

**Committee Report**

<b>Application No:</b>	<b>DC/17/01086/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>3 October 2017</b>
<b>Applicant</b>	<b>Mr Giovanni Asoni</b>
<b>Site:</b>	<b>Ryton Park Country House Hotel Holburn Lane Ryton Central Ryton NE40 3PF</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Mixed residential development, comprising of the partial demolition of the existing hotel with alterations and extensions to form 2no. dwellings, alterations and extensions to a redundant out-building forming 1no. dwelling and the erection of 3 no. new build dwellings (amended 29/11/2017).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is the Ryton Park Country House Hotel which is situated on Holburn Lane in Ryton. All of the site is situated within Ryton Conservation Area. The site is also allocated as a site of archaeological importance on the Council's Local Plan Policies Map 2015.

1.2 The main hotel building on the site is a two storey building which fronts onto Holburn Lane. The hotel building has had a number of modern additions and extensions to the side (north) and rear (east) over the years. There is also a detached single storey stone outbuilding positioned to the side (south) of the main hotel building.

1.3 There is a vehicle access and a separate pedestrian access to the site off Holburn lane. These lead to large areas of tarmac around the main hotel building and outbuilding which provide car parking areas for the former hotel use. The hotel is now closed and is not open for business. It is understood that the hotel closed at the end of 2016.

1.4 The site measures around 0.19 hectares in size and the land levels fall slightly from the south to the north. The site is situated within a residential area and is surrounded by other residential properties including a row of bungalows (5-8 Ferndale Grove) and a two storey residential building (1-4 Ferndale Grove) to the north of the site, two storey houses to the east, a bungalow (The Larches) and a shared driveway to The Larches, Addison House and Park Farm House

to the south and a two storey residential building (Tynedale) on the opposite side of the Holburn Lane to the west.

- 1.5 The site is enclosed by a variety of boundary treatments including a high stone and high brick wall to the north, fencing, a high stone wall, a low stone wall, landscaping and high hedge planting to the east, a low stone wall, a high open wooden trellis and landscaping to the south and a low stone wall and a high stone wall along the main frontage of the site along Holburn Lane to the west.
- 1.6 There are also a number of trees on the site particularly along the main frontage along Holburn Lane which contribute to the character and appearance of the site and Ryton Conservation Area.
- 1.7 **DESCRIPTION OF APPLICATION**  
The application proposes to redevelop the site to provide 6 houses comprising of : 2 x 3 bed houses and 4 x 4 bed houses.
- 1.8 **Hotel Building**  
It is proposed to demolish the modern extensions that have been added to the side (north) and rear (east) of the original hotel building. It is then proposed to convert the original remaining hotel building into 2 x 3 bed houses with living accommodation in the roof (plots B & C). The hotel building has a ridge height of around 8.5 metres high.
- 1.9 **Outbuilding**  
The existing single storey outbuilding is to be retained. A number of extensions and alterations are proposed to the outbuilding to convert it into a 1.5 storey, 4 bed house with living accommodation in the roof. An extension is proposed to the side (south) of the outbuilding. A glazed link is proposed to connect the existing outbuilding with the proposed extension. The ridge height of the existing outbuilding and proposed extension measure around 5 metres in height.
- 1.10 **New Build Houses**  
Three new build houses are also proposed within the grounds of the hotel (plots D, E and F).
- 1.11 Plot D is a two and a half storey, detached, 4 bed house with living accommodation in the roof, which is positioned to the north of the existing hotel building and would front onto Holburn Lane. The ridge height of plot D would be just under 8.5 metres high.
- 1.12 Plots E and F are a pair of two and half storey, 4 bed houses with living accommodation in the roof, which are positioned to the rear (east) of the site behind the hotel building. The ridge heights of plots E and F vary from 5.3 metres high for the garage elements to between 6.5 metres high and 7 metres high for the main houses.
- 1.13 The existing vehicle access to the site off Holburn Lane is proposed to be widened as part of the application from 3.6 metres wide to 5.5 metres wide with

8 car parking spaces being provided within the site. The car parking provision includes 3 garage spaces (1 garage for each house at plots A, E and F), with 5 car parking spaces in a communal car parking area to the rear of the site (1 space for each house at plots B, C and D and 2 visitor car parking spaces).

