

Committee Report

Application No:	DC/17/00563/FUL
Case Officer	Joanne Munton
Date Application Valid	22 May 2017
Applicant	ISM Properties Ltd
Site:	Land At Ellison Terrace Greenside Ryton NE40 4BL
Ward:	Crawcrook And Greenside
Proposal:	Construction of three terraced houses with parking area
Recommendation:	GRANT
Application Type	Full Application

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

The site is located between allotment gardens and Rockwood Hill Road to the north, and between Ivy House and the western end of Ellison Terrace. It directly faces two pairs of 1930s semi-detached houses on the northern side of Rockwood Hill Road in Greenside. These are constructed of red brick and have slate roofs, and sit at a higher level to the application site. Ellison Terrace is also built of red brick and stone. Ivy House is an older property, of stone and slate, and stone boundary walls form a distinctive feature of both the application site and the adjoining area.

1.2 The site is wider at the eastern end, stepping in further west to accommodate a garage to the south, which is not part of the application site. The site had previously contained a stone building/barn, which has now been cleared. There is an existing garage building on site.

1.3 Access is currently via a gate (wide enough for vehicles) at the western end of the site on Rockwood Hill Road, where there is a dropped kerb.

1.4 DESCRIPTION OF THE APPLICATION

This application is a resubmission of DC/16/01182/FUL, which proposed three terraced dwellings on site. This application was refused by Planning Committee due to the height of the proposed dwellings and how they would relate to the height of the existing dwellings in the area and due to the proximity of the principle elevation to the front of the site.

1.5 The current scheme proposes dwellings that are reduced in height by between 1.78-1.93m and plans show the dwellings to be set back more than 1m further than the previous scheme.

- 1.6 Due to the increased set back distance, the proposed terrace would be 0.7m shallower and 0.8m wider than the previous scheme overall.
- 1.7 Plans show dormers to the rear and rooflights to the front to allow for one bedroom (and an en-suite) in the roofspace (compared to two bedrooms and an en-suite in the previously higher dwellings)
- 1.8 Each dwelling would have three bedrooms, kitchen and dining/living room. Additionally, there would be garden areas to the rear (south) of the site and an area to the south west of the site for cycle and bin storage. Plans show the scheme to provide one parking space per dwelling and parking provision would be at the western end of the site and the vehicle access is proposed to be relocated further east.
- 1.9 The dwellings are proposed to be constructed of red brick (Furness 'Weathered Red'), natural slate and with stone cills at each window and heads on windows on the ground floor of the principal (north) elevation and eastern gable.
- 1.10 No windows are proposed on the western gable end that faces neighbours at Ivy House, but plans show the incorporation of potential bat roost features and nesting provision for house sparrow on this elevation.
- 1.11 **RELEVANT PLANNING HISTORY**
 DC/16/01182/FUL - Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017) - Refused at Planning Committee 19.04.2017
- DC/14/00186/OUT - Erection of detached dwellinghouse with associated garage (outline with all matters reserved apart from access) (additional info received 28/04/14) - Granted 11.08.2014
- DC/10/01193/OUT- Extension of time for implementation of planning permission DC/06/01788/OUT for the erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.2011
- DC/06/01788/OUT - Erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.08

2.0 Consultation Responses:

Coal Authority Conditions recommended

Northumbria Water No objection

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.

3.2 Objections were received from Councillor Graham and Councillor Haran on the following grounds. The Councillors also requested that the application be reported to Planning Committee:

The proposal is too large for the site;
Impact on traffic movement due to existing on street parking.

3.3 The Councillors have also requested to speak at Planning Committee.

3.4 Four objections were received from residents:

- Previous refusal reason not addressed;
- Impact on parking;
- Insufficient parking provision;
- Impact on off-street parking provision;
- Impact on highway safety;
- Inappropriate design of dwellings;
- Proposed materials inappropriate.

4.0 Policies:

GPGSPD Gateshead Placemaking Guide SPG

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, ground conditions and open space/play.

5.2 PRINCIPLE

Paragraph 14 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

-approving development proposals that accord with the development plan without delay, and

-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or

-specific policies in this Framework indicate development should be restricted.'

5.3 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.4 The site would be considered as a housing windfall site under policy H4 of the UDP. This area is not isolated and it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.

5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area is suitable for and attractive to families, with a minimum target of 16,000 new homes across the plan area to have three or more bedrooms. The

scheme proposes three dwellings each with three bedrooms so this requirement is satisfied.

