

Development Control Committee

19 February 2010

Reference: 2009/0308/01/DET

Proposal: Conversion of Prospect House including the erection of 3 storey extension to rear to form 8 apartments in total, provision of associated access, car parking (10 spaces), with associated landscaping and boundary treatment (as amended by plans received on 23 December 2009)

Location: Prospect House, Hexham Road, Newcastle upon Tyne, NE15 9EA

Applicant: Mr Sukhvinder Dhillon

Report by: Director of Strategic Housing, Planning & Transportation

Ward: Newburn

Implications:

Planning Control Area 3

Introduction

1. This proposal seeks planning permission for the conversion of Prospect House including the erection of a three storey extension to the rear to form a total of 8 apartments, at Prospect House, Hexham Road, and Throckley. The proposal involves the retention of the existing Prospect House building and its conversion to 2 apartments, and the erection of a 3 storey extension to the rear of Prospect House comprising 6 apartments. Access is proposed to be taken from Hexham Road leading to the proposed parking area at the southern end of the site.
2. The application site measures approximately 0.19ha and is located within a predominantly residential area, close to the commercial uses in Throckley. There are residential properties to the south and west of the site. There are also residential properties and a hot food takeaway to the north of the site, whilst to the west of the site is a mixture of commercial uses and buildings.
3. The existing retail unit, situated within the ground floor of Prospect House, is currently vacant. The remainder of the site is largely overgrown with bushes and plants. The site also appears to contain informal allotment gardens.

4. There is a Tree Preservation Order on the site that covers the three beech trees on the western boundary. The proposal involves the retention of these protected trees (the impact of the development on these trees will be examined in the planning assessment).
5. The site also contains well preserved remains of the Roman Military Way in the land to the south of Prospect House. This is the roadway that ran parallel to the Roman Wall. These remains are of international importance and any disturbance of these remains should be avoided.

Consultation and Publicity

6. Upon validation of the planning application 350 residential and commercial properties were notified of the application. A second consultation exercise was undertaken following receipt of amended plans.
7. As a result of these two consultation exercise, 30 representations have been received to the proposal, of which I consider 28 constitute objections to the proposal. Reasons given for objection include:
 - The plans include the removal of a protected tree
 - Properties to the rear of the site will be less secure
 - Proposal will be detrimental to privacy of surrounding residents
 - Parking area will cause noise and disturbance
 - Three storey element should be reduced to two storey
 - There are too many access points on Hexham Road, proposed access will make situation worse
 - Hexham Road is already congested and dangerous at times
 - Pedestrian safety is already compromised by the number of wheelie bins left out on collection day. The proposal will make this worse
 - The proposal is over development of the site
 - Building will be an eyesore and block views
 - The height and scale of the proposed building is out of character with the area
 - Proposal may adversely affect local wildlife including bats
 - Three storey element of proposal will have an unacceptable impact on surrounding residents
 - Removal of protected tree could cause subsidence to adjoining residential property
 - The present access to Prospect House should be used rather than creating a new access
 - The design of the proposed extension is not complementary to Prospect House
 - Proposal would be better suited in the city centre not a semi-rural village
 - There is insufficient parking to serve the development

- The existing sewerage system is woefully inadequate and the development will exacerbate existing problems
 - If proposal is granted it could see an influx of further applications from residential properties on Hexham Road with similar large properties
 - There is insufficient visitor parking
 - The remains of the Roman Military Way may well be covered by the development
 - The plot is not sufficient to hold such an estate, the sewage and drainage services are inadequate and liable to flooding during heavy rainfall
8. Representation has also been received to the proposal from **Throckley Leazes Tenants and Residents Group**. The group does not object to the proposal. Concerns are raised in relation to the drainage of the site and affecting the properties on Stuart Gardens to the rear, potential flooding from waste water (existing problem in the area) and potential for on street parking problems. Observation is also made in relation to the existing trees on site and their proposed retention on site, and the impact of refuse bins and further on-street parking.
9. **Throckley Residents Action Group** have objected to the proposal due to its impact on the amenity of residential properties; the overall design of the proposal and its impact on the surrounding area; the impact on the local highway network; the impact upon the protected trees on site and the impact upon archaeological remains on site. The residents group outline that the rear extension is not subordinate to the existing building.
10. **Newburn Ward Members** were consulted on the planning application. Councillor Linda Wright has stated she has no objection to the development of the site but has concerns relating to the impact on the sewerage system, the increase in number of bins possibly being left out on the pavement and the volume of traffic in an area where parking is usually carried out illegally.
11. **English Heritage** have commented that due to the highly sensitive location of the site within the area of Hadrian's Wall and the Vallum, that the proposal requires a detailed construction methodology to be submitted for the works in archaeological sensitive areas and also some detail on the general construction in other areas.

