

Committee Report

Application No:	DC/16/01261/FUL
Case Officer	Owain Curtis
Date Application Valid	27 February 2017
Applicant	Mr Robert Carroll
Site:	Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL
Ward:	Crawcrook And Greenside
Proposal:	Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces
Recommendation:	GRANT
Application Type	Full Application

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

1.2 The application site is within Coalburns, a settlement of 17 properties between Greenside and High Spen in the west of the borough.

1.3 The site is accessed from Lead Road and lies at the end of a narrow lane which runs along the rear of a terrace row of properties. The plot is triangular in shape and part of a row of 4 detached garages to the north of Lead Road which are associated with the terrace row of properties.

1.4 Currently there is a single storey pitched roof detached garage and a gravel parking area on the site. Although not within the curtilage of number 4 Coalburns Cottages, the site is currently used as a private garden area for this property and has been landscaped with decking and a raised terrace. To the north of the site is open countryside whilst to the west is the boundary with the garden of number 5 Coalburns Cottages.

1.5 DESCRIPTION OF APPLICATION

This application is for the demolition of the existing pitched roof garage followed by the erection of a detached pitched roof dormer bungalow. The dwelling would be sited at the end of the access lane at the rear of number 5 Coalburns Cottages. The dwelling would be 6.95m high to the roof ridge and would have a dormer window in the roof slope on the principal elevation. There would also be an offshoot at the front projecting 2.6m from the principal elevation with a front facing gable. At the rear there would be a balcony looking over the agricultural fields to the north.

1.6 Vehicular access would be gained from the lane between Coalburns Cottages and the detached garages and private gardens. The gravelled area at the front of the proposed bungalow would be able to accommodate 4 vehicles.

1.7 RELEVANT PLANNING HISTORY
None

2.0 Consultation Responses:

Northumbrian Water – No issues

The Coal Authority – No objection subject to conditions

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination as ward councillors Councillor Jack Graham and Councillor Helen Haran have submitted a joint objection to the proposal.

3.2 Councillor Graham and Councillor Haran's objection states that the site of the proposed dormer bungalow is situated in the designated Wildlife Corridor and lies within the Green Belt. The size and height of the proposed bungalow would dominate the sky line. The proposed bungalow would also be obtrusive and out of character with the existing dwellings within the hamlet. The existing narrow lane is totally unsuitable for 4 extra vehicles accessing the proposed dwelling.

3.3 Neighbour notifications were carried out and a site notice was displayed at the application site in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.

3.4 Four representations have been received. These raise the following issues:

- The site is in the Green Belt and within an area of High Landscape Quality.
- A house or bungalow added to this highest part of the ground level would have a detrimental impact on the character of the row of cottages.
- The house would close off the open aspect and views to the Cheviots
- The cottage would have an overbearing effect on my cottage and private garden.
- The proposed property would become a dominant feature with a noticeable overbearing effect upon the lower-lying lane resulting in a potential loss of quality of life.
- The property would be out character.
- Increased traffic would bring an increased risk of accidents.
- Concerns over parking arrangement.
- Water pressure has been unreliable, and this would be enhanced by an extra property drawing from the supply.

4.0 Policies:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
CS1 Spatial Strategy for Sustainable Growth
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
DC2 Residential Amenity
H4 Windfall and Small Housing Sites
ENV3 The Built Environment - Character/Design
ENV38 Washed-over Settlements within the Green Belt
ENV51 Wildlife Corridors
ENV46 The Durham Biodiversity Action Plan
ENV54 Dev on Land Affected by Contamination
CFR28 Toddlers' Play Areas
CFR29 Juniors' Play Areas
CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

5.1 The main planning considerations in this case are: the principle of residential development, the appropriateness in the Green Belt, residential amenity, visual amenity, the effect on highway safety, ground conditions, play and open space provision, impact on ecology and any other matters arising.

