

**Committee Report**

<b>Application No:</b>	<b>DC/17/00666/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>9 June 2017</b>
<b>Applicant</b>	<b>c/o Agent</b>
<b>Site:</b>	<b>Axwell Hall Axwell Park Blaydon NE21 6RN</b>
<b>Ward:</b>	<b>Blaydon</b>
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 (approved plans) of permission: DC/10/01303/FUL to introduce residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units.</b>
<b>Recommendation:</b>	<b>GRANT subject to S106 agreement</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

Axwell Hall is a Grade II\* Listed Building located within the Axwell Park Estate and Conservation Area. The site is accessed via a private estate road from the A694 located to the south of the site.

1.2 The Hall was designed by the renowned Palladian architect James Paine in 1758. In 1920 the Hall was home to the Newcastle Ragged and Industrial School which closed in 1984. The Hall has since remained empty and has been the subject to theft, vandalism and weather damage. However, despite this, the Hall as it stands today, remains an impressive Grade II\* Listed Building of historical and architectural significance.

1.3 The balustrade and steps to the southern elevation attached to the Hall are also Grade II\* listed under the same listing as The Hall. The retaining wall, balustrade, piers and steps to the terrace south of the Hall are Grade II Listed, listed under a separate listing. Further, the late C18 / early C19 bridge, located 280m south of Axwell Park is also Grade II Listed, under a separate listing.

1.4 To the north of the Hall, lies a vacant area of land, beyond which car parking bays and an access road which provides residents access to the Axwell Gardens. To the eastern boundary lies the residential dwelling of Richmond House and its residential curtilage. To the west lies the residential Courtyard development. Both the Axwell Courtyard and the Axwell Gardens development (both now occupied) comprised enabling development to enable the restoration and conversion of The Hall into 23 residential apartments.

**1.5 DESCRIPTION OF THE APPLICATION**

This application proposes alterations to Axwell Hall in the form of conversion of the eastern proportion of the Hall to create a super apartment, resulting in a reduction in the number of apartments within the Hall from 23 to 11 apartments. The super apartment would have 7 / 8 bedrooms. A table detailing the mix of apartments proposed, against the previously approved and implemented 2010 permission can be found in the table below:

	1 bed	2 bed	3 bed	7 / 8 bed	Total
<b>Approved and implemented DC/10/01303/FUL</b>	8	15			23
<b>Proposed DC/17/00666/FUL</b>	2	7	1	1	11

1.6 The application also proposes to create a granny annex within the previously approved garage block located directly north of the Hall. The garage block would convert four of the garages on the north-western side of the block into residential and would retain four garages on the north-eastern side of the block. The residential annex would provide two bedrooms, with an open-plan living and kitchen area, with a separate bathroom, study and dining room.

1.7 The scheme also proposes the provision of a new bin store which will be located between the garage block and the Hall. The store would measure 6.6m wide by 3.1m deep and 3.9m high.

1.8 This application represents a significant opportunity to bring the Axwell Hall back into a sustainable residential use, which will secure the long-term future of this Grade II\* Listed Building.

#### 1.9 PLANNING HISTORY

The application site has a rich history of relevant planning and listed building applications as detailed below:

DC/05/00301/COU Conversion of hall to 23 apartments and erection of new-build enabling development comprising of one coach apartment and terraced blocks of 18 dwellinghouses and 9 apartments with associated garage blocks, parking and landscaping. Granted on 9.09.2005 .

DC/05/00302/LBC Restoration and conversion of hall including demolition of rear annexe and renovation of balustrade and terrace. Granted on 12.08.2005.

DC/05/00303/FUL Erection of 18 three storey houses in three blocks with associated parking including restoration of walled garden and historic parkland. Granted on 9.09.2005.

DC/06/00349/LBC Variation of condition 8 of Listed Building Consent DC/05/00302/LBC relating to the requirement for single glazed windows. Granted on 27.06.2008.

DC/07/00407/FUL Variation of condition 1 (approved plans) of permission

DC/05/00303/FUL to alter the layout of the 18 dwellings within the site and re-siting of the access into the rear of the dwellings. Granted on 22.11.2007.

DC/08/00349/FUL Variation of condition on DC/05/00301/COU - adaptation of first floor of garage/coach house to form two self-contained dwellings. Granted on 15.05.2008.

DC/08/00612/LBC Internal alterations on basement, ground floor and second floors to rationalise rooms and thereby reduce number of units from 23 (as approved under DC/05/00302/LBC) to 20. Granted on 30.07.2008

DC/10/01303/FUL Variation of condition 1 of DC/05/00301/COU to allow revision to approved scheme involving reduction of number of units to 27 and alterations to elevations and roofscape with creation of additional courtyard car parking (amended 28/01/11, 11/03/11, 30/03/11 and 05/04/11). Granted 14.04.2011 subject to S106.