Development Plan Provisions

12. The application site is situated in an Area of Archaeological Interest and is covered by Policy C4.1(7).
13. I also considered that the following non site specific Policies are relevant to this proposal.
- C4 Development which would harm sites or areas of archaeological interest and their settings will not be allowed.**
- C4.2 Where a proposal may affect a site or area of archaeological interest, the developer will be required to submit an appropriate assessment of its potential impact upon the archaeological remains and where necessary undertake an archaeological field evaluation.**

- C4.3** Where assessment and evaluation have established that proposed development will adversely affect a site or area of archaeological interest, developers will be required to preserve archaeological remains in situ unless this is clearly inappropriate or the destruction of the remains is demonstrably unavoidable, in which case a programme of archaeological works shall be submitted to and agreed with the council before the start of development.
- 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. Good standards of outlook, natural light and privacy in all dwellings;
 - b. Measures for designing out crime;
 - c. Measures to maximise energy efficiency;
 - d. Safe, convenient and comfortable circulation for pedestrians especially children, elderly people and those with disabilities, including measures for traffic calming and cycling; and
 - e. The character and quality of the local environment.
- 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.**

EN3 The quality of the city's landscape will be enhanced by protecting areas of greatest value, retaining trees and woodlands, and greatly increasing the amount of planting.

EN3.2 Where appropriate, development proposals shall retain woodland, trees, hedgerows and shrubs, and the council will attach conditions for their protection during and after construction; where such features are worthy of protection but their loss is unavoidable replacement planting will be required.

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.

Planning Assessment

14. I consider that the main issues to be considered in the assessment of this application are:

- The principle of the development
- The impact of the proposal on the amenity of residential properties
- The overall design of the proposal and its impact upon the surrounding area
- The impact on the local highway network
- The impact upon the protected trees on the site
- The impact upon the archaeological remains on the site

Principle of Development

15. The proposal involves the development of 8 residential properties on a site that was previously used for a shop and residential property with a substantial garden area. The application site is situated within a predominantly residential area and with existing residential properties to the north, east and south. In this respect, it is considered that the principle of residential development on this site is acceptable and is compatible with the existing surrounding land uses and will not be detrimental to the amenity of surrounding residents as a result of the proposed use of the land.

Impact of the proposal on the amenity of residential properties

16. The impact of the development on residential amenity is assessed against Policy H2 of the Unitary Development Plan.
17. The form of the development proposed involves the construction of a three storey extension to Prospect House, containing 6 apartments, and the conversion of the existing Prospect House to 2 apartments giving a total of 8 apartments. Through assessment of the distances that are maintained between the proposed buildings and the existing properties surrounding the application site, it is considered that the proposal will not be detrimental to the amenity of surrounding residential properties through an undue loss of daylight, sunlight, outlook or privacy.
18. The proposed three storey block is approximately 31m to the north of the residential properties on Stuart Gardens. Given this distance that is maintained, and due to the position of the development to the north of these properties, it is considered that the proposal will not result in an unreasonable loss of daylight, sunlight, outlook or privacy.
19. It should also be highlighted that the proposal involves the demolition of an existing rear off-shoot that is part two storey and part single storey. This existing off-shoot extends 12m from the rear of the premises, with the proposed extension extending 20m from the rear of the premises.

20. The proposal incorporates a 10 space parking and turning area close to the southern and western boundaries of the site. Concern has been expressed relating to the impact of noise from the coming and going of residents and their vehicles. It is considered that the presence of existing and proposed planting will alleviate such noise concerns and that the noise generation from a small number of vehicles is unlikely to create noise that would cause a significant disturbance.

