Baltic. This includes the lower reaches of the Ouseburn, the waterfront at St Lawrence, and La Farge's minerals depot on the inside bend of the river (in Gateshead). However the choice of location is all-important. For example if a tall building or a series of tall buildings were to be located at Mariner's Wharf upstream of the junction with the Ouseburn, this would achieve a degree of 'visual closure' at the end of the Gorge but at the expense of developments downstream which might benefit from a visual link to the Gorge. On the other hand if a tall building or group of tall buildings were to be located downstream of the outfall of the Ouseburn in the St Lawrence area this would both provide a degree of 'visual closure', and make the transition to the area downstream of the bend in the river, while at the same time not precluding a development offshoot up the lower reaches of the Ouseburn.'

The East Quayside Masterplan

- 4.30 The site of the application forms part of the Masterplan for the East Quayside, prepared by the former Tyne and Wear Urban Development Corporation in two stages in 1992 and 1996. The majority of the remainder of the East Quayside has been built out in accordance with the Farrell Masterplan.

Newcastle City Council Tall Buildings Guidance

- 4.31 The City Council has produced guidance for the assessment of applications for tall buildings. The guidance was approved as a Supplementary Planning Document by Planning and Transportation executive sub committee in 2006. It contains criteria for the assessment of tall building applications. Those criteria and the applicants response to them are set out later in this report.

The Ouseburn Parking and Accessibility Study

- 4.32 In 2002 independent consultants were commissioned to undertake a study of the Ouseburn Valley Regeneration Area. The principal objectives of the study were two-fold: firstly to identify the necessary transportation-related infrastructure including highway improvement, and improvements to pedestrian and cycling facilities, and secondly to identify appropriate levels for car parking provision and suitable sites for public car parks to be developed. The study also identified the likely costs of these works and likely contributions (via Section 106 legal agreements) from proposed developments. The Study (referred to in this report as the OPAS) and its recommendations were considered and approved by the City Council Cabinet in Spring 2003.

Ouseburn Conservation Area Management Plan

- 4.33 The Ouseburn Conservation Area Management Plan (CAMP) was approved by the City Council on 24 September 2004. Its key aims are, inter alia:
- (a) to establish and define the significance of the Conservation Area as a whole and of the individual elements found within it, ie architectural, historical, archaeological, ecological, social, industrial, etc;
 - (b) to assess and define the threats and opportunities within the area and how these impact on the significance of individual elements and of the Conservation Area as a whole; and
 - (c) to provide policy guidance to ensure that the significance of the Conservation Area will be maintained whilst changes occur, rather than being lost or damaged, and that opportunities for enhancement are maximised.

The Strategy for the Regeneration of the Ouseburn Valley

- 4.34 A strategy for the Regeneration of the Ouseburn Valley was approved by the City Council's Cabinet in Spring 2003. This strategy has the status of supplementary guidance to amplify the statutory UDP policies.
- 4.35 The Ouseburn Strategy has been developed around the 'Urban Village' concept which is based on a mixed-use approach. The urban village concept reflects the mixed use character of the Ouseburn Valley. It encourages diversity of development and lifestyle. The environmental quality of the area is gradually improving with the development of new housing and leisure uses, and the development of individual sites should contribute further to this process of improvement. The Strategy has been developed to achieve a sustainable approach to future development that will ensure that the best heritage features have been preserved and enhanced within a vibrant townscape.

5. PLANNING ASSESSMENT

Introduction

- 5.1 I consider that the following are the principal issues relevant to the determination of these applications:
- (a) the principles of the uses proposed;
 - (b) the design of the proposed building and the visual impact;
 - (c) the relationship to and impact on the built heritage, specifically on listed buildings and Conservation Areas;
 - (d) the impact of the proposals in relation to archaeology;
 - (e) the potential impact in relation to ecology;
 - (f) the relationship of the proposals to traffic, transportation, and accessibility;

- (g) the impact of the proposals in respect of noise;
- (h) the effect of the proposals in relation to flood risk;
- (i) the effect of the proposals on the local environmental wind climate;
- (j) the potential impact on residential amenity;
- (k) the assessment in relation to the proposed pumping station;
- (l) assessment in relation to the proposed demolition of unlisted building in Conservation Area;
- (m) other matters, including the need and scope of any section 106 legal agreement, and any conditions.

Principle of Uses Proposed

Housing

- 5.2 Regional Planning Guidance for the North East (RPG1) - now Regional Spatial Strategy - was approved in November 2002 and makes provision for only 450 net additions to the housing stock in the City each year. By early 2004 sites with planning permission in the City had a total remaining capacity of almost 6,000 units. This was estimated to be sufficient to effectively meet the RPG1 net housing requirement to 2016. Consequently, on 20 October 2004, the Council approved Interim Planning Guidance (IPG) on Release of Land for Housing, which introduced a degree of restriction on new housing but retaining provision for development contributing to housing market renewal.
- 5.3 The IPG has been successful in concentrating new proposals in those areas where it is most needed. However circumstances have now changed. The number of outstanding planning permissions outside regeneration areas has fallen whilst the completion rate in the Bridging NewcastleGateshead Housing Market Renewal Pathfinder area has risen to a fourteen-year high. New Government policy on housing was published at the end of 2006 in the form of PPS3 *Housing*, with a requirement that planning authorities be able to demonstrate at all times a five-year supply of 'deliverable' sites. More recently, in July, the Government issued a Housing Green Paper with a particular emphasis on increasing the delivery of new housing, with Newcastle identified as one of fourteen pilot areas for Local Housing Companies to be set up to increase the delivery of new homes. Perhaps most significantly, work on the replacement Regional Spatial Strategy has moved on, with the strong likelihood of much greater flexibility for Newcastle to accommodate additional housing.
- 5.4 The LDF Annual Report for 2005-06 was published in December 2006; this recognised that there was a need to revisit the justification for the IPG. This is currently being undertaken and the issue of managing housing delivery will be addressed alongside the LDF Core Strategy Submission Draft, due to be approved in autumn 2007. In the meantime, the circumstances outlined substantially detract from the weight which can be attached to the IPG.

- 5.5 Following 1,000 completions in the City centre over the period 2003-06, the completion rate fell markedly in 2006/07 (to 138) and will fall further in 2007/08. Consequently, this accessible, brownfield regeneration site can make a significant contribution to housing provision in the City centre. As such, the principle of housing development is accepted in this instance.

Affordable housing

- 5.6 Government policy in PPS3 and the accompanying Policy Statement 'Delivering Affordable Housing' outlines a commitment to providing high quality housing for people who are unable to access or afford open market housing. A Local Housing Assessment is currently in the process of being finalised and this will be used to inform preparation of a draft SPD on affordable housing later in the year. In the meantime, on 21 June 2007 Planning & Transport Strategy Committee approved an interim position on affordable housing of seeking 25% affordable units in each and every new housing development of 15 or more units where the application was registered after 1 April 2007. This includes the current application and consequently the development should make provision for some of the proposed units to be made available with subsidy so as to be affordable to households whose needs are not met by the market. In this instance external subsidy from the Affordable Housing Delivery Programme is unlikely to be forthcoming and so the landowner/developer would be expected to fund the full cost of providing affordable housing.
- 5.7 However, Government policy recognises that viability constraints, including the non-availability of public subsidy, will require local authorities to consider alternative options, including reducing the overall number of affordable homes required. In this instance, the applicant has allowed officers sight of a commercially confidential development appraisal. This appears to demonstrate that it would not be viable for the scheme to bear the cost of any significant contribution towards meeting the affordable housing needs of the City, whether through on-site provision or a commuted sum.

Office Use

- 5.8 In respect of the office and much smaller other uses – café etc, these are main town centre uses, as defined in PPS6. The proposal is for approximately 4,400 m² of offices. The site is within the UDP defined City Centre, and within the East Quayside mixed use regeneration area. The applicants have considered the city's employment land, and the office market supply and demand. They point out that in the short term the supply of brownfield office sites in the City Centre is constrained, and that this proposal is timely. The emerging LDF Core Strategy and the Council's Regeneration Strategy seek to enlarge Newcastle as a business centre and quality office location, and I agree that this proposal would make a useful very welcome early contribution.

Assessment in relation to Urban Landscape and Visual Impact

- 5.9 The design related aspects of this proposal form a critical element of my overall assessment of this application. I have therefore divided this element into a number of sub sections.
- 5.10 UDP Policy EN1.1) requires all development to meet high standards of design by (inter alia) taking full advantage of landform, integrating development into its setting, relating to the materials and design characteristics of surrounding built development, and minimising adverse impacts on nearby land.

