

Committee Report

Application No:	DC/20/00712/FUL
Case Officer	Rebecca Norman
Date Application Valid	1 September 2020
Applicant	Mr & Mrs DAVID & VALERIE LIPROT
Site:	Land at South View Chopwell
Ward:	Chopwell And Rowlands Gill
Proposal:	Erection of a single storey dwelling with integral garage and attached granny annexe
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is situated to the west of South View, Chopwell. The site is approx. 0.27ha in area and is an open grassed field that contains a dilapidated timber stable building to the north western side. Land levels on the site fall from north to south. The boundaries of the site are formed from mature trees, vegetation and fencing.

1.2 Access to the site is gained from the north via a track leading from South View, which is also a Public Right of Way (Blaydon No 14). A Public Right of Way (Blaydon No 18) also crosses the site from north west to south east.

1.3 To the north of the site beyond the access track is a Northern Gas Networks (NGN) gas compound; to the east are properties along South View and Whinney Leas and Mill Road beyond; to the south are open fields; and to the west is Milkwellburn Wood.

1.4 The site is located within the Green Belt. A Regional High Pressure Gas pipeline crosses the eastern side of the site from north to south.

1.5 DESCRIPTION OF THE APPLICATION

The application follows the withdrawal of application DC/19/001083/FUL in November 2019 which sought the erection of a dwelling with an adjoining annexe.

1.6 The application seeks planning permission for the erection of a three bedroom single storey dwelling with an integral garage and adjoining one bedroom 'granny annexe'. The proposed dwelling would be positioned to the north western side of the site, necessitating the removal of the existing stable, and would be linear in form, stepping down from north to south.

1.7 The dwelling is proposed to be constructed from vertical timber cladding (larch) with a sedum roof and anthracite grey aluminium windows. The property

would be served by a new driveway from the existing access; footpath Blaydon No 18 is proposed to be retained across the site, crossing the driveway.

1.8 The application proposes that the remaining site would be used to create a wildflower meadow and is accompanied by a Draft Section 106 Agreement detailing a proposed financial contribution to the LPA towards this feature.

1.9 The application is supported by the following documents:

- Bat report;
- Ecological Impact Assessment;
- Landscape Management and Habitat Creation Plan;
- Tree Survey;
- Phase 1 Desk Top Study and Coal Mining Risk Assessment;
- Viability assessment;
- Draft S106 Agreement;
- Planning Statement
- Supporting Policy Statement;
- Design and Access Statement

1.10 RELEVANT PLANNING HISTORY

DC/19/01083/FUL - Erection of single storey dwelling with integral garage and attached granny annexe. Application withdrawn

1471/83 - Erection of one bungalow. Planning permission refused 08.03.1984

1476/81 - Erection of 4 residential bungalows. Planning permission refused 22.03.1982

2.0 Consultation Responses:

The Coal Authority	No objection, subject to conditions
Northern Gas	No objection
Northumbrian Water	No objection; an informative is recommended to advise the applicant of the presence of a public sewer that crosses the site which may be affected by the proposed development

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015 including the display of site and press notices.

3.2 One letter of objection has been received from Councillor McNestry stating that support is given to the objectors and that the scheme is unchanged from the previous application and should not be approved.

3.3 A petition of 26 signatures has been received which states that “*the residents of South View and Whinney Leas, Chopwell object to the planning application DC/20/00712/FUL for the following reasons*”, summarised as follows:

- The site was marketed as grazing land at a corresponding price with no suggestion of planning permission being granted;
- Gateshead Council are strongly requested to refuse planning permission for any change of use;
- Planning permission was previously refused for reason of the development being outside the village envelope and failing to meet Green Belt/open countryside criteria and the presence of the gas pipeline, the grounds for which are assumed to still be appropriate;
- The previous application DC/19/01083/FUL was withdrawn as it did not meet planning requirements;
- The site lies beyond the building line of South View and is not an infill site;
- If approved, the development would set a precedent for further infill development and development to the west of the site which would form a barrier around Milkwellburn Wood and damage wildlife corridors;
- The development encroaches beyond an acceptable limit on Milkwellburn Wood Nature Reserve;
- The development would have a detrimental impact upon ecology, trees and habitats;
- A comprehensive and widespread ecological survey and environmental impact assessment should be undertaken prior to any development;
- The Council are expected to dismiss the financial support offered by the application;
- The preservation of the meadow would be best achieved through the withdrawal of the application;
- The development and construction activities would result in detrimental visual impacts upon the site and surrounding landscape from nearby footpaths and wider views;
- The public right of way should not be moved;
- South View's sewage system is incapable of meeting current demand, and therefore the proposed development may cause this to fail
- The existing sewage system requires annual servicing due to tree root incursion and layout issues beneath the site;
- If a septic tank is proposed then servicing lorries may rupture the existing sewage pipe;
- The proposed annexe could be used as a separate dwelling, causing additional disturbance and placing greater pressure on local infrastructure;
- Exacerbation of existing traffic/access concerns along the lane;
- Access and turning concerns relating to large vehicles;
- Noise, disruption and traffic/parking issues during construction;
- Damage to road surface caused by lorries;
- Additional traffic will exacerbate concerns regarding traffic speed and pedestrians, cyclists and children playing in the lane;
- Environmental impacts resulting from hard surfacing of site to withstand traffic;

- The tarmacking of the bridleway would be illegal;
- Damage to gas pipeline from heavy traffic

3.4 A further petition has been received in objection to the application with 3 signatories which raises the following matters:

- There is a large gas pipe on this site;
- Public access to the woods would be affected by deliveries and the construction duration;
- Impact upon Right of Way

3.5 A total of thirteen objections have been received, including seven representations from three households, raising the following matters:

- The site is part of the Green Belt;
- The development would set a precedent for building in the Green Belt;
- The site is infill nor “washed over Green Belt”;
- Chopwell South does not adjoin the site and should not be used as a material consideration for the application;
- Trespass and fly tipping are not an issue;
- The development will not screen or soften the impact of the gas compound;
- Overdevelopment;
- Out of character with streetscene;
- Detrimental visual impact;
- The development would be out of keeping with properties along South View;
- Additional noise;
- Impacts during construction;
- Impacts upon residential amenity;
- Disturbance early mornings/late evenings;
- Overbearing impact;
- Loss of privacy;
- Inadequate car parking, including visitors to the wildflower meadow;
- Inadequate passing places on lane;
- Increased traffic;
- Highway safety concerns resulting from increased traffic along narrow access with no pavement and frequent usage by pedestrians and cyclists;
- Exacerbation of existing access and parking issues;
- Access issues for emergency service and service vehicles;
- Restricted access to site;
- Impact upon Right of Way;
- Loss of/impact on trees and habitats;
- Impacts of ecology;
- Detrimental impact upon amenity value of Milkwellburn Wood;
- Increased light pollution;
- Health impacts;
- Out of character with Conservation Area;
- Potential to attract vandals;

- Impact on views;
- The site was sold as grazing 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

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H12 Housing Density

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

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

5.1 The key matters in the assessment of this application are the principle of the development, Green Belt, design and visual amenity, residential amenity, highway safety, impact on Public Right of Way, ecology, trees, land conditions, open space/play provision, CIL, and any other matters.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Housing demand and policy

Policy CS10 of the Council's Core Strategy and Urban Core Plan (CSUCP) states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.4 The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. The principle of housing development on this site is therefore to be assessed against saved policy H4 of the Unitary Development Plan (UDP) as a windfall site. The location of the site is considered to be sustainable, being close to an established residential area within reasonable distance of local services and public transport routes. The principle of housing development on this site is therefore acceptable, subject to all other material planning considerations being satisfied.

5.5 Housing choice

Core Strategy policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms, which would be satisfied by the proposed development.

5.6 Residential space standards

Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". Based on the information submitted it is considered that the application meets this requirement and would provide an acceptable level of internal and external space for future occupiers of the development.