Design

21. The design of new residential developments in the City are assessed against Policies EN1.1 and H4 of the Unitary Development Plan.
22. As previously highlighted, the site has two significant constraints, namely the presence of Roman remains and the protected trees on the western boundary. These constraints have largely restricted, and contributed to, the layout of the proposal.
23. The current proposal creates 8 residential units on a site of 0.19ha. This represents a housing density of approximately 42 dwellings per hectare which is within the national guidance of 30 – 50 dwellings per hectare. The footprint of the part of the site that it is proposed to locate the three storey block represents a small proportion of the site, with the remaining areas being landscaped, gardens and parking.
24. The proposal to create residential properties in the garden of Prospect House has given rise to concerns over tandem development and the resulting precedent that may be set for other residential properties with large gardens on Hexham Road. Such concerns are noted and can in principle be material planning considerations, however if such development is to be resisted the harm created by the development must be clearly identified. As outlined above, given the relatively low density of the development, particularly for a scheme comprising apartments, it is considered that the development does not represent overdevelopment of the site. The issue of precedent does not in itself permit other developments of a similar nature, as other proposals should be considered on a case by case basis in relation to the particular site and relevant planning policies.
25. The scheme incorporates the retention of Prospect House, which is a welcome part of the scheme. The building, although not listed, does have a degree of historical and architectural interest, and provides a positive contribution to the Hexham Road street-scene. The proposed extension is located to the rear of the premises, and leaves the primary front elevation largely unaltered. The rear extension, although three storey, has a lower roofline than Prospect House, and combined with the sloping nature of the site, does not over dominate Prospect House. The design of the extension incorporates second floor dormer windows that reduce the overall height of the extension from that of a full three storey building.
26. It is considered that the scheme incorporates traditional design features taken from Prospect House and surrounding residential properties to ensure that the development style is not out of character with the area and will not be detrimental to the appearance of the area or the host building.
27. It is considered that the proposal complies with Policies EN1.1 and H4 of the Unitary Development Plan.

Impact on Highway Network

28. Access to the proposed development is taken from Hexham Road, with an internal access road/driveway leading to an area of 10 parking spaces. It is considered that the numbers of parking spaces that are proposed will cater for the operational requirements of the development. Each residential property will have access to at least one parking space.
29. The proposed access road and footpath would not form adopted highway and would remain the responsibility of the developer for maintenance etc.
30. The objections relating to highway safety are noted; however these largely refer to existing concerns at a local level. It is considered that the proposal will have minimal impact in terms of increase in traffic levels on Hexham Road. Overall, the proposal is not considered to create conditions that would be detrimental to highway safety.

Landscape

31. The Tree Preservation Order on site covers the three beech trees to the western boundary. There are two other trees, an oak at the frontage and a whitebeam between the beech and the house that are not included within the preservation order due to their low amenity value.
32. The submitted Tree Survey outlines that the oak tree is in poor condition and would be appropriate for felling. Although the tree may survive for several more years, there are no objections to this; furthermore given the evident damage to the tree and its frontage location the risk is high here.
33. In relation to the protected trees, the submitted report suggests that due to dead bark and apparent extensive decay, one of the trees should be felled.
34. Following a site investigation it is considered that the condition of this tree has deteriorated significantly, and will continue to do so. This is reflected in the 2008 aerial photos where this tree shows patches of significant browning reflecting root stress. While the applicant's arboriculturist was not of the opinion that failure was imminent, in view of the likely presence of butt/root decay failure can be sudden and, in this location, potentially fairly catastrophic.
35. In view of this it is considered that the best course of action would be to fell this tree and provide a replacement, as required by the TPO legislation. In this case I would be cautious of providing another beech given the increased risk of cross-infection from the fungal infection in the roots of the existing tree. However the replacement should still be a tree of similar eventual stature and longevity. The replacement tree should be planted in a similar position to the felled tree that will be agreed on site.
36. The other two protected beech trees (3 and 4) are to be retained, despite there being some flaws in both trees (as could be expected in trees of this age – over 100 years old). Overall both trees appear broadly sound and in reasonably good vigour. However, all three beech trees have flaws and it is likely that over the next 30-40 years the other two trees will also need to be removed. Planting of a replacement tree for the one proposed to be felled now would mean that when the other two trees are removed there will be a 40 year old tree already in place to provide some significant continuity of amenity value.

37. Given the location of the proposed extension, this in itself does not have an adverse impact on the protected trees. Conditions would be required relating to a landscaping scheme for the site and conditions to ensure that the construction of the driveway and other hard surfaces does not negatively impact on the rooting zones of the protected trees.