- 5.11 Similarly national guidance contained in Planning Policy Statement 1 (PPS 1) states that:

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities for improving the character and quality of an area and the way in which it functions, should not be accepted.

- 5.12 UDP Policy EN2.1 states that development which would harm (inter alia) views from main approaches to the City and City Centre, from major movement corridors, from or across the River Tyne, or of historic buildings or skylines or other distinctive landmark buildings and structures will not be allowed. Policy EN4 states that development closely related to the rivers and riversides will only be permitted if it is, inter alia, appropriate, imaginative, and sensitive to river settings, and does not significantly detract from the amenity of a riverside corridor.
- 5.13 The Tyne Gorge Study, the relevant parts of which are summarised in an earlier part of this report, contains criteria and policies relating to new development in the locality. The Study lists principal landmarks, views and settings which should be safeguarded. It also lists viewing experiences, and strategic views. The Study divides the area into Character Areas and lists the threats to gorge character within each area. Finally the Study sets out broad principles for the siting and design of new development in the Gorge and criteria for the consideration of Tall Buildings. With these overarching qualitative design policies in mind there follows a detailed assessment of the architectural quality of the proposed buildings.

Architectural Quality

Residential Block

- 5.14 The architectural expression of the residential building at the confluence of the views looks to be very convincing and the insertion of an additional floor is virtually indiscernible from wider viewpoints but now makes it the dominant building given the reduction in scale of the office building (see below).
- 5.15 The basic form of the residential building has been enhanced by the decision to make it a prism with splayed instead of flat top with the added benefit of enabling roof terraces for the top floor apartments. Care has also been taken to resolve how the ground level residential units interact with the public walkways by providing subtle level changes and some stand off space to avoid pedestrians and cyclists impinging on the resident's privacy which compares more favourably than the ground floor of some other residences next to the Quayside. The contrasting double storey plinth helps 'anchor' it to the site.
- 5.16 Given the accepted overall quality of building design the choice of cladding materials will be important in conjunction with the decorative fenestration pattern. The design statement refers to the use of modular aluminium rainscreen panels as being intended to echo memories of the City's shipbuilding heritage. Rather than the facades being a single plane of metal grey colour it is proposed that instead the panels will be highlighted in a blue/green colour to introduce a play of light similar to

the effect on the River Tyne to achieve a 'scale like skin'. If successful this should ensure that the residential building is a very positive feature at the confluence of the Tyne and Ouseburn rivers.

- 5.17 The choice of material has been given careful consideration and I am now satisfied in principle that the material chosen does demonstrate that this 'shimmering' effect would take place based on the submitted samples. The final decision on the degree of blue/green mix to be used on the panels will however depend on examining larger sized samples on site under differing light conditions. This can be covered by an appropriate planning condition. The Residential Prism design is therefore acceptable in my view subject to larger scale samples of the aluminium rainscreen panels for the principal elevations being seen on site prior to construction to confirm the shimmering effect.

Office Block

- 5.18 The initial assessment of the application as first submitted raised concerns (reinforced by comments from third parties and NCAP) that the proposed wedge shaped block would sit unconvincingly next to the smaller neighbouring Mariners Wharf apartment block in terms of scale and further would unduly compete in height with the residential Prism.
- 5.19 Whilst acknowledging that its design was intended to be a foil to the visual dynamism of the Prism it was suggested that this office building needed to be reduced in scale by one full floor. This has now been amended in association with adding a floor to the Prism building and the revised photomontages illustrate the positive benefits to the overall form of the development.
- 5.20 The design concept is striving for an 'elegant restraint' which has now been reinforced with the choice of a more neutral coloured brick and toned down glazed fin treatment on the office windows. Whilst the wedge form is an evident new feature on the Quayside there is a nearby precedent on the Grade II* Tom Collins House in the Byker Estate although due to the differing uses there is a contrasting approach to the window design. My only reservation is the lack of any glazing or decorative relief to the presently blank brick east facing gable apart from the wrap around string course. This can be resolved with a detailed design condition to enable this point to be further discussed.
- 5.21 The Design Statement acknowledges an empathy with the industrial heritage of the Ouseburn Valley and as a backdrop to the landmark buildings in the Gorge including the proposed Prism building. In this context again like the Prism the choice of materials will be crucial. I am now satisfied that the recently proposed more restrained palette of materials is appropriate subject to the use of natural stone for the fins on the ground floor as part of a contrasting plinth.

Restaurant Pebble Building

- 5.22 In all respects this is a satisfying architectural expression and appears to have the potential for much needed public engagement and vitality due to the combination of leisure/retail uses and their relationship to external public spaces. The modest but important practical amendments to the spacing of the fins on the elevation adjacent to the pedestrian passageway will ensure that a convincing design solution is achieved.

Public Realm

- 5.23 The resolution of levels to accommodate partial site coverage with half level basement parking has been the key to unlocking the development potential of this site whilst creating the opportunity for a new public realm with provision of practical facilities to enable the space to accommodate future temporary public art programme and other events. This scheme has been relatively discreetly handled with subtle interchange of ramps and steps to draw pedestrians through the site from the Quayside walkway to lower Glasshouse Bridge and eastwards onto Spillers Mill or northwards into Lower Steenbergs site. The latter is obviously a critical new regeneration area which will truly be the principle entrance to the Ouseburn Valley hence the importance of achieving a discreet impact with the relocated pumping station (see below).
- 5.24 CABE in their Design Review appraisals have consistently flagged up the importance of getting the size and orientation of the public space right together with increasing its vitality by further ground level activity in the respective buildings. A key challenge of the concept is whether the double height pedestrian opening in the Wedge Office building adjacent to the Pebble feels comfortable and safe to walk through as a result of its detailed design including the type and visibility of adjacent uses when passing through it. The proposed amendments have responded to my previous concerns about the detailed design of the undercroft. The potential of passive surveillance from the neighbouring office building is equally crucial and further adjustments have reinforced this. In that context now that the spacing of the restaurant building fins have also been widened, it will be much more conducive for use by pedestrians.

Relocated Pumping Station

- 5.25 The issue of the location of the pumping station is examined in more detail later in this report. With regard to the architectural expression I think this is a much more convincing concept than all previous efforts and is reminiscent of Terry Farrell's now listed air vent building for the Blackwall Road Tunnel under the River Thames in that it provides a simple but unifying design approach. The metal railings if detailed as effectively as say Ryder & Yates MSCP treatment at former Tyne Tees studios on corner of City Road/Crawhall Road should also be capable of a positive impact. This therefore looks to be a relatively discreet building element as pedestrians enter the Ouseburn Valley through the Lower Steenbergs proposed regeneration area.

Potential impact of the Proposed buildings on the urban landscape

- 5.26 Having considered the detailed aspects of the design of the proposed buildings it is now appropriate to consider the impact on the buildings on the Tyne Gorge, key views, the Ouseburn Conservation Area and nearby listed buildings. In total there are 16 views which have been prepared based on Tyne Gorge Study other key views. I have reproduced below the applicants qualitative assessment of these and then set out in more detail the most critical of these below:

View		Residual Impact
TGS1	View from Quayside	moderate beneficial
TGS2	View from St Lawrence Road	substantial beneficial

TGS3	View from St Michaels' church	slight beneficial
TGS4	View from Ouseburn Watersports	moderate beneficial
UDP5	View from Walker Road	negligible
UDP6	View from Gateshead Highway	negligible
UDP7	View from Byker Bridge	moderate beneficial
UDP8	View from Tyne Bridge	negligible
UDP9	View from Baltic viewing platform	moderate
Local10	View from Sage Music Centre Entrance	slight beneficial
Local 11	View from Millennium Bridge	significant beneficial
Local 12	View from Cut Bank Bridge	moderate beneficial
Local 13	View from the Free Trade Inn	substantial adverse
Panorama 14	View from the Riverside Park	moderate beneficial
Local 15	View from Hawks Road	slight beneficial
Panorama 16	View from the Bankies	negligible

5.27 The Tyne Gorge study identifies a number of strategic views four of which are relevant to this site. As the applicants assessment is reproduced in full earlier in this report here I will focus on assessing the key Issues/Threats. It is worth noting that the applicants have stated that the montages were prepared in accordance with the Landscape Institute guidance on such images and I accept that this is a reliable and rigorous process.

Newcastle Quayside

5.28 A broad prospect view from Newcastle Quayside, east of the Tyne Bridge, on the main route from central Newcastle to the Millennium Bridge. Although the main focus of this view is the Millennium Bridge and the Baltic, framed by the Gorge sides, the whole of the Gateshead Quays are visible. Byker hill forms a wooded backdrop to the view.

5.29 There are not likely to be any threats to sightlines because the foreground of the view is open water. The main threat to the view could arise as a result of large or bulky new built development in the middle or background that could compete with the Baltic and millennium Bridge Landmarks.