5.7 Housing density

Saved UDP policy H12 seeks a density of between 30 and 50 dwellings per hectare, with a lesser density permitted only where a higher density would unacceptably impact on the amenity and character of the area. The resultant density of the development would equate to 4 dwellings per hectare; whilst well below the range specified by saved policy H12 Officers consider that this would not be unacceptable as a higher density of development in this location would likely result in an unacceptable detrimental impact upon the amenity and character of the area.

- 5.8 The development would contribute to housing stock in the Borough. The proposal therefore accords with saved policies H4 and H12 of the UDP, policies CS10 and CS11(1) of the CSUCP and the NPPF.
- 5.9 GREEN BELT
The application site is situated within the Green Belt. Paragraph 133 of the NPPF states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.
- 5.10 Paragraph 134 of the NPPF outlines the five purposes of the Green Belt. These are: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.11 CSUCP policy CS19 is in compliance with paragraph 134 of the NPPF and sets out purposes for including land in the Green Belt in Gateshead.
- 5.12 NPPF Paragraph 143 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”* and requires LPAs to attach substantial weight to any harm to the Green Belt when considering planning applications.
- 5.13 Paragraph 145 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt however identifies specific exceptions to this, including:
- e) limited infilling in villages; and*
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
- 5.14 The applicant, through their submitted material, has sought to demonstrate that the development would represent infilling in the village of Chopwell, as afforded by NPPF Para 145 (e). The application identifies that the site is situated west of properties along South View and south of the Northern Gas Networks (NGN) compound, with vegetation and woodland/trees to the south and west, referring to the proposals as a *“minor rounding off of Chopwell”*.

- 5.15 The site is not washed over by the Green Belt designation, as stated within the application, in which certain infilling development is allowed within the settlement envelope identified by saved UDP policy ENV38 and emerging MSGP policy MSGP35.
- 5.16 The terms 'village' and 'infilling' are not defined in the NPPF, the emerging MSGP or Core Strategy and there is no defined village boundary for Chopwell. Infill/infilling are however defined within the UDP Glossary as "*small-scale developments fitted into the existing pattern of development in a built-up area*". Previous appeal decisions have described the term as "*the infilling of small gaps between buildings*" or "*the development of a small gap in an otherwise continuous built-up frontage, or the small scale redevelopment of existing properties within such a frontage*". Additionally, Oxford Dictionaries defines 'built-up' as "*densely covered by buildings*".
- 5.17 The matter of whether the proposed development constitutes limited infilling is a matter of planning judgement to be taken by the decision maker on a case by case basis. In determining whether the development of the site would represent limited infilling in a village the physical characteristics of the site and relationship to its surroundings should be evaluated.
- 5.18 The site is open grazing land containing a stable building which is accessed via South View from an unadopted track and footpath that lead across the northern site boundary towards Milkwellburn Wood. This track also serves the NGN compound to the north of the site which contains an access track and hard surfaced fenced compound with structures associated with the high pressure gas pipeline. Travelling west from South View the character of the area transitions from one of more developed surroundings beyond the village of Chopwell into rural open countryside and woodland, with the appearance of the site contributing towards this rural character and being visually separate from the adjacent gardens associated with South View.
- 5.19 Whilst acknowledging the NGN compound to the north and residential development to the east, given the absence of any built development to the south and west of the site, and noting the substantial gap between the proposed dwelling and the existing development along South View, Officers consider that the site would not constitute a 'small gap between buildings', that the area cannot be described as being within a village or 'built up', that there is not a 'continuous frontage' that would be infilled by the proposed development and that the proposed development cannot be considered to fit into a pattern of development in a built up area.
- 5.20 Consequently, Officers consider that the proposed development does not have the characteristics that would constitute this being limited infill development within a village and would therefore not meet with NPPF Para 145 (e) and is therefore considered to represent inappropriate development in the Green Belt.
- 5.21 General reference is made within the supporting material to NPPF Para 145 and limited infilling in villages where openness is preserved. Criterion (e) does

not refer to harm to the openness of the Green Belt; criterion (g) does require an assessment of openness however relates to limited infilling or the partial or complete redevelopment of previously developed land.

