

Development Control Committee

20 June 2008

Reference: 2008/0752/01/DET

Proposal: Erection of 6 x 2 bedroom apartments and 3 x 3 bedroom apartments, conversion of Prospect House to 2 town houses (following demolition of rear extension) and provision of associated access, car parking (14 spaces), refuse storage, clothes drying area and boundary treatment

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

Applicant: Mr S S Dhillon

Report by: Director of Strategic Housing, Planning & Transportation

Ward Implications: Newburn

Planning Control Area 3

INTRODUCTION

1. This proposal seeks planning permission for the erection of 9 apartments and the conversion of an existing house and shop to 2 town Houses, at Prospect House, Hexham Road, Throckley. The proposal involves the retention of the existing Prospect House building and its conversion to 2 town houses, and the erection of two 3 storey apartment blocks; one to the rear of Prospect House and one adjacent to Prospect House fronting onto Hexham Road. 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 them should be avoided.

CONSULTATION AND PUBLICITY

6. Upon validation of the planning application 342 residential and commercial properties were notified of the application.
7. The application was advertised in the press on 30 May 2008 and a site notice was posted on 5 June 2008.
8. As a result of this publicity a total of 8 letters of objection have been received to the proposal.
9. Reasons given for objection include:
 - There are an inadequate number of parking spaces, most homeowners have 2 cars.
 - There is no visitor parking.
 - Area is already heavily congested from customers of the fish and chip shop opposite the site.
 - Proposal represents overdevelopment of the site.
 - Proposal is out of character and inappropriate for the area.
 - Car park area is adjacent to gardens.
 - Car park will attract anti-social behaviour.
 - Flats are already being demolished in the area.
 - There are no other apartments in the area and there should not be.
 - Building should be converted to one or two dwellings.
 - Area is already very busy due to shops, industrial estate, petrol station – proposal will increase this and would be dangerous for the properties and old people homes opposite the site.
 - Proposal is purely based on getting as many properties on a piece of land for profit with no consideration of the surrounding area.
 - Approval will create a precedent for further backland or tandem development.
 - Three storey block conflicts with the scale of the neighbouring bungalow.

10. One letter of support has been received to the proposal referring to the benefit of additional accommodation the proposal would bring to the area and the additional employment it would create.
11. 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 there proposed retention on site.
12. ***Newburn Ward Members*** were consulted on the planning application. Councillor Wright has objected to the proposal on the grounds that it represents overdevelopment of the site. Councillor Wright has further commented that there is no objection to the conversion of Prospect House.
13. ***English Heritage*** have commented that due to the highly sensitive location of the site within the area of Hadrian's Wall and the Vallum, the proposal should not be approved in its present form until further archaeological work is undertaken on the site to examine the extent of possible Roman remains in areas that have not previously been examined.

DEVELOPMENT PLAN PROVISIONS

14. The application site is situated in an Area of Archaeological Interest and is covered by the following Unitary Development Plan Policy.

C4.1 THE FOLLOWING SITES AND AREAS OF ARCHAEOLOGICAL INTEREST ARE IDENTIFIED FOR THE PURPOSES OF POLICY C4:

Scheduled ancient monuments

7. Hadrian's Wall, Vallum and associated works

15. 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

16. I consider that the main issues to be considered in the assessment of this application are; 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; and the impact upon the archaeological remains on the site.

Impact on residential amenity

17. The proposal involves the development of 11 residential properties on a site that was previously used for a shop and residential property with a substantial garden area. It is considered that the principle of residential use on this site is acceptable, and in itself will not create any conditions that would be detrimental to the amenity of surrounding residential properties.
18. The form of the development proposed involves the construction of a three storey extension to Prospect House, containing 6 apartments, and a three storey building containing 3 apartments, adjacent to Prospect House. 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. Although there are no conflicts with policy or specific inadequacies with regard to privacy distances or overshadowing there are a number of concerns about the form of the proposal.

19. The proposal incorporates a 14 space parking area adjacent to the southern boundary of the site. The parking area creates a significantly large area of hard-surfacing, sharing a common boundary with five surrounding gardens of residential properties. Whilst it is apparent that the position of the parking facility is due to the Roman remains and the location of the proposed units, it is considered that the increase in vehicular movements that the proposal would cause in terms of vehicles accessing the site, and manoeuvring within the parking area, would be detrimental to the amenity of nearby residents by reason of increased noise and disturbance.

