

Committee Report

Application No:	DC/17/00658/FUL
Case Officer	Graham Stephenson
Date Application Valid	8 June 2017
Applicant	Mr Lawrence Dinning
Site:	Site At Valley View Tanfield Place Gateshead NE9 7AS
Ward:	Lamesley
Proposal:	Erection of two bedroom house (Resubmission)
Recommendation:	GRANT
Application Type	Full Application

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

The application site is the garden area of the property known as Valley View which is directly to the south of the garden. Valley View was a self build, split level property granted planning permission in 2003. The site is set down from the access road to the east, which is a private unadopted road and is separated from the site by a stone wall. Due to the significant difference in land levels a retaining structure was built as part of the Valley View development, to support the access road.

1.2 To the north there is another split level property which responds to the significant difference in land levels and to the west there are further residential properties located on Rockcliffe Way. These properties are set down from the site and due to the drop in land levels the eaves of the properties directly to the west, which are three storey townhouses only just come above the ground level of the application site.

1.3 Opposite the site on the other side of the access road is an attractive terrace of stone built properties.

1.4 The character of the area is residential although a large amount of infill development has taken place in recent years which has changed the appearance of the area.

1.5 DESCRIPTION OF THE APPLICATION

The application is therefore a re-submission of a previously approved application and proposes the erection of a modest, two bedroom, split level dwelling accessed off the unadopted road to the east of the site.

1.6 The proposal is of a contemporary design which incorporates a flat roof to ensure the scale is kept to a minimum. This means from road level to the east, the property is proposed to be single storey. The position of the dwelling has

been designed so no elevations face directly towards any neighbouring properties.

1.7 Planning permission was granted in 2015 for the erection of a new dwelling (DC/14/00844/FUL), with the design the same as is proposed as part of this application and the permission remains extant until the 12.01.2018.

1.8 The following information has been provided with the application:

Land Contamination Assessment
Design and Access Statement

1.9 RELEVANT PLANNING HISTORY

DC/04/01266/OUT - Planning permission refused for the erection of detached split level dwellinghouse (use class C3) on the site subject to this application. 15.09.2004

DC/13/00478/FUL - Planning permission refused for the erection of split level dwellinghouse with integral garage.01.07.2013

DC/14/00844/FUL - Planning permission approved for the erection of a new dwelling 12.01.2015

2.0 Consultation Responses:

Northumbria Water

Advise applicant should follow drainage hierarchy.

3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 4 letters of objection have been received and Councillor Bradley has requested that the application is referred to the Planning and Development Committee. The issues raised have been summarised below:

* Applications have previously been refused on the site and the area has remained as it was intended, as a garden. There does not appear to be any significant difference between the applications that were refused and this proposal.

* Access to the proposed site - The site is only accessible via the entrance to Valley View, past the Bainbridge Buildings. This is a narrow unadopted road that may not be suitable to access an additional dwelling.

* Construction Access and General Disturbance - The access road is only sufficient to accommodate light domestic traffic. The use by construction traffic would cause damage and erosion to this road and the extra noise and dust will cause a disturbance.

- * There is insufficient space for large vehicles to turn which is potentially unsafe. Even the Council refuse and recycling vehicles stop before reaching the Bainbridge Buildings.
- * There is a grassed rear back lane that provides private access behind the Bainbridge Buildings. Neighbours would not be happy if construction vehicles used this to turn, potentially causing damage.
- * Additional Domestic Road Traffic - There are only 4 houses on Bainbridge Buildings and two have recently been sold and occupied by people with at least two cars. This along with the potential for additional traffic creates extra noise and disturbance.
- * Impact on Utilities and Facilities - Considering there have been a number of extra properties built in this area, there could be an impact on the supply of gas, electric, water, waste and sewerage.
- * Loss of Natural Light - The construction of the dwelling would result in the loss of light from the front of properties on Bainbridge Buildings, especially in the afternoon and early evenings.
- * Presents a fire risk to neighbouring properties.
- * The proposed fence would be out of character with the area.
- * The proposed design of the dwelling is out of character with the area.
- * The development will impact on views.
- * The development will result in overlooking.
- * The development will deny neighbouring properties solar gain.
- * Intrusion of Privacy - The privacy of residents who occupy the Bainbridge Buildings would be compromised if the proposed development was built.
- * Outlook and Views - The unique view and aspect the Bainbridge Buildings benefit from should be protected as it provides a great asset and enjoyment to people who live there.
- * Devaluation of Property - The value of the Bainbridge Buildings would be reduced as a result of this development.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

MWR28 Prov of Facilities in new Developments

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the principle of development and the impact on amenity and highway safety.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**
As the application site is not specifically allocated for housing in the Unitary Development Plan (UDP), proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP.
- 5.3 The site forms a windfall site. The National Planning Policy Framework (NPPF) states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."
- 5.4 With regards to sustainable development the site is located within an established residential area which is well served by local amenities and public transport links. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.5 On this basis, the proposed development is considered to be a windfall housing site that will bridge a portion of the gap in the dwelling stock within the borough. In addition planning permission has already been granted for residential development on this site, establishing the principle of this type of development.

