REPORT NO 1

Committee Report	
Application No:	**DC/19/00779/FUL**
Case Officer	**Tracy Long**
Date Application Valid	**5 August 2019**
Applicant	**Mr And Mrs Jamie Wilson**
Site:	**Pear Trees** **Orchard Road** **Rowlands Gill** **NE39 1DN**
Ward:	**Chopwell And Rowlands Gill**
Proposal:	**Demolition of existing bungalow and detached garage and erection of two new dwellings with associated pedestrian/vehicular access (revised plans/ documents received 25 Jan, 24 April, 20 May 2020).**
Recommendation:	**REFUSE**
Application Type	**Full Application**

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION SITE

1.2 The application site comprises an existing bungalow and detached garage, along Orchard Road, within Rowlands Gill Conservation Area. The site is within a residential area of Rowlands Gill and is surrounded by other residential properties. The site is also surrounded by a number of large mature trees to the east, south and west. There is a low fence and hedge along the front of the site, facing Orchard Road, along the northern boundary.

1.3 The land levels across the site and in the surrounding area fall from the south to the north. Therefore the site is sat at a higher level than the adjacent houses immediately to the north along Orchard Road. The existing bungalow sits at an elevated position within the site around 2 metres above the road level to the north.

1.4 DESCRIPTION OF THE APPLICATION PROPOSAL

1.5 This planning application proposes to demolish the existing bungalow and detached garage on the site, sub-divide the site into two plots and to build two detached, two storey houses on each plot. Plot 1 on the eastern half of the site is a two storey house with living accommodation in the roof, providing 3 bedrooms. Plot 2 on the western half of the site is a two storey house, providing 4 bedrooms.

1.6 The planning application has been submitted with the following supporting information

- Heritage Statement
- Design and Access Statement
- Tree Survey / Report
- Bat Report
- Preliminary Risk Assessment (contamination)
- Addendum Conservation Area Statement
- Addendum Report covering tree and heritage issues

1.7 The submitted application form and Design and Access Statement states that the bungalow and garage are of poor quality and that the bungalow has damp issues. The application form also states that the current owners are a growing family and require a large dwelling.

1.8 AMENDED PLANS

1.9 Amended plans and documents were submitted in January 2020 to try and address some of the concerns and comments that had been made by Council officers regarding the impact of the original proposal on the conservation area, trees, ecology and the safety of the new access to serve plot 1 on the eastern half of the site.

1.10 The main changes on the amended set of plans are briefly summarised below

- The position of the new house on plot 1 on the eastern half of the site has been moved slightly further away from the trees to the east of the site at Tree Tops. Originally 1.8 metres now 2 metres from the eastern boundary of the site.

- The position of the new access to serve plot 1 on the eastern half of the site has been moved away from the bend on Orchard Road to the north east of the site. The new access is now positioned more centrally along the site frontage.

- Further information has been provided regarding bats in the revised bat survey.

- The Design and Access Statement, Tree Survey and Heritage Statement have been updated as well as an Addendum Conservation Area Statement being provided to reflect the amended plans and to respond to comments made by Council officers

1.11 Council officers still had concerns regarding the revised proposal submitted in January 2020 in terms of the impact on existing surrounding trees and the impact on the conservation area. Council officers therefore intended to present this application to the planning committee meeting on 6th May 2020 with a recommendation for refusal. The applicants requested that the application be

removed from the committee agenda to allow them time to submit additional tree information and heritage information for consideration.

1.12 Additional tree information was therefore submitted on 24th April 2020 in the form of a revised updated tree report dated 22 April 2020 along with comments from the applicant's tree consultants which respond to the concerns and comments that had been made by the Council's tree officer. The revised tree report dated April 2020 included the retention of tree T14 which was previously identified to be removed. The position of the proposed house on plot 1 on the eastern half of the site had also been moved further away from T13 by 235mm.

1.13 Updated tree information and additional heritage information was then subsequently provided on 20th May 2020. This latest package of information included a revised tree report along with an addendum report by Matthew Williams a planning consultant for the applicants covering the tree and heritage issues under consideration. Revised drawings were also submitted at this time. The changes on the proposed plans relate to a number of small and modest alterations including:

- moving the footprint of the proposed house on plot 1 further to the west by 640mm
- repositioning the footprint of the proposed house on plot 1 an additional 250mm from the highway along the front of the site
- lifting the ground/floor levels of the proposed house on plot 1 slightly by around 218mm

1.14 RELEVANT PLANNING HISTORY

1.15 There is no relevant planning history.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No archaeological work is required.
Northumbrian Water	No objections.

