

**Committee Report**

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| <b>Application No:</b>        | <b>DC/18/00727/OUT</b>  |
| <b>Case Officer</b>           | <b>Josh Woollard</b>  |
| <b>Date Application Valid</b> | <b>18 September 2018</b>  |
| <b>Applicant</b>              | <b>Miss E Raymond</b>   |
| <b>Site:</b>                  | <b>Grazing Land At Beda Hills West Of<br/>Woodside Walk<br/>Rowlands Gill</b> |
| <b>Ward:</b>                  | <b>Chopwell And Rowlands Gill</b>   |
| <b>Proposal:</b>              | <b>Erection of four bedroom house</b>   |
| <b>Recommendation:</b>        | <b>REFUSE</b>   |
| <b>Application Type</b>       | <b>Outline Application</b>  |

**1.1 The Application:**

**1.2 DESCRIPTION OF THE SITE**

The application site is an area of land west of Lintzford Lane, approximately 230m x 240m in size. Trees cover the vast majority of the area, whilst single storey agricultural buildings of varying sizes built upon concrete flagstones occupy the site of the proposed dwelling. Land levels generally fall across the site from north to south. The site of the proposed dwelling is flat, however, small banks rise up to the north and south.

1.3 The proposed development is located entirely within Beda Hills Local Wildlife Site and a designated Wildlife Corridor. The site is situated immediately adjacent to BAP Priority Habitat, whilst the Strother Hills SSSI lies approximately 150m south-east.

1.4 In terms of proximity to neighbours, there are no properties situated in the immediate vicinity with Clavering House located approximately 100m to the south.

**1.5 DESCRIPTION OF THE APPLICATION**

This planning application seeks outline planning permission for the erection of a four-bedroom dwellinghouse and vehicular access. The application form indicates that approval is sought for all matters relating to appearance, landscaping, layout, and scale. All matters relating to access are reserved for later approval.

1.6 The following documents have been submitted as part of this outline planning application:

- Site location plan
- Site plan
- Site photos
- Preliminary Risk Assessment - Desk Study
- Coal Mining Risk Assessment

- 1.7 The indicative drawing shows that the proposed dwelling would be 11m wide and 9.8m deep. No elevations have been submitted as part of this application.
- 1.8 Access onto the site would be provided through an existing opening and layby along Lintzford Lane, and the proposed dwelling would sit approximately 29m from this access point.
- 1.9 A number of trees (labelled 1 to 10 on the submitted site plan) lie within 10m of the proposed dwelling. No tree survey or Arboricultural Assessment has been submitted, however the applicant has indicated that trees 1, 2, and 8 will be removed.
- 1.10 The timber structures (labelled 11 to 16 on the submitted site plan) would be removed, whilst landscaping would also be required to level the land south-west of the proposed dwelling.

#### 1.11 PLANNING HISTORY

DC/17/00217/OUT - Erection of four bedroom house with drive. - Withdrawn 18.09.2017

### 2.0 Consultation Responses:

|                    |                     |
|--------------------|---------------------|
| The Coal Authority | No comments to make |
| Northumbria Water  | No objection        |

### 3.0 Representations:

- 3.1 A site noticed was placed on Lintzford Lane, adjacent to the site on 21 September 2018.
- 3.2 5 representations have been received from local residents who object to the application. The objections are summarized as follows:
- Access to the property would be dangerous
  - Lintzford Lane does not currently lend itself to safe development, e.g. no pedestrian footpath
  - General services, e.g. sewage, broadband etc., may be compromised
  - Multiple statutorily protected and/or priority species are at risk from development
  - Potential for further development within the locality
  - The proposal is within the Green Belt adjacent to Strother Hills and is opposite the area designated as a Nature Reserve at Victoria Garesfield
  - Trees would need to be removed from the site which is quite well known for Red Kites

- Access shown on the submitted Site Plan shows a new vehicular access
- Access is concealed from traffic by trees and the contours of the land