Archaeology

38. Policies C4.2 and C4.3 of the Unitary Development Plan seek to ensure the preservation of archaeological remains.
39. The application site is one of very high archaeological sensitivity, located just to the south of Hadrian's Wall. The archaeological sensitivity of Hadrian's Wall is reflected in the status of much of its line as a scheduled ancient monument and world heritage site. The road and path to the immediate north of this site is part of the protected scheduled monument.
40. An archaeological evaluation of the site was commissioned by the applicant, and the report was submitted as a part of the current application. This evaluation work revealed the presence of a Roman road, known as the Military Way, in the southern part of the site. This road was an addition to the original plan of Hadrian's Wall, and is a discovery of potential national importance. Given this, English Heritage's advice was that these remains needed to be preserved in-situ, in line with government advice in PPG16, and with reference to an earlier proposal on this site, this preservation was achieved through limiting the works in the area of the Roman road to one access spanning above the archaeological remains.
41. With reference to the current application, this approach to the remains of the Roman road is again taken, with an access to a car park to its south being the only part of the proposal in this area. This approach is broadly welcomed. In addition, the application also makes clear that the area of the Roman road will be fenced during construction works to ensure that no accidental damage occurs as a result of the construction process.
42. In order to ensure that there is not an adverse impact on any archaeological remains the submitted plans outline that the Roman way (at the crossover point) will be fully exposed and recorded in accordance with an agreed method with English Heritage with the driveway at the crossover point being constructed in detail to ensure that there is no adverse impact on the remains. It is also proposed to fence off the remaining section during construction works that will then be landscaped to a scheme to be agreed by the Local Planning Authority.
43. The submitted plans also outlined the sensitive approach that will be adopted to the construction of the access point and the installation of services to the development, in order to ensure that there is no adverse impact on archaeological remains.
44. In view of the sensitive construction methodologies that are proposed to be adopted, it is considered that there will be no adverse impact on the archaeological remains on the site. It is considered that the proposal complies with Policies C4.2 and C4.3 of the Unitary Development Plan.

Other matters

45. As the proposal involves the felling of a mature tree and works to an historic building, the applicant has submitted a Bat Risk Assessment. The assessment outlines the mitigation strategy that is to be used on site. A condition will be required to ensure this is implemented as part of the proposal.

Conclusions and Recommendation

46. It is considered that the proposal consisting of a residential development comprising a total of 8 units is compatible with the predominantly residential nature of the surrounding area. It is considered that the use of the land for residential purposes will not in itself lead to unreasonable levels of noise and disturbance that would be unduly detrimental to the amenity of surrounding residential properties.
47. The proposed development results in the construction of a three storey extension to the rear of the existing Prospect House building. The application site measures approximately 55m in length and is distance of around 31m is maintained from the residential properties to the rear of the site. Given this distance, and the fact the development is north of these properties it is considered that there is not an unreasonable loss of daylight, sunlight, outlook or privacy as a result of the proposal.
48. In terms of the design of the development, this reflects some of the design characteristics of Prospect House and the surrounding residential properties. The design makes use of the sloping nature of the site so that it does not over-dominate the Prospect House building. The retention of Prospect House is a welcome part of the proposal as the building contributes to the architectural and historical character of the area. It is considered that the design of the proposal will not be detrimental to the visual amenity or the appearance of the area.
49. The development provides 10 parking spaces to serve the 8 apartments. It is considered that this is sufficient to serve the operational requirements of the development. In view of the additional level of traffic that is likely to be generated by the proposal, it is considered that the proposal will not be detrimental to highway safety.
50. The scheme proposes the removal of a tree that is subject to a Tree Preservation Order. It is considered that the tree subject to the removal is in poor health and provided a suitable replacement is planted, there is no objection to its removal. The scheme will also require the submission of a detailed landscape plan.
51. It is considered that through the use of sensitive construction methodologies, the development will not be detrimental to the archaeological remains on the site.

After full consideration of all issues with respect to this proposal, its assessment against existing and emerging revised development plan, other, material planning considerations, and taking into account the observations received, it is **recommended** that planning permission is granted for the proposal subject conditions based on the following:

- Development to commence within 3 years of consent.
- Development to be carried out in accordance with approved plans.
- Samples of external materials to be submitted.

- Details of surface treatments to be submitted.
 - Landscaping scheme to be submitted.
 - Completion and maintenance of landscaping scheme.
 - Replacement Tree Planting.
 - Tree protective fencing.
 - Notification of tree felling.
 - Tree protection measures to be implemented.
 - Boundary Treatments to be provided.
 - Detailed construction methodology to protect archaeological remains to be submitted.
 - Use of service trenches in accordance with submitted details.
 - Archaeological watching brief required.
 - Detailed construction methods to protect tree roots to be used on site.
 - Restriction of construction hours.
 - Parking provided before first use.
 - Submission of bat mitigation measures.
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Background Papers

Held by Director of Strategic Housing, Planning & Transportation on 2009/0308/01/DET.

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