3.0 Representations:

3.1 The Council sent letters to 13 properties surrounding the site on 8 August 2019 as well as displaying a site notice outside the site on 13 August 2019. A notice also appeared in the Newcastle Journal on 14 August 2019.

3.2 10 letters of objection have been received from local residents to the original proposal on the following grounds:

Overdevelopment
Out of character with street scene.
Out of character with and harm to the Conservation Area
Loss of green space

Loss of trees/ harm to trees

Increase in traffic
Inadequate car parking
Dangerous access

Overbearing
Feeling of claustrophobia
Loss of light
Loss of privacy / overlooking
Additional noise
Disturbance early morning/late evenings
Disruption during the construction phase

Bat survey is incomplete
Harm to wildlife in the area

Loss of views of the fields and open space
The plans are difficult to read / understand
Devaluation of property prices in the area
Concerns about asbestos
Query whether the existing bungalow is of poor design quality with damp
Concerns over health from the noise, dirt, disruption and mental stress
Concerns whether existing drains are adequate
Could be contrary to covenants on the land

3.3 AMENDED PLANS

3.4 The Council sent neighbour notification letters on 28 January 2020 to everyone who was originally notified about the planning application as well as everyone who made comments on the original plans - letting them know about the revised plans that had been submitted in January 2020.

3.5 7 letters of objection have been received from local residents regarding the amended plans received in January 2020 on the following grounds :

Overdevelopment
Out of character with street scene.
Out of character with and harm to the Conservation Area
Loss of green space

Loss of trees/ harm to trees
Loss of the existing front boundary hedge

Increase in traffic / will result in further congestion

Inadequate car parking
Dangerous access

Overbearing
Loss of light
Loss of privacy / overlooking
General unpleasant feeling of the new houses being too close to neighbours
Will harm neighbours quality of life and well being
Additional noise, disturbance early morning/late evenings
Disruption during the construction phase

It is unclear whether there are bat roosts in the existing bungalow
Harm to wildlife in the area

The plans do not include a unit of measurement
The plans do not show the proposal in relation to the houses opposite.
The statements made about damp could be confirmed by an expert.
Could be contrary to covenants on the land
There is very little compromise by the homeowners in the revised plans.

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

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

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

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

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

5.1 The main material planning considerations are the impact of the proposed development (as amended) on the Conservation Area, the impact on trees, residential amenity, highway safety and the impact on ecology.

5.2 NPPF and NPPG

5.3 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) set out the Government's planning policies for England and how these are expected to be applied. Section 11 of the NPPF states that there is a presumption in favour of sustainable development.

5.4 HERITAGE / DESIGN ISSUES

5.5 This site is situated within Rowlands Gill Conservation Area, which is a designated heritage asset. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

5.6 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as Rowlands Gill Conservation Area), great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be).

5.7 The NPPG explains that the NPPF makes clear that significance derives not only from a heritage assets physical presence but also from its setting. The NPPG further advises that proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the NPPF apply (194-196). Within each category of harm (the category should be explicitly identified) the extent of harm may vary and should be clearly articulated. (NPPG Paragraph : 018 Reference ID 18a 018 20190723).

5.8 Paragraph 194 of the NPPF goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

5.9 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.10 Paragraph 196 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.11 Saved Policy ENV10 of the Council's Unitary Development Plan (UDP) states that planning permission will not be granted for development (especially that which would involve sub-division) in gardens and grounds which make a contribution to the character of a conservation area. The supporting text explains that the character of conservation areas relies as much on the spaces between buildings as on the buildings themselves. Development within and the sub division of gardens and grounds in these areas would nearly always result in erosion of character.

5.12 Policy CS15 of the Council's Core Strategy and Urban Core Plan (CSUCP) also seeks the conservation and enhancement of the historic environment / heritage assets.

5.13 The main planning issue in assessing the proposed development is therefore the effect of the development on the significance of the designated heritage

asset – Rowlands Gill Conservation Area and whether any harm is outweighed by public benefits.

