

Committee Report

Application No:	DC/23/00277/FUL
Case Officer	Josh Kenolty
Date Application Valid	30 June 2023
Applicant	Mr Gary Armstrong
Site:	Ethel Terrace (rear Of No 1) High Spen Rowlands Gill NE39 2BH
Ward:	Winlaton and High Spen
Proposal:	Erection of two-storey three-bedroom detached house on vacant land (Amended plans and additional information received on 15/09/2023, 07/02/2024, 14/02/2024 and 12/03/2024)
Recommendation:	GRANT Permission
Application Type	Full Application

1. The Application:

1.1 DESCRIPTION OF THE SITE

The application site comprises an area of detached, private garden land to the rear of the property of 1 Ethel Terrace, located within an existing residential area of the settlement of High Spen.

1.2 The site is a mixture of grass and hardstanding, including a parking space with access to the rear of Ethel Terrace. Land levels are relatively flat.

1.3 The site is bounded to the east by Sycamore Close and to the north by garden/ allotment land. 1 Ethel Terrace is located to the west of the site, separate by a rear lane. Dovecote Residential Care Home is positioned to the south of the site, separated by a road and footpath.

1.4 In the Local Development Plan, the site is allocated as Allotments.

1.5 DESCRIPTION OF APPLICATION

The application proposes the construction of a detached dwelling with three bedrooms and a car port. Access to the site would be provided via the existing access to the rear of Ethel Terrace.

1.6 Amended plans were received on 7 February 2024 and 12 March 2024 re-orientating the layout of the dwelling so that its front elevation faced south, following the building line of the existing houses on Sycamore Close. Changes to the design of the dwelling were also made including a 0.6 metre reduction in its overall height from 8.4 metres to 7.8 metres

to its ridgeline, as well as the re-positioning of the driveway of the property, so that it utilised the existing access onto the rear of Ethel Terrace.

- 1.7 Additional information was received on 14 February 2024 in the form of a Preliminary Ecological Appraisal, in response to the original consultation comments from the council's Ecologist.

1.8 **PLANNING HISTORY**

The application site

The land in question was previously granted planning permission for the change of use from allotments to a private garden plot not forming part of the curtilage of 1 Ethel Terrace, under planning application reference: 35/98.

Adjoining land to the east

- 1.9 Immediately to the east of the site, planning permission was granted for the erection of five detached dwellings with associated access, under application reference: DC/18/00711/FUL. This permission has since been completed.

Land to the north-east

- 1.10 To the north-east of the application site to the rear of Ethel Terrace, planning permission was granted for the erection of 13 detached dwellinghouses under application reference 491/84. This permission has since been completed.

2. Consultation Responses:

- 2.1 Tyne And Wear Archaeology Officer: I have checked the application site against the HER and historic maps and consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

3. Representations

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, which included the display of a site notice.
- 3.2 Objections were received against the original proposed development from the occupiers of 6 separate households. However, one objection was formally withdrawn.
- 3.3 Following the submission of amended plans, neighbour re-notification by letter was carried out. Objections were received from the occupiers of 4 separate households.
- 3.4 The objections raised the following matters:

- New builds have mushroomed in and around High Spen but no extra facilities for people coming to live here and there are now not sufficient school places.
- Thought you were not to build on this land as it's a Garden/Allotment not a building plot
- This house will intrude on the whole of the allotments, which includes in allotment contracts that no building allowed.

- Out of character with Conservation Area
- Out of character with streetscene
- Overdevelopment
- Application only supports a single storey dwelling
- Loss of trees

- Additional noise
- Disturbance early mornings/late evenings
- Loss of natural light
- Loss of privacy
- Overbearing
- Concern over health issues

- Increase of traffic
- Inadequate car parking. Design only really supports parking for 1 car the other area marked parking is too small to support a small car.
- Reversing out of small drive entrance is unsafe as would be reversing in.
- Electricity pole to the northwest corner of drive with a pole stay running across the driveway which is currently in the way of using the drive entrance and no provision has been made to have this moved.
- The street has only one access in and out, therefore where would builders park ,deliveries without blocking road.
- Ethel Terrace residents suffered disruption during construction works for Sycamore Terrace for five years

- Does the land actually belong to the people/persons submitting this application?
- Is there a Covenant on the Land?
- Building permission was refused to persimmon on this land in 1984.

3.5 It is noted that one additional objection was received against the proposal, and subsequently formally withdrawn by the objector.

4. Policies

4.1 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

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP37 Biodiversity and Geodiversity

5. Assessment of the proposal

5.1 The main issues to be taken into consideration in the assessment of this application are the principle of development, visual amenity, residential amenity, highway capacity and road safety, ecology, contaminated land and coal mining legacy matters.

5.2 PRINCIPLE OF DEVELOPMENT

The site in question falls within an area of land allocated for Allotments within the Local Plan for Gateshead.

5.3 Objections received raised concerns about the loss of this land to residential development. However, as highlighted within the planning history section of this report, the land was granted planning permission to change from allotments to a private garden and is not in current use as an allotment. It is also noted that the most recent use of the site was given as garden land within the application form.