5.22 Annex 2 of 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...”

5.23 The existing timber stable block could reasonably be considered as previously developed land and the redevelopment or infilling of this land therefore need not be inappropriate within the Green Belt; the development must however not have a greater impact on its openness than the existing development.

5.24 The supporting material does not make reference to the existing stable and instead identifies that the development would preserve openness as a result of the scale of the development, the enclosed nature of the site and the location of the proposed dwelling adjacent to a woodland belt, thus ensuring that there would be no harmful spatial or visual impact to the Green Belt.

5.25 Whilst noting the supporting material, NPPF Para 145 (g) is clear that the assessment is to be whether the proposed dwellinghouse would have a greater impact upon the openness than the existing development on the site. Officers acknowledge the location and height of the proposed dwelling and partial replacement of the existing stable. The proposed dwelling would however have a significantly greater bulk than the existing development and would have a much larger footprint (274.1sqm, in comparison to the 35sqm footprint of the stable), in addition to external hardstanding and a driveway amounting to some 200sqm and assorted paraphernalia that is inevitably associated with residential properties. In addition, the development would visibly impact upon the openness of the Green Belt when viewed from the adjacent public footpaths and would encroach into areas of the site that are free from any built development, thereby reducing the open spatial quality of the site and undermining one of the purposes of the Green Belt to safeguard from encroachment, which would also be contrary to CSUCP policy CS19.

5.26 Officers therefore consider that the proposed development would have a greater impact on the openness of the Green Belt than the existing development on site and the development would therefore not meet NPPF Para 145 (g).

5.27 Consequently, as at NPPF paragraph 143, in order for the proposal to be acceptable in Green Belt terms, very special circumstances must exist. Paragraph 144 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and*

any other harm resulting from the proposal, is clearly outweighed by other considerations”.

- 5.28 Through their submitted material the applicant has offered very special circumstances in support of the application along with further information identifying the benefits of the scheme; whilst these are not submitted as very special circumstances they have been assessed as if so submitted. These are:
1. The submitted Viability Assessment demonstrates that there would be no profit made from the development; this is to be used as a family home;
 2. The provision of a wildflower meadow with public access and financial contribution;
 3. The dwelling and adjoining annexe would provide a home for the applicant and their family and would allow a vital at-home care/support, which is especially important during the Covid-19 pandemic;
 4. There are no properties of a similar size with an annexe available in the surrounding area that would meet the needs of the applicant;
 5. Planning permission has been granted for dwellings on a nearby site which was deleted from the Green Belt;
 6. The development would reuse vacant land;
 7. The development would address a shortage and desire for bungalows in the area;
 8. The development would screen the adjacent NGN compound;
 9. The proposed dwelling would be energy efficient and would incorporate rainwater harvesting and a hydrogen fuel cell boiler;
 10. The development would result in a reduction in/prevent trespassing and would address fly tipping issues
- 5.29 Officers consider that the outlined financial viability information and proposed creation of a wildflower meadow and associated financial contribution (circumstances 1 and 2), whilst welcomed, would not constitute very special circumstances or outweigh the harm to the Green Belt and therefore no significant weight can be attached to these.
- 5.30 Regarding circumstance 3, National Planning Practice Guidance (NPPG) states that development is not normally justified on planning grounds because of who would benefit from the permission, unless an exceptional need has been demonstrated. Planning permission usually runs with the land and it is rarely appropriate to provide otherwise, as planning cannot control land ownership.
- 5.31 Officers acknowledge the stated needs of the applicant however it would be inappropriate to restrict the occupation of the property through condition, and given that the property could lawfully be sold or occupied by any individual this need would not constitute an exceptional circumstance that would justify granting planning permission for development that would not normally be permitted on the site. Officers also consider that the stated absence of similar properties within the locality (circumstance 4) would not constitute a very special circumstance that would outweigh the harm to the Green Belt. Furthermore, whilst this need is reported to have been exacerbated by the

current pandemic, this is transitory and would therefore not justify the proposed development in this instance.