5.14 Demolition of Bungalow and Detached Garage

5.15 The existing bungalow was built around 1960 and does not have any architectural or historic merit. The detached garage is a modern prefabricated construction. Both the buildings are therefore not considered to contribute to the character of the conservation area. It is therefore considered that their removal would not detract from the overall appearance of the area as the garden and its openness which does contribute to the character of the conservation area would remain intact. The demolition of these two buildings is therefore considered to be acceptable from a heritage point of view.

5.16 Sub Division of Garden and Construction of Two Houses

5.17 The pattern of development at this part of the conservation area is mixed in character in terms of its density and tree cover. The area to the immediate north of the site along Orchard Road and to the west along Orchard Dene is characterised by a mix of semi detached two storey houses, detached two storey houses and bungalows in relatively small sized plots. However the area to the immediate east and south of the site is characterised by large mature tree cover and large houses set in substantial grounds.

5.18 The application site was formed when the site was sub divided from a larger plot “Tree Tops” to the south and east of the site in the latter half of the 20th century. The application site is therefore small in comparison to the development pattern along Orchard Road to the east and south of the site. The site is however larger in comparison to the denser pattern of development along Orchard Road and Orchard Dene to the north and west.

5.19 The site is made up of an open area of garden which directly fronts onto Orchard Road and is visible from the surrounding street scene. The openness of the site, the space around the existing bungalow and the surrounding mature trees cover all contribute to the character and appearance of this part of the conservation area. Council officers are also of the view that this site allows the transition from the high density development to the north and west to the more spacious development to the east and south. Council officers are therefore of the opinion that the current open garden space on the site makes a positive contribution to the character and appearance of the conservation area, as character is defined not just by buildings and structures but also by the spaces and views between them.

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5.20 Council officers are of the opinion that the sub-division of this open garden site and the building of two new houses on each plot would interrupt the current pattern of development and alter it significantly.

5.21 The proposed two new houses have been designed to sit within the elevated garden as well as being excavated in part down to street level. Whilst Council officers acknowledge that this design approach reduces the effective built form, the proposed scale and massing of the two proposed houses are greater than that of the existing bungalow and garage.

5.22 The reduction in the amount of openness which currently exists around the bungalow would diminish and the density of the development pattern in this location would intensify. The street frontage would therefore become more built up and would erode the sense of openness that currently exists, which is significant to the character and appearance of the conservation area. Council officers are therefore of the opinion that the proposal would harm (less than substantially harm) the character and appearance of this part of the conservation area.

5.23 Design

5.24 The houses in the area exhibit design features selected from a limited palette – a mix of materials, brick and render, exposed timbers, substantial gables and slate roofs. These features are in various combinations throughout the area. There is no uniform design or character.

5.25 The design of the two new houses includes traditional and contemporary design features. The external materials for the two new houses include buff brick, off white render, grey concrete roof tiles and powder coated aluminium slate grey windows.

5.26 The proposed design approach and external materials proposed for the two new houses are considered by Council officers to be appropriate for the locality. Council officers are therefore of the opinion that the proposed two new houses whilst adopting a more modern and contemporary approach to their design have taken reference to their surroundings. The proposed external materials are therefore considered typical of the area (with the exception of the grey windows).

5.27 Benefits

5.28 Council officers consider that the harm that would result from the proposed development to the significance of the Rowlands Gill conservation area would be less than substantial. It is therefore necessary in accordance with paragraph 196 of the NPPF to balance the harm against any public benefits from the proposal.

5.29 The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in section 8 of the NPPF. Public benefits should flow from the proposed development and should be of a nature and scale to benefit the public at large and should not just be a private benefit.

5.30 The addendum report provided by Matthew Williams (the applicant's planning consultant) which covers tree and heritage issues, also outlines what the applicants consider to be the benefits of the scheme. In the opinion of the applicants the benefits of the scheme include the following factors.

5.31 The provision of additional, much needed homes. The size of the development means that it is deliverable in the short term rather than major housing schemes that may well have stalled for considerable periods of time.

5.32 Construction jobs associated with the development. The addendum report by Matthew Williams states that a greater emphasis should be placed on the need to secure future economic activity and jobs as a result of the impact of the current coronavirus pandemic. The addendum report therefore concludes that this is a substantial benefit of the scheme as it would provide the opportunity for immediate employment.

5.33 The redevelopment of the site will result in biodiversity net gain for the area through the introduction of bat and bird boxes.