1.14 The application has been submitted with the following supporting information :

- A Heritage Statement
- A Structural Report
- A Bat Survey
- A Tree Report
- A Coal Mining Risk Assessment
- A Preliminary Risk Assessment for Contaminated Land
- A Highway Statement

1.15 RELEVANT PLANNING HISTORY

1.16 DC/17/00023/FUL - Withdrawn March 2017

Proposed mixed residential development - comprising of the partial demolition of an hotel with alterations and extensions forming six apartments, alterations and extensions to a redundant out-building forming one dwelling house and the erection of three new dwelling houses

## **2.0 Consultation Responses:**

Coal Authority	No objection subject to planning conditions requiring further site investigation work.
Tyne And Wear Archaeology Officer	No objection subject to planning conditions requiring archaeological excavation and building recording.

## **3.0 Representations:**

3.1 The Council sent out 20 letters to properties surrounding the site and displayed a site notice at the front of the property along Holburn lane. In addition a press notice appeared in the Newcastle Journal on 1st November 2017.

3.2 5 letters of representation have been received from local residents. 1 letter makes comments about the development whilst 4 of the letters object to the development. The comments and issues raised include :

- \* Impact / harm to Conservation Area
- \* Part of the original hotel is to be demolished
- \* Out of character with area/street scene
- \* Overbearing, overdevelopment, density too high
- \* Size of gardens are too small and out of character with area
- \* Plot D detracts from the original hotel building
- \* It sub divides the grounds in a Conservation Area contrary to ENV10

- \* A vast number of bins will be required which are not shown on the plans
- \* Increase in traffic
- \* Highway safety
- \* Inadequate car parking provision
- \* Will result in parking problems in the area
- \* Double yellow lines should be introduced
- \* Loss of trees
- \* Impact on existing trees
- \* Impact on wildlife
- \* One of the proposed side elevations plots B and C is missing
- \* No information has been provided regarding site levels
- \* Will impact on / harm neighbours living conditions
- \* Additional noise, disturbance early mornings / late evenings
- \* Loss of privacy / overlooking, overshadowing
- \* The detail of the proposed oriel windows is not clear
- \* The trees will overshadow the proposed houses providing little light
- \* Impact/ possible damage to neighbours walls
- \* Concerns over health issues
- \* Cooking smells and odours

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

ENV9 Setting of Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

IPA17 Conservation Area Character Statements

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

The relevant planning issues are considered to be the principle of developing the site for housing, design/heritage issues, residential amenity, highway safety, impact on trees and wildlife and the potential for contaminated land and coal mining issues.

### **5.1 NPPF**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 14 states that there is a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole. Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development.

## 5.2 MSGP

One of the objection letters makes reference to the Council's Making Space for Growing Places (MSGP) policies. Gateshead's Local Plan which sets out the Council's local planning policies consists of a number of different documents. The Local Plan consists of Parts 1 and 2 - The Core Strategy and Urban Core Plan (CSUCP), Part 3 - MSGP and Part 4 - The MetroGreen Area Action Plan. In advance of MSGP being adopted the Local Plan also consists of saved policies in the Gateshead Unitary Development Plan (UDP).

- 5.3 The MSGP plan went out to public consultation for 6 weeks from 30th October 2017 until 10th December 2017. The representations made to the plan are currently being considered by Council officers. Given the early stage of the MSGP policies in the plan making process, limited weight can be given to these policies at this current time.

## 5.4 PRINCIPLE OF HOUSING

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such it is considered that the principle of developing this site for housing should be assessed against saved policy H4 in the Council's UDP, which relates to windfall housing sites. In light of the fact that this site is situated within an existing residential area, close to existing services, Council officers therefore consider that the principle of developing this site for housing to be acceptable, subject to all other material planning considerations being satisfied.

## 5.5 TYPE OF HOUSING

The Council's Core Strategy seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly policy CS11(1) of the Council's CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with 3 or more bedrooms).

- 5.6 Saved policy H5 of the Council's UDP also seeks to improve the choice of housing in Gateshead and states that development containing small flats or apartments will not generally be accepted unless there is a local shortfall in such accommodation and it is in keeping with the character of the area.

- 5.7 Given that all 6 of the proposed houses include family housing (homes with 3 or more bedrooms) it is considered that the range and type of housing proposed is acceptable and accords with the aims and objectives of the NPPF, saved policy H5 of the UDP and policy CS11 of the CSUCP.