- 5.6 Policy CS11(4) of the CSUCP 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, specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.
- 5.7 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 **VISUAL AMENITY**
The site is widely visible from the public domain and is within an area of important character as identified by the Gateshead Placemaking SPD. It is considered the proposed design approach is appropriate in the context of the street scene, as the dwellings would reflect the existing terrace further east. The proposed materials are considered to be of appropriate quality and would respect the character of the area.
- 5.9 It is recognised that Ivy House to the west is, and the building/barn previously on site was, constructed of stone. However, it is considered that the proposed form of the scheme would be read as a continuation of the brick built terrace further east along Rockwood Hill Road. The proposed materials would be appropriate and would respond positively to local distinctiveness and character.
- 5.10 Additionally it is considered that the stone cills and heads, and windows in the eastern gable end would bring architectural interest to the scheme that would also make a positive contribution to the established character and identity of the locality.
- 5.11 In terms of layout, it is considered that the proposed shared space for cycle and bin storage would maximise the garden areas to the rear and would be an appropriate way to make use of the space available. It is considered that whilst the site is limited, the proposal would provide sufficient space for the dwellings, gardens and parking. Therefore it is considered that the proposal would not constitute overdevelopment of the site.
- 5.12 It is considered that the height and positioning of the proposed new dwellings is appropriate in the context of the existing street scene. It is considered that the revised proposal would address the concerns of the previous application.
- 5.13 Furthermore, it is recommended that conditions be attached to the permission requiring final details of the northern boundary treatment to be submitted to the Local Planning Authority for consideration.

- 5.14 It is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.
- 5.15 **RESIDENTIAL AMENITY**
Residential neighbours to the site are 13 Ellison Terrace to the east (which would be 19m away from the proposed dwellings), Ivy House to the west (at least 11.4m from the proposed dwellings) and semi detached properties Ryedale, Thurcroft, Oak Dale and Hollycroft on the opposite (north) side of Rockwood Hill Road. Of these, Oak Dale and Hollycroft would be opposite the proposed parking area, and Ryedale and Thurcroft would be opposite proposed dwellings 1 and 2. Dwelling 2 would be at least 14.76m away from Ryedale, and dwelling 1 would be 13.3m away from the ground floor and 15.2m away from the first floor of Thurcroft.
- 5.16 The ground floor windows on the principal elevations of the proposed dwellings would serve kitchens and the two first floor windows on the principal elevations would serve a bedroom and a landing area. Given the distance and the road between the dwellings, it is considered that the proposal would not result in an unacceptable loss of privacy or light at residential properties on the opposite side of Rockwood Hill Road.
- 5.17 The windows in the eastern gable elevation would serve landings and are marked on plans to be obscurely glazed and non-opening. Given the above and the distance between the gable elevations of proposed dwelling 1 and 13 Ellison Terrace, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours at this property.
- 5.18 It is recommended that a condition be imposed restricting construction hours to ensure that the development would not cause an unacceptable level of disturbance.
- 5.19 It is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.20 **HIGHWAY SAFETY AND PARKING**
The plans show three parking spaces provided at the western end of the site. The provision of one space per dwelling with visitor parking to be on-street is considered to be adequate. It is also considered that the design and location of the parking bays are appropriate.
- 5.21 Additionally, plans show that the existing boundary wall on the front would be reduced to no more than 1m high, which would provide sufficient visibility.
- 5.22 It is considered that the proposal would not have an unacceptable impact on highway safety. It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.23 **ECOLOGY**

It is understood that there is bat activity in this area and that the site supports several breeding house sparrows (which are a priority species). Proposal plans show the incorporation of potential bat roost features and nesting provision for house sparrow, which are considered to be appropriate.

5.24 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.25 GROUND CONDITIONS

The land has been assessed as being potentially contaminated. An adequate Preliminary Risk Assessment has not been provided with the application. In this instance, as potentially contaminated made ground may be on site it is recommended that conditions be imposed requiring site investigations and Phase 2 Risk Assessment be undertaken and remediation implemented where required.

5.26 Additionally, the application site falls within the Coal Authority defined development high risk area. A Coal Mining Risk Assessment has been submitted and the Coal Authority agree with the recommendations of the report. Therefore, it is recommended that conditions be imposed requiring site investigations to be undertaken and the submission of a report of those investigations (including the results of any gas monitoring) to the LPA for consideration and the implementation of remediation measures where required.