5.34 The existing bungalow is damp and of very low energy efficiency due to poor construction/insulation and an inefficient polluting gas boiler system. The new homes will be highly sustainable including air source heat pumps, low nitrogen oxide boilers, reducing water consumption alongside solar panels and electric vehicle charging points. The addendum report states that the new buildings will be substantially more efficient and will assist in reducing emissions which will help improve air quality. The addendum report concludes that whilst this may appear as a minor public benefit to some all small steps help and cumulatively add up to a major positive improvement.

5.35 The new development will restrict surface water run off to greenfield rates through rainwater harvesting and mitigation thereby improving the rate of outflow to the public system. The addendum report states that this may seem minor but it is still a public benefit and one that has cumulative benefits particularly for an area with an aged Victorian sewerage system.

5.36 The existing dwelling needs to be redeveloped due to the poor quality of the existing house. The addendum report explains that the only realistic viable way to achieve this is through the approach put forward by the applicant. The bungalow has an embedded market value and there is a ceiling on sales value, therefore any demolition and rebuild has to factor this in. The need is to split the site and secure two homes.

5.37 The applicants planning consultant concludes by stating that the overall impact on heritage significance is therefore at worst neutral but in their opinion minor beneficial. Even if the Council maintains the position that the heritage impact is less than substantial the planning balance is determinately positive as there are wider public benefits which cumulatively outweigh any perceived harm.

5.38 Council officers have carefully considered all of the above suggested benefits put forward by the applicants in the addendum report provided by Matthew

Williams. Council officers acknowledge that the proposed development would bring some benefits. However Council officers have come to a different opinion as to the weight to be given to the above suggested benefits and whether they outweigh the harm that Council officers consider that the proposed development would cause to the Conservation Area.

5.39 It is accepted that the proposal would result in a net gain of one additional dwelling. However given that the benefit relates to only one additional dwelling the benefit is considered overall to be relatively minor. The Council also has a number of major housing schemes that are on site at the moment and are going through the planning process and have not been stalled, including a number of its Green Belt release sites.

5.40 Council officers also accept that the proposal will generate some economic benefits through employment with the associated construction jobs. However Council officers are of the opinion that this is not considered to be a substantial benefit due to the scale of the development (2 houses) and in any event would be a temporary benefit that only lasts during the construction stage of the development.

5.41 It is also accepted that the proposal will result in biodiversity improvements through the provision of tree mounted bat boxes and integral bat features in each new house. These features would be conditioned if planning permission were to be granted to ensure that the new development provides replacement bat features for those that would be lost by the demolition of the existing bungalow. It is therefore considered by Council officers that such benefit would be limited in scale and would therefore be a minor benefit.

5.42 No information has been submitted to substantiate and confirm the damp issues that the applicant state they experience with the existing house. Council officers are therefore only able to give very little weight to this issue. It is however accepted that the proposed new houses would be a qualitative improvement in terms of energy efficiency and rate outflow to the sewerage system, which is welcomed. However Council officers are of the opinion that the benefits would be very limited in scale given that they relate to two houses.

5.43 The viability reason is noted however without any viability information limited weight can be given to this consideration.

5.44 Council officers have therefore carefully and thoroughly considered the benefits that would arise from the proposal. In weighing the public benefits of the proposal against the harm identified Council officers are of the opinion that the public benefits of the development are no more than limited weight due to the scale of the development which relates to two houses with a net gain of one additional house. Council officers are therefore of the view that the benefits associated with the development would not outweigh the less than substantial harm that would be caused by the development to the significance of the heritage asset – Rowlands Gill conservation area.

5.45 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Rowlands Gill conservation area, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV10 of the UDP and policy CS15 of the CSUCP.

5.46 TREES

5.47 There are a number of medium sized and large trees around the side and rear garden of the site. A number of these trees are situated within the neighbour's gardens but the canopies of the trees overhang the application site.

5.48 These trees together with the existing boundary hedge along the frontage of the site contribute to the character and appearance of the Conservation Area. All of the trees on the site and in the neighbour's gardens are protected given that they are situated within a Conservation Area. Therefore no tree works should be carried out to the trees without the prior written approval of the Council.

5.49 Four Arboricultural Implications Study reports have been submitted as part of this planning application. One with the original plans, a revised report with the amended plans submitted in January 2020, a revised report on 24th April 2020, as well as a revised report in May 2020. These tree reports survey 14 individual trees and four groups of trees on the site and immediately adjacent the site in neighbour's gardens.