## 5.8 DESIGN / HERITAGE ISSUES

The site is within Ryton Conservation Area. Given the location within the Conservation Area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This is also reflected in the approach set out within the NPPF, which advises that when considering the impact of a proposed

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 5.9 The site is situated within the North East corner of the Ryton Conservation Area. This section of the Conservation Area has a predominant character of a leafy, residential suburb. There is a range of houses in terms of age, character, design and size. Council officers consider that the site makes a positive contribution to the significance of the conservation area. The Council's Interim Policy Advice Note 17 (IPA 17) which relates to the character of conservation areas refers specifically to the hotel as a graceful Georgian building.
- 5.10 Council officers have no objection to the proposed demolition of parts of the existing hotel building. The areas that are to be demolished do not make a positive contribution to the conservation area and / or are modern additions to the original hotel building.
- 5.11 Local residents have objected as the proposed development results in the sub division of the grounds of the site in a Conservation Area which is contrary to saved policy ENV10 of the UDP. Objections have also been raised by local residents that the development is an over development of the site where the density is too high and the garden areas for the proposed houses are too small - all out of character with the area.
- 5.12 The proposed development will result in the sub division of the grounds to provide curtilages for each of the proposed houses. Whilst Council officers accept that the proposed development would not accord with saved policy ENV10 of the UDP, the proposed layout would create an open courtyard arrangement at the rear of the existing hotel building. Council officers are therefore of the opinion that this increases the physical space around the hotel building and results in an improved spatial arrangement. In addition the resultant plots sizes would be in keeping with some of the plot sizes in the locality, with this site being at the smaller end of the range.
- 5.13 The rear garden areas for the proposed houses vary in size ranging from 4 metres in depth to 9 metres in depth. Policy CS11 (4) of the Council's CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the standards of residents. However the Council does not currently have a prescribed space standard for rear garden areas. Council officers are also of the opinion that the size of gardens areas proposed are not so small that this issue could justify a reason for refusal.
- 5.14 The submitted Heritage Statement shows the parts of the buildings to be demolished and sets out the existing and proposed floor space resulting from the development. This shows that there will be a very limited increase in the overall new net additional floor space at the site (22m<sup>2</sup>).
- 5.15 Concerns have been raised about the relationship of the proposed new build house at plot D with the existing hotel building that is to be converted into plots B and C. Plot D generally aligns with the hotel building although is slightly sub ordinate in terms of its height and front building line. Plot D has a simple design

and makes design references to the main hotel building by using similar style windows (although smaller) and a similar front door. Council officers are therefore of the opinion that proposed plot D does not detracts from the hotel building but rather complements it.

- 5.16 Paragraph 134 of the NPPF advises that any harm to a designated heritage asset, which is less than substantial, must be weighed against the public benefit of the proposal. The harm identified is limited to the visual effects arising from scale and design of the proposal and the subdivision of the grounds. This would result in less than substantial harm to the Conservation Area. Council officers consider that this harm would be outweighed by the public benefits of removing a large modern, unattractive extension which will bring significant benefits to the character of the area, bringing a vacant site back into use rather than it being left vacant and derelict, investment in the built fabric of the Conservation Area as well as delivering additional family housing within the Borough.
- 5.17 The density, scale, massing, height and layout of the proposed development is therefore considered to be acceptable from both a design and heritage point of view and would not be out of keeping with the street scene or surrounding area.
- 5.18 The application form states that the proposed external materials for the houses include timber doors and windows, slate roofs and conservation brick with art stone treatments for the external walls. Planning conditions (CONDITIONS 3 - 6) relating to the final details of the external materials of the development and the boundary treatments are however considered necessary to ensure that these are appropriate for the site, in the interest of good design.
- 5.19 Subject to these planning conditions the proposal is considered to accord with the design/heritage aims and objectives of the NPPF, saved policies ENV3, ENV7, ENV8, ENV9 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.20 **ARCHAEOLOGY**  
The site is situated within an area of potential archaeological importance on the Council's Local Plan Policies Map 2015. The Council's Archaeologist has stated that the development site is situated within Ryton medieval village. The Council's Archaeologist has also stated that the buildings on the site (the hotel and outbuilding) are non-designated but are historic buildings of some interest within Ryton Conservation Area.
- 5.21 Given that the proposed development includes alterations to the hotel building and the outbuilding to convert them in residential use the Council's Archaeologist has stated that an archaeological building record will be required prior to the alterations being carried to provide an archive record of the historic buildings.
- 5.22 In addition the Council's Archaeologist has also stated that an archaeological evaluation will need to take place to investigate any deposits or features which may survive on the site prior to the development taking place. This is to ensure that any archaeological remains on the site can be preserved wherever



possible and recorded. Following the archaeological fieldwork a report detailing the results shall be provided and produced in a form suitable for publication.

