

**Committee Report**

<b>Application No:</b>	<b>DC/20/00691/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>25 August 2020</b>
<b>Applicant</b>	<b>Paul Conway</b>
<b>Site:</b>	<b>Land Rear of Hawthorn Gardens Ryton NE40 3XA</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Erection of single storey residential dwelling</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is located to the rear of Hawthorn Gardens, Ryton. Access to the site is gained via a shared vehicle and pedestrian access connecting the site to Stargate Lane. Access to the site is somewhat overgrown but does appear to experience some level of maintenance. The application site itself is well maintained. The boundary of the application site is formed by timber fencing and hedges.

1.2 The area in questions is largely residential in nature, with residential properties located to the east and west. However, the access is taken alongside a hot food takeaway.

1.3 The application site is not allocated for any purpose within the Local Plan, however there is a public right of way (Footpath 025) running north to south to the east of the application site.

**1.4 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for the erection of a single dwellinghouse. It is proposed that the dwelling would be single storey and constructed out of brick and render with a slate roof. It is proposed that an area of garden space would be provided to the south of the property with a turning area located to the north. Vehicular access would be taken to the north onto Stargate Lane.

1.5 The following information has been submitted with the application:  
Ground Investigation Assessment; and  
A Highways Technical Note.

**1.6 PLANNING HISTORY**

The relevant planning history of the site is summarised as follows;

- DC/04/02026/OUT; Outline planning permission refused for 'Erection of detached dwellinghouse (Use Class C3).' Date; 21 January 2005. The application was refused based upon its unacceptable impact on highway safety (no appeal was lodged against the decision).
- DC/05/00841/OUT; Outline planning permission refused for 'Erection of detached dwellinghouse (use class C3) (revised application).' Date; 11 July 2005. The application was refused based upon its unacceptable impact on residential amenity, the application was subsequently appealed and dismissed.

## **2.0 Consultation Responses:**

None

## **3.0 Representations:**

Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of six letter of objections have been received and are summarised as follows:

- The development would cause disturbance during building;
- The proposal would result in onstreet parking;
- The proposal would result in the loss of hedgerow; and
- The intensification of the access road would lead to conflict between cars and other users.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

The main planning issues to be considered are the principle of the development, design, amenity, highway safety, contaminated land and play and open space provision.

### **5.1 PRINCIPLE OF THE DEVELOPMENT**

As the application site is not specifically allocated for housing in the Local Plan, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP.

5.2 With regards to sustainable development, this is a largely residential area, with commercial uses nearby. It is considered that this proposal would not be at odds with the established character of the area and the amenity of future residential occupiers can be safeguarded. This will be discussed in more detail later in the report. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.3 The proposal would see the creation of a single two-bedroomed property and while it could not be considered a family home, the development would not prejudice the overall aims and objectives of policy CS11 of the CSUCP.

5.4 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 CSUCP.

### **5.5 DESIGN AND VISUAL AMENITY**

The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area, the proposed bungalow has been designed to make the most of the modest application site. While bungalows are not commonplace, there is some level of variety within the area and it is also considered that the site would not form part of any established frontage and as such would not appear out of keeping with the existing housing stock and other buildings as a result. Furthermore, the design of the property would create sufficient amenity space and prevent the site from being overdeveloped. The materials proposed are also

considered to be suitable and subject to agreeing the precise details would safeguard visual amenity, this could be secured via planning condition(s).

5.6 Subject to the above-mentioned conditions the development would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and DC1(c) of the UDP.

#### 5.7 RESIDENTIAL AMENITY

The scale of the property, the location of windows, the adequate separation distances and the general design proposed are such that no significant loss of light, visual intrusion, overshadowing or overlooking would likely result to neighbouring properties. However, it would be necessary to condition that hours of construction are controlled to safeguard residential amenity from noise during the construction phase. Subject to the condition the proposal would satisfy the aims and objectives of the NPPF as well as policy CS14 of the CSUCP and saved policy DC2 of the UDP.

#### 5.8 ACCESS/HIGHWAY SAFETY

The application proposes the utilisation of an existing access road/track, it is acknowledged by the applicant through their submission that the visibility at the junction with Stargate Lane is substandard. It is considered by officers, following a site visit, that the visibility issue at this junction would have significant highway safety implications. The junction radii are poor and two-way traffic movements cannot be accommodated at the junction with Stargate Lane. Due to the geometry of Stargate Lane and the lack of visibility through the bend, this could result in a rear shunt collision for a driver turning left into the lane. Further, turning out of the lane in either direction would be an extremely hazardous manoeuvre.

5.9 Whilst officers appreciate the application proposes only a single property, it is considered that any traffic intensification at the junction would be hazardous. Aside from new residential traffic being generated, this development would also have typical domestic delivery requirements and refuse collections.