#### **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

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

H4 Windfall and Small Housing Sites

H5 Housing Choice

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

- 5.1 The main issues are considered to be the principle of housing on this site, the impact of the development on ecology, highway safety, and trees, and ground conditions on site.
- 5.2 GREEN BELT  
The NPPF sets out national Government's approach to protecting the Green Belt.
- 5.3 Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 advises that the construction of new buildings in the Green Belt is inappropriate, unless the proposal meets one of a limited number of specific exceptions.
- 5.4 The applicant has put forward that all existing buildings and groundworks would be removed on site to make way for the proposed dwelling, thereby falling under sub-paragraph (g):
- Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development
- 5.5 The NPPF defines previously developed land as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings'.
- 5.6 Given the above, the proposed dwelling would replace agricultural buildings and is therefore not considered to benefit from any of the specific exceptions within paragraph 145 of the NPPF. The proposal constitutes inappropriate development within the Green Belt.
- 5.7 Paragraph 144 of the NPPF requires 'very special circumstances' to outweigh potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.
- 5.8 Whilst the site would qualify as windfall housing and the provision of one family home would add to the housing stock within the borough, in this case, the provision of a single family home is not considered to outweigh the harm to the Green Belt by reason of inappropriateness.
- 5.9 It is therefore considered that the proposal is fundamentally contrary to the NPPF and policy CS19 of the CSUCP.
- 5.10 DESIGN  
The application form indicates that this application seeks approval on all matters relating to appearance, landscaping, layout, and scale. In terms of the

information submitted, an indicative layout has been provided showing the site of the proposed dwelling.

- 5.11 It is considered that there is not enough information to assess the application on the above matters. As such, it is recommended that the application be refused on grounds of lack of information, and it being contrary to the NPPF, policy CS15 of the CSUCP, and saved policy ENV3 of the UDP.
- 5.12 **RESIDENTIAL AMENITY**  
The dwelling would be situated on a large plot and the LPA is satisfied that a scheme could be developed that would provide adequate space both inside and outside of the home to meet the needs of the occupants.
- 5.13 Further, there are no residential properties within the immediate vicinity of the application site, and it is therefore considered unlikely that the proposed dwelling would have a detrimental effect on the residential amenity of any neighbours.
- 5.14 The proposed development would comply with the NPPF, policy CS11 and CS14 of the CSCUP, and saved policy DC2 of the UDP.
- 5.15 **HIGHWAY SAFETY**  
The required visibility splay for an access intended to serve a residential property along Lintzford Lane would be 2.4m x 210m.
- 5.16 Given that the distance from the north and south boundary of the site is approximately 240m, the curving geometry of the road, and existing trees/vegetation along the boundary with the highway, an acceptable visibility splay has not been provided and it is considered extremely unlikely that a clear visibility splay could be achieved.
- 5.17 Any relaxation of this splay would need justification through a speed survey that demonstrates actual speeds along the road are less than the current speed limit, and no such justification has been provided. In addition, a number of objections have been received which emphasise traffic speed along Lintzford Lane and highlight that it is dangerous.
- 5.18 It is therefore considered that the application is contrary to the NPPF and policy CS13 of the CSUCP.
- 5.19 **ECOLOGY**  
The proposed development is located entirely within Beda Hills Local Wildlife Site and a designated Wildlife Corridor. The proposed development site comprises and is situated immediately adjacent BAP priority habitat. Multiple statutorily protected and/or priority species are known to occur within the immediate vicinity of the site.
- 5.20 The proposed development is likely to have a significant adverse impact on biodiversity, including, but not limited to, designated sites, priority habitats, protected species, priority species and ecological connectivity. The application

has not been supported by an ecological survey, assessment and mitigation report undertaken by a suitably qualified and experienced ecologist in accordance with CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland, and the British Standard BS 42020: 2013 Biodiversity - Code of Practice for Planning and Development.

5.21 It is therefore considered that the application should be refused on grounds of inadequate information in relation to biodiversity and it being contrary to national and local planning policies NPPF, ODPM Circular 06/2005: Biodiversity and Geological Conservation, CS18 of the CSUCP, and saved policies DC1, ENV44, ENV46, ENV47, ENV49, and ENV51 of the UDP.