- 5.23 Council officers are of the opinion that the archaeological building recording exercise, archaeological fieldwork and the report detailing the results and its publication can be covered by planning conditions (CONDITIONS 7 - 11). Subject to such archaeological conditions the proposal is considered to be acceptable from an archaeological point of view and accords with the aims and objectives of the NPPF, saved policies ENV22 and ENV23 of the UDP and Policy CS15 of the CSUCP.
- 5.24 **RESIDENTIAL AMENITY**  
Some of the separation distances between the proposed houses and the existing surrounding residential properties have not meet the Council's normal guidelines for house extensions of 21 metres between habitable room windows and 13 metres between habitable room windows and adjacent walls.
- 5.25 Council officers therefore consider that some of the windows in the following plots would create overlooking and loss of privacy to the homes and garden areas of the adjacent neighbours :
- Plot A            first floor bedroom window facing east
  - Plot F            first floor bedroom window facing north
- 5.26 The submitted Heritage Statement explains that these windows have been designed as oriel windows to address privacy concerns. The details of the proposed oriel windows are not clear on the submitted drawings. It is however considered that that this could be addressed by conditions (CONDITIONS 12-13) which requires the final details of the oriel windows to be approved.
- 5.27 Given the orientation and remaining distances between the existing adjacent houses and the proposed development and taking into account whether windows are secondary windows rather than the main window to rooms and the existing high hedge around the boundary of Park Farm House, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.28 Concerns have been raised by some local residents that the separation distances between some of the proposed houses are too close which may harm the living conditions of the future occupiers of the houses. The separation distance between the rear elevation of plots B and C and the front elevation of plot F is 17.5 metres. The separation distance between the rear elevation of plot D and the side elevation of plot E is 8 metres. Concerns have been also raised by some local residents that the existing trees on site will overshadow the proposed houses providing little light to the future occupants.
- 5.29 Notwithstanding these separation distances, and the position of the existing trees to be retained on site, the proposed housing layout is considered to be appropriate given the constraints of the site and the design approach adopted.

It is therefore considered that the proposed development would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.

- 5.30 Concerns have been raised by some residents that the proposed housing development will create additional noise. However Council officers are of the opinion that the noise from 6 houses will not be of a significant level and is likely to be less than the noise associated with the previous hotel use.
- 5.31 Council officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is however considered that this could be controlled by a planning which restricts the days and hours of the construction works (CONDITION 14).
- 5.32 Council officers are therefore of the opinion that subject to the above conditions, the housing development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the proposed layout is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.33 **SITE LEVELS**  
Concerns have been raised by some local residents that no details relating to site levels have been provided as part of the planning application. Council officers consider that the existing and proposed site levels can be covered by planning conditions (CONDITIONS 15 - 16) to ensure that they are acceptable from a design, residential amenity and highway safety point of view.
- 5.34 **HIGHWAY SAFETY**  
**Traffic Generation**  
Council officers consider that the traffic movements associated with 6 houses at the site would be less than the traffic movements associated with the previous hotel use. The traffic movements associated with the housing development would be at different times of the day to the hotel use, but even in the peak times the traffic generation associated with the housing development would only add small numbers of vehicles to the existing highway network
- 5.35 **Access Arrangements**  
Council officers are of the opinion that the existing vehicle access to the site off Holburn Lane has poor levels of visibility and is sub standard in width as two cars cannot pass. The existing vehicle access is proposed to be widened as part of the application from 3.6 metres wide to 5.5 metres wide and the position of the front boundary wall realigned to provide better visibility. The proposed access will be wide enough to accommodate two way traffic and the visibility splays onto Holburn Lane will be significantly improved.
- 5.36 Council officers consider that some additional information and minor changes are required to the proposed access arrangements. The proposed access must have a gradient no greater than 1:25 for the first 10 metres into the site from its