5.30 By reason of the proposed development being divided into two principal buildings the dominance of a single bulky building is avoided. Also as the proposed buildings do not break the skyline they do not compete with the Baltic and Millennium bridge landmarks.

Ouseburn Water Sports Centre

5.31 A broad prospect view from the Ouseburn water sports centre on the north side of the river looking west along the gorge. This classic important view presents the Gorge spanned by the Gateshead Millennium Bridge with the Tyne Bridge behind. The view is framed on the left by the vegetated banks of the gorge on the Gateshead side and on the right by the regular façade of St Ann's wharf.

5.32 There are not likely to be any threats to sightlines because the foreground of the view is open water. The only threat comes from large bulky new development on the Quayside that could obscure the scale of the Gorge's topography or large buildings on the skyline that could compete with the landmarks on Newcastle's distinctive skyline.

5.33 As above the issue of bulk is avoided by there being more than one building proposed and therefore carefully separated and to the skyline is not broken.

St Lawrence Road, Ouseburn

5.34 A panoramic view from St Lawrence Road looking west along the Gorge. This view is at present spanned by the Gates head Millennium Bridge and Tyne Bridge behind. The Baltic is also an important component of the view.

5.35 Threats to the sightlines could occur as a result of inappropriate new built development on the eastern end of St Ann's wharf. Threats to the middle ground could arise as a result of new built development that upsets the scale and rhythm of the development along St Ann's Wharf or around the Baltic. The background could be affected by tall buildings that would alter the distinctive skyline of Newcastle.

5.36 The juxtaposition of the proposed buildings maintains and positively frames views of the Tyne Bridges and Baltic, a key view along the river.

Free Trade

5.37 A widely regarded 'iconic' view cherished by many and alluded to by many respondents to this application. Substantive buildings on the East Quayside would potentially "block" that view.

5.38 As the applicants themselves recognise the proposed development does have a substantial adverse impact on the Free Trade View. However as noted elsewhere whilst a much cherished fixed view by members of the public it is not one of the views defined in the Tyne Gorge Study or the UDP.

Tall Building Guidance

5.39 As part of the supporting submission for this application, George Wimpey's planning consultants have assessed the proposed development against the Council's tall buildings policy. I have reproduced below their assessment.

Analysis of Ouseburn Gateway proposals by applicant consultants against Newcastle City Council Tall Buildings Guidance (SPD)

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
1. Policy Context		
Applicants to set in a clear and concise fashion the underlying evidence and policy justification on which the development is based making reference to policy at national, regional and local levels.	This information is contained within the Planning Statement which accompanied the planning application, specifically chapter 4 – Planning Policy Guidance, Chapter 5 – Consideration of the proposal and Annex A – Planning Policy Guidance. Information is also included in section 3 – (Planning Policy) of the Design and Access Statement.	The application sufficiently demonstrates the policy context.
2. Siting of Tall Buildings		
Demonstrate, by means of a townscape landscape impact assessment, how the proposal site within the existing townscape and landform.	Submitted with the planning application.	The design approach has been discussed with the Commission for Architecture and the Built Environment (CABE) and favourable comments have been provided. In addition English Heritage provided a response stating they were happy that the proposed scheme would not have a detrimental impact on the neighbouring Conservation areas or historic buildings.
Describe the extent to which the proposal contributes to the creation of an attractive cluster of tall buildings (either existing or proposed) or creates an individual landmark.	The residential building will provide a landmark, marking a significant turning point on Newcastle Quayside. See the Design and Access Statement, specifically Chapter 3- Urban Design Objectives and Chapter 4 particularly section 4.3 -The Masterplan.	
Present the proposal within the context of an urban design study, to both immediate and wider area.	The Design and Access Statement (Section 2- The site and analysis of its context) and Townscape Report (Section 2- Context) contain physical and analysis and assessments of the character of the surrounding area.	
Proposals should be shown using the following view types: - Vista - Panorama - View Corridor	The Townscape Assessment illustrates key vistas. Specific viewpoints such as those taken at Newcastle Quayside provide a panoramic view of the site. Key view corridors are also examined.	(See previous page)

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
2. Siting of Tall Buildings (continued)		
<p>Illustrate through computer visualisations and photomontage techniques that consider but are not limited to the following:</p> <ul style="list-style-type: none"> - The built and natural environment - Key strategic views and approaches (ie views in Tyne Gorge Study) - Conservation settings and listed buildings - A detailed Urban Design analysis of surrounding areas that deals with the contributions that the tall building makes to the visual quality of the area. 	<p>The Townscape Assessment for Ouseburn Gateway contains 16 view verified montages. The 16 viewpoints include key views identified in the Tyne Gorge Study and UDP. The viewpoints were agreed with Newcastle City Council (NCC), Gateshead Metropolitan Council (GMBC), English Heritage (EH) and the Ouseburn Trust. Chapter 5 of the planning statement subsection – Relationship to Context (para 5.3 to 5.10) provides a detailed analysis of the surrounding area and the contribution the development will make to the area. Section 3 of the Design and Access Statement – Urban Design Objectives also provides a detailed analysis.</p>	
3. Historical Impact		
<p>Demonstrate (if applicable) how the proposal will impact on the setting of listed buildings, conservation areas or registered parks, scheduled ancient monuments or any archaeological remains.</p>	<p>The site is within the Ouseburn Conservation Area by virtue of the proposed pumping station. This issue is addressed within the Planning Statement (sections Chapter 5 Consideration of the Proposals – subsection Effect on the existing environment 5.11 - 5.32) and Design and Access Statement (Chapter 4 – Design Response – section 4.4 conservation area).</p>	<p>Extensive consultation with EH has revealed no issues relating to the Ouseburn Conservation Area or listed buildings. Rather the scheme will have a positive impact on the Ouseburn Conservation area providing a development of a high quality design.</p>
<p>Demonstrate through a conservation impact assessment, that the surrounding areas character or appearance or setting of the listed building or historic park or garden will be preserved and enhanced.</p>	<p>This issue is addressed within the Planning Statement (sections Chapter 5 Consideration of the Proposals – subsection Effect on the existing environment 5.11 - 5.32) and Design and Access Statement (Chapter 4 – Design Response – section 4.4 conservation area). Combined this information is taken to represent a Conservation Impact Assessment.</p>	

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
4. Land Use		
Describe the land use mix	The land use mix is described in the Planning Statement (Chapter 1- Introduction – Development proposals para 1.8), Design and Access Statement (Chapter 4 section 4.3) and in detail within the floorspace schedule attached to the planning application form.	It is considered that land use has been sufficiently addressed through the submitted plans and reports.
Describe how the mix of land uses supports and complements the surrounding land use pattern and local community needs and assists in delivering relevant housing or employment opportunities.	This information is included in the planning statement, specifically Chapter 5- Consideration of the Proposals, and Chapter 6- Assessment of Commercial Proposals.	
A plan illustrating the relationship of the proposed site to surrounding tall buildings	Two context elevations (refs: NH5/PA04/001 Rev A and NH5/PA04/002 Rev A) are included in the submitted plans which illustrate the relationship of the proposed site to the surrounding area.	
An in depth design statement that sets out the rationale for the proposal.	A Design and Access Statement has been submitted with the planning application.	
Show evidence of exploration of the viability and appropriateness of other forms of high density development.	The Design and Access statement provides evidence of precedent studies for each of the key elements of the scheme within section 4.	
5. Scale and Massing		
Describe the massing strategy of the proposal.	Chapter 4 of the Design and Access Statement.	The mix of uses at the ground floor together with the proposed area of public space will create development at a human scale at street level.
Describe how the massing of the proposal is integrated into the surrounding development.	See above and also context elevation plans refs: NH5/PA04/001 Rev A and NH5/PA04/002 Rev A) and photomontages.	
Illustrate how the massing of the proposal creates an appropriate form.	See above.	

