

**Committee Report**

<b>Application No:</b>	<b>DC/17/00164/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>29 March 2017</b>
<b>Applicant</b>	<b>Mr Wayne Laskey</b>
<b>Site:</b>	<b>3 Thomas Street Eighton Banks Gateshead NE9 7YA</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Demolition of commercial building and replacement by one detached dwelling (amended 18/05/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

1.2 The application site consists of a vacant commercial building which is situated within a predominantly residential area and appears to have last been used as offices for a property management company. The property is brick built with a slate roof and occupies a large proportion of the site which is at the end of a terrace (Thomas Street). There is some informal parking to the front on an area of hardstanding, which is accessed off Thomas Street. The property is single storey but does benefit from a high pitched, steeply sloping roof which allows for floor space to be provided in the roof. There is a smaller single storey off shot to the rear. Land levels on site are predominantly flat. Immediately to the east of the building there is an area of unfenced grass. Part of this grassed area is within the application site but part is proposed to remain unfenced. To the south on the opposite side of Thomas Street there is an allotment. To the rear (north) the back lane separates the application site from the rear of the properties along Sandy Lane and to the west another lane separates the application site from the rear of properties along Prospect Terrace. All the properties in the area are stone built terrace properties, with the exception of the application site and the dwellings to the east which are flats in a small brick built terrace.

**1.3 DESCRIPTION OF THE APPLICATION**

1.4 The application proposes the demolition of the existing property and in its place the erection of a detached, two storey dwelling with accommodation in the roof space, served by gable dormers. The dwelling along with a detached garage to the rear, is proposed to be constructed using stone and interlocking slate. As submitted the application proposes to enclose some of the green space to the east and as originally submitted the dwelling was proposed to be within 1.3 metres of the revised boundary. However this has now been amended to 3

metres from the site boundary (4 metres from the gable end of the neighbouring property to the east).

1.5 The height of the proposed dwelling has also been reduced by 660 mm and the eaves lowered by 920 mm to bring them more in line with the eaves height of neighbouring properties and more akin to a 2 storey property (height of the proposed dwelling to the eaves is 5.5 at the front and 6 metres at the back; height to the ridge 8 metres at the front and 8.5 metres at the back). The difference is due to a slight change in land levels. Accommodation is still proposed in the roof with small windows provided at this level. A large driveway has been removed from the front with off street parking now contained to the rear. To the front there is now proposed to be a large, enclosed private garden. A 2 metre section of footpath is also proposed to the front for pedestrians using Thomas Street. A garden terrace is proposed to the rear of the property.

1.6 The following information has been submitted with the application:

Phase 1 Land Contamination Assessment.

1.7 PLANNING HISTORY

1.8 There is no recent planning history available for this site.

## **2.0 Representations:**

2.1 Neighbour notifications were originally carried out on the 10.04.2017 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 12 neighbouring properties were notified and 7 letters of objection were received. The objections have been summarised below although full copies are available.

\* The property will be out of scale with the surrounding properties all of which are approximately 5m wide terraced houses with loft conversions within the roof profile.

\* This property has a front elevation of 13.6m ,3 storey with a roof profile and appearance out of character with the surrounding streetscene of small terraced properties.

\* The proposed property is too large for the extended plot size and would appear overbearing

\* The proposed development would result in the inappropriate development within the Green Belt and would have a greater impact on the openness of the Green Belt than the existing single storey with no very special circumstances.

\* The Council has an adequate 5 year supply of land for housing and as the existing commercial use of the site does not unduly impact on neighbouring residential properties in terms of noise or disturbance, it is difficult to see how a case for a new house can be made.

\* Should the Local Planning Authority take the view that the proposed development is infill development the additional height and massing of the proposed dwelling and the harm the development would cause to visual amenity and residential amenity, detailed below, the proposed development

fails to comply with either the NPPF or local policy ENV38 requirements for infill development.

- \* The siting, scale and design of the proposed dwelling are not in keeping with the prevailing character of existing buildings in the immediate area which are linear terraces of two storey dwellings under simple pitched roofs.
- \* The development would have a detrimental impact on the amenity of nearby residents in terms of overlooking and loss of light.
- \* The application is contrary to local plan policies UC12 (1) and (3), ENV3 and CS15 (1.i). It also fails to maintain and/or enhance the special character of Eighton Banks and is therefore contrary to policy ENV25.
- \* The application is contrary to policy DC2 of the Unitary Development Plan.
- \* The proposed fencing must not be allowed to encroach any further than the side of the proposed garage as this will have an affect on traffic, large vehicles i.e. bin wagons, delivery vehicles and cars already use part of the proposed parking area to negotiate the corner.
- \* Any vehicle parked on the proposed driveway in front of the garage is at risk from passing traffic as the lanes are already very narrow. Any building on that rear corner of the plot should be considered very carefully indeed for this reason.
- \* Inadequate local consultation.
- \* Lane used as a through route to avoid speed bumps. Could it be a residents only access?