junction with Holburn Lane - however no site levels have been provided as part of the submitted drawings. A footway should be provided on the southern side of the proposed access - this may mean slightly changing the position or size of the bin collection point. Pedestrians walking along Holburn Lane and crossing the new access will have a limited view of vehicles emerging from the development site due to the entrance wall and pillars. It is therefore considered desirable to reposition the wall and pillars to allow pedestrians a view into the site. Council officers consider that this additional information relating to the site levels of the access and minor redesign of the access can be covered by planning conditions (CONDITIONS 17 - 18)

- 5.37 Residents have raised concerns about highway safety in the area. Council officers have therefore checked and there has been no injury accidents in the past five years on Holburn Lane or adjacent to the application site.
- 5.38 Given the reduced traffic movements, improved access, improved visibility splays and the good existing accidents record Council officers consider the proposed access arrangements to be acceptable.
- 5.39 **Car Parking Provision**  
The Council's Transport Technical Appendices sets out the levels of car parking for new residential developments. This states that new housing development should provide a minimum of 1 space per house and a maximum of 2 spaces per house for residents on or off street. Visitor parking should also be provided on street at a ratio of a minimum of 1 space per 4 houses and a maximum of 1 space per 3 houses.
- 5.40 Based on these car parking guidelines a housing development of 6 houses should normally provide a minimum of 6 resident spaces and 2 visitor spaces giving a total of 8 car parking spaces and a maximum of 12 resident spaces and 2 visitor spaces giving a total of 14 car parking spaces.
- 5.41 The proposed housing layout provides a total of 8 car parking spaces within the site, comprising of 3 garage spaces (1 garage for each house at plots A, E and F), with 5 car parking spaces in a communal car parking area to the rear of the site (1 space for each house at plots B, C and D and 2 visitor car parking spaces). It is therefore considered that a sufficient number of car parking spaces have been provided as part of this development which meets the minimum Council parking guidelines. Double yellow lines are not considered necessary as part of this development as a sufficient number of parking spaces have been provided within the site.
- 5.42 **Cycle Parking Provision**  
The Council's Cycling Strategy for Gateshead requires that new housing developments provide cycle parking provision which is secure and weather proof. Visitor cycle parking in the form of 3 cycle stands has been shown on the proposed layout to the rear of the site adjacent to the visitor car parking spaces. The garages associated with plots A, E and F are not considered to be large enough to be counted as cycle parking provision. Individual cycle parking in the form of external stores is therefore required for each house. It is considered that

there is sufficient space to accommodate this on the site for each property within their rear garden areas. Council officers are therefore of the opinion that the final details of the cycle parking provision for the development could be covered by planning conditions (CONDITIONS 19 - 20) to ensure that the final cycle parking details are appropriate.

5.43 Bin Storage /Collection

Concerns have been raised by some residents that a vast number of bins will be required which are not shown on the plans. The submitted site layout plan does show the location of two bins in the rear garden area of each property, with an access point to wheel the bins to the front of the site along Holburn Lane on bin collection day. It is therefore considered that there is sufficient space within the grounds of each house to store refuse bins with space to wheel the bins from the homes to the front of the site on bin collection day.

5.44 It is therefore considered that subject to the above conditions and minor changes to the access arrangements the proposal is acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.45 TREES

There are a number of large trees on the site which provide a green frontage and contribute to the character and appearance of the Ryton Conservation Area. All of the 14 existing trees on the site are protected given that they are situated within a Conservation Area.

5.46 A Tree Report has been submitted as part of the planning application, which identifies which of the 14 trees are to be removed as part of the development and which are to be retained. The information in the submitted tree report however does not tally with the tree information shown on the submitted proposed site layout plan and the submitted Heritage Statement. It is therefore not clear from the information submitted which trees are proposed to be retained/removed as part of the proposed development.

5.47 Notwithstanding this the Council's tree officer has been out on site and inspected the trees. A number of the trees are considered to be diseased and / or in a poor condition. Council officers are therefore of the opinion that there is no objection to the removal of trees T4 and T5 positioned adjacent to the existing outbuilding to allow the conversion of this building to take place, trees T7 and T8 which are positioned along the site frontage to allow the existing vehicle access to be widened in the interest of highway safety and trees T9, T11, T12, T13 and T14 along the site frontage, subject to an appropriate landscaping scheme being proposed to compensate for the loss of these trees. The submitted proposed site plan does show a proposed landscaping strip with planting along the site frontage.