5.50 The submitted plans show that the existing boundary hedge along the front of the site facing Orchard Road will be retained, apart from where a section is proposed to be removed to accommodate the new access to serve the new house on plot 1 on the eastern half of the site.

5.51 The latest tree report submitted in May 2020 states that trees T1- T14 will be retained and will be protected by fencing during the demolition and construction phases of the development. However minor reduction of lateral branches is recommended to be undertaken to trees T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, T14 and Group 1 to facilitate the proposed development, to enhance light conditions in the garden, as well as providing clearance between the trees and the proposed new houses. The addendum report provided by Matthew Williams the applicants planning consultant states that these tree works will be required irrespective of the current planning application to ensure the health and vitality of the surrounding trees.

5.52 The tree report recommends the removal of tree T14 on the grounds of poor health as it is considered that the tree is in serious decline. The applicants tree consultants offers a view that tree T14 shows the early onset of leaf chlorosis and that bud and fruit development are seriously diminished. Tree T14 is positioned in an adjacent property to the east "Tree Tops"- so consent will be required from the land owner of Tree Tops as well as the Local Planning Authority to enable this tree to be removed. The previous tree reports recommended the removal of tree T14. However the latest tree report submitted in May 2020 still recommends that tree T14 is removed but no action

will be taken until permission is obtained from the Council and the landowner. Tree T14 has therefore been shown to be protected in the eventuality that it is retained due to lack of permission from the Council and/or owner.

5.53 Council officers had concerns that the proposed development as originally submitted would have a negative impact on the mature trees surrounding the site, that are very prominent within the landscape. The harm would arise from the construction works and later from pressure to remove and carry out extensive pruning to mitigate shading issues.

5.54 Revised plans, tree reports and supporting information have been submitted in January, April and May 2020 to try and address these tree concerns raised by Council officers. The amended plans have moved the new access to serve plot 1 on the eastern half of the site further west, as well as moving the position of the house on plot 1 slightly more to the west, so further away from the existing trees along the eastern boundary of the site at Tree Tops.

5.55 Council officers consider the amended plans to be an improvement. However Council officers are still of the opinion that the amended proposal will have a negative impact on the mature trees in and around the site during the construction process and later from pressure to remove and carry out extreme pruning to mitigate conflict and shading issues.

5.56 Tree T13 to the east of the site in the garden of Tree Tops is an A category tree which is particularly visible within the street scene and is therefore considered by Council officers to be of significant amenity value. Tree T14 also to the east of the site in the garden of Tree Tops a Horse Chestnut tree is similarly visible within the street scene and therefore is also considered by Council officers to have a high amenity value.

5.57 The Horse Chestnut tree T14 has been described by the applicant's tree consultant as being of U classification as it is suggested that the tree is in serious decline. However the Council's tree officer is of the opinion that the symptoms of early chlorosis and premature leaf fall are the symptoms of Horse Chestnut leaf blotch (Guignardia aesculin). The Council's tree officer is of the view that the fruit on the tree appeared healthy and therefore did not anticipate long term harm. Without any other supporting information to indicate otherwise Council officers consider that tree T14 is a B category tree and should therefore be considered for retention. On this basis the proposed development should be considered in terms of its impact on tree T14 as to be retained rather than tree T14 being removed.

5.58 The canopies of the trees surrounding the site will over sail the proposed house on plot 1 on the eastern half of the site. These trees will therefore require immediate tree pruning as the canopies of the trees will be in conflict with the proposed new houses. Council officers are of the view that this will be an ongoing maintenance requirement that is likely to have a negative impact on the health and amenity provided by the trees.

5.59 The proposed development will also involve trespassing within the root protection zones of some of the trees around the site (trees T6, T7, T12 and T13). The tree report submitted in May 2020 states that the design has been adjusted so that the footprint of the building, the paths and the walls are located outside the root protection area of all trees surveyed. However the tree report shows on the tree protection plan in Appendix 5 that part of the root protection area of tree T13 is to be exposed and protected with ground protection to allow 1 metre space between the wall and fence for construction work to take place.

5.60 Council officers consider that the impact to the roots of tree T13 will be significant during the construction process when digging the foundations for the new house on plot 1 which will be significant along with the installation of drainage and services to the new house.