2.2 Following amendments to the plans neighbours were re-notified on the 22.05.2017. 4 further letters of objections were received with the following issues raised.

- \* The proposal is still a large imposing building which would overlook the bathroom, bedroom and garden of properties along Prospect Terrace.
- \* Despite the removal of 1 window to the rear of the revised property, the gardens and rooms of the properties to the rear would still be majorly overlooked.
- \* 3 storeys seems excessive. Could the build be limited to 2 storeys? If not could the 3rd storey windows be removed and skylights in roof be added instead?
- \* There could be bats living in the current building.
- \* While the reduction in the height of the dwelling has lessened its impact compared to the original dwelling, the proposed dwelling would still have significantly greater height and mass at first floor level and a greater impact on openness than the existing building, failing the paragraph 89 test relating to development in the Green Belt.
- \* The scaling down of the dwelling has improved its impact on the adjacent flats, however it would still have a greater impact on them than the existing building.
- \* A BRE compliant daylight/sunlight assessment still has not been provided by the applicant and the application fails to demonstrate that the proposed dwelling would have an acceptable impact on the neighbouring properties in terms of loss of light and overshadowing.
- \* The amendments have done nothing to address its inappropriate location in respect of the established pattern of the neighbouring terrace, nor its

inappropriate design relative to the simple pitched roof design which is part of the established character of housing in the immediate streetscene.

- 2.3 1 letter of support has also been received on the basis that the development is preferable to a commercial property.

### **3.0 Consultation Responses**

Northumbria Water                      No Objection but should follow the drainage hierarchy.

### **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

ENV38 Washed-Over Settlements in Green Belt

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H5 Housing Choice

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

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

5.1 The main planning considerations in this case are considered to be the principle of development and the impact on amenity and parking.

### **5.2 PRINCIPLE OF DEVELOPMENT**

5.3 The application site is located within the area of Green Belt that helps to prevent Gateshead merging with neighbouring urban areas and also looks to safeguard the countryside in this area from encroachment, as set out in paragraphs 79 and 80 of the NPPF and policy CS19 of the Core Strategy and Urban Core Plan (CSUCP).

5.4 Paragraph 86 of the NPPF goes on to say that villages should not be included in the Green Belt unless the settlement has a specific open character that contributes to the openness of the Green Belt. Otherwise, if the character of a settlement needs to be protected for other reasons, other means should be used, such as a conservation area for example and that the village should be excluded from the Green Belt.

5.5 In this case, the entire application site is included within the Green Belt but also the settlement boundary of Eighton Banks, which is classified as a "washed-over settlement within the green belt". Within washed over settlements such as Eighton Banks, policy ENV38 allows for infilling development that does not have an adverse effect on the character of the settlement concerned.

5.6 In addition paragraph 89 of the NPPF considers that limited infilling in villages should not be treated as inappropriate development in the Green Belt. Eighton Banks is considered to be a village for the purposes of paragraph 89.

5.7 The effect of the development on the character of the settlement will be addressed later in the report but in principle a new development in this location, in terms of impact on the Green Belt is considered to be acceptable as this part of Eighton Banks does not have a specific open character that contributes to the openness of the Green Belt.

5.8 The provision of a new family dwelling would also assist in meeting the aims and objectives of CSUCP policy CS11(1) which 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). The proposal, which in accordance with policy H4 of the UDP is windfall housing, would also assist in meeting Gateshead Councils 5 year housing supply of which windfall housing forms part of.

5.9 On this basis the principle of development is considered acceptable subject to all other planning considerations being satisfied.