DC/17/01080/NMA NON-MATERIAL AMENDMENT: to planning permission DC/10/01303/FUL to allow condition 1 (approved plans) to list the approved drawings relating to Axwell Hall as well as the Courtyard element of the development. Granted on 30.05.2018.

DC/17/00667/LBC Listed building consent to allow for a revised scheme of development including residential annex, bin store and alterations to The Hall including reducing the number of units from 23 to 11 units. Decision Pending – also being considered at this committee meeting.

DC/17/00668/FUL Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

DC/17/00669/LBC Minor alterations to levels around Axwell Hall to allow for provision of a new car park, garden access and partial reinstatement of the historic landscape. Decision Pending – also being considered at this committee meeting.

#### 1.10 BACKGROUND SUMMARY

The planning history above relates to The Hall, Courtyard and Axwell Gardens. The planning history in so far as it relates to The Hall is summarised as follows:

- 1.11 In 2005, planning permission and listed building consent was granted for the conversion of The Hall to 23 apartments and the erection of new-build enabling development comprising of the dwellings at Axwell Gardens and the dwellings at The Courtyard with associated garage blocks, parking and landscaping.
- 1.12 Later in 2008, a listed building application was granted for internal alterations to the Hall to reduce the number of units to from 23 to 20. However this consent was not implemented and has since expired.

- 1.13 In 2010, a variation of condition application was granted which permitted alterations to the courtyard development consented in the 2005 application. This application was implemented and therefore constitutes the current consent for the alterations to The Hall.
- 1.14 As the 2010 decision only referenced the revised courtyard drawing numbers in the decision notice, a Non-Material Amendment application (DC/17/01080/NMA) was submitted in 2017 to attach the 2005 consented drawings for The Hall to the approved plans condition. This Non-Material Amendment application was granted on 30 May 2018.

## **2.0 Consultation Responses**

Archaeology Officer            There are no archaeology issues to address.

Historic England                Do not wish to offer any comments.

## **3.0 Representations:**

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. This included the Council sending letters to 71 properties surrounding the site, site notices being displayed at the site as well as a notice appearing in the Newcastle Journal.
- 3.2 A number of objection letters have been received from 11 surrounding properties. These are from local residents at The Gardens and The Courtyard. The issues raised are summarised below :
- This application excludes the road from the red line.
  - Lack of consultation
  - The bin store will be visible to adjacent residents at The Courtyard
  - Will prejudice the current availability of parking spaces immediately outside The Courtyard
  - No vehicle tracking provided to ensure access to The Gardens is not obstructed
  - Highways safety
  - Already insufficient space for two cars to pass
  - There is insufficient space to carry out the works
  - Ensure rights of access to The Gardens is maintained
  - The access road to The Gardens was required to be upgraded to tarmac but was never completed.
  - All outstanding planning conditions in the previous planning applications should be included on the new development.
  - The repair works to the bridge should be covered
  - The S106 agreement should be extended to relate to the current proposals

3.3 In addition a letter of objection has also been received from a planning consultant who represents a number of residents of Axwell Gardens. This letter raises a number of issues as summarised below :

- Query whether the site location plan is correct
- Wishes to secure the proper development of the proposed works
- Wishes to secure the build out / resurfacing of the access road from Axwell Hall to Axwell Gardens
- Ensure rights of access are not affected
- There is insufficient working and storage space to carry out the works
- The restoration works to the bridge serving the development remain outstanding
- This planning application should be incorporated into the S106 agreement for the development.

#### 4.0 Policies:

##### NATIONAL POLICY

NPPF: National Planning Policy Framework  
NPPG: National Planning Policy Guidance

##### CORE STRATEGY

CS10: Delivering New Homes  
CS11: Providing a Range and Choice of Housing  
CS13: Transport  
CS14: Wellbeing and Health  
CS15: Place Making  
CS18: Green Infrastructure and the Natural Environment  
CS19: Green Belt

##### UDP

DC1: Environment  
DC2: Residential Amenity  
H3: Sites for New Housing  
H4: Windfall and Small Housing Sites  
H12: Density  
ENV3: Character and Design  
ENV7: Development in Conservation Areas  
ENV9: Setting of Conservation Areas  
ENV11: Listed Buildings  
ENV17: Axwell Park  
ENV21: Sites and Areas of Archaeological Importance  
ENV22: Sites and areas of Archaeological Importance  
ENV44: Woodland, Trees and Hedgerows  
ENV46: Durham Biodiversity Action Plan  
ENV47: Wildlife Habitats  
ENV51: Wildlife Corridors