5.61 There are visible significant roots from tree T12 in the south east corner of the site. Tree T12 is however positioned in the neighbours garden at Tree Tops. These visible roots appear to go well beyond the notional root protection zone shown on the submitted tree survey plans in the tree report. Council officers are therefore of the opinion that it is very likely that this tree T12 will also be compromised by the proposed development.

5.62 The root protection zones of trees T6 and T7 in the south west corner of the site will be breached during the demolition of the existing detached garage. The submitted tree report states that a slight adjustment of the tree protective fencing will be required to allow the demolition of the garage. Council officers consider that providing care is taken during the demolition of the garage little or no harm is likely to trees T6 and T7.

5.63 Given the proximity of the trees around the site Council officers are of the opinion that the trees are likely to impact on the enjoyment of the garden areas by the future occupiers of the two new houses, as the trees will encroach within the limited private rear garden areas which are south facing and will cast significant shade. This could lead to post development resentment from the future occupiers.

5.64 Council officers are therefore of the opinion that the proposed development (as amended) will have a negative impact on and will harm a number of mature trees surrounding the site, that are very prominent within the landscape and contribute to the character and appearance of the site and area. The harm would arise from the construction works and later from pressure to remove and carry out extensive pruning to mitigate shading issues. It is therefore recommended that planning permission be refused on the grounds that the proposed development would harm the surrounding trees contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV44 of the UDP and policy CS18 of the CSUCP, which seek to protect trees of value.

5.65 RESIDENTIAL AMENITY

5.66 A number of residents have objected on the grounds that the proposed development would harm their living conditions. Given the remaining distances

between the proposed houses and the existing properties surrounding the site and also taking into account some of the existing trees and hedges that provide an element of screening, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing, loss of privacy / overlooking or visual intrusion. It is also considered that there would be no harm to the living conditions of future occupiers of the proposed houses through loss of light, overshadowing, loss of privacy / overlooking or visual intrusion.

5.67 There would be around 21 metres between the proposed front elevation of the proposed house on plot 2 on the western half of the site and 19 Orchard Road the neighbour to the immediate north. There would be around 22 metres between the front elevation of the proposed house on plot 1 on the eastern half of the site and 21 and 23 Orchard Road the neighbours to the immediate north. There are a number of existing trees which are to be retained along the eastern, southern and western boundary of the site which provides screening between the proposed houses and Tree Tops the house immediately to the south and 1 Orchard Dene the house immediately to the west.

5.68 Any disturbance or disruption caused by the construction phase of the development could be limited and controlled by a planning condition which restricts the days and hours of the construction works, should planning permission be granted.

5.69 The proposed development is therefore considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP and policy CS14 of the CSUCP, which seek to protect residents living conditions.

5.70 HIGHWAY ISSUES

5.71 Access Arrangements
There is an existing vehicle and pedestrian access to the existing bungalow and existing detached garage, off Orchard Road which is positioned towards the north west corner of the site.

5.72 This existing access would be retained to serve the proposed new house positioned on the western half of the site (plot 2). Council officers consider that the use of the existing access to serve plot 2 is acceptable from a highway safety point of view.

5.73 A new vehicle and pedestrian access is proposed off Orchard Road, to the east of the existing access, to serve the proposed new house positioned on the eastern half of the site (plot 1). Council officers had highway safety concerns about the position of the new access proposed to serve plot 1 as shown on the plans originally submitted. It was positioned close to a sharp bend along Orchard Road and drivers would have restricted visibility of someone exiting the driveway. It was also very close to the driveway of the adjacent house to the immediate east “Tree Tops” which would create an additional conflict at this location.

5.74 Amended plans were submitted in January 2020 to address these concerns. The revised plans show that the proposed new access to serve plot 1 has been moved further west so it is closer to the existing access which would serve plot 2 and further away from the bend in the road and the Tree Tops access to the north east of the site. The revised position for the new access to serve plot 1 is considered to be an improvement highway safety wise and to be acceptable.

5.75 Traffic Generation
Council officers are of the opinion that the increase in traffic movements associated with two houses at the site compared to the existing bungalow, would be limited.