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
5. Scale and Massing (continued)		
Describe the strategy employed to integrate the building with the scale of its context.	A key aim of the project is to create a visual link between the Quayside and the Ouseburn. This is reflected in Chapter 3 of the Design and Access Statement – Urban Design objectives.	
Indicate how the proposed design ensures a feeling of human scale at street level.	Details of this are included in chapter 4 of the Design and Access Statement.	
6. Design Quality and Form		
Provide a statement that describes in detail the rationale for the form of the proposal.	A Design and Access Statement and a Townscape Assessment have been submitted for the application. The Design and Access Statement – provides details of elevations and 3D images illustrating each of the buildings to be provided. This information is provided within Chapter 4 of the Design and Access Statement from section 4.8.1 onwards.	The ‘fifth’ elevation – looking down onto the site is of great importance. The roof lines have been carefully designed to enhance the City Skyline. Although, as illustrated in the Townscape Assessment the buildings do not break the skyline. The mix of uses at the ground floor together with the proposed area of public space will create development at a human scale at street level.
	The Townscape Assessment provides photomontages of key views illustrating the building in its context.	
Describe and illustrate how the form of the roof top enhances the skyline of the City.	Information on this issue is included in Chapter 4 of the Design and Access Statement.	(See previous page)
Describe and illustrate how the building addresses the street	Details of this are included in chapter 4 of the Design and Access Statement.	
In the case of ‘landmark’ buildings the statement should take into account the following key points: <ul style="list-style-type: none">• Inspiration• Silhouette	Chapter 4 of the Design and Access statement clearly explains the rationale and inspiration for the residential building. The Townscape Assessment illustrates that the building will make a positive contribution to the skyline.	

6. Design Quality and Form (continued)		
Describe the palette of materials and its associate to the local character.	The palette of materials to be used in the buildings is described in Chapter 4 of the Design and Access statement from section 4.8.1 onwards. A materials board was also submitted with the planning application.	
Describe the appropriateness of the materials used, in terms of their sustainability.	Chapter 6 of the Design and Access statement provides details of sustainability.	
Provide supporting information (if applicable) on the method used to measure the materials performance in sustainability terms, both initially and throughout the buildings life cycle.	See above.	
7. Urban Pattern, Alignment and Streetscape		
Describe how the proposal responds to and complements the prevailing urban pattern through an analysis of the neighbourhood's sense of place, and how the development will contribute to or improve on this.	Design and Access Statement - Chapter 3 section 3.9 -Repair of the public realm and Chapter 4 Section 4.6- The new public domain, provide details of this.	The proposals demonstrate linkages to the existing streetscape, enhancing this with a new public square. Ground floor uses will provide active frontages. Upper level uses will provide natural surveillance.
Describe how the proposal responds positively to any characteristic alignment and setbacks of surrounding buildings.	See above also see Chapter 7 – Access and Security.	
Describe how the proposal contributes to the streetscape. Key issues for consideration are: <ul style="list-style-type: none"> • active frontages and natural surveillance • legible entrances • an understanding of the relationship of the proposal to the existing streetscape; and definition of the public realm. 	See above also see Chapter 7 – Access and Security.	

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
8. Public Realm		
<p>Describe how the proposal has been designed to create high quality public spaces within the site and nearby.</p> <p>Particular consideration should be given to:</p> <ul style="list-style-type: none"> • High design quality • Art in the environment • Hierarchy of space • Climatic comfort • Need for light, sun and shade • Adjacent uses • Quality of materials • Describe the arrangements for long term • maintenance and management. 	<p>Design and Access Statement - Chapter 3 section 3.9 -Repair of the public realm and Chapter 4 section 4.6- The new public domain, provide details of this.</p>	<p>The development will enhance the public realm; providing a new public space.</p>
9. Public Access		
<p>Explain how any tall building proposed which comprises mixed or commercial uses, will encourage public access.</p>	<p>Details on access are provided in the Design and Access Statement specifically, Chapter 5 – Access for All.</p>	<p>The development will encourage access through a varied mix of ground floor uses</p>
<p>Demonstrate their proposal will provide equal access for all.</p>	<p>See above</p>	
<p>Submit a design and access statement.</p>	<p>A Design and Access Statement has been submitted with the application.</p>	
10. Open Space and Amenity		
<p>Explain whether the proposal meets or exceeds the UDP requirement for public and private space and if so how?</p>	<p>Information is provided within the Design and Access Statement at Chapter 3 section 3.9 Repair of the public realm and Chapter 4 section 4.6 The new public domain.</p>	<p>A large public square is to be created as part of the development. In addition many of the apartments have private open space in the form of balconies.</p>
<p>Developments should incorporate internal private and in mixed use schemes with a large footprint, some public open space.</p>	<p>See above</p>	
<p>Describe how the proposed development maximises the provision of outdoor and indoor amenity space.</p>	<p>See above</p>	

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
10. Open Space and Amenity (continued)		
Describe how good quality private amenity space is provided in residential development.	See above	
Describe and analyse the impact of the proposals on neighbouring properties.	See above	
11. Climatic Impact		
Describe how design has considered the local climate.	Noise, wind and daylight assessments have been undertaken.	The proposed development will have little or no climatic impact on the surrounding area.
Explain how the proposals address the climatic effects of the proposal on its surroundings. Issues to be considered will include: <ul style="list-style-type: none"> • Overshadowing • The diversion of high speed winds to ground level • Heat islands • Glare reduction 	See above.	
12. Sustainability		
Applicants need to provide a statement outlining how the proposal will apply to best sustainable practices including: <ul style="list-style-type: none"> • Energy Management; • Resource Conservation; • Material Specifications; • Waste Management; • Ongoing management and operation of the building • Lifetime homes standards • Energy Efficient best practice etc. 	The Design and Access Statement provides details of sustainability in section 6.	The development has a number of sustainable elements including sedum roofs on the office and restaurant buildings.
13. Transport & Infrastructure		
Submit a Transportation Assessment/ Statement and Travel Plan. These documents will need to: <ul style="list-style-type: none"> • Provide information on the accessibility to existing transport services; • Provide information on how the proposal fits into NCC's accessibility model; 	A Transport Assessment and Travel Plan have been submitted with the planning application.	The applicants George Wimpey City UK Ltd are currently negotiating the Section 106 package with the City Council. This will likely include a contribution to the Ouseburn Accessibility and Parking Study and a commitment to secure off site provision.

Applicants will need to:	Reference in submission documentation:	Summary of Findings:
13. Transport & Infrastructure (continued)		
<ul style="list-style-type: none"> • Provide revenue support towards the provision of public transport and other local government objectives in return for higher density development to take place. • Submit a car parking strategy particularly for residential developments showing how the development can accommodate demand etc. 		
14. Lighting		
Address key issues highlighted in the City Council Lighting Strategy with regards to the context of the lighting, legibility and effects on night time views from key panoramic viewsheds.		Discussions with NCC have not revealed this to be an issue.

5.40 Having had regard to the above detailed on a comprehensive matrix I concur with its conclusions.

Setting of Listed buildings

5.41 The two principal listed buildings whose setting could be affected by the proposed development is the former Sailors Bethel on Horatio Street (Grade II) and the former Ouseburn School (Grade II*) together with its outbuildings and railings (Grade II). The Sailor's Bethel (Grade II) is several hundred metres. It was built in 1875 as a Sailors' Nonconformist Chapel and is a two-storey brick building with a steeply-pitched slate roof and a tall steeple. Now in use as an office, it is one of only two buildings within the East Quayside Masterplan area that pre-date the regeneration exercise and is generally regarded as a local landmark of considerable architectural merit. Its setting has been carefully respected in the regeneration, with its car park and open space to its north and north-west separating it from the eastern end of High Quays allowing its visibility and its independence in views from Horatio Street to its south, from City Road to its north, and from the east along Glasshouse Bridge to be respected. The other key listed buildings to be considered are a group of three comprising the Ouseburn Development Centre, formerly the Ouseburn Schools, (Grade II*), together with the former Caretaker's House, and the wall, piers, and railings (both Grade II) forming part of the same complex. These are about 180m north-east of the application site. The complex was built in 1893 designed by Frank Rich who also designed the Turnbull Warehouse (Grade II) in an eclectic style and is dominated by its four corner towers with deeply overhanging roofs, dormers and minaret-type roof turrets.

5.42 The closest listed building to the application site is the Coulson Memorial drinking fountain and statue, Horatio Street (Grade II), about 80m north-east of the site. Dating from 1914 it was moved from the Haymarket to its present position in 1950.

It is in effect a piece of street furniture and is already dominated by the buildings around it, especially by the Sailors' Bethel and the Allan Building north of City Road, both of which predate it.