5.27 Therefore, it is considered that the proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.28 OPEN SPACE/PLAY

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.

5.29 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.

5.30 COMMUNITY INFRASTRUCTURE LEVY (CIL)

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 retail or housing related. The development is located within Charging Zone C, 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 proposal would address the concerns with the previous scheme. It is considered that the proposed development is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, ground conditions, and open space/play, and would comply with the aims and objectives of the NPPF, the Gateshead Placemaking SPD and the relevant policies of the UDP and the CSUCP.
- 6.2 It is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following conditions 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 -

15034 OS
15034/P-10 D
15034/P-11 B
15034/P-12 B

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

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 15034/P-12 B, except for

bricks, which shall be Furness Weathered Red, and roof tiles, which shall be natural slate, unless otherwise approved in writing by the Local Planning Authority.

Additionally, reveals to openings shall be a minimum of 100mm deep, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality 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 findings arising from further intrusive site investigations 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.

5

Where required, the remediation and monitoring measures approved under Condition 4 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.

6

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.

7

The amended remediation and monitoring measures approved under condition 6 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.

8

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 has been submitted to 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.

9

The remediation and monitoring measures approved under condition 8 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.

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 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

12

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

13

The details approved under Condition 12 shall be implemented before the new dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

14

The bat roost features and nesting provision for house sparrow shown on plan no 15034/P-12 B shall be implemented before the dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with NPPF and policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

15

No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment; which shall be no more than 1m high above ground level, have been submitted to and approved in writing by the Local Planning Authority.

Reason

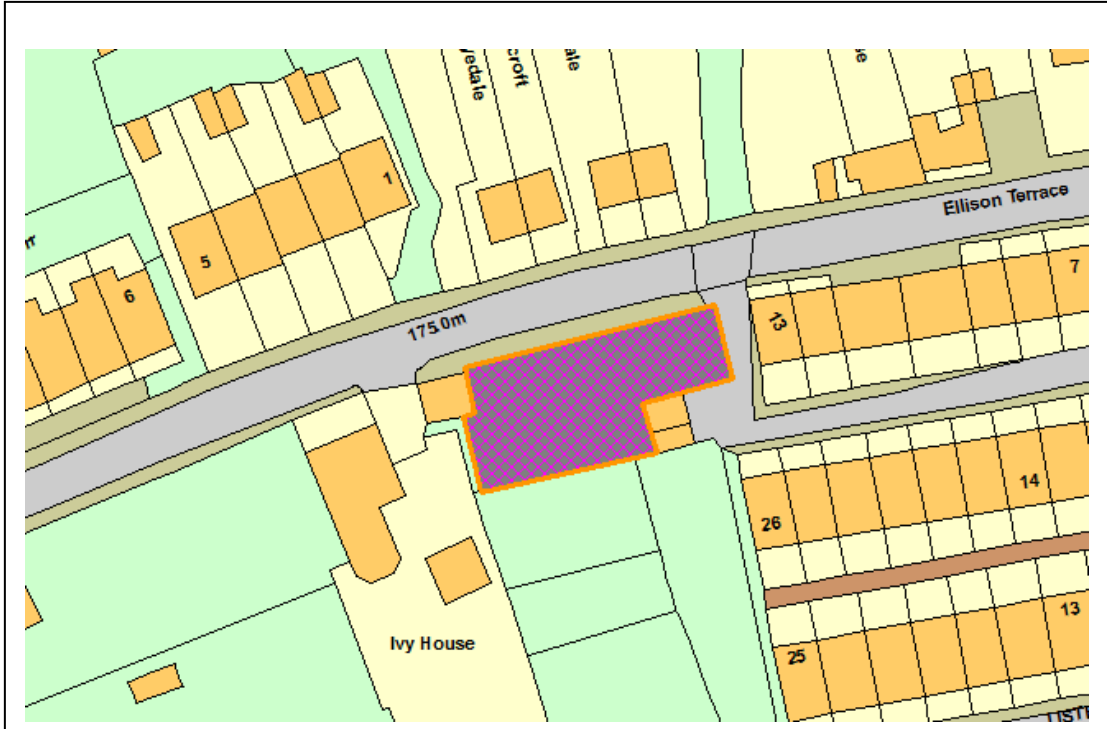
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The details approved under Condition 15 shall be implemented before the new dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality 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.



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