5.76 Car Parking Provision
The proposed car parking provision for the new house at plot 1 on the eastern part of the site comprises a driveway within the site, which includes a turning area, off Orchard Road. The proposed car parking provision for the new house at plot 2 on the western half of the site includes an integral garage as part of the proposed house design with an associated driveway within the site, off Orchard Road. The proposed site layout therefore provides car parking space for both the new houses within the site. The proposed car parking provision is therefore considered to be acceptable

5.77 Cycle Parking Provision
No details of cycle parking provision have been provided as part of the planning application. The provision of suitable cycle parking for both the proposed houses could be covered by planning conditions should planning permission be granted.

5.78 Bin Storage /Collection
There is sufficient space within the plots of both new houses to accommodate bins, with access for bin lorries to collect the bins from along Orchard Road. It is therefore considered that there is sufficient space within both plots for appropriate bin storage and collection arrangements to take place.

5.79 Subject to the above planning condition relating to cycle parking provision, the proposed development (as amended) is considered to be acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF, policy CS13 and of the Council's CSUCP and the Council’s Cycling Strategy.

5.80 ECOLOGY

5.81 Two bat survey reports (dated June 2019 and October 2019) have been submitted with this application. Council officers were of the opinion that the original bat survey report dated June 2019 was inadequate as it did not establish whether bats were present at the site. An amended bat survey report dated October 2019 was therefore submitted to address the concerns and comments that had been raised by Council officers, including the Council’s ecologist.

5.82 These two bat survey reports establish that there is a bat roost in the loft void of the existing bungalow (likely to be used on an intermittent basis by low numbers of non breeding pipistrelle bats), the garage is considered to be of low value to roosting bats and that some of the surrounding trees including two Sycamore trees could provide potential bat roosting features.

5.83 Should planning permission be granted for this development a number of planning conditions are therefore considered necessary relating to :

- restrictions on the timing of the works to avoid the bat hibernation period (November to March inclusive) – to prevent any harm or disturbance to bats that may be present within the bungalow at the time of the demolition works,

- the provision of tree mounted bat boxes prior to the commencement of development works - to provide replacement bat roost features for bats during and following the completion of the development,

- the provision of integral bat box features in each of the new houses – to provide replacement bat roost features.

- the approval of a method statement covering the demolition of the existing bungalow, the demolition of the existing detached garage and the felling or trimming of trees which are considered to have a low bat roost risk – to address the potential of bats being present.

5.84 These conditions would provide mitigation measures to minimise the harm to bats during the demolition and construction phases of the development and would ensure that the local bat population is maintained at a favourable conservation status.

5.85 Subject to these conditions the proposed development is considered to be acceptable from an ecology point of view and in accordance with the NPPF, saved policies DC1 (d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.86 The developer will also need to apply to Natural England for a licence to carry out the works.

5.87 LAND CONTAMINATION

5.88 The site has been previously used as agriculture and open space prior to being used as a garden for the existing bungalow. The risk of the proposed development being affected by contamination is therefore considered to be low.

5.89 A Preliminary Risk Assessment (PRA) report has however been submitted with this application. This report concludes that the proposed development does not provide any contamination issues. Council officers agree with this conclusion.

5.90 Concerns have been raised by some local residents that there may be asbestos in the existing buildings on site that are to be demolished. Council officers are of the opinion that issues relating to asbestos and gas mitigation measures will be covered by Building Regulations. It is therefore not considered necessary in this instance to also require an asbestos survey / method statement and gas mitigation measures by planning conditions as well.

5.91 The proposed development is therefore considered to be acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.92 OPEN SPACE/PLAY PROVISION

5.93 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.

5.94 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.

5.95 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.

5.96 Therefore while it cannot be concluded that the proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or off site play provision in this case based on the above assessment.

5.97 COMMUNITY INFRASTRUCTURE LEVY

5.98 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. This development is CIL chargeable development as it is for qualifying housing related development within Residential CIL Zone B, where there is a levy of £30 per sqm of net additional floorspace.

5.99 OTHER ISSUES

5.100 A number of other issues have been raised by local residents in their objection letters which have not been addressed in the report above.

5.101 Submitted Plans
A number of comments have been made by local residents about the submitted plans including the plans do not include a unit of measurement which makes them unclear, the plans are difficult to read / understand and the plans do not show the context of the proposal in relation to the houses opposite. The plans submitted are drawn to scale and show the scale on the drawings, a number of measurements are also provided on the drawings showing various distances relating to the development as well as land levels. Cross sections and perspective drawings have also been submitted which show the existing and proposed development along the southern side of Orchard Road and what the proposed houses would look like on the site. Council officers are therefore of the view that sufficient information has been submitted to enable the proposal to be considered.