- 5.43 In the case of the Bethel as the closer of the two main Listed buildings – the office element roof line slopes down towards the Bethel and as noted earlier does not break the skyline. The residential elements at 13 storeys is clearly higher but there is a much greater separation and again the skyline is not broken. On this basis I am satisfied that there is no adverse impact on the setting of the Bethel Building.
- 5.44 In terms of the former Grade II* school, the office element is again the closer proposed building and whilst the roofline slopes up towards the school it nonetheless falls below the eaves and therefore does not compete with that landmark building. The residential block again enjoys a greater separation by being located on the prow of the Quayside and again by falling below the skyline does not in my view compete with the former school.
- 5.45 St Ann's Church (Grade I), is several hundred metres away to the west. I am of the view that the proposed scheme would have little if any impact on the setting of this building due to the distance and juxtaposition of the sites and the fact that St Ann's sits well back from City Road within its own landscaped grounds.
- 5.46 Since the time of the last application the iconic 1970's Byker estate designed by Ralph Erskine has been listed by the government (Grade II*). Some elements such as Tom Collins House are themselves visible and distinctive elements which form a key part of the skyline. Again with these exposed buildings falling below the skyline I am satisfied that they will not compete with the listed Byker estate. Crucially as the former school and the Byker estate are Grade II* listed one of the statutory duties of English Heritage is to have regard to the potential impact on their setting from proposed developments. In this instance English Heritage have no objections in relation to the setting of these listed buildings.
- 5.47 Much further away there are a small number of listed buildings such as the Cluny Warehouse (Grade II), the Ouseburn railway Viaduct (Grade II*) however given the distance from the application site, the scale of the proposed building and the rightful dominance of the listed buildings there is not an adverse impact on their setting.

Conservation Area Impact

- 5.48 Only a small part of the application site actually falls within the Ouseburn Conservation Area and that contains the proposed single storey pumping station which I consider later on in this report. The office and residential blocks although outside of the conservation area nonetheless, given their proximity and relative scale nonetheless impact on the character and appearance of it. The key view in my judgement to assess the impact on the Conservation Area is looking down the valley towards the Glasshouse Bridge. Whilst rising above the Bridge the buildings create a new marker for the Quayside at the point where the East Quayside/Tyne and Ouseburn join. From this view the two buildings in my view have a satisfying relationship, the roofline of the residential building gradually sloping up towards the peak of the Maynard's Toffee factory chimney and the office buildings gradually sloping down towards the chimney. Crucially from this view the Chimney still remains the dominant structure. Also importantly the buildings do not compete with

the other distance nearby building in the conservation area, the DH Allen buildings currently being converted to a hotel.

- 5.49 Significantly English Heritage who are a statutory consultee in respect of an application of this scale in relation to the potential impact on a conservation area have raised no objections in relation to the impact on the Ouseburn.

Views from the Free Trade Public House

- 5.50 The Free Trade is a renowned Public House which given its location and position and given the currently undeveloped nature of the application site enjoys fine views of the Tyne and its bridges. Many of the objections allude to the “blocking” of the views of the River from the Free Trade and the perceived over dominance of the Buildings. The applicants have provided a photo montage showing the existing and proposed view from the Free Trade which shows that the present view of the bridges from there would no longer exist.
- 5.51 The view from the Free Trade is not one of the key views identified in the Tyne Gorge Study. One of the benefits of the study is that it defines key public views in order that development proposals have a benchmark for consistent appraisal. My focus in assessing this application has been around the views identified by the Tyne Gorge study and the closest one to the Free Trade is the St Lawrence viewpoint which does actually maintain the views and the river.
- 5.52 Partly in relation to the Free Trade view itself and also particularly in relation to the general issue of the height of the proposed buildings it has been suggested that the proposed buildings are unduly high and dominant. I can understand why objectors might come to that judgement, given that at 13 storeys the residential building is clearly going to be of some stature. However in my view to come to a judgement on this issue one needs to view the scheme and the heights proposed in the full wider context of the surroundings. The adjoining site- Mariners Wharf at 5 storeys is certainly diminutive in comparison. If however one views the East Quayside in its wider context there are a series of rooflines of commercial buildings on the East Quayside such as St Ann’s wharf and the approved but not yet built Imperial Quay (Plot 12) as one moves eastwards. The Quayside then in effect splits into two elements, the lower plateau which contains the Mariners Wharf flats and directly above it the upper plateau on City Road which contains the High Quays flats. It is of note that the High Quays flats and St Ann’s/Imperial Quay are of the same height and that the buildings proposed in this scheme do not exceed that height. This is best evidence by the montage view (9) from the Baltic view platform. Which shows the roof of the office building rising upwards towards the lower part of the roof line of the residential building.
- 5.53 Of course any building of approximately more than 6 storeys on the site would affect the views of the river from the Free Trade and some respondents have suggested that could be the more appropriate height of this development. The Council is though required to assess what is proposed in the application; in any case I actually think that the site demands a building or buildings of some presence and stature and this is also supported by NCAP and English Heritage. The Mariners Wharf flats are fairly small in scale perhaps more akin to what one might expect to find in the suburbs. If something of a similar scale were to be located on this site my view is that the East Quayside at this crucial junction would drift towards an unhappy ending and actually be too small resulting in the Quayside petering out in a rather

unsatisfactory manner. One analogy which has been used is to think of the East Quayside being rather like a bookshelf which contains a series of similar sized books (Mariner Wharf et al) which requires a bookend of some substance to contain them at the end of the shelf. The size of the bookend itself would be appropriately defined by the parameters of the shelf i.e. the skyline of the Quayside. An overly diminutive and domestic development would not in my judgement bring a satisfactory marker to close the East Quayside and also to mark the beginning of the Ouseburn Valley.

- 5.54 As noted earlier in the context of height the proposed buildings do not break the skyline, are of a comparable height with the redeveloped East Quayside as a whole and do not in my view compete with key landmark buildings such as the Baltic, Tyne Bridge or Maynard's Chimney. Whilst the buildings do rise higher than Mariners Wharf, being higher in itself is not a reason for refusal. Furthermore given the revised design of the buildings and their juxtaposition I do not consider that there is an adverse relationship with Mariners Wharf.
- 5.55 The City Council has relatively recently adopted supplementary guidance in relation to proposals for tall buildings. The Tyne Gorge Study suggests that a tall building is defined as one which breaks the skyline and or is taller than its immediate surrounds. In this instance the proposed buildings do not break the skyline but are taller than the immediately adjoining buildings, the Mariners Wharf Flats and the Ouseburn Water Sports Centre.
- 5.56 My judgement is that this scheme does need to be judged against the tall buildings guidance which a number of objectors have alluded to. My conclusions as set out earlier are that what is proposed is acceptable in relation to the Tall Buildings criteria.

Design Summary

- 5.57 The design approach and the scale of the buildings proposed have as on previous occasions prompted significant concerns. This time though my feeling is that the applicant's architects have clearly absorbed some of the key failings of earlier schemes. In essence on this occasion the architects have got it right. The key things for me are, notwithstanding the objections, that what is proposed does not conflict with the key views identified in the Tyne Gorge Study, it does not dominate key landmark buildings and it does not break the skyline of the gorge. The approach of having two primary buildings which harmoniously balance together avoids the problems of a single bulky building which would block key TGS views and dominate the Quayside. Individually the office building is in my view comfortable alongside the Mariners Wharf flats and the residential building whilst higher is still of appropriate scale but perhaps more importantly is of the highest design quality which this gateway site demands.

Assessment in Relation to Archaeology

- 5.58 Planning Policy Guidance Note 16 (PPG16) 'Archaeology and Planning' sets out the importance of the appropriate management of archaeological remains in order to ensure their survival. It lists the key steps that developers and Local Authorities should take to enable investigation and evaluation of historical records and field evaluations with the above aim in mind.

- 5.59 Despite the lengthy history of human use of the site, on the main site subsurface archaeological features are absent, because this site comprises in essence made ground with substantial recent interference. On the subsidiary part of the site, north of the Quayside road and comprising the site for the proposed re-location of the pumping station, there is raised ground which, if not natural, is thought to comprise the remains of ballast hills. Through it runs the remains of a short concrete tunnel between the Quayside road and Glasshouse Bridge which gave access to Lower Steenberg's Yard via a route underneath the approach spans of Glasshouse Bridge. The concrete tunnel may in itself be of some archaeological interest, but there is no evidence that this tunnel conceals or embodies remains of the Victoria Tunnel or other earlier fabric. The application proposes that the ballast hills and the concrete tunnel be removed to allow the construction of the pumping station, I consider that this should be recorded in the form of a photographic survey prior to the start of any work, with further subsequent recording undertaken.

Assessment of Impact on Ecology

- 5.60 From an ecological point of view the site is of low ecological value however, it does fall within two important wildlife corridors and is therefore covered by UDP Policies NC1.5 and NC1.7. As part of this application the applicants have carried out a bat survey which found no evidence of bats. However, it did state the following:

“as there is the potential for small number of crevice roosting bats such as Pipistrelle to hibernate within the exposed stone walling at the rear of the Steenberg Warehouse arches, a precautionary approach to demolition of this structure will be adopted to address the low risk that bats may be encountered during demolition”. I have therefore recommended the mitigation and compensation strategy. A sedum “green” roof is proposed in respect of part of the office building which I welcome and which is also conditioned.