5.48 Council officers however consider that trees T1, T2 and T3 at the rear of the site, tree T6 adjacent to the vehicle access and tree T10 along the site frontage which are to be retained as part of the development will need to be protected during any construction works that take place.

- 5.49 It is considered that the details of which trees should be retained/removed as part of the development, tree protection measures and details of the replacement landscaping could be addressed by planning conditions (CONDITIONS 21 - 26). Subject to these tree/landscaping conditions the proposed development is acceptable from a landscaping point of view and would accord with the aims and objectives of the NPPF, saved policy ENV44 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.50 ECOLOGY  
A Bat Survey has been submitted as part of the application which confirms that there are no bats roosting in the existing vacant buildings.
- 5.51 A number of trees are to be removed as part of the development. The submitted Bat Survey did not assess whether these trees supported roosting bats - it only considered the buildings on site. Notwithstanding this the Council's Ecologist has recently inspected the trees on site and confirmed that there are no bats roosting in the trees.
- 5.52 Given the level of bat activity within and adjacent the site it is considered appropriate in this instance that additional bat roosting provision is provided as part of the development. This could take the form of tree mounted boxes and/or individual integral bat roost feature in the proposed houses. The details of the bat roost provision could be covered by conditions (CONDITIONS 27 - 28) to ensure that the roost are appropriate and that the development provide biodiversity enhancements.
- 5.53 A condition (CONDITION 29) has also been recommended to control the timing of the demolition works and tree removals to outside the bird breeding season.
- 5.54 Subject to these planning conditions the proposed development is considered to be acceptable from an ecology point of view and accords with the aims and objectives of the NPPF, saved policies DC1 (d) and ENV47 of the Council's UDP and policy CS18 of the CSUCP.
- 5.55 POTENTIAL FOR CONTAMINATED LAND  
A Preliminary Risk Assessment (PRA) for contamination has been submitted as part of the planning application. The risk of contamination at the site from historic uses is considered by Council officers to be low.
- 5.56 However because the site has previously been developed and there are areas of current hardstanding in proposed garden areas, Council officers are of the opinion that there is a potential for contamination to exist in these areas from imported materials used for the development.
- 5.60 It is therefore considered that a number of planning conditions (CONDITIONS 30 - 35) are required given that the site is potentially contaminated to ensure that the development is carried out in a safe manner and that any risks from land contamination to future residents or the environment are minimised.

- 5.61 The conditions would require an intrusive Phase 2 site investigation with a Phase 2 Risk Assessment to assess the potential contamination at the site in the proposed garden areas, and where required a remediation strategy, and verification report. In addition a planning condition would be required which outlines how previously unidentified contamination at the site would be dealt with if discovered during the development.
- 5.62 Given that parts of the site are also within a High Risk Coal Mining Area there is also a potential risk from mine ground gas. Council officers therefore consider that planning conditions are also required to cover gas monitoring and gas mitigation measures for the new houses.
- 5.63 Subject to these conditions the proposed development is considered to be acceptable from a land contamination point of view and accords with the NPPF, saved policies DC1 (p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.64 **COAL MINING LEGACY**  
Part of the application site, roughly the north eastern half is within a Coal Authority defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas). This means that within the site or surrounding area there will be coal mining features and hazards which need to be considered. A Coal Mining Risk Assessment has therefore been submitted as part of the planning application.
- 5.65 The Coal Authority has considered the submitted report and has stated that they have no objection to the development subject to a planning condition which requires that further site investigations are carried out to establish the exact situation regarding the coal mining legacy on the site and any remediation works that may be required. Subject to such planning conditions (CONDITIONS 36 - 37) it is considered that the proposed development would not be at risk from past coal mining in the area and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.66 **OPEN SPACE/PLAY PROVISION**  
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.67 **Open Space**  
The site is located within a residential neighbourhood that is not deficient in open space provision. Therefore no open space provision is required within the site as part of this development.
- 5.68 **Play Facilities**  
Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council has

already exceeded the five obligation maximum in respect of all three types of play facilities (toddler, junior and teenage) and open space provision. The LPA therefore cannot seek any further obligations in respect of these matters.