### **5.10 DESIGN**

- 5.11 The existing building is a brick built property with a large hipped roof and fills a large proportion of the site, sitting forward of the established front building line of the properties along Thomas Street. As a result it does appear at odds with the character of the streetscene which is primarily terraced properties with pitched roofs. On this basis it is not considered necessary for any new development on the site to strictly follow the established rhythm, character or scale of the surrounding properties. Consequently the applicant has proposed a large two storey, detached, double fronted dwelling, which incorporates gable dormer features to the front and rear to provide accommodation in the roof space and would be built using traditional stone and slate.
- 5.12 However as originally submitted it was felt the proposal was out of scale with the plot. Therefore although the main reason for requesting amendments was to address concerns relating to residential amenity it is considered the amendments have made an improvement to the design. The application has been amended so it sits better within the site (width of the dwelling reduced by 1.1 metre) and a greater separation distance is provided to the properties at the end of Thomas Street (4 metres). This helps to make a distinction between the existing terraces and the new standalone, detached dwelling. The height of the proposed dwelling has been reduced by 660 mm and the eaves lowered by 920 mm to bring them more in line with the eaves height of neighbouring properties. The gable ends of the proposed development have also been simplified and have the appearance of a more standard gable which is preferable. The overall height is now also the same as the existing building and the projection beyond the front building line of the properties along Thomas Street is 1.7 metres less than the existing building.
- 5.13 Accommodation is still proposed in the roof with small windows provided at this level in the gable dormers but as amended the height, scale and design of the development is considered to be more appropriate for this location.
- 5.14 The large driveway has been removed from the front with off street parking now contained to the rear on the drive and in the garage, the design and scale of which is considered to be acceptable. To the front there is now proposed to be a large, enclosed private garden which provides a better setting for the property.
- 5.15 Therefore although objections have been raised that the proposed development is out of character with the streetscene, it is considered that as a result of the amendments, the building it is proposed to replace and the materials that are to be used (CONDITIONS 4 AND 5), the proposed development would not have a detrimental impact on the streetscene or the character of the area.
- 5.16 The development does not conflict with the aims and objectives of the NPPF or policy CS15 of the CSUCP and policy ENV3 of the UDP and as it is considered the proposed development would not have an adverse effect on the character of the area the development also satisfies policy ENV38 of the UDP.

## 5.17 RESIDENTIAL AMENITY

- 5.18 There are residential properties on three sides of the site although to the north and west they are separated by the back lanes and with separation distances of 35 metres (31.5 metres to the two-storey rear extension) and 23.5 metres respectively between the proposed dwelling and the neighbouring properties. There are only windows in the ground floor of the elevation facing west so overlooking of the properties on Prospect Terrace to the west would not be an issue, especially taking into account the high boundary walls of these properties. The recommended distance between windows serving habitable rooms and a blank two-storey gable is 13 metres.
- 5.19 Windows are proposed to the rear but the 30 metre plus separation distances proposed between the properties would mitigate any overlooking of habitable windows. The recommended distance between windows serving habitable rooms is 21 metres.
- 5.20 Concerns have been raised by neighbours about the increased overlooking of gardens but it is reasonable to expect in a residential area some overlooking of gardens and the separation distance to the gardens to the north would be a minimum of 17.5 metres when measured from the proposed rear elevation of the dwellinghouse and the back walls of the neighbouring properties to the rear. This again would limit the opportunity for any significant overlooking. It is also considered that overlooking from the windows serving the roof space would not be significantly greater, if any, than from second floor windows.
- 5.21 It is considered the scale of the garage, the separation distances available and the boundary treatments already in place would ensure the garage does not have any impact on these properties either.
- 5.22 Therefore it is considered the impact on the amenity of properties to the north and west is acceptable.
- 5.23 There would be a closer relationship between the proposed dwelling and the properties to the east (Nos 5 and 6 Thomas Street) than currently exists and it was concerns about the impact the development would have on these properties which lead to amendments being requested. As originally proposed the development would have projected 6.6 metres beyond the front elevation of the Thomas Street and the mass of the gable elevation was substantial. The separation distance between the two properties would have been 2.3 metres (approximately 3 metres to the closest edge of the window). The amendments have reduced the scale and height of the proposal, notably the gable elevations and the separation distance has been increased by 1.7 metres. It is considered this has significantly improved the relationship between the two properties and the impact in terms of loss of light, visual intrusion and overshadowing would now be acceptable. The window in the east facing gable elevation is proposed to be obscurely glazed and this can be conditioned (CONDITION 8). No further windows shall be installed in either the east or west facing elevation and this can be conditioned (CONDITION 9).

- 5.24 To the rear neither the dwelling itself or the garden terrace would project beyond the rear building line of the property to the east and the garage is proposed to be set off the boundary with the properties to the east by 2.8 metres and set at a lower level. A fence is also proposed along the eastern boundary which will help to screen the development from those properties. Final details of the boundary treatment can be conditioned (CONDITIONS 10 AND 11).
- 5.25 Construction hours can also be conditioned to prevent disturbance (CONDITION 3).
- 5.26 Therefore it is considered the proposed development would not result in any significant overlooking, loss of light, visual intrusion or overshadowing and as a result does not conflict with the aims and objectives of the NPPF, policy CS14 of the CSUCP or policies DC1, DC2 and ENV61 of the UDP.
- 5.27 HIGHWAY SAFETY
- 5.28 As originally submitted the scheme had a double driveway and very large double garage to the rear (equating to approximately 3 to 4 parking spaces) plus a large driveway to the front for approximately four cars. This total of seven to eight spaces was considered excessive. At the same time, the proposed 1m footway/pavement to the front of the property was too narrow and considered unacceptable.
- 5.29 To address this issue all of the driveway area to the front of the building has been removed and a 2m public footway has been provided for pedestrians. Implementation of this footway would be required before the development is first occupied and this can be conditioned (CONDITION 12).
- 5.30 Concerns have been raised about the ability of vehicles to manoeuvre around the back lanes, including bin wagons but this has not been raised as an issue by highway officers or colleagues who operate the bin wagons. Keeping the north west corner of the site open would allow for some over run if needed.
- 5.31 Secure cycle storage will be available in the garage.
- 5.32 As a result it is considered the proposed development as amended does not raise any concerns in terms of highway safety and satisfies the aims and objectives of the NPPF, as well as policy CS13 of the CSUCP.
- 5.33 CONTAMINATED LAND
- 5.34 The site was originally farmland, and remained undeveloped until the late 1930's when the current building was constructed.
- 5.35 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on contaminated land. The risk of contamination being present as a result of historic uses is therefore considered to be low. As a result it is considered the conclusions of the phase1



