

Committee Report

Application No:	DC/17/00291/FUL
Case Officer	David Morton
Date Application Valid	20 March 2017
Applicant	Ms Moira Kilgallon
Site:	1 Woodgate Lane Bill Quay Felling NE10 0TD
Ward:	Pelaw And Heworth
Proposal:	Erection of two storey, three bedroom house (amended 05/06/17).
Recommendation:	GRANT
Application Type	Full Application

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

The application relates to the curtilage of 1 Woodgate Lane, Bill Quay. The site area is approximately 250 m² in size, is located to the side elevation of 1 and 2 Woodgate Lane and is used for car parking and as a garden area.

1.2 The area to which the application site belongs is predominantly residential in nature; however Bill Quay Primary School is located to the east of the application site.

1.3 Land level on site are flat and there is an existing access onto Davidson Road to the north.

1.4 DESCRIPTION OF APPLICATION

The application seeks planning consent for the erection of a single dwellinghouse. The proposed dwellinghouse would have a footprint with a maximum depth of 8.99 metres and a maximum width of 7.64 metres, the dwellings would have an eaves height of 5.025 metres and a ridge height of 7.68 metres.

1.5 The proposed dwelling would be constructed in brickwork with a tiled roof. It is proposed that all windows, doors and rainwater goods will be constructed in uPVC.

1.6 The application proposes the subdivision of the garden space associated with 1 Woodgate Lane. The proposed dwelling would occupy a large proportion of the application site with the area to the south (rear) being used as garden space and the area to the north (front) largely being used to house parking area.

1.7 PLANNING HISTORY

There is no planning history associated with the application site.

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No objection to the proposal has been received, however a request for the item to be considered by Planning and Development Committee has been received from a Ward Councillor (Councillor Ian Patterson).

4.0 Policies:

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

NPPF National Planning Policy Framework

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

CS10 Delivering New Homes

CS13 Transport

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are the principle of the development, design, impact on neighbouring residents, highway safety, land conditions, play and open space provision.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Housing demand and policy

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.6 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of a single family home and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

5.7 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.

5.8 DESIGN

The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being

important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.

- 5.9 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.10 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.
- 5.11 The proposed development is considered to be appropriate in its context. The area to which the application relates is almost entirely residential in nature and it is considered that the dwelling has been appropriately influenced by the local vernacular e.g. with the inclusion of a two storey bay to the front elevation and the use of appropriate materials.
- 5.12 However, it is considered that the success of the scheme in design terms would be (to some extent) influenced by the choice of materials and as such it is considered appropriate to condition that the proposed materials be submitted to and approved in writing by the LPA (Conditions 3 and 4).
- 5.13 Subject to the above condition, it is considered that the design of the scheme would have a positive impact on the appearance and layout of the area. The proposal would comply with the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP
- 5.14 **IMPACT ON RESIDENTIAL AMENITY**
It is considered that the potential impact of the proposal is limited in amenity terms given the location of adjacent properties. There are no properties located directly to the east and south of the application site and the school is located a significant distance (50 metres) from the proposal. Therefore, no impact would occur in this regard.
- 5.15 The neighbouring properties (1 and 2 Woodgate Lane) are located within 2 metres of the gable of the proposed dwelling. While there two windows located within the side elevation of neighbouring building (one within each flat), these windows are non-habitable (a hall and landing window) and as such the impact on them is afforded limited weight.

- 5.16 It is, however, considered necessary to condition the hours of construction of the property to limit impacts on residents (Condition 5).
- 5.17 It is considered that existing and future residents would enjoy an acceptable level of amenity and as such the development would accord aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.
- 5.18 **HIGHWAY SAFETY**
The proposed development proposes a single additional dwelling which would result in a minimal number of highway movements, these movements could be accommodated by the wider highway network. The proposal would utilise an existing site access with slight amendments to width taking place, this approach is considered to be acceptable and would not significantly change the existing arrangement. Further, given the alteration to the access is limited, as would be the increase in vehicle movements it is considered that the proposed development would not conflict with or hinder access to or from the adjacent school.
- 5.19 Further, while the proposal would result in no off-street parking for 2 Woodgate Lane this is considered to be acceptable in this instance owing to the levels of onstreet parking within the area.
- 5.20 Given the above, it is considered that the proposal would comply with the aims and objectives of the NPPF, saved policy DC4 of the Council's UDP and policy CS13 of the CSUCP.
- 5.21 **CONTAMINATED LAND**
The historical use of the land was for agricultural purposes prior to residential development on the site and that the site is not within an area identified as potentially contaminated, the Local Authority is satisfied that no further investigation is required prior to the commencement of development. It is not considered necessary to condition further investigative works beyond those that would be required under the Building Control regime. However, it is considered appropriate to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 6 and 7).
- 5.22 It is considered that the development complies with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.
- 5.23 **PLAY AND OPEN SPACE**
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.24 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 it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.25 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a 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. The development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