- 5.69 While it cannot be concluded that the proposed development would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the Council's UDP, it is considered that it would be unreasonable to require any contribution for play provision or open space provision in this case, based on the above assessment.

5.70 **COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Residential Charging Zone B where there is a levy of £30 per square metre for this type of development. The levy would only be applied to the net additional internal floor space created by the development.

5.71 **OTHER ISSUES**

A number of other issues have been raised by local residents in their objection letters which have not been addressed in the report above.

- 5.72 A proposed side elevation of plots B and C was submitted subsequently submitted as part of the planning application on 29 November 2017.

- 5.73 The residential development of the site is likely to generate less cooking smells and odours than the existing hotel building on the site.

- 5.74 Council officers are not aware of any information to show that the proposed development would result in significant concerns to health.

- 5.75 Any concerns regarding the condition of and or damage to boundary walls is a civil matter.

6.0 **CONCLUSION**

- 6.1 Taking all the relevant issues into account, including the comments raised by local residents the proposed development is considered to be acceptable and accords with the majority of national and local planning policies.

- 6.2 The proposed developed development does not accord with saved policy ENV10 of the UDP as the proposal will result in the sub-division of a site within a Conservation Area. However this less than substantial harm to the Conservation Area is considered to be outweighed by the public benefits of the development.

- 6.3 It is therefore recommended that the development is approved subject to the following planning conditions.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

C-00	Location Plan
C-02	Proposed Site Plan
C-03	Proposed Plot A Floor Plans
C-07	Proposed Plot A Elevations
C-08 Rev A	Proposed Plot B and C Elevations
C-04	Proposed Plot B and C Floor Plans
C-05	Proposed Plot D Floor Plans
C-06	Proposed Plot E and F Floor Plans
C-09	Proposed Plot D, E and F Elevations
C-13	Existing and Proposed Roof Plans

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

### Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

### Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

No external materials for the development hereby approved shall be used on site until samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.



Reason

To safeguard the visual amenities of the area in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

No boundary treatment shall be provided on the site until a fully detailed scheme for that boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

6

The boundary treatments relating to each dwelling shall be provided in accordance with the details approved at condition 5 prior to each of the dwellings being occupied.

Reason

To ensure the satisfactory appearance of the development in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

7

No development or demolition hereby approved shall take place until a specification for a programme of archaeological building recording has been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic buildings on site and to accord with the NPPF, saved policy ENV23 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

8

No development or demolition hereby approved shall commence on site until the building recording exercise approved at condition 7 has been completed and a report of the results submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic buildings on site and to accord with the NPPF, saved policy ENV23 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

9

No groundworks or development shall commence on site until a specification for a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

10

No groundworks or development shall commence on site until the programme of archaeological fieldwork approved at condition 9 has been completed and a report of the results of the archaeology fieldwork undertaken has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

11

The dwellings hereby approved shall not be occupied until a report detailing the results of the archaeology fieldwork approved at condition 9 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is in an area of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the NPPF, saved policies ENV22 and ENV23 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

12

No development shall take place installing the oriel windows in plots A or F until details of the oriel windows for those plots have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to prevent overlooking to accord with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan.

13

The oriel windows at plots A or F shall be installed in accordance with the details approved at condition 12 and shall be retained thereafter.

Reason

In the interest of good design and to prevent overlooking to accord with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan.

14

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

15

No development shall commence on any phase of the site until details of the existing and proposed site levels for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design and residential development and to accord with the NPPF, saved policies ENV3 and DC2 of the Unitary Development Plan and policies CS15 and CS14 of the Core Strategy and Urban Core Plan.

16

Each phase of the development shall be implemented in accordance with the site levels approved for that phase at condition 15.

**Reason**

To ensure an appropriate form of development in the interest of good design and residential development and to accord with the NPPF, saved policies ENV3 and DC2 of the Unitary Development Plan and policies CS15 and CS14 of the Core Strategy and Urban Core Plan.