5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 5.3 Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development”. Within this context, policy CS11 of the Core Strategy and Urban Core Plan seeks to provide a range and choice of new housing across the borough and requires of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms.
- 5.4 The proposed development of a two bedroom dwelling would not contribute to increasing the provision of larger homes in Gateshead. Development of a single dwelling would not have a significantly adverse impact on the council’s overall objectives of improving the supply of larger homes, and so the development is considered to be broadly compatible with the council’s policies regarding the range and choice of housing.
- 5.5 Further, this proposal would constitute a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The proposed dwelling would not be an isolated home in the countryside therefore its location is considered to be sustainable and in accordance with saved policy H4 of the UDP.
- 5.6 Overall the principle of a new dwelling can be supported subject to all other material planning considerations being satisfied.
- 5.7 WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT WITHIN THE GREEN BELT
- 5.8 The NPPF sets out national government’s approach to protecting the Green Belt. Paragraph 89 advises that the construction of new buildings in the Green Belt is inappropriate, unless the proposal meets one of a limited number of specific exceptions. The most pertinent of these in relation to this application is whether the proposal can be categorised as “limited infilling in villages”.
- 5.9 “Villages” and “limited infilling” are not defined in the NPPF and it is established in case law that the definition of these is a matter of planning judgement to be taken by the decision maker on a case-by-case basis.
- 5.10 The first issue is whether Coalburns can be described as a village for the purpose of paragraph 89 of the NPPF. Coalburns comprises of 17 dwellings. It is situated on the junction of Lead Road and Kyo Lane. To the south of Lead Road are 2 properties whilst to the north there are 12 properties. There are also 3 farmsteads to the west. There is a public house on Lead Road however there are no local shops or other facilities in the settlement. The pattern of development is that the centre of the settlement is the village green-style area which is bounded to the west by the Fox and Hounds public house and to the east by terrace row - Coalburns Cottages. Taking into account the number of dwellings, the pattern of development and the fact there is a defined centre to the settlement when seen on the ground, officers conclude that Coalburns is a village, and therefore the development is capable of being appropriate development in the Green Belt.

- 5.11 Turning to whether the proposal is “limited infilling”, saved policy ENV38 of the UDP states that “providing that it does not have an adverse effect on the character of the settlement concerned and satisfies other detailed planning considerations, infilling development will be allowed within the envelopes of certain Green Belt settlements” including Coalburns. The area in which limited infilling is permissible is outlined in green in the UDP document. Case law has established that the decision maker should form their own opinion, based on their own assessment of the village boundary on the ground, as to the village envelope rather than rely on a defined village boundary in the Local Plan. It is officers’ opinion that the proposed development is within the village boundary and therefore the proposal is capable of being infill development within the village. When seen on the ground it is clear the development site lies within the existing built up area of the village, it lies between the Coalburns Cottages terrace row and garden to the west and the domestic garages and private garden areas to the east. It is evident that the village boundary is the northern edge of the application site, after which is open countryside which contrasts with the built-up settlement. Further, when seen from Lead Road the proposed dwelling would occupy an area of land between Coalburns Cottages and the 4 properties on the north of Lead Road.
- 5.12 Overall, it is officers’ opinion that Coalburns is a village and the development can be reasonably regarded as “limited infilling”. As the development accords with the exception in paragraph 89 of the NPPF, the proposal should not be regarded as inappropriate development and would therefore accord with the NPPF and policy CS19 of the Core Strategy.
- 5.13 RESIDENTIAL AMENITY
- 5.14 The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.15 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.16 Residential amenity is raised as an issue in the objections received with residents citing concerns that the proposed bungalow would have an overbearing effect on the existing properties.
- 5.17 The bungalow would be located approximately 9m from number 5 Coalburns Cottages and 1.2m from the shared boundary with its garden. In terms of orientation the bungalow would be sited to the north east of the terrace row.
- 5.18 Officers do not consider the development would have an unacceptable impact on the occupiers of surrounding residential properties by virtue of overshadowing or an overbearing impact. Whilst the bungalow would cause some overshadowing of the garden of number 5 this would be for a very limited period in the morning and would only affect part of the garden. The garden of

number 5 is open from most directions thereby allowing sunlight and daylight to reach most areas. Further, as the bungalow would be north of the terrace row and set back 11.5m into the plot it would not cause unacceptable overshadowing of any habitable rooms in number 5. As a result it is concluded there would be no materially detrimental impact on the occupiers of this property.