5.4 Therefore, the proposed development of the land would not result in the loss of existing allotment land and would form a windfall housing site.

5.5 In order to promote the development of a good mix of sites, the National Planning Policy Framework (NPPF) advises that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 5.6 The application site is within a sustainable location in the settlement of High Spenn, being situated in an existing residential area with nearby public transport links, as well as access to local shops and services.
- 5.7 Furthermore, the latest results of the Housing Delivery Test (HDT) show that 93% of homes of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. The proposal would have the potential to increase delivery which would be a positive factor.
- 5.8 Local Plan policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. The proposal will also help to meet the above target.
- 5.9 Policy CS11(4) requires adequate space inside and outside the home to meet the needs of residents, whilst policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).
- 5.10 The plot size would provide adequate amenity space for future occupiers. As detailed within the submitted plans, the dwelling would achieve Nationally Described Space Standards.
- 5.11 The development of this windfall site to provide a new three-bedroom dwelling would support the delivery Gateshead's Local Housing Need and would accord with aims and objectives of Local Plan policies. The principle of the development is therefore considered to be acceptable, subject to all other material considerations being satisfied.
- 5.12 VISUAL AMENITY
Core Strategy Policy CS15 (Place Making) states that development will contribute to good place-making through the delivery of high quality and sustainable design, with development required to respond positively to local distinctiveness and character.
- 5.13 Local Plan Policy MSGP24 (Design Quality) makes clear that the design quality of proposals will be assessed with regard to the following criteria:
a) The proposal's compatibility with local character including relationship to existing townscape and frontages, scale, height, massing, proportions and form;
b) Layout and access;
c) Space between buildings and relationship to the public realm;
d) Detailing and materials, and;
e) The use of a high-quality landscaping scheme, structural landscaping and boundary treatment to enhance the setting of any development
- 5.14 Dwellinghouses within the immediate proximity of the site are predominantly two-storey, laid out in a mixture of terrace rows and semi-detached plots. This includes Ethel Terrace to the west of the site, and Sycamore Close directly to the east. The larger, two-storey Dovecote

Residential Care Home is situated to the south of the site, separated by a road and footpath.

- 5.15 The application site is not with a Conservation Area.
- 5.16 Concern was expressed in objections that the development would represent overdevelopment and would be out of character with the area. It is noted that planning permission was granted for the five dwellings forming Sycamore Close in 2018. The land in question was previously grassed open space which included a number of timber garages. As such, it is considered that the principle of additional backland development directly to the west of Sycamore Close would be compatible with local character.
- 5.17 Amended plans were submitted to re-orientate the proposed dwelling within the site, so that its front elevation faced south. As a result, visually it would form a continuation of the building line of the row of dwellings which form Sycamore Close.
- 5.18 The amended plans also made changes to the design and massing of the proposed dwelling, which included a reduction in its overall height from 8.4 metres to 7.8 metres to its ridgeline. By way of comparison, the adjacent property of 1 Sycamore Close, directly to the east of the site, has a maximum height of 9.4 metres. As a result, the new dwelling would appear subordinate in scale to the neighbouring property.
- 5.19 The external facing materials of the proposed dwelling would match those of the properties along Sycamore Close. The architectural style of the new dwelling, including the use of a front gable, has also been designed to reflect the appearance of the dwellings along Sycamore Close. The new 1.8 metre high timber boundary treatment proposed, would also match the boundary treatment used for Sycamore Close.
- 5.20 Concern was raised in an objection about the loss of trees. However, following the submission of amended plans, the existing trees within the site would be retained. Notwithstanding this, the trees are not formally protected, while Officers consider them to be of low quality. As such, they should not be assessed as a development constraint in this instance.
- 5.21 Taking into account the scale, massing, materials and appearance of the proposed dwelling, as well as its relationship with the layout of the adjacent dwellings, it is considered that the proposal would be acceptable in respect of design and visual impact, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.22 RESIDENTIAL AMENITY

Policy MSGP 17 (Residential amenity) of the Local Plan for Gateshead makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:

1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
2. safeguards the enjoyment of light, outlook and privacy; and
3. ensures a high quality of design and amenity

- 5.23 Objections received against the proposed development raised concerns that it would appear overbearing and would result in a loss of natural light and privacy.
- 5.24 The separation distance between the side (west) elevation of the proposed dwelling and the rear elevation of 1 Ethel Terrace would be approximately 19.5 metres. Following the submission of the amended plans, there would be no windows along this side elevation.
- 5.25 No. 1 Ethel Terrace would retain a garden to its front elevation and a yard to its rear for private amenity space for occupiers.
- 5.26 The new dwelling would be built alongside the side gable elevation of 1 Sycamore Close. It would not project beyond the front or rear building lines of No.1 Sycamore Close. No.1 has three windows along their side elevation. They serve a garage, landing and bathroom. As a result, the new dwelling would not impact on the outlook of any habitable room window.
- 5.27 From its front elevation. the dwelling would have a separation distance of approximately 18.6 metres from the side elevation of Dovecote Residential Care Home. This separation distance would be marginally more than the separation distance between the front elevation of the adjacent property of 1 Sycamore Close and the side elevation of the Care Home, so would reflect the established layout in this location.
- 5.28 Furthermore, it is also noted that separation distances of 19.8 metres were approved between the rear elevations of the row of properties forming Sycamore Close and the properties to the rear of that site along Spen Burn, though the grant of planning permission in 2018. The separation distance between the front elevations properties along Ethel Terrace and Hookergate Lane to the west of the application site is also under 21 metres.
- 5.29 Local Plan policy MSGP 17 does not require a minimum separation distance to be retained between dwellings. Therefore, having regard to the established character of the area, and previously approved separation distances between residential properties, it is considered that

the proposed dwelling would not have an unacceptable impact on the residential amenity of the nearest neighbouring properties through a loss of outlook, overshadowing or a loss of privacy.