- 5.6 The application is therefore considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the Core Strategy and Urban Core Plan (CSUCP).
- 5.7 **VISUAL AMENITY/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 and materials while not preventing or discouraging appropriate innovation. The Gateshead Local Plan reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 of the CSUCP 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 adopted Gateshead Placemaking SPD.
- 5.8 The Gateshead Placemaking SPD amplifies Saved UDP Policy ENV3 and Draft Policy CS15. This sets out a series of key design principles which will be used to assess development proposals. Of particular relevance to this proposal are the following:
- 5.9 The site sits on a plateau, set down from the properties accessed off the unadopted road to the east and stepped up from the properties located on Rockcliffe Way. As such the property has been designed so it is split level so access can be gained from the road to the east but takes advantage of the site levels. This means that when viewed from the east the property appears relatively small in scale and would be partially screened by the stone wall. The dwelling has also been sited at the southern end of the site which means it is much better screened by the properties on Rockcliffe Way. This also ensures the break between properties on Rockcliffe Way and the Bainbridge Buildings, when viewed from Rockcliffe Way is better maintained.
- 5.10 With regards to the design of the dwelling it proposes a contemporary detached villa house, with a flat roof, that utilise the changes in level with living accommodation on first floor level and sleeping accommodation at ground (basement) level.
- 5.11 The proposed dwelling is simple in form and it is considered the design has taken into account the character and context of the locality and has identified a need for a design solution which is contemporary in design but which reflects materials found in the locality. The simple crisp detailing will create a high quality development which although different in form and style to surrounding properties will sit well within the site and provide high quality residential accommodation. The proposed development also seeks to incorporate photovoltaic panels to the roof and create a genuinely sustainable property with triple glazing to all windows.

- 5.12 It is acknowledged that the proposal would result in the development of the last bit of open space in the area, all be it private open space but it is considered the quality of the development proposed would subsequently enhance the appearance of the site rather than detract from it. As highlighted the main function of the garden, in the context of the surrounding development, is to provide a break. The development as proposed would maintain this function.
- 5.13 To ensure the quality of the materials used on the property matches the quality of the design, details of materials will be required and this can be conditioned (CONDITION 7 and 8).
- 5.14 It is considered there may be some scope to accommodate a better and or lower boundary treatment along the access road and as a result final details are required. This can be conditioned (CONDITIONS 9 AND 10).
- 5.15 Therefore it is considered the scale and appearance of the development is acceptable. This is in accordance with the aims and objectives of the relevant paragraphs in the NPPF, policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking Supplementary Planning Document (SPD).
- 5.16 HIGHWAYS
Off street parking is proposed which is welcomed and the length of the driveway is sufficient to safely accommodate vehicles. Concerns have been raised about the ability of vehicles to manoeuvre onto and off the drive. However the width of the lane exceeds 6 metres which should give ample space to safely access and egress the drive, even if other vehicles are parked on the lane. It has also been confirmed that the Council have no concerns with regards to bin collection.
- 5.17 In terms of traffic generation it is acknowledged that the access road isn't in a very good state but it is unadopted and it is considered the additional traffic generated by one, two bedroom dwelling will not be significant.
- 5.18 Subsequently it is considered the proposed development will not result in any harm to highway safety and accords with the aims and objectives of the relevant paragraphs in the NPPF, policies DC4 and MWR28 of the UDP and policy CS13 of the CSUCP.
- 5.19 RESIDENTIAL AMENITY
With regards to the amenity of neighbouring residents, the 12 metre separation distance (at the closest point) between the proposed dwelling and the terrace properties to the east (Bainbridge Buildings), taking into account the single storey height of the proposal in relation to those properties and the angle at which it is set, is considered acceptable. This design solution as well as the separation distance will ensure the potential for overshadowing, loss of light, visual intrusion and overlooking is limited.
- 5.20 The proposed development may cast a shadow towards the Bainbrigde Buildings during the early evening but with it being only single storey in relation

to the terrace, it is unlikely the shadow will have a significant impact on those properties and any impact would not be sufficient to warrant refusal.