#### 5.22 TREES

Trees on site provide a good level of amenity and contribute to the character of the surrounding area and their loss would not be in accordance with national and local planning policy. The applicant has indicated that three trees would be removed to make way for the development, whilst a number of other trees lie in close proximity to the proposed dwelling. No information has been submitted in the form of a Tree Survey or an Arboricultural Impact and Method Statement as part of the application.

5.23 It is therefore considered that the application should be refused on grounds of inadequate information and it being contrary to the NPPF, policies CS15 and CS18 of the CSUCP, and saved policies DC1 and ENV44 of the UDP.

#### 5.24 GROUND CONDITIONS

Council officers are of the opinion that the site is situated on potentially contaminated land based on previous historic uses. The 'Preliminary Risk Assessment' (PRA) report submitted as part of the planning application is not in accordance with standard practice, and is therefore not satisfactory.

5.25 Given that the site is considered to be potentially contaminated and given the future sensitive residential land use, Council officers are of the opinion that if planning permission is granted then conditions are necessary to require an amended PRA and if required a Phase 2 detailed risk assessment including gas monitoring and where required remediation, monitoring and verification reports.

5.26 These planning conditions will therefore ensure that the proposed development is acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, policy CS14 of the CSUCP, and saved policies DC1(p) and ENV54 of the UDP.

#### 5.27 OPEN SPACE/PLAY PROVISION

Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.

- 5.28 The NPPG (Paragraph: 031 Reference ID: 23b-031-20161116) is clear that tariff style contributions should not be sought from residential developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sqm.
- 5.29 While it cannot be concluded that the proposed development would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered it is not possible to require any contribution for either play or open space in this case based on the above assessment.
- 5.30 **COMMUNITY INFRASTRUCTURE LEVY**  
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 for qualifying housing related. The site is within Residential CIL Zone A, which has a charge of £60 per sqm.

## **6.0 CONCLUSION**

- 6.1 Insufficient information has been submitted regarding all matters relating to appearance, landscaping, layout and scale. Insufficient information has also been submitted to adequately assess the design of the dwelling, its impact on the openness of the Green Belt, and the impact of the development on ecology, trees and highway safety.
- 6.2 Given the above assessment, it is considered that, as required by paragraph 144 of the NPPF, no 'very special circumstances' exist to outweigh the harm to the Green Belt by reason of inappropriateness, and the development's impact on ecology, trees, and highway safety. The application is considered to be contrary to both national and local planning policy.

## **7.0 Recommendation:**

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The development amounts to inappropriate development within the Green Belt and, without very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm, it is contrary to the NPPF and CS19 of the CSUCP.

2

Insufficient information has been submitted to make a proper assessment of the appearance, landscaping, layout and scale of the proposed development. It is therefore contrary to the NPPF, policy CS15 of the CSUCP, and saved policy ENV3 of the UDP.

3

The proposal does not demonstrate that an adequate visibility splay of 2.4m x 210m can be achieved and, without supporting evidence to justify a relaxation of the splay, the proposed development is likely to have an adverse effect on highway safety, contrary to the NPPF and policy CS13 of the CSUCP.

4

The development is likely to have a significant adverse impact on biodiversity, including, but not limited to, designated sites, priority habitats, protected species, priority species, and ecological connectivity. Insufficient information in the form of an ecological survey, assessment and mitigation report has been submitted, and the development is therefore contrary to the NPPF, ODPM Circular 06/2005: Biological and Geological Conservation, policy CS18 of the CSUCP, and saved policies DC1(d), ENV44, ENV46, ENV47, ENV49, and ENV51 of the UDP.

5

The application indicates that 3 trees will be removed to make way for the proposed dwelling. A further 7 trees lie in close proximity to the dwelling. Insufficient information has been submitted in the form of a tree survey, assessment and mitigation report to justify the removal of the 3 trees and determine the impact of the development on trees retained on-site. The application is contrary to the NPPF, policies CS15 and CS18 of the CSUCP, and saved policies DC1(d) and ENV44 of the UDP.