Design

20. 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.
21. The current proposal creates 11 residential units on a site of 0.19ha. This represents a housing density of approximately 58 dwellings per hectare which is above the national guidance of 30 – 50 dwellings per hectare. Although only slightly over the national guidance, the density that is proposed would be expected to be seen on a centrally located site, in close proximity to a public transport node and surrounded by developments of a similar density. None of these features exist on the current site or in the surrounding area.
22. The proposal to create residential properties in the garden of Prospect House gives rise to concerns over tandem development and the resulting precedent that may be set for other residential properties with large gardens on Hexham Road. The proposal would effectively remove the large garden that currently benefits Prospect House and goes some way to reflecting the size and stature of the property. It may be argued that such a prominent dwelling should sit within a plot to reflect the size and importance of the house, thereby seeking to protect the garden area to the west, particularly as the main entrance to the house faces west into this area.
23. Whilst the retention of the Prospect House building is a welcome part of the proposal, the proposed apartment block to the rear creates a three storey extension to a two storey dwelling. This is not subordinate nor in keeping with the scale and design of Prospect House.
24. The proposal includes a refuse storage area on the front elevation to Hexham Road. This in itself would be unsightly in appearance and be detrimental to both the appearance of the area and the amenity of proposed residents and existing residents. I consider that this is another unacceptable aspect of the proposed development. The refuse area is some distance from the apartments to the rear of the site and does not appear to have taken recycling or garden waste facilities into account.
25. As previously highlighted, the parking area creates a significantly large area of hard-surfacing. Whilst it is apparent that the position of the parking facility is due to the Roman remains and the location of the proposed units, it would result in residents of the units on Hexham Road having to walk relatively long distances to get to their property.
26. Proposed Town House 1 creates a relatively large 3 bedroom house; however the property has no garden or private amenity space. The outlook from the lounge of this property is not considered to be acceptable. The main window to the lounge is 5.5m from a three storey gable and the secondary window is 4.5m from a three storey wall.

The secondary lounge window also creates privacy issues as it conflicts with the kitchen windows of the adjacent apartments.

27. Similarly the lounge of Town House 2 also has a poor outlook. The window itself would be very small and would only let in a small amount of light to this primary habitable room. Furthermore, the outlook would face onto a boundary fence and be adjacent to a three storey wall.
28. I consider that the cumulative effect of the issues outlined above clearly point to an overdevelopment of the site and result in a scheme of unacceptable design.
29. The residential areas surrounding the application site are typically made up of large houses within relatively spacious gardens. It is considered that the proposal, incorporating the apartment blocks would be out of character with the street-scene and the general nature of the immediate locality.
30. Policy H4 of the Unitary Development Plan outlines that when assessing new housing design particular attention will be paid to the character of the local environment. Policy EN1.1 of the Unitary Development Plan outlines that all developments will be required to meet high standards of design in accordance with the principles of integrating development into its setting with regard to the scale and pattern of surrounding buildings and spaces and relating the design characteristics of surrounding built development. It is considered that the proposal fails to comply with these policy requirements for the reasons outlined above.

Impact on Highway Network

31. Access to the proposed development is taken from Hexham Road, with an internal access road leading to an area of 14 parking spaces at the southern end of the site. Although the location of the parking area is considered to be inappropriate, in terms of its distance from the proposed residential properties, it is considered that the numbers of parking spaces that are proposed would cater for the operational requirements of the development. Each residential property would have access to at least one parking space.
32. The proposed access road and footpath would not form adopted highway and would remain the responsibility of the developer for maintenance etc.
33. The proposal is not considered to create conditions that would be detrimental to highway safety.

Landscape

34. 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.
35. 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 frontage location the risk is high here.

36. 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. This extensive decay is referred to in the summary but is not mentioned in the detailed report. Examination on site suggests that the tree is in reasonably good vigour albeit there is a slight thinning of leaf cover on the frontage lower crown. Therefore further evidence of significant risk would need to be submitted before precautionary felling would be considered to be appropriate.
37. 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.
38. The report identifies the root protection areas although these are not shown on any plans. If the root protection areas are plotted onto the proposed layout they show that around half of the proposed apartment block would be within the root protection area. In this case as the report identifies the rooting zone to the west of the trees will have been constrained by building in the past of the adjacent bungalow and the extension In this case it is even more critical that the rooting zone within the garden area is not affected. The position of this apartment block is therefore unacceptable due to the impact upon the rooting zone of the protected trees.
39. The other information also identifies pruning required for the apartments. This pruning would have to be considerable given the position of the proposal, to an extent that would also be unacceptable.
40. Given the tightness to the existing building, and the limited size of the block, there does not seem to be scope for moving or reducing this to an extent that would address the concerns outlined above. The impact of the apartment block on the protected trees (both roots and crown) is unacceptable. The visual impact of these important trees would therefore be lost.