6.0 Conclusion

6.1 Taking all the relevant issues into account it is considered that the principle of the development is acceptable.

6.2 Further, the proposal would also have no detrimental impact on surrounding properties, would not be prejudicial to highway safety and is acceptable in all other regards. Given the above, the proposal would constitute sustainable development under the NPPF of which there is a presumption in favour.

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 -

01 – Location Plan

02 Rev B – Site Plans

03 Rev C – Proposed Layouts

04 Rev C – Proposed Elevations

05 Rev C – Street Elevation

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 individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and 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 Policies CS14 and 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, and retained as such in accordance with the approved details thereafter.

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 Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

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.

6

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

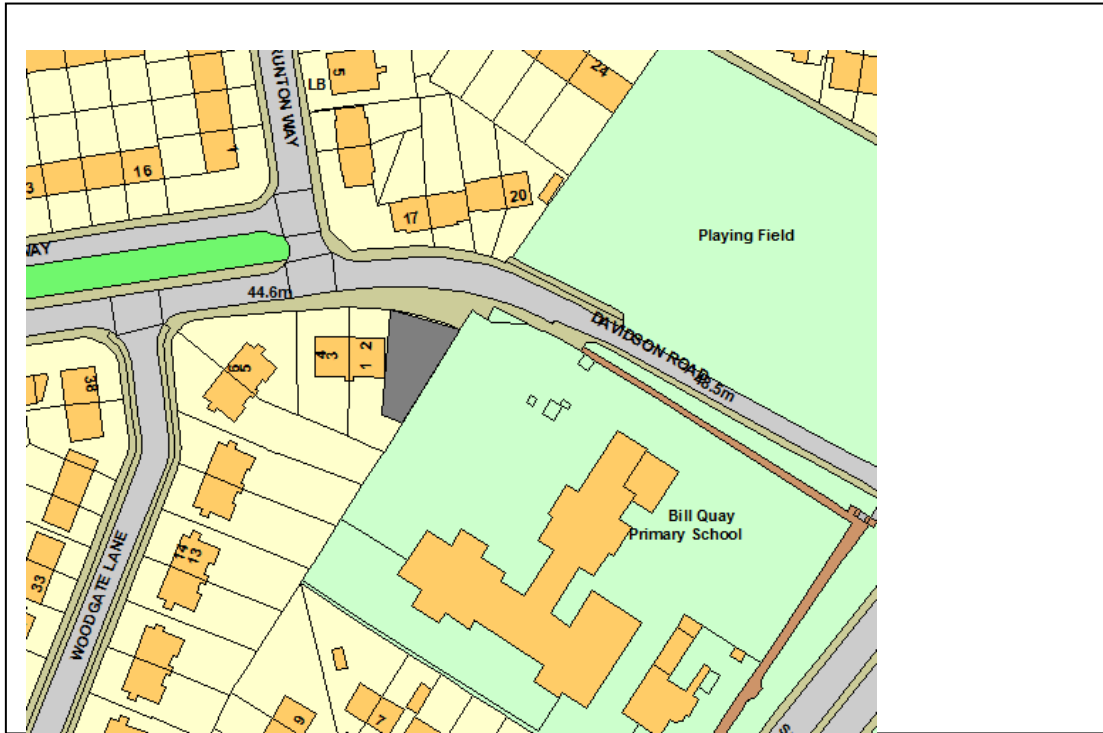
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 6) shall be carried out in full within in the timescales approved under Condition 6.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use 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.



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