land contamination assessment are acceptable and no further investigations are required. However there may be some possibility of contamination from any made ground imported for a development platform for the current development. With this in mind should any contamination be discovered a remediation strategy would be required and this can be conditioned (CONDITIONS 6 AND 7).

5.36 Therefore subject to the conditions it is considered that the risk to human health is limited and in accordance with the NPPF as well as policy CS14 of the CSUCP and policy ENV54 of the UDP.

#### 5.37 ECOLOGY

5.38 It has been reported that bats are present in the existing building and with the age of the building and proximity to potential bat foraging areas this cannot be dismissed. Therefore the applicant is undertaking a bat survey the results of which will be presented in an update report. Please note the presence of bats is unlikely to result in the application being recommended for refusal but appropriate mitigation, in accordance with the NPPF, policy CS18 of the CSUCP and policies ENV46 and ENV47 of the UDP, may be required. This can be conditioned.

#### 5.39 DRAINAGE

5.40 Northumbria Water have not objected to the application but have advised that the surface water drainage solution for the site follows, the drainage hierarchy. This has been included as an informative.

5.41 As a result the proposed development is not considered to conflict with the aims and objections of the NPPF, policy CS17 of the CSUCP and policy DC1 of the UDP.

#### 5.42 CIL

5.43 Gateshead Council is 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 retail or housing related. However the applicant has applied for relief/exemption on the grounds of it being a self-build dwelling and as such it is likely the CIL charge will be £0.

#### 5.54 OTHER MATTERS

5.56 A neighbouring resident has objected to the level of public consultation that took place. Publicity for the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in total 12 neighbouring properties were notified. By word of mouth other residents also got to know about the development and were able to submit any concerns they had. This has resulted in 7 objections being received and the application being referred to

the Planning and Development Committee. Therefore it is considered the level of public consultation was more than adequate for this application.

5.57 Concerns have also been raised about the rear lanes being used as a rat run to avoid the speed bumps on the main road and could access to the back lanes be made for residents only. This is not considered necessary to make the application acceptable but comments have been passed onto colleagues in the highway department.

5.58 For reference the area of special character referred to by one of the objectors is the residential area comprising Ravensworth Road, Jubilee Avenue and Springfield Avenue and does not relate to this area and policy UC12 relates to Urban Design within the Urban Core which is the area in and around the Quayside and the Town Centre.

## **6.0 CONCLUSION**

6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions, as the principle of development and the impact on design, amenity and highway safety as well as other material considerations, is acceptable and in accordance with national and local planning policy.

## **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 -

4750-3-2, 4750-4-2, 4750-5-2

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

Unless otherwise approved in writing by the Local Planning Authority, 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 Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

4

Development shall not commence above foundation level until samples of all materials, colours and finishes to be used on all 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 and 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

The development shall be carried out in accordance with the materials approved under condition 4.

Reason

To safeguard the visual amenities of the area and 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.

6

Any 'undesirable' material / made ground observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme, including timescales for implementation, shall be

submitted to and approved in writing by the Local Planning Authority prior to works recommencing on site.

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 Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Any remediation that is required shall be completed in accordance with the strategy and timescales approved under condition 6.

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 Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

The first floor window of the dwelling hereby approved facing east shall be glazed with obscure glass at a level three or greater. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with 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.

9

Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order (or any order revoking and re-enacting that order with or without modification), no windows or openings shall be inserted in the east or west facing elevations elevation of the development hereby approved without the written approval of the Local Planning Authority having first been obtained.

Reason

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with 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.

10

Notwithstanding the approved plans the development hereby approved shall not be first occupied until a scheme for the boundary treatment of and within the site 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 upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

11

The boundary treatment shall be implemented wholly in accordance with the details approved under condition 10, prior to the development hereby approved being first occupied.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

12

No part of the development shall be first occupied until the new pedestrian footway to the south of the site as shown on plan 4750-3-2 and approved by the Councils Highway Construction Team has been implemented. The footway shall be retained in accordance with the approved scheme thereafter.

Reason

In the interests of highways safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan.



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