- 5.32 In regard to circumstance 5, the supporting information references a nearby allocated housing site that was deleted from the Green Belt. This site is some 200m to the east of the site and was granted planning permission for the erection of 205 dwellings under application DC/18/00443/FUL as a site allocated under CSUCP policies CS4 and GV1 (GV1b).
- 5.33 The supporting information sets out that *“the site lies in the...Green Belt. The application site has only recently been acquired therefore no representations were made to the Local Plan Examination. However, there is no need to wait for a Local Plan review to have the application site deleted”*. It goes on to state that the application should be viewed within the context of GV1b which *“is [a] material consideration when determining this application reflecting current Council policy to make local deletions from the Green Belt”*.
- 5.34 NPPF Paragraph 136 is clear that *“once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”*. As such, it would not be appropriate to remove the application site from the Green Belt. Officers consider that this nearby allocated housing site and recent grant of permission do not justify the proposed development and outweigh the harm to the Green Belt; furthermore, each application is to be considered on its own merits.
- 5.35 In regard to circumstance 6, Officers consider that the development of this site which is predominately greenfield could not be viewed as beneficial in terms of a reuse of vacant land insofar as it would constitute a very special circumstance.
- 5.36 Whilst stating that the development would address a shortage of/desire for bungalows in the area (circumstance 7) the application fails to provide any evidence of such a shortage other than the personal requirements of the applicant, and would only result in the net gain of one bungalow. It is considered that this circumstance cannot be afforded any significant weight; furthermore, even if such a shortage could be demonstrated it is considered that this would not constitute a very special circumstance.
- 5.37 With regards to circumstance 8, given the location of the adjacent NGN compound relative to the site Officers consider that the proposed development would not provide any additional screening of this site so as to outweigh the harm to the Green Belt.
- 5.38 Whilst sustainable construction is welcomed generally and supported by the NPPF, this is not uncommon and high energy efficiency or the use of rainwater harvesting and a hydrogen boiler (circumstance 9) are not considered by Officers to constitute very special circumstances.
- 5.39 The application does not provide any evidence of trespassing or fly tipping (circumstance 10), and it is noted that the site is publicly accessible via the

footpath that crosses the site, which is proposed to be retained. It is considered that these matters cannot be afforded any significant weight and even if evidenced Officers consider that these would not constitute very special circumstances.

- 5.40 Officers consider that the above points would neither separately nor cumulatively constitute very special circumstances that would clearly outweigh the identified harm to the Green Belt and any other harm and consequently, the very special circumstances necessary to justify the development do not exist.
- 5.41 Therefore, based on the above assessment Officers consider that the proposal would constitute inappropriate development in the Green Belt that would harm the openness of the Green Belt and that no very special circumstances have been demonstrated that would clearly outweigh this and any other harm. The proposal is therefore contrary to the NPPF (paras. 134 and 143-147 inclusive) and CSUCP policy CS19.
- 5.42 DESIGN AND VISUAL AMENITY
Paragraph 124 of the NPPF states that *“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve”* and that *“good design is a key aspect of sustainable development...”*. NPPF Paragraph 130 continues by stating that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area”*.
- 5.43 Core Strategy policy CS15 requires development to contribute to good place making as supported by saved UDP policy ENV3, which requires the design, density and scale of new development to positively contribute to the established character of its locality.
- 5.44 The houses along South View are traditional terraced brick and slate properties, with those further east along Whinney Leas being a combination of house types, materials and sizes with little uniformity.
- 5.45 The proposed dwelling would be notably larger and different in design and appearance to those within the vicinity of the site; notwithstanding this Officers consider that the design, appearance, scale and layout of the development would not be inappropriate within the context of the site and would not result in harm to visual amenity, subject to the imposition of conditions requiring final details of materials in order ensure that they are appropriate for the site.
- 5.46 Subject to the recommended conditions the proposed development would be acceptable in terms of design and visual impact, in accordance with the aims and objectives of the NPPF, saved UDP policy ENV3 and policy CS15 of the CSUCP.
- 5.47 RESIDENTIAL AMENITY
Paragraph 127 of the NPPF states that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Policy CS14 of the CSUCP and saved UDP policy DC2 additionally

require that new development does not have any negative impact upon the amenity of nearby residents.