- 5.21 There is no right to a view, therefore although the proposed development may obscure some of the view from the Bainbridge Buildings, this is not a material planning consideration.
- 5.22 In terms of the impact on the property to the north, the separation distance between the two properties would be 13.45 metres, however the property to the north does not appear to have any windows in the gable elevation that serve habitable rooms. In addition as the proposed dwelling is now proposed for the southern end of the site which further reduces any impact on the property to the north.
- 5.23 The same applies to the property to the north west (Flag Villa).
- 5.24 The remaining properties that could be affected by the proposed development are the three townhouses to the west and the split level property to the south.
- 5.25 The townhouses (The Fleurs) do not have any windows facing the application site and are set at a significantly lower level but they do have the slightly strange arrangement in that they are built into the bank so the eaves area at a similar height as the ground level of the application site. Within the roofplane facing the application site there are rooflights which provide valuable natural light to the neighbouring properties.
- 5.26 However it appears these rooflights serve stairwells and any opportunity for overlooking into these properties from the proposed development, would be limited.
- 5.27 The proposed development is also set back from the property to the south and as there are no windows in the north facing elevation of that property, the impact on this property is also considered to be limited.
- 5.28 Hours of construction can be conditioned to limit the impact on neighbouring properties (CONDITION 11)
- 5.29 Therefore taking all relevant issues into account and the revisions made to the proposed development, in terms of residential amenity it is considered the proposed development satisfies the aims and objectives of the relevant paragraphs in the NPPF as well as policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.30 **CONTAMINATED LAND**
It is considered in accordance with the Preliminary Risk Assessment submitted with the application, further intrusive investigative work is required.
- 5.31 Therefore an intrusive site investigation with a Phase II Detailed Risk Assessment is required, which will set out whether any further remediation works are necessary.

- 5.32 Following completion of any remediation works required, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The Post Remediation Verification Report should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test results.
- 5.33 These details can be conditioned (CONDITIONS 3, 4, 5 AND 6).
- 5.34 Subject to the above planning conditions, the application is considered to accord with Policies DC1 and ENV54 of the UDP and the aims and objectives of NPPF with regards to contaminated land.
- 5.35 OPEN SPACE AND PLAY
Saved UDP Policies CFR20, CFR28, CFR29 and CFR30, relating to the provision of play facilities and open space are considered to apply to the current application.
- 5.36 There are no toddler play or junior play areas located within the maximum distance of this site as specified in saved UDP policy CFR28. However it is unlikely there will be the opportunity to provide any on the basis of pooled contributions from this and other developments, and contributions towards these elements are not required.
- 5.37 There are three teenage recreation facilities, on Long Bank but these are insufficient to meet the needs of the catchment population of this site and a contribution should therefore be secured in accordance with policy H15.
- 5.38 However pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.39 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and the contribution generated by this development would not be sufficient to fund the improvements required at the sites referred to above or provide new facilities. Therefore the Council cannot seek any further obligations in respect of these matters.
- 5.40 Consequently 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.
- 5.41 CIL
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

housing related. The development is located within a Charging Zone and however the levy for this area is £0.

5.42 OTHER MATTERS

Issues such as the loss of views, as well as the devaluation of properties cannot be considered as part of the planning process.

With regards to any damage caused to the highway, this would need to be put right by the developer and any issues of parking would likely be a private matter.

Northumbria Water has been consulted on the application and do not object to the application although do advise that when developing their drainage strategy for the site the drainage hierarchy should be followed.

Concerns have been raised about the proposed development posing a fire risk by virtue of its proximity to other properties. With regards to this it is considered there is no evidence to suggest this development would pose any greater risk than other properties in the area and it would be required to meet the relevant Building Regulations.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the application that was approved for the same development in 2015 and remains extant until the 12th January 2018, it is recommended that planning permission is approved as the impact on amenity, highway safety and other material planning considerations are considered to be acceptable. As such the development is considered to comply with the aims and objectives of relevant national and local planning policy with no change in policy or local circumstances since the previous approval.

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 -

583 01, 02, 03, 04, 06, 07, 08, 09,

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

Prior to the commencement of the development hereby approved a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. This shall include.

- 1) A Phase II Detailed Risk Assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

4

The remediation of the site shall be carried out in accordance with the remediation strategy approved under condition 3.

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 in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

5

Prior to the development hereby approved being first occupied a verification report that demonstrates the effectiveness of the remediation shall be 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 in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

6

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

7

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 to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

8

The development shall be carried out in accordance with the materials approved under condition 7.

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 building in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

9

The development shall not be occupied until a fully detailed 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 and policy CS15 of the Core Strategy.

10

The boundary treatment shall be implemented in accordance with the details approved under condition 9 and shall be retained as such thereafter. .

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 and policy CS15 of the Core Strategy.

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 and policy CS14 of the Core Strategy.



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