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

- 5.1 This is a Section 73 application for the variation of the approved plans on the original planning permission (DC/10/01303/FUL), which has commenced and works to The Hall have been significantly implemented. This application is not for the examination of the whole principle of the scheme again, but is instead matters for consideration in the determination of this application relate to the assessment of the amended parts of the scheme. The proposed amendments relate to the creation of a new super-apartment on the eastern side of the Hall and amendments to the internal configuration to create ten apartments on the western side of the Hall, the creation of a granny annex within the garage block and a new bin store.
- 5.2 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II\* Listed Building back into use, safeguarding its future.
- 5.3 The main planning issues to be considered are the impact of the proposal on the overall design of the approved scheme, the impact upon the heritage assets and the historic setting, and on the visual amenity of the area, along with considerations relating to highway safety, residential amenity and ecology.
- 5.4 **IMPACT ON HERITAGE ASSETS**  
Planning Legislation / Policy Position  
There are a number of designated heritage assets at this site include the listed Hall, the associated listed structures including the retaining wall, balustrades, piers and steps to the south of the Hall, the listed bridge on the access road to the south and Axwell Park Conservation Area.
- 5.5 The LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This is reinforced within both national and local planning policies.
- 5.6 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets conservation. Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.7 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance) of a designated heritage

asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 5.8 Paragraph 196 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.9 Saved Policies ENV7, ENV9, ENV11 and ENV17 of the Council's Unitary Development Plan (UDP) state that development within Conservation Areas, relating to Listed Buildings and relating to Axwell Park should preserve or enhance the special architectural or historic character and appearance of the Conservation Area, including the setting of the Conservation Area, the Listed Building and that the historic value of Axwell Park should be protected and enhanced.
- 5.10 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.
- 5.11 The main issue in considering the proposed changes to the previous approved scheme is therefore the effect of the proposed changes on the significance of the designated heritage assets .
- 5.12 A Heritage Statement has been submitted to accompany this application which assesses the significance of the heritage assets and the effect of the proposed changes on the significance of these assets.
- 5.13 The Hall is currently empty and has been the subject to theft, vandalism and weather damage. However, despite this, The Hall as it stands today, remains an impressive Grade II\* Listed Building of historical and architectural significance.
- 5.14 **Proposed Subdivision of Hall**  
The principle of subdividing The Hall has already been established under the previous planning applications that were approved. The previous scheme allowed for 23 units. The proposed changes submitted as part of this current application will provide an improved layout of 11 units which is overall less intrusive than the previously approved scheme.
- 5.15 **Bin Store and Residential Annex**  
Two new buildings, the residential annex and bin store are proposed adjacent to the listed Hall and structures, within the Conservation Area. The proposed position of the residential annex is in the same location of an originally intended garage block which was approved as part of a previous planning approval. The two buildings are small in relation to the overall Hall and adjacent Courtyard development and will remain subservient to The Hall.
- 5.16 **Heritage Summary**

The proposed changes will alter the designated heritage assets and their setting. It is however considered that the harm to the heritage assets is outweighed by delivering housing on a partly implemented, but stalled site; bringing a Grade II\* Listed Building back into use, safeguarding its future.

#### 5.17 ARCHAEOLOGY

There are no archaeological constraints regarding the variation of condition 1 of DC/10/01303/FUL. No objections are raised in respect of saved Policies ENV21 and ENV22 of the UDP or policy CS15 of the CSUCP.

#### 5.18 HOUSING

As set out above, the principle of housing has already been established through the previous consented applications.

#### 5.19 Reduction in Units

Compared to the 2005 approved scheme, due to the creation of the super-apartment the proposed development would result in the loss of 12 apartments within the Hall. There is no planning policy which would guard against this and therefore no objection on this basis is raised.

#### 5.20 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). This application proposes amendments to the previously approved scheme for the conversion of Axwell Hall which comprised of 23 one and two-bedroom apartments. The proposed amendments result in the introduction of one x 3 bedroom flat and one x 7 / 8 bedroom flat. The creation of two family sized units would assist the Council in achieving the aims of Policy CS11 of the Core Strategy and would provide a betterment in the mix of unit sizes in comparison to the 2005 approved scheme.

#### 5.21 Suitable accommodation for the elderly

The annex is intended to function as a temporary dwelling during the restoration phase of Axwell Hall, and following completion of the restoration, will be used to house an elderly relative in conjunction with occupation of apartment 1 of the Hall.

#### 5.22 RESIDENTIAL AMENITY

##### Residents Living Conditions

The proposed amendments are considered to be acceptable from a residential amenity point of view in terms of the living conditions of both the future occupiers of The Hall and granny annex as well as the existing residents in the adjacent Courtyard element of the development.

#### 5.23 Residential Space Standards

The proposal should be required to satisfy Policy CS11(4) which requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". With regard to this requirement in March 2015 the DCLG published nationally described space standards for new housing. The proposed super-apartment together with the other 10 flats (as



previously approved and partially converted) would exceed the minimum requirements for internal space.