- 5.48 A number of representations have objected on the grounds that the proposed development would be harmful to residential amenity.
- 5.49 The proposed dwelling would be situated approximately 45m from the closest dwelling to the east (12 South View), being 28m from its boundary, and would contain windows facing this property. The application would result in the introduction of a new dwelling into a previously undeveloped site, however given the intervening separation distance between the proposed dwelling and its closest neighbour Officers consider that the development would not result in such significant harm to the living conditions of adjacent residents including any loss of privacy/overlooking, overbearing impact, loss of light/overshadowing or loss of outlook/visual intrusion so as to warrant refusal of the application on these grounds.
- 5.50 It is considered that the proposed scheme would afford an appropriate level of amenity to future occupiers of the proposed dwelling.
- 5.51 Given the relationship of the site to properties along South View construction works associated with the development have the potential to impact upon the amenity of residents; this could however be limited by a planning condition requiring the submission of details including controls over dust and noise, access arrangements and working hours, should planning permission be granted.
- 5.52 Subject to the above condition the proposed development is considered to be acceptable in respect of impact upon residential amenity and would not be in conflict with the NPPF, saved policies DC2 and ENV61 of the UDP or CSUCP policy CS14.
- 5.53 HIGHWAY SAFETY
Paragraph 109 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.54 Access to the site is gained via a gated entrance to the northern boundary from an unadopted track leading from South View. This is reached via the adopted highway that runs from Mill Road along to South View via Whinney Leas and currently serves approximately twenty residential properties. The adopted road is predominately single width, although widens slightly along South View, and there are limited passing places and no pedestrian footway. The existing access to the site is therefore considered by Council Officers to be poor.
- 5.55 The application proposes to utilise the existing access to serve the development. Whilst the existing access is not desirable and objections have been received relating to additional traffic generation this is an existing access and Council Officers consider that the increase in traffic movements associated

with the proposed erection of one dwelling and an ancillary annexe would not have a significant impact on the number of trips along Whinney Leas or the surrounding highway network and would not be unacceptable in highway safety terms.

- 5.56 The submitted plans incorporate sufficient parking to serve the proposed development however do not include provision for vehicles to turn within the site and exit in a forward gear; therefore should planning permission be granted it is recommended that conditions be attached requiring the provision of a turning facility within the site.
- 5.57 The application incorporates a garage with internal dimensions in excess of 7m x 3m. Officers consider that this would afford acceptable cycle storage for the development, subject to the imposition of conditions upon any grant of planning permission requiring the submission of final details of this provision.
- 5.58 The application proposes the creation of a woodland meadow within the site and states that this would be capable of supporting public access however no further details of these access arrangements such as parking requirements have been provided. In view of the access constraints of the site and to ensure that the development would not have a detrimental impact upon highway safety it is recommended that conditions be imposed on any grant of permission requiring the submission of these access arrangement details.
- 5.59 A number of objections have raised concerns relating to impacts upon existing issues with parking and the manoeuvring of large vehicles. Officers acknowledge these concerns however consider that the proposed development would not exacerbate these existing issues to such a significant degree so as to be unacceptable in highway safety terms and warrant the refusal of the application on this basis.
- 5.60 Objections to the application have raised issues in respect of highway safety and impacts during the construction phase. Should planning permission be granted it is considered that such impacts could be limited through construction control conditions in relation arrangements for parking, access and deliveries to the site.
- 5.61 Subject to the inclusion of the above conditions it is considered that the proposed development is acceptable in terms of highway safety and would comply with the aims and requirements of the NPPF, policy CS13 of the CSUCP and the Council's Cycling Strategy.
- 5.62 **IMPACT ON PUBLIC RIGHT OF WAY (PROW)**
The site is bordered along the northern side by Blaydon Footpath No 14 and is crossed from north west to south east by Blaydon Footpath No 18 which is accessed via stiles at opposite corners of the site.
- 5.63 The application proposes that Footpath No 18 would be retained in its current position and would be crossed by the driveway proposed to serve the property;

Officers consider this to be acceptable in principle in accordance with CSUCUP policy CS13 and the NPPF.