5.10 The unadopted track intended to serve the development is poor in terms of width and construction and even with improvements, there is still the potential for conflict with pedestrians using the public right of way that links Stargate Lane and Cushy Cow Lane.

5.11 In terms of pedestrian access to the development site, this is poor as there is no street lighting to safeguard pedestrian movements during the hours of darkness.

5.12 Based on the above, it is considered that the development has the potential to create conflict between vehicles as well as between vehicles and pedestrians. On this basis, it is considered that the proposed development would have an unacceptable impact on highway safety, would conflict with the aims and objectives of the NPPF as well as policy CS13 of the CSUCP by failing to connect safely to the existing transport network.

### 5.13 CONTAMINATED LAND

In view of the sensitive end use proposed the planning application is supported by a Preliminary Risk Assessment (PRA). The findings and conclusions of the reports have been assessed and it is considered that the proposed development is not at any significant risk from previous land use operations. Therefore, it is considered that the only condition required, should planning permission be granted, is to address the necessary course of action if unexpected contamination is discovered during construction. Subject to the conditions the proposal would accord with the NPPF and saved policies ENV54 and DC1(p) of the UDP.

### 5.14 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development, as it is housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development.

### 5.15 OPEN SPACE AND PLAY

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.

5.16 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.

5.17 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 the Council is yet 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.

5.18 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.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be refused, as a result of the developments unacceptable impact on highway safety. It is considered that the proposal does not accord with

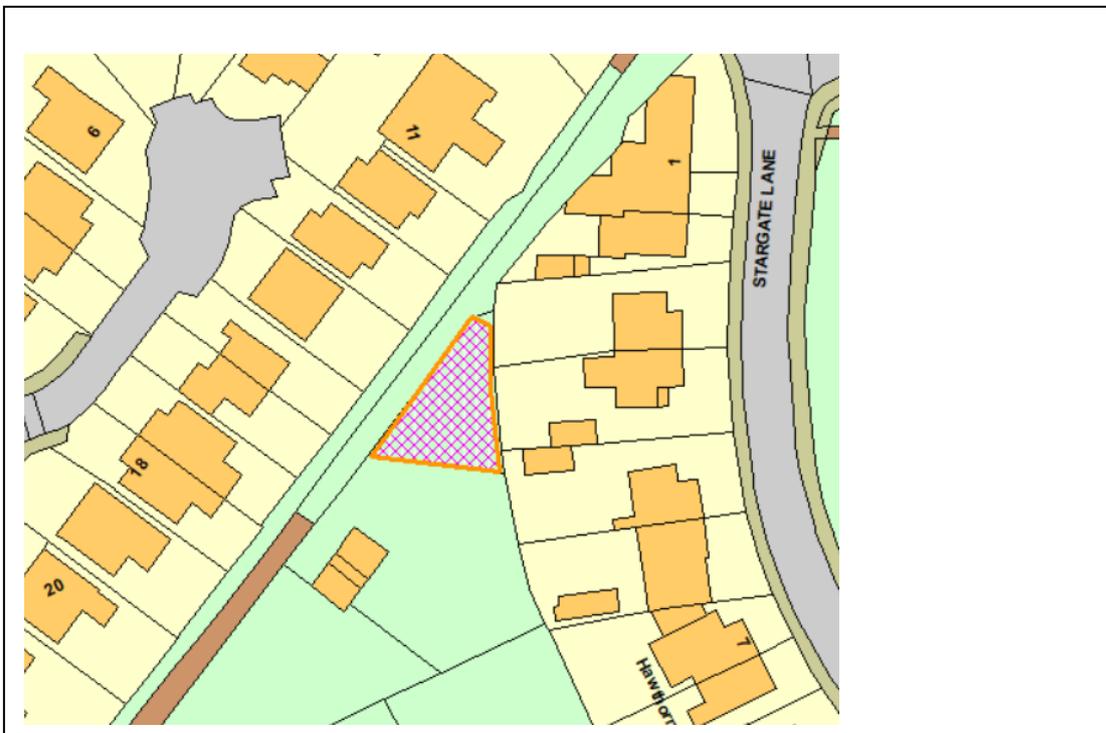
national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## 7.0 Recommendation:

That permission be REFUSED for the following reason(s):

1

The proposed development has the potential to create conflicts between highway users as a result of the poor visibility from the site access/egress onto Stargate Lane, the use of a public right of way by vehicles and the poor lighting along the access track. The proposed development would have an unacceptable impact on highway safety by failing to connect safely to the existing transport network and fails to accord with the NPPF and Policy CS13 of the CSUCP.



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