Archaeology

41. 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.
42. 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.
43. 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 would be fenced during construction

works to ensure that no accidental damage occurs as a result of the construction process.

44. However, the current application also introduced two new elements to the site which give cause for concern.
45. In the current application a new-build element is introduced in the northern part of the site, close to the line of Hadrian's Wall, in an area which was not included in the original archaeological evaluation. This location places this element closer to the line of Hadrian's Wall and, as stated, in an area where the archaeological potential of the site is high and which has not been the subject of archaeological evaluation work. It is considered that this part of the site should be the subject of pre-determination archaeological evaluation work. This would provide information about the location, extent and importance of the archaeology present on the site, and therefore the priority that should be given to the preservation in-situ of any remains present. This would then allow an informed planning decision to be taken on this element and for any further works on remains not thought sufficiently important to require preservation in-situ to be included as a planning condition.
46. The supporting documentation suggests that underground services will need to be put out into the road north of the site in connection with this application. This area is known to contain the remains of Hadrian's Wall itself, and is protected as a scheduled ancient monument. It is assumed that the development in the application is only going to be viable if adequate services are available within it. In this circumstance it is vital that the archaeological implications of the service provision of this development are considered as part of this application. Given that the application mentions connecting into services within the scheduled monument, it is therefore recommended before this application is determined the route of the services should be the subject of an archaeological evaluation as outlined for the main plot above.
47. It is therefore considered that the archaeological assessment that has been submitted with the planning application does not sufficiently assess the implications of the proposal on any archaeological remains. Planning permission should not be granted until further assessments are carried out, and as a result the proposal in its current form is not acceptable.

CONCLUSIONS AND RECOMMENDATION

48. The proposal to use the site for residential use has been established and the use proposed is considered to be acceptable in principle. However, the scale and form of the development proposed is considered to be unacceptable and out of character with the area. The proposal would fail to integrate into its setting with regard to the scale and pattern of surrounding buildings and spaces and would not relate well to the design characteristics of surrounding built development.
49. In examining the finer design details of the proposal it is considered that the design of the proposal is unacceptable. Aspects of the proposal such as, poor outlook from rooms, inappropriate siting of parking areas and refuse storage areas, would, it is considered, create a scheme of unacceptable design.
50. The proposal would not create any conditions that would be detrimental to highway safety.

51. The landscaping assessment concludes that, due to the position of the proposed detached apartment block, the proposal would have an unacceptable impact on the rooting zones and canopy of the protected trees that are on site. The visual impact of these important trees would therefore be lost.
52. The application site is situated within a highly sensitive archaeological area. The submitted archaeological report outlines the discovery of well preserved Roman remains running across the site. However the report, and survey work, has not examined the northern section of the site. It is concluded that planning permission should not be granted for development on this part of the site until further archaeological survey work is undertaken.
53. 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 refused for the following reasons:
1. The proposal represents a form of development that would be out of character with the surrounding area and when viewed in the context of the density and layout of the surrounding area represents an overdevelopment of the site. The proposal is therefore contrary to Policies H2, H4 and EN1.1 of the Unitary Development Plan.
 2. The proposal would have an unacceptable impact upon trees on the site that are subject to a Tree Preservation Order. The proposal is therefore contrary to Policies EN3 and EN3.2 of the Unitary Development Plan.
 3. The proposal has failed to satisfactorily examine the potential impact of the development on archaeological remains on the site. The proposal is therefore contrary to Policy C4.2 of the Unitary Development Plan.
 4. The positioning of windows in parts of the proposed development would result in unsatisfactory levels of outlook from some of the proposed residential properties. The proposal is therefore contrary to Policies H2 and H4 of the Unitary Development Plan.
 5. The position of the proposed parking area and resulting vehicle manoeuvres in this location, would create conditions that would be detrimental to the amenity of existing residents by reason of increased noise and disturbance. The proposal is therefore contrary to Policy H2 of the Unitary Development Plan.
 6. The position of the proposed refuse storage area would create conditions detrimental to the amenity of existing and proposed residents and would also be detrimental to the appearance of the development and the street-scene. The proposal is therefore contrary to Policies H2 and EN1.1 of the Unitary Development Plan.

BACKGROUND PAPERS

Held by Director of Strategic Housing, Planning & Transportation on 2008/0752/01/DET.

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