Assessment In Relation to Traffic and Transportation Issues

- 5.61 The principal planning policy document setting out transport, parking, and accessibility policies is the City Council's UDP, adopted in January 1998. The principal policies that are relevant are quoted in Section 4 of this report. The UDP contains, in DCPS 23, car parking standards for development. Government policy document PPG 13 'Planning and Transport' is also of relevance.
- 5.62 The UDP is supplemented by the 'Ouseburn Parking and Accessibility Study' (OPAS) which was approved by Cabinet in Spring 2003. The Study identified the necessary transportation infrastructure and appropriate levels for car parking provision in the Ouseburn area. It also identified the likely cost of these works and the contributions to be sought from developers putting forward identified development schemes.
- 5.63 As such having regard to OPAS, the proposed development would require a total of 129 parking spaces, 89 in respect of the residential properties at a ratio of 1 per dwelling and 40 in respect of the office floor space. Clearly a provision of 40 spaces falls some way short of the notional required provision. However the applicants propose to provide the 89 parking spaces required for the residential properties off site, for example potentially at the Stockbridge multi storey car park – this would be secured via the S106 agreement. Although some walk away such a location would be secure and safe which is generally a key consideration for people when parking a

car. Although the observation might be made that it is too far for residential occupiers to park their car and walk in relation to their dwelling, that is a choice for future occupiers to make when choosing a property. The immediate area around the site already benefits for Traffic Regulation Orders to prevent indiscriminate parking. However, if this scheme were granted planning permission, the expansion of the controlled parking zone should be funded by the developer, via the S106 agreement. In terms of the offices the thrust of government policy is towards locating offices in city centre locations and seeking to reduce reliance on the car for journeys to work. The travel to work by public transport in Tyne and Wear is also better than in many other cities, so that whilst the provision of 40 spaces is below what one might normally associate with a development of this size, judgement is that it is an acceptable level of provision, subject to it being augmented by a package of transportation improvements secured via the S106 agreement.

- 5.64 In terms of travel by means other than the car, the site is a short walk to the Quay Transit bus stop at the western end of Mariners Wharf, the service has also recently been extended into the wider Ouseburn area.
- 5.65 In relation to cycling, the site adjoins the Hadrian's Way east/west cycle route which is a well used route particularly by those undertaking the C2C challenge. This proposed development would actually improve the infrastructure provision for cyclist because of the ramping up to the Quayside Road level from the promenade rather than cyclist having to skirt around. Whilst having some criticisms and concerns, this point is acknowledged by Sustrans. Sustrans point to the importance of the provision of cycle based facilities, something that I would acknowledge and which is included in the suggested condition at the end of this report. Sustrans also suggest that the developers should be required to pay towards a new pedestrian footbridge across the Ouseburn to the Watersports Centre. I would however take the view that it would be disproportionate to require individually this development to fund such infrastructure even if it were judged to be desirable and necessary. In any case a substantive contribution towards transportation improvements is being suggested via a S106 agreement.
- 5.66 In terms of other matters I am satisfied that the development can be adequately serviced off Quayside Road as is the case with other Quayside developments and that adequate cycle parking can be secured for residential occupiers, office workers, visitors and other through the suggested conditions. As regards the concerns expressed by some about the ability of the highway network to cope with the development, this has always been a major development site since the days of TWDC and I am satisfied that the carriageway width would be able to cope with vehicular movements. In any case once the development is constructed and if approved constructed is established, the combination of lower parking provision and Traffic regulation orders should themselves help reduce movements.
- 5.67 The works in the vicinity of the quay wall would also require technical approval by the City Council however that is a separate process to planning permission and the approval of one does not necessarily presume that the other would also be granted.

Assessment In Relation To Noise

- 5.68 The applicants have submitted as part of the application a supporting noise assessment which considers the prevailing noise climate in the vicinity of the site. In respect of potential road traffic noise I am satisfied that given the distance from City

road and intervening “buffering” buildings, this issue need not be a determining factor. PPG24 notes that the Noise Exposure Categories (A-D) noise levels should not be used for assessing the impact of industrial noise on proposed residential development because the nature of this type of noise, and local circumstances, may necessitate individual assessment and because there is insufficient information on people’s response to industrial noise to allow detailed guidance to be given. In respect of industrial noise A BS4142 assessment of noise from the Lafarge Redland Gravel Plant in Gateshead shows that the applicant’s site is likely to be affected by reversing alarms of earth moving equipment used at the plant and that this noise is likely to give rise to significant complaint. The noise of the engines shows an 8 dB increase over background levels and is likely to be noticeable. Given the above results The Head of PHEP is concerned that if the development were to go ahead residents of the proposed flats will be exposed to a level of noise from the Lafarge Aggregator plant that is likely to result in nuisance actionable under the provisions of the Environmental Protection Act 1990 if the windows on the south façade were openable.

- 5.69 The applicants in recognition of this have identified a robust package of mitigation for the windows. The Head of PHEP concern however remains that if the windows were capable of being open that could give rise to complaints. Whilst not seeking to diminish the issue raised by the Head of PHEP I would nonetheless suggest that the ability to open domestic windows is generally desirable rather than relying solely on mechanical ventilation. Therefore on balance despite the concern expressed I am not minded to seek or impose sealed windows on the southern elevation. Although by being on the prow of the Quayside and therefore closer to Lafarge than Mariners Wharf, it needs to be borne in mind that the Mariners Warf flats themselves adjoining the site have been occupied for some years and I am not aware of those occupiers suffering any particular problems. It is also unlikely that the glazing incorporated in the Mariners Wharf flats which were approved in the early 1990s are the same standard as more modern acoustic units. Furthermore I am clear that attenuated windows are required and will be secured through the suggested conditions and the choice is therefore left to individual occupiers as to whether they open them or not.

Assessment in Relation to Flood Risk

- 5.70 Given the site’s location adjoining two rivers and recent updated guidance from the government on flood risk this has been a key area to assess. The Environment Agency objected to the original application, principally around a lack of information in relation to the sequential approach to potential site development. However as a result of providing the requested sequential information and further information on mitigation measures the Environment Agency are satisfied that what is proposed is acceptable in flood risk terms, subject to a number of suggested conditions which I have incorporated below. I am therefore satisfied that the applicants have complied with the requirements of PPG 25 (Planning and Flood Risk).

Assessment in Relation to Environmental Wind

- 5.71 The applicants supporting document on wind /microclimate aims to examine the effects of environmental wind caused by the building on its surroundings.
- 5.72 The applicants consultants have carried out a desktop assessment tests by a wind engineering consultant, and the results were then analysed and compared to

published comfort criteria by a second wind engineering consultancy, again on behalf of the applicant. The comfort criteria assess the expected wind conditions around the site and compare them with the intended usage at each measurement location. This implicitly recognises that for more active usage, such as walking, stronger winds are more tolerable than they would be for, for example, at an outdoor seating area.

- 5.73 These comfort criteria were developed at the University of Bristol and are known as the 'Lawson Criteria'. They include different levels of pedestrian activity - sitting, standing, entrances, walk-through, business walking, and car park/roadway. The categories are based on evidence and experience that users of outdoor sites in each of these individual categories are progressively more tolerant of windy conditions. Thus a person sitting in an open area for pleasure would be much less tolerant of high wind than a person walking from a car park to a building. Although the microclimate report goes through the issues of wind in some detail the conclusions are as follows. The meteorological data for the site indicates prevailing winds from the south west quadrant throughout the year and secondary winds from the northerly and south- easterly directions during the spring and summertime and from the south for autumn and winter. The existing conditions for an idealised open site would be expected to be suitable for leisure walking usage, a classification which is mid range in the Lawson Comfort scale and typical of urban areas in the northern UK. The site benefits generally from shelter provided by the urban areas of Newcastle upon Tyne in all directions except the 120-180 quadrant with its proximity and open exposure to the River Tyne. The conditions around the site are expected to be generally suitable for the desired activity with leisure walking conditions in the open plaza and standing entrance conditions around sheltered entrances. Building corners are likely to experience business walking and even car park roadway conditions in the worst case, windiest day. This will create some conditions that will make walking difficult, especially for vulnerable pedestrians such as elderly or infirm. As these conditions however would appear to relate only to building corners on the windiest days I am satisfied that the conditions created would not be so adverse as to warrant refusal.