- 5.19 With regard to overlooking, the most property which has the potential to be most affected by the development is number 5 Coalburns Cottages. This property has a large window on the northern gable elevation overlooking the garden and development plot. Officers consider the proposed dwelling would not cause undue loss of privacy to any existing occupiers given the separation distance and oblique angle between the rear elevation of Coalburns Cottages and the proposal.
- 5.20 In light of the above it is considered the proposed scheme would comply with policy CS14 of the Core Strategy and saved policy DC2 of the UDP which seek to safeguard residential amenity for existing and future occupants of land and buildings.
- 5.21 CHARACTER AND APPEARANCE OF THE AREA
- 5.22 The representations received state that the bungalow would be built on the highest part of the ground level so would have a detrimental impact on the character of the row of cottages. It is also stated that the bungalow would be a dominant feature which would be out of character with the existing dwellings in the hamlet.
- 5.23 There is no dominant house type or external finishing material amongst the properties in Coalburns. The proposed dwelling would be a dormer bungalow finished in random stone and off-white render with a grey slate roof. Officers consider that given the variety of house types and designs in the local area the design of the proposed dwelling is acceptable.
- 5.24 As the proposal is infill development, the siting of the dwelling at the end of the access lane is not considered to cause harm to the visual amenity of the area and its scale and massing mean the dwelling would integrate well into the area. It is considered the dwelling would not appear as an over-dominant feature in the street scene as the maximum height of the bungalow would be lower than the nearest property, number 5 Coalburns Cottages, and would be set back from the end of the access lane.
- 5.25 Officers consider the proposal is in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP which seek to ensure a high quality design in the interests of visual amenity.
- 5.26 HIGHWAY SAFETY AND PARKING

- 5.27 Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 5.28 Objections have been received which raise the issue of highway safety and an increased amount of traffic.
- 5.29 The vehicular access to the site from Lead Road is via a narrow lane, approximately 5.6m in width. This lane is the vehicular access for the existing terrace row of 5 properties. As the proposal is for a single two bedroom dwellinghouse, the additional traffic generated by one dwelling would not be significant therefore officers consider the impact on highway safety would not be severe.
- 5.30 With regard to parking, officers have worked with the applicant to ensure the proposed parking arrangement is acceptable. Parking would be within the development plot itself and the amended layout avoids the need for drivers to conduct a 7 point turn which would otherwise be required to allow cars to drive in and out of the site in a forward gear.
- 5.31 The proposed design allocates parking spaces for the proposed dwelling and for number 5 Coalburns Cottages. The design avoids the need for drivers to park on the narrow access lane which would be unacceptable and it can be conditioned that the parking spaces are for the use of the occupiers of both properties (condition 12).
- 5.32 In light of the above it is considered the amended proposal would not have a severe impact on highway safety and is therefore in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.33 LAND STABILITY / CONTAMINATION
- 5.34 The site lies within the Coal Authority High Risk Area therefore coal mining legacy potentially poses a risk to the development. In accordance with the recommendations of The Coal Authority, it is conditioned that that intrusive site investigations are conducted and a scheme for remedial works drawn up should it prove necessary to prevent coal mining legacy posing a risk to the future occupiers of the proposed dwelling (condition 4).
- 5.35 The site has not been classified as "contaminated land" as it has historically been farmland until developed however there may be the potential for some soil contamination to exist. Given the sensitive end use, it is appropriate to condition that an intrusive site investigation is conducted and a Remediation Statement, Monitoring and Verification Reports are submitted to the Local Planning Authority to ensure the development accords with saved policy ENV54 of the UDP (conditions 6 and 10).
- 5.36 PLAY AND OPEN SPACE