5.102 Damp
The statements that the applicant has made about damp in the property does not require confirmation by a qualified expert as part of this planning application assessment. It is the impact of the sub division of the site and the construction of the two new houses that is considered.

5.103 Covenants, Compromise, Property Prices, Health and Loss of views
Covenants on the land, the amount of compromise by the applicant, impact on property prices in the area, impact on the health of neighbours and loss of views are not material planning issues that can be taken into account when considering a planning application.

5.104 Drains
Concerns have been raised whether the existing drains are adequate. Northumbrian Water have been consulted and raised no objections to the proposal.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the comments made by the local residents and the applicant in their supporting documents, it is considered that the proposal would result in harm (less than substantial harm) to the conservation area and harm to the existing surrounding trees. The benefits of the proposed development have been fully considered but Council officers are of the opinion that the harm that would be caused would not be outweighed by the benefits of the development.

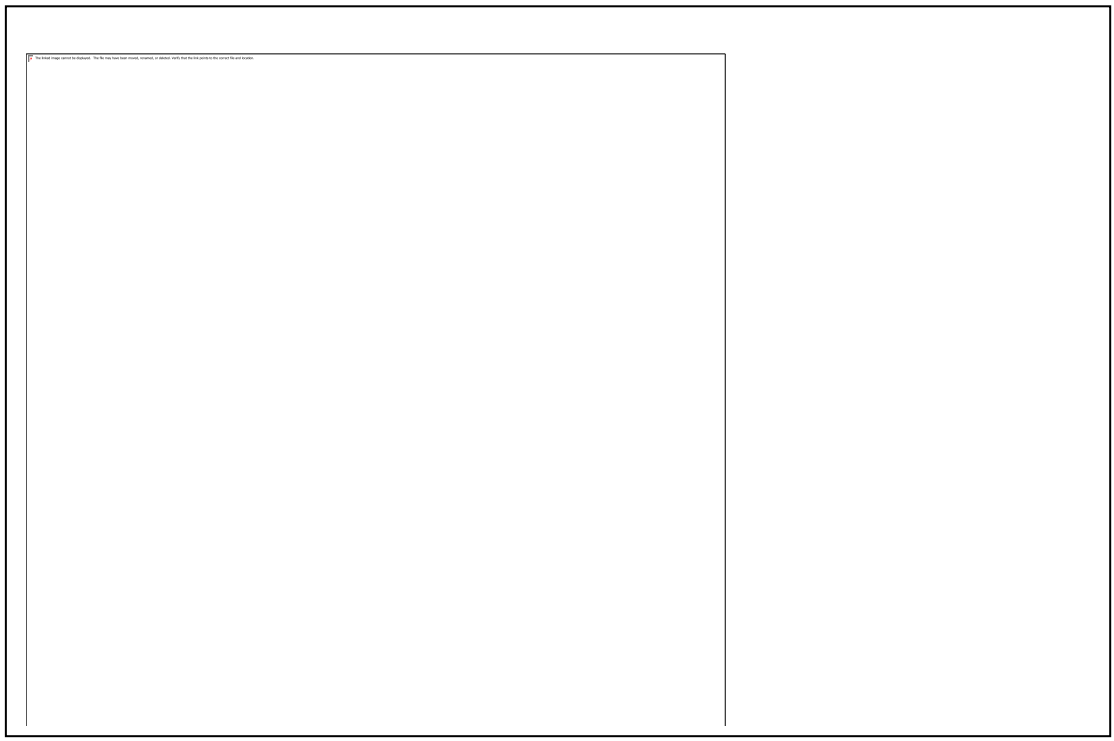
6.2 It is therefore considered that the proposed development is unacceptable from a conservation area and tree point of view and is therefore contrary to the aims and objectives of both national and local planning policies.

7.0 Recommendation:

That permission be REFUSED for the following reasons:

1.
The proposed sub division of the site and construction of two houses would result in less than substantial harm to the Rowlands Gill conservation area, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV10 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan, which seek the conservation and enhancement of the historic environment.

2.
The proposed development will have a negative impact on and will harm a number of trees surrounding the site, that are very prominent within the landscape and contribute to the character and appearance of the site and area, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan, which seek to protect trees of value.



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