Assessment in Relation to Residential Amenity

- 5.74 As part of the supporting information the applicants have prepared a daylight assessment in accordance with the Building research Establishment guidelines on daylighting/sunlighting. Although the BRE guidelines are not intended to be prescriptive they are nonetheless a useful tool for local planning Authorities. In essence the guidelines for daylighting involve calculating the vertical sky component at the centre point of each affected window. A pass rate of 27% vertical sky component (VSC) is given in the BRE guidelines. If 27 % is not achieved a further more detailed test can be carried out. In this instance as it is residential windows that the Local planning Authority needs to be primarily concerned about the it is the windows in the flank elevation of the eastern most block of Mariners Wharf which have been assessed. There are two columns of windows in that elevation at first, second, third and fourth floors giving a total of 8 windows to be considered. The results were as follows as regards Vertical Sky Component: 29.0 %, 31.0%, 32.0% and 33.5 % for the first column and 29.5%, 32.0 %, 33.0% and 34.5% respectively for the second column. Therefore as regards daylighting and the potential impact on Mariners Wharf a "pass" is achieved.
- 5.75 I have set out above my assessment the proposed development in relation to the potential impact on daylight/sunlight with specific regard to the Mariners Wharf flats.

I have also had regard to a number of other amenity issues. As regards the uses themselves I am satisfied that the combination of the offices, flats and café and gallery would not cause harm through disturbance. Any cooking associated with the café would be mitigated through a condition relating to details of extractive equipment. In terms of the potential concern about vehicular movements causing a disturbance as noted earlier this has long been a development site so some change in activity is inevitable were to be developed. However on the specific issue of vehicular movements as only 40 spaces are proposed - for the offices that in itself will naturally limit certainly shortly after occupation movements to the site. As regards the construction period this is acknowledged as a potential irritant to residents, however the planning system is primarily concerned with regulating land use and development rather than the construction phase itself. That said nevertheless I have suggested conditions relating to the hours of construction, an environmental management scheme to control such issues as dust and the location of site cabins to ameliorate as much as is reasonably possible these negative effects during the construction phase.

Pumping Station

- 5.76 At present there is an existing pumping station located centrally within this site in the form of the single storey brick building, which dates from the time of the Tyne and Wear Development Corporation. The comprehensive redevelopment of this site requires the relocation of the pumping station, firstly because its presence in the centre of the site is a significant physical constraint, secondly because the nature of its function and the maintenance associated with the pumping of sewage is not a good neighbour to residential accommodation.
- 5.77 The application, like the previous 32 storey tower scheme before I, proposes the relocation of the pumping station into the southern portion of Lower Steenberg's Yard following the demolition of the unlisted building there. This is subject of the separate CAC application and which is assessed elsewhere in this report. Three principal issues arise in relation to this specific part of the application. Firstly, does the relocation of the pumping station here potentially prejudice the future redevelopment of the Lower Steenberg's Yard. Secondly, is what is proposed in terms of the pumping station acceptable in design terms having particular regard to its location in the Ouseburn Conservation Area. Thirdly, is what is proposed acceptable to Northumbrian Water in terms of meeting their operational requirements. In terms of the first the clear design aspiration for the redevelopment of Lower Steenberg's Yard is set out in the Lower Ouseburn Design Framework 2005. However the parcel of land to the immediate south of the Glasshouse Bridge is excluded from the specifics of the design guidance for Lower Steenberg's. At the time of this application the Council is midway through the process of selecting a preferred developer for Lower Steenberg's so there is no application determined or otherwise for that site. In my view the Glasshouse bridge acts as a clear delineation between the main "body" of Lower Steenberg's Yard which runs alongside the River Ouseburn itself, Ouse Street and the soon to be developed Hotel du Vin. The proposed single storey pumping station does not prevent actual access into the wider lower Steenberg's site nor does its scale, siting or design in my view prevent the remainder of the site being developed in a comprehensive manner.
- 5.78 As regards the specific issue of design, the pumping station proposals associated with the previous 32 storey tower application were a particular source of concern for me given the utilitarian and uncompromising design of the then scheme. On this

occasion as noted in the design section of this reported I consider it to be well designed and an acceptable feature in the Conservation Area.

- 5.79 In recent months given the likely development scenarios in the Ouseburn Area and the limited capacity of the rising main, one of the additional issues the Council has had to have regard to is sewerage infrastructure. Members will recall that in some schemes recently it has been necessary to secure on site infrastructure. In this context Northumbrian Water statement that they have no objection to what is proposed is crucial at two levels. Firstly it demonstrates that this development is acceptable in terms of the sewerage infrastructure requirement for this development alone. Secondly that the relocation of the pumping station itself which serves a wider purpose is also acceptable.
- 5.80 Bearing in mind the above factors, whilst a number of respondents have suggested that alternative sites should be looked at given the acceptability of the design, the lack of prejudicial impact and the fact that the water authority are satisfied with what is proposed lead me to conclude that this aspect to the scheme is acceptable in its own right. Given the nature of its function the sewage pumping station is clearly a vital piece of public infrastructure and I have therefore set out in the Section 106 heads of terms that the new pumping station needs to be in place and operational prior to the demolition of the existing pumping station and prior to the commencement of any other part of the proposed development.
- 5.81 In respect of the proposed new pumping station that is the only part of the scheme which actually falls within the Conservation Area. Authorities are required by Section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts (and Part 1 of the Historic Buildings and Ancient Monuments Act 1953), to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Having had regard to that provision and indeed the proposal itself I am satisfied that what is proposed does indeed enhance the character and appearance of the Conservation Area.

Conservation Area Consent

- 5.82 The majority of the application site contains either no buildings and/or is outside the Conservation Area so for the most part issues of conservation area interest are absent. The existing pumping station does not require consent for its removal as it is not within the conservation area. The element to which Conservation Area Consent applies is in relation to the demolition of part of the Lower Steenberg's site (south of Glasshouse Bridge only) to facilitate the relocation of the pumping station. Guidance on demolition of unlisted buildings in conservation areas is set out in PPG 15 which notes that *"Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area."*
- 5.83 In this instance I do not consider that the elements proposed to be demolished make a positive contribution to the Ouseburn Conservation Area and therefore subject to a contract being let for the construction of the new pumping station (to be secured via a condition) I am satisfied that the demolition of the unlisted building in question can take place.

Assessment of third party objections

- 5.84 Given the public interest in this site and the level of third party representations despite the nature of those representations being set out earlier in this report I consider it appropriate to give some greater analysis to the principal grounds for objections. As a starting point to this however it is perhaps noteworthy that unlike on previous occasions NCAP, English Heritage, CABE and Gateshead Council (the issue of the one additional storey on the residential building apart) consider that what is proposed on this occasions to be broadly acceptable. Given that the latter three along with this Council commissioned the Tyne Gorge Study it demonstrates something of a leap forward for this site. That said I do acknowledge the substantive concerns held by many others on a number of grounds.
- 5.85 The scale of the buildings and the feeling that they are “turning their back” on Byker and the Free Trade Pub seems to be a particular driver of concern. However whilst the buildings, particularly the residential building is substantial at 13 storeys it is in scale with other Quayside landmark buildings such as Spillers Mill and the Baltic in Gateshead. Crucially, unlike the proposed 32 storey tower it does not break the skyline which would in my view be a source of concern in this location. It is of a similar scale to the original proposals for this site, but finally achieves what previous attempts have failed to do namely neither being overly dominant in scale nor turning its back on Byker. The point has been made in particular by the Ouseburn Ward Councillors and other that the scale of the residential building is to great when compared with the much smaller Mariners Wharf flats. Whilst the residential building is certainly of a greater scale than those flats as noted earlier I am satisfied that the scale is appropriate. The office building follows the built line of the Mariners Wharf flats and rise gently in height approximately from the roof of the flats. The taller residential building sits separately at the prow of the Quayside and in this context I consider the relationship appropriate.
- 5.86 A number of objectors have made reference to the blocking of the iconic view down the River Tyne from the Free Trade Public house which overlooks the site. It is certainly the case, given the site has remained untouched for many years that those visiting the pub have enjoyed unencumbered views up the river towards the Tyne Bridges. Clearly though any building(s) of substance to be located on the site would have an impact on the existing views from the pub. Additionally whilst the view from the pub is understandably important to some people, the key views to be considered are actually set out in the Tyne Gorge Study. The closest relevant view in this regard is a short distance from the Free Trade on St Lawrence Road looking down the river. From here because of the deliberate siting and juxtaposition of the building this more critical public view of the Tyne Bridge remains.
- 5.87 Although some concerns have been expressed in relation to the design of the pumping station neither English Heritage nor NCAP have raised any objections. I am also satisfied with the design solution. Therefore I see no need to seek any amendments to the design. Concerns about the Spillers parking area being used in relation to this scheme are misplaced as this is not proposed.
- 5.88 One of the suggestions that has been made is that a more comprehensive approach is required with the site being considered together with the Lower Steenberg's Yard site and the grassy bank known as the land west of the Free Trade. There are certainly circumstances in planning terms where a comprehensive approach is desirable; this would often centre around a definable large area where piecemeal

development within that defined area could potentially prejudice wider redevelopment. One such example in fact was the masterplanning of the East Quayside by Sir Terry Farrell in the early 1990's. However in respect of the specifics of this case the three sites referred to are clearly separate discreet sites in separate land ownerships. It is clear to me that each site is entirely capable of being brought forward alone for redevelopment without potentially prejudicing the redevelopment of either of the other sites and there is no reasonable basis to refuse the current application on the grounds that it is piecemeal.