- 5.64 Given the proximity of the proposed development to the right of way (PROW) Council Officers have raised concerns that members of the public may be reluctant to use the PROW as it may appear as an access to a private dwelling; Officers acknowledge these concerns however the potential public perception of the footpath is not a material planning consideration.
- 5.65 Further concerns have been raised that cars parked on the driveway may cause an obstruction of the PROW. Any issues pertaining to an obstruction of the PROW would be an offence under the Highways Act 1980 that would be addressed as a highways enforcement matter. Should planning permission be granted Officers also consider that conditions could be imposed relating to the final details of parking and manoeuvring within the site.
- 5.66 It is considered that the development would comply with the aims and objectives of the NPPF and Core Strategy policy CS13.
- 5.67 **ECOLOGY**
The application site comprises approximately 0.27ha of semi-improved grassland and a stable building that is located immediately south east of Milkwellburn Wood Local Wildlife Site (LWS) and is situated within a designated Wildlife Corridor. The site is bordered by almost continuous trees/native hedgerows, of which the northern and western boundary features appear on the first edition OS map and are considered to be of some antiquity.
- 5.68 The application is accompanied by an Ecological Impact Assessment, Bat Report and Arboricultural Report together with a Soft Landscape Habitat Creation plan relating to the proposed creation of a wildflower meadow.
- 5.69 The habitats and features within and immediately adjacent to the site provide suitable habitat for statutorily protected and priority/notable species including nesting and foraging birds, terrestrial amphibians, reptiles, small mammals and invertebrates, and the submitted Bat Report restricted to the western and eastern site boundaries confirm that these features support several species of foraging and/or commuting bat, with the greatest concentration of bat activity to the western boundary.
- 5.70 Given the nature of the existing site and proposed scheme Officers consider that the development has the potential to result in harm to biodiversity including through a loss of habitat and a reduction in the ecological value and function of the tree/vegetation to the western boundary of the site (including in supporting foraging and commuting bats) as a result of the proximity of the proposed dwelling to this boundary. It is however considered that the development would not result in such an unacceptably detrimental impact upon ecology so as to result in the refusal of the scheme for this reason and that conditions could be included, should planning permission be granted, to provide ecological enhancements within the site and to avoid/reduce the risk of harm to

biodiversity during the site clearance and construction phases of the development.

- 5.71 Notwithstanding the above, the Arboricultural Report proposes the removal of 3no. trees within the site (T001, T007 and T022), although also suggests the potential retention and crown reduction of T001 (a Sessile Oak to the northern boundary) to a monolith tree. The Bat Report states that T001 is of moderate suitability for roosting bats however provides no further survey information in respect of this tree. It is therefore considered that there is insufficient information to be able to determine the application in terms of ecology, specifically in relation to the impact of the proposed development upon bats as a result of the proposed removal or crown reduction of T001.
- 5.72 In the absence of an appropriate level of ecological information it therefore cannot be concluded that the application is in compliance with the NPPF, CSUCP policy CS18 and saved UDP policies DC1(d), ENV46, ENV47 and ENV51.
- 5.73 TREES
There are a number of mature trees and tree groups along the application site boundary, which collectively contribute to the amenity value of the area.
- 5.74 The application is accompanied by an Arboricultural Report which proposes the removal of 3no. trees (or as an alternative the removal of 2no. trees and crown reduction of 1no. tree). The loss of these trees is undesirable however their removal is acceptable on balance as the Report details these to be low quality specimens in poor/defective condition and it is considered that these would not warrant protection under a Tree Preservation Order (TPO).
- 5.75 The remaining trees to the site edges are proposed to be retained and the submitted Survey and Impact Assessment outlines details of protection measures of these. Officers consider these measures to be acceptable in principle, subject to conditions that could be imposed on any grant of permission requiring final details of protective measures including working methodology, in particular to address the impact of construction works proposed within the tree root protection areas.
- 5.76 It is considered that final details of compensatory tree planting as detailed within the submitted Assessment could be secured through conditions on any grant of planning permission.
- 5.77 Subject to the above conditions it is considered that on balance the proposed development would not have an unacceptable impact upon trees, in accordance with the NPPF, saved UDP policy ENV44 and CSUCP policy CS18.
- 5.78 LAND CONDITIONS
- 5.79 Contaminated land

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is considered to be of low contamination risk based on historic use, being open grassland with no significant development.