#### 5.24 HIGHWAYS SAFETY

There are no objections to the proposal from a highway safety point of view. Access to The Hall would be gained from the existing private estate road, from the south. It is considered that the formation of an additional site access and the traffic associated with an additional property would not result in any significant impact on the surrounding highway network.

5.25 The proposed amendments to the previous consented scheme will result in less apartments in The Hall reducing the number of units from 23 to 11 so is unlikely to prejudice the availability of car parking spaces. Notwithstanding this planning application DC/17/00668/FUL proposes additional car parking provision to the front of The Hall.

#### 5.26 REFUSE STORAGE /WASTE

From a waste servicing perspective and there are no objections. The enclosed bin store would be sufficient for the number of apartments within the complex and there is space within the site to be able to turn the HGV without reversing.

#### 5.27 ECOLOGY

An updated Bat Survey has been submitted as part of this planning application which confirms that bats currently use The Hall through a number of access routes in the building including through the windows and roof. The previous planning application (reference : DC/10/01303/FUL) accepted the restoration of the hall, saving the listed structure and converting it into flats with bat mitigation being provided through bat boxes and bat lofts.

5.28 It is therefore considered that the proposed changes are acceptable from an ecology point of view subject to planning conditions which require the final details of bat mitigations measures to be approved and their implementation. Subject to such planning conditions the proposed is considered to accord with the ecology aims and objectives of the NPPF, saved policies DC1 (d), ENV46 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.29 The applicant also intends to apply to Natural England for a licence for the proposed works.

#### 5.30 COMMUNITY INFRASTRUCTURE LEVEY

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, whilst the development is housing related and the development is located within Residential Charging Zone A, no new floor space is created and therefore no CIL payment would be required for this development.

#### 5.31 OTHER ISSUES

Site Location Plan

Council officers consider that an appropriate site location has been submitted.

#### 5.32 Previous Planning Conditions / S106 Agreement

The planning conditions on the previous planning application DC/10/01303/FUL will be reviewed and where appropriate reattached to this current planning application. The repair works to the bridge were included as part of the original S106 legal agreement for the site. The previous S106 agreements related to a number of issues for the Axwell site including landscape works, repairs to the bridge and carrying out highway works. The S106 agreement for the development will therefore be varied to relate to this current application.

#### 5.33 Space to Carry Out Works / Access to Axwell Gardens

It is the developer's responsibility to ensure that the proposed works are carried out in a way that still allows access to adjacent residents in The Courtyard and The Garden elements of the development. Any restriction to this access is a civil matter to be resolved between the relevant parties.

#### 5.34 Access Road to Axwell Gardens

This road has recently been resurfaced with tarmac.

### **6.0 CONCLUSION**

6.1 This application represents a significant opportunity to deliver housing on a partly implemented, but stalled site; bringing a Grade II\* Listed Building back into use, safeguarding its future.

6.2 Taking all the relevant issues into account, including those made by local residents, it is considered that the proposed amendments to the previous consented scheme are acceptable, subject to a number of planning conditions and a variation to the previous S106 legal agreement.

6.3 It is therefore recommended that planning permission be granted.

### **7.0 Recommendation**

**GRANT SUBJECT TO A SECTION 106 AGREEMENT**

1) The agreement shall include that this application forms part of the previous S106 agreement for the development

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary, amend and finalise the wording of the planning conditions (set out below as headings) as necessary:

List of approved plans

Phasing plan to be approved

Implement phasing plan

Bat mitigation Axwell Hall

Implement bat mitigation Axwell Hall

Mirror Room Survey to be approved

Mirror Room remediation measures to be approved

Implement Mirror room remediation measures

External Materials Axwell Hall to be approved

Implement external materials Axwell Hall

Landscaping scheme Axwell Hall to be approved

Implement landscaping Axwell Hall

Maintenance of landscaping

Hard landscaping Axwell hall to be approved

Implement hard landscaping Axwell Hall

Construction control measure to be approved

Implement construction control measures

Gas mitigation measures to be approved

Implement gas mitigation measures

Provision of parking Axwell Hall

Cycle parking Axwell Hall to be approved

Implement cycle parking Axwell Hall

Final details of footway along estate road

Implement footway along estate road

Provision of bin store

Vents, Flues, Extracts Axwell Hall to be approved

Implement vents, flues, extracts Axwell Hall

Rainwater goods Axwell Hall to be approved

Implement rainwater goods

External Lighting to be approved

Implement external lighting

Fire detection, security systems to be approved

Implement fire detection, security systems

Aerials and sat dishes to be approved

Implement aerials, sat dishes

Boundary treatment to be approved

Implement boundary treatment

New services to be approved

Implement new services

Removal of PD rights

Window / Rooflight details to be approved

Implement window/roof lights

Door details to be approved

Implement door details