- 5.89 I have also given consideration to the suggestion that the proposed office building would create a canyon effect on the Quayside Road. The Quayside Road is essentially a rear access road serving Mariners Wharf flats. Although pedestrians do use it the primary pedestrian route is along the East Quayside frontage which this proposed development will enhance. The Mariners Wharf flats already exist at 5 storeys and although the office block rises gradually higher (though not as much as when first proposed) I am not convinced that over this relatively short distance there is such a problem as to warrant refusal or even amendment.
- 5.90 A number of respondents have suggested that the office block is unduly bland and poorly designed. My thoughts on this are that the approach to this site is much enhanced by there being two principal buildings rather than just the one as previously which breaks the overall massing and allows views through the site. It is also appropriate in my view that there is a landmark element i.e. the residential building which is located at the prow of the site. It flows therefore that if the landmark element is towards the front of the site there is logic to the office block being more restrained and subservient toward the back of the site.
- 5.91 Gateshead Council as evidenced by their detailed detailed consultation response are broadly satisfied with what is proposed, their principal point of concern relate to the additional storey of the residential building as amended. Although the applicants have revised some of the photomontages, some are by their nature more important than others. It is the case that the Sage Music centre entrance has not been re done hence Gateshead's concerns. On the application as originally submitted the highest point of the residential building is at the base of St Michaels' church. Even without the revised montage though one can extrapolate that the addition of just one storey would leave the major part of the church particularly the spire still visible. Additionally English Heritage as co-commissioner of the Tyne Gorge Study have raised no concerns on this point.
- 5.92 In terms of CABA's observations about the quality of the public realm I agree that a finished treatment of the highest quality and approach is sought and I have suggested conditions and the Section 106 agreement to secure this. In general though I feel that the broad approach to the public space is about right.
- 5.93 There is a degree of irony in that one of the objectors has suggested that the inclusion of the proposed gallery is simply a tokenistic sop to the Council to assist in gaining planning permission, whilst CABA (who are independent of the Council) suggest that actually there should actually be more artistic provision in this application. My own view is that the balance of uses is just about right.
- 5.94 As regards the undercroft public passageway whilst acknowledging that there are some concerns about its inclusion I would make the observation that firstly is a relatively short discreet element and that secondly pedestrians have a choice at that

point, having the option of using the Quayside walkway as an alternative. I have also suggested conditions to secure the finished detail of the public passageway area.

Section 106 agreement

- 5.95 Having carefully assessed the application and arrived at the conclusion that what is proposed is acceptable I am also clear that in such circumstances a legal agreement pursuant to Section 106 of the Town and County Planning Act would be necessary to control and secure various elements.
- 5.96 Department of the Environment Circular 05/05 provides ministerial advice on the issue of planning obligations (Section 106 legal agreements). An obligation should only be sought where it meets the following tests.
- It is necessary to make the development acceptable.
 - Is relevant to planning.
 - Is directly related to the proposed development.
 - Is fairly and reasonably related in scale and kind to the proposed development
 - Is reasonable in all other matters.
- 5.97 The Circular goes on to state, inter alia, “where a proposed development would if implemented create a need for particular facilities or would have a damaging impact on the environment or local amenity or would adversely affect national or local policies and these matters cannot be satisfactorily resolved through the use of planning conditions it will usually be reasonable for planning obligations to be sought or offered to overcome these difficulties.
- 5.98 I am satisfied that a Section 106 agreement is required to cover the following matters:
- A contribution of £467,668 towards Ouseburn Accessibility Improvements. This figure is derived from the “standard” contribution derived from the study based on the quantum of development proposed and the remainder based on £5000 x the shortfall in the notional number of car parking spaces that would normally be expected to be provided. The £5000 figure is derived from the per unit cost of providing a parking space in a car park in the Ouseburn area.
 - The securing of the 89 of site parking spaces required for the residential accommodation.
 - The securing of rights of access for the public over the public spaces and a specification for the surface treatment.
 - The securing of a travel plan in respect of the offices and Policy Management plan.
 - Provision of employment training provision in respect of the construction phase.

Other Matters

- 5.99 Before concluding this report it is perhaps worth reflecting on the legal duties incumbent on a Local Planning Authority when determining planning applications. A number of these are germane in relation to these applications.
- 5.100 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning Authority shall have regard to the desirability or preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 – Planning (Listed Buildings and Conservation Areas) Act 1990).
- 5.101 Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise (Section 54 A – Town and Country Planning Act 1990).
- 5.102 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:
- 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.*
- 5.103 In dealing with an application for planning permission, the Authority shall have regard to the provisions of the development plan so far as material to the application, and to any other material consideration (Section 70 – Town and Country Planning Act 1990).
- 5.104 In assessing these applications I have had due regard to the above provisions.

6. CONCLUSIONS

- 6.1 This has been a site with a longer and more complex planning history than most. Previous attempts to develop the site have struggled with the form and scale of development and the incorporation of car parking. There has been an understandable high level of public interest in proposals for the site dating back the best part of a decade. This report has acknowledged the strong feelings expressed by many people in relation to this proposal particularly in relation to the scale and design of the proposed development, the impact on cherished views and the provision of car parking. It has also been made clear that key consultees such as English Heritage, NCAP, CABE and Gateshead Council are broadly satisfied with the proposed scheme. Given the prominence and sensitivity of the site and the considerable public interest in it I suspect it is probably impossible to identify a scheme which would satisfy everyone's aspirations or achieve unanimity. In my view the applicants and their architects deserve credit for learning from the previous unsatisfactory proposals and seeking to design a scheme which sits comfortably with its surroundings. Lengthy and careful analysis has led me to view that the current proposal is soundly based in a comprehensive understanding of the constraints and opportunities which apply to this site and represents a well composed and executed design which will do justice to its unique and remarkable setting.

7. **RECOMMENDATION**

7.1 The committee is **recommended** to indicate that it is minded to grant planning permission for planning application reference 2007/902/01/DET subject to:

- (i) The completion of a legal agreement pursuant to Section 106 of the Town and Country Planning 1990 as amended to secure:
- A financial contribution of £467,668 towards Ouseburn Accessibility improvements.
 - The securing of public rights of access across the new walkways/open space created and the management/ maintenance of it.
 - The securing of a specification for the surface works for the above.
 - The provision of a car parking management plan in respect of the 40 parking spaces.
 - The provision of a green travel plan in respect of the offices.
 - The securing of the new pumping station as operational before any other works commence.
 - Securing the phasing of construction to ensuring that whichever of the buildings, residential or office is commenced first that that building is not brought into use/occupied until a contract has been let for the construction of the other building.
 - Employment training.
- (ii) And conditions based around the following:
1. Sample materials.
 2. Large scale details.
 3. Parking to be laid out before first use/occupation.
 4. Details of extract facilities, refuse storage A3 use.
 5. Details of refuse storage residential and office use.
 6. Details of land decontamination.
 7. Validation of decontamination.
 8. Hours of construction 08:00 -18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, no working on Sundays or Bank Holidays.
 9. Environmental management plan for construction period to include details of wheel washing noise suppression, location and details of site cabins.
 10. Details of waterproofing methods up to the level of 4.36 AOD.
 11. No storage of any materials including soil within the site liable to flood.
 12. Details of scheme of surface water drainage works.
 13. Details of flood warning measures.
 14. Pedestrian access and egress levels to be set at a minimum level of 5.55 AOD and maintained as such.
 15. Details of secondary escape route.

16. Finished floor levels to be set at 5.72 metres for both buildings.
17. Details of noise insulation – flats.
18. Details of surface treatment and landscaping.
19. Cycle storage.
20. Further details of surface treatment for unbuilt parts of the site.
21. Details of green roof.
22. Notwithstanding submitted detail – revised flank elevation of office building.
23. Archeological recording.
24. Car parking to be laid out before first use.
25. Bat mitigation strategy.

7.2 In respect of the application for **Conservation Area Consent** the committee is **recommended** to grant consent subject to the following conditions:

1. Contract to be let for implementing the new pumping station.
2. Scheme of archaeological recording.

BACKGROUND PAPERS

Held by Head of Planning & Transportation on files 2007/0902/01/DET & 2007/0909/01/CAC.

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