- 5.80 Whilst noting the recommendations of the accompanying Preliminary Risk Assessment for further ground contamination investigations and aerial imagery which indicate the presence of small structures and objects on the site including the existing stables, given the rudimentary construction of this building and historically undeveloped nature of the site it is considered reasonable that, should planning permission be granted, conditions be imposed requiring that further ground contamination investigations only be undertaken in the event that previously undiscovered contamination is found during construction.
- 5.81 Subject to the above conditions the development would comply with the aims and requirements of the NPPF, saved UDP policies DC1(p) and ENV54 and Core Strategy policy CS14.
- 5.82 Land stability
The application site falls within the defined Coal Mining Development High Risk Area and there are therefore coal mining features and hazards which need to be considered in relation to the determination of the application. The application is therefore accompanied by a Coal Mining Risk Assessment.
- 5.83 The Coal Authority has reviewed and concurs with the recommendations of the Coal Mining Risk Assessment which set out details of proposed ground investigations; as such, should planning permission be granted it is recommended that conditions be imposed requiring details of further site investigations and remediation measures, where required, to be submitted for consideration.
- 5.84 Subject to the above conditions the development would comply with the aims and requirements of the NPPF, saved UDP policy DC1(p) and Core Strategy policy CS14.
- 5.85 OPEN SPACE/PLAY PROVISION
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards recreational open space and play provision. This is based on the anticipated population of the proposed 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.
- 5.86 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.
- 5.87 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.

5.88 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.

5.89 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 housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.90 OTHER MATTERS

There is a regional high pressure gas transmission pipeline which runs from north to south beneath the site. Northern Gas Networks have therefore been consulted on the application and have raised no objection. Further consents or requirements relating to development near the pipeline would be addressed between the applicant and Northern Gas Networks directly.

5.91 A number of objections have made reference to previous planning decisions on this site and those within the surrounding area; each application is however to be considered on its own merits in the context of current planning policy and legislation.

5.92 Concerns have been raised in objections regarding emergency services access to the site; this would however be addressed separately under the Building Control regime. Further concerns have been raised regarding the sewage infrastructure within the locality however this is not a planning matter and would be addressed separately by the applicant and Northumbrian Water.

5.93 Concerns have also been raised in respect of light pollution. Given the relatively modest scale of the proposed development it is however considered that this would not result in any significant intensification of light pollution within the area.

5.94 Objections to the application have stated that the development would be out of character with the Conservation Area; the site is not however located within a Conservation Area.

5.95 Issues raised in letters of representation relating to impacts on views, the circumstances and details surrounding the sale of the application site and the potential for vandalism are not material planning issues that can be taken into account when considering a planning application.

5.96 It is considered that all other material planning considerations have been addressed within the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account including representations made by local residents it is considered that the application is unacceptable as the development would result in inappropriate development in the Green Belt. Furthermore, insufficient information has been provided to allow the LPA to assess the likely impact of the proposed development on protected species.

6.2 It is therefore considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

7.0 Recommendation:

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

1

The proposal would represent inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and also contrary to one of the purposes of including land within the Green Belt. No very special circumstances have been demonstrated. The development is therefore contrary to paragraphs 134 and 143-147 (inclusive) of the NPPF and policy CS19 of the CSUCP.

2

Insufficient information has been submitted to allow the Local Planning Authority to consider the proposed development and its impact on ecology, in accordance with the NPPF, Policy CS18 of the CSUCP and saved UDP policies DC1, ENV46, ENV47 and ENV51.



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