- 5.37 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.38 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.
- 5.39 ECOLOGY
- 5.40 The application site is within a designated wildlife corridor therefore saved policy ENV51 of the UDP applies. This policy states that “a network of wildlife corridors will be protected by resisting development or recreational use which would seriously impair their integrity or value to wildlife”.
- 5.41 The scale of the proposed development means it is not considered there would be a significant adverse effect on the free movement of species in accordance with policy saved policy ENV51 of the UDP.
- 5.42 COMMUNITY INFRASTRUCTURE LEVY
- 5.43 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 Charging Zone A, with a levy of £60 per square metre for this type of development. Therefore, the developer would be charged approximately £8,700 unless an exception is applied for.
- 5.44 OTHER ISSUES
- 5.45 One representation states that the bungalow would block the view residents currently enjoy of the Cheviots. Whilst it is entirely understandable that residents would prefer their views of open fields and the Cheviots to be retained, it is well established that there is no right to private views and that their loss cannot be regarded as a material planning consideration.
- 5.46 It is also acknowledged that there may be an issue with water pressure in the area. Northumbrian Water has been consulted on the application and has not raised any concerns regarding the proposed property being connected to the water supply.
- 5.47 A representation has raised concerns that if this application is approved it would encourage more ‘garden grabbing’ applications to come forward. Applications are determined on their own merits and although the site is currently used as a garden area for number 4 Coalburns Cottages, it is its own discrete planning unit entirely separate from the curtilage of number 4. Further,

paragraph 53 of the NPPF relates to development in gardens and states that “local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. No such policy has been adopted in the Core Strategy or UDP.

- 5.48 Finally, it has been raised that the application site lies within an area of High Landscape Quality. This relates to policy ENV39 of the UDP which was not saved in 2012 following a review as it was not consistent with the NPPF. The policy is no longer part of the Local Plan and as such no weight is afforded to this.

6.0 CONCLUSION

- 6.1 The application site is suitable for housing and there would be no conflict with Green Belt protection policies. The proposal would not cause unacceptable overlooking or overshadowing to the detriment of occupiers of surrounding properties and the siting, scale and design of the proposal would integrate with the wider area. Amendments have been sought which ensure there would not be an adverse impact on highway safety and ground contamination and stability issues can be resolved by planning condition. Taking all the material planning considerations into account including the objections raised, it is recommended that planning permission be granted.

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, delete, vary and amend the planning conditions as necessary:

1

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.

2

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

16060/P02 Rev A dated 25.04.2017

16060/OS/01 dated 18.10.2016

16060.P05 Rev A dated 01.12.2016

16060.P03 Rev A dated 01.12.2016

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.

3

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

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 street scene 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.

4

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

The remediation and monitoring measures approved under condition 4 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The development hereby approved shall not commence until a report of findings arising from intrusive site investigations for contaminated land and a Phase II Detailed Risk Assessment have been submitted to and

approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Where required, the remediation and monitoring measures approved under Condition 6 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

The amended remediation and monitoring measures approved under condition 8 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

The Local Planning Authority must 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, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

Where remediation is required (under conditions 4-9), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

11

Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

12

Prior to the first occupation of the dwelling hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which ensures two car parking spaces and associated

manoeuvring area (shown on plan 16060/P02 Rev A dated 25.04.2017) are available for the property known as 4 Coalburns Cottages, Greenside, Ryton, NE40 4JL.

Reason

To ensure adequate parking provision in the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

13

The approved scheme under condition 12 shall be permanently implemented on site in accordance with the approved details.

Reason

To ensure adequate parking provision in the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