17

No development shall commence on the vehicle access to the site until a revised drawing for the access which shows the following items has been submitted to and approved in writing by the Local Planning Authority :

- a) a gradient of no greater than 1:25 for the first 10 metres of the access into the site from its junction with Holburn Lane
- b) the provision of a footway on the southern side of the access
- c) the re-positioning of the boundary walls and piers adjacent the access to allow pedestrians a view into the site

**Reason**

In the interest of highway and pedestrian safety to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

18

The access to the site shall be provided in accordance with the revised access arrangements approved at condition 17 prior to any of the dwellings being occupied.

**Reason**

In the interest of highway and pedestrian safety to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

19

Notwithstanding the details on the submitted drawings, no cycle parking facilities shall be provided on site until details for the provision of secure and weatherproof cycle parking facilities for each dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

20

The cycle parking provision approved under condition 19 shall be provided in accordance with the approved details for each dwelling prior to each dwelling being occupied.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

21

Only trees T4, T5, T7, T8, T9, T11 - T14 shall be felled as part of this development as identified on the site plan at Appendix 1 on page 14 of the Arboricultural Survey Report by Eco Survey Ltd dated December 2016.

Reason

In the interest of the visual amenity of the area and to accord with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

22

No development or any other operations shall commence on site until a scheme for the protection of the existing trees and hedges that are to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the trees/hedges to be retained and the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

23

The tree protective fencing approved at condition 22 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

24

Notwithstanding the details of the submitted drawings no landscaping shall be provided on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

25

The landscaping scheme approved under condition 24 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

26

The landscaping scheme approved under condition 24 shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

27

No development shall commence on the dwellings hereby approved until details of integral bat boxes to be incorporated into the fabric of the new dwellings and/or mounted in the trees on site (including the number, specification and precise locations) have been submitted to and approved in writing by the local planning authority.

Reason

To provide biodiversity enhancements to accord with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

28

The bat boxes approved under condition 27 shall be installed in accordance with the approved details prior to the dwellings being occupied.

Reason

To provide biodiversity enhancements to accord with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

All demolition and tree removal works on the site should be undertaken outside the breeding season (March to August inclusive), unless a breeding bird checking survey must be undertaken by a qualified ecologist immediately prior to any demolition and tree removal works and a report submitted to the Local Planning Authority for written approval. Where breeding birds are found to be present on the site the nests must remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To ensure that the development of the site protects breeding birds, in accordance with the NPPF, saved policies DC1(d) and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

30

No development shall commence on site, until a Phase 2 intrusive site investigation is undertaken to investigate the potential for contamination to exist in the ground within the proposed garden areas and a Phase 2 Risk Assessment report of the findings has been submitted to and approved in writing by the Local Authority.

The site investigation will consist of a series of minirig boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and

BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide where applicable recommendations with regard to an appropriate remediation scheme which will ensure safe redevelopment.

Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the NPPF, saved policy DC1(p) of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

31

Prior to the commencement of development hereby approved, where required by the Local Planning Authority under condition 30, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment shall be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape areas.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

32

The details of remediation measures approved under condition 31 shall be implemented prior to the commencement of the development hereby approved.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.



Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

33

Following completion of the remediation measures approved under condition 31 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the individual dwellings being occupied.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

34

In the event that contamination is found at any time when carrying out the development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is considered necessary by the Local Planning Authority a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to development continuing.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the dwellings being occupied.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the NPPF, saved policies DC1(p) and ENV54 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

35

No development shall commence on site until a scheme of site investigation and assessment to test for the presence and likelihood of ground gas emissions has been submitted to and approved in writing by the Local Planning Authority or until an alternative scheme to provide measures to protect the proposed development from such gas emissions has been submitted to and approved in writing by the Local Planning Authority.

The construction of the development shall take account of the results of the site investigations for gas emissions. The detailed design and method of construction shall incorporate the gas protection measures the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved gas protection measures shall be fully implemented in accordance with the approved details before each house is occupied.

**Reason**

In the interest of the safe development of the site in accordance with the NPPF, policies DC1(p) and ENV54 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

36

No development shall commence on site until:

1 - a detailed scheme for further intrusive site investigations to establish the exact situation regarding coal mining legacy issues has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken on the site and

2 - a report of the findings arising from the intrusive site investigation under 1 has been submitted to and approved in writing by the Local Planning Authority and

3 - a comprehensive scheme of remedial works including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

37

The scheme of coal remediation works approved at condition 36 shall be carried out in accordance with the approved details including the approved timetable of implementation

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