- 5.30 Given the above, it is considered that the development would be acceptable in terms of impact upon residential amenity, in accordance with the aims and objectives of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.31 **HIGHWAY CAPACITY AND ROAD SAFETY**
Paragraph 110 of the NPPF makes clear that, when considering development proposals, it should be ensured that safe and suitable access to a site can be achieved for all users. Paragraph 111 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.
- 5.32 Policy CS13 of the Local Plan for Gateshead seeks to ensure that any new development minimises car trips, promotes and enhances public transport, connects safely to and mitigates the effects of development on the existing transport networks; and provides safe, secure and direct pedestrian links.
- 5.33 Furthermore, Policy MSGP 15 states that new development will be required to secure safe access to the site for all people and provide adequate servicing facilities; and not have an unacceptable impact on the safe operation of the transport network.
- 5.34 In curtilage parking would be provided for up to two cars on a private driveway, in accordance with the requirements of Local Plan policy MSGP15.
- 5.35 Amended plans were submitted to re-position the driveway to the (west) side elevation of the dwelling, utilising the existing vehicular access onto the rear lane behind Ethel Terrace. This would provide a similar layout to existing parking arrangements for a number of properties along Ethel Terrace.
- 5.36 In the interests of securing safe access to the site, conditions are proposed requiring final details of the vehicular access and parking layout to be submitted to the Local Planning Authority for approval.
- 5.37 Furthermore, alterations to the access within the adopted highway will require the applicant to enter into a separate agreement with the council (as Local Highway Authority) to undertake the works. An informative is proposed to highlight this requirement to the applicant.

- 5.38 The development would provide a dedicated bin storage area within the curtilage of the new dwelling, with easy access to place the bins on the public highway for collection.
- 5.39 As detailed on the proposed site plan, cycle storage would also be provided within the curtilage of the dwelling. A condition is recommended to secure final details of this storage prior to the first occupation/ use of the dwellinghouse.
- 5.40 Concern was raised in objections about the impact of the construction period on local residents. However, it is acknowledged that any new development would include a period of construction, which would be temporary. Given the relatively small scale of development, and the separate controls on construction (through the Control of Pollution Act), it is not considered that this would amount to a reason to refuse permission for the application.
- 5.41 Subject to the recommended conditions, it is considered that the proposal would not have an unacceptable impact on highway capacity or highway safety and would deliver an acceptable level of parking provision for the residential use sought, having regard to the sustainable location of the site. The proposal would therefore comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.42 **ECOLOGY**
Gateshead Local Plan Policy MSGP37 (Biodiversity and geodiversity) makes clear that, where appropriate, development proposals must demonstrate how they will:
a) avoid/minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy; and
b) provide net gains in biodiversity
- 5.43 The application site does not fall within any designated nature conservation sites or a designated Wildlife Corridor and no direct significant adverse impact on any such feature is predicted. However, the proposed development is located on a former allotment site, and habitats within and immediately adjacent to the proposed development site have the potential to support a limited range of statutorily protected, priority and notable species.
- 5.44 The site is small (approximately 200 square metres) and appears to support several semi-mature trees and an area of scrub and grassland, with an area of hardstanding currently used for vehicle parking and an old shipping container. No other built structures are present within the site.
- 5.45 The application is supported by a Preliminary Ecological Appraisal (PEA) (A1 Ecology Ltd, 2024) which states that the site is dominated by a small area of open mosaic habitat on previously developed land and species poor neutral grassland. As highlighted above, existing cypress trees are

present on site however, and these have potential to provide suitable habitat for nesting birds. The trees are shown to be retained on the submitted plans. Notwithstanding this, an informative is proposed to draw the applicant's attention to the legal protection afforded to breeding and nesting birds, should any work be required to them.

- 5.46 Habitats immediately surrounding the application site include urban areas with residential housing and roads. However, Approximately 250 metres to the south, east and west are open fields and agricultural land, and beyond this woodland approximately 300 metres to the east and west, which have the potential to support a range of statutorily protected, priority and notable species (including but not limited to roosting bats, great crested newt, nesting birds) and to provide ecological connectivity for species such as foraging and commuting bats.
- 5.47 In order to provide enhanced potential roosting opportunities for bats and nesting birds, and to maintain the favourable conservation status of the local bat and bird population(s) at or above current levels, a condition is recommended by Officers requiring the submission and approval of the bat roosting and bird nesting features to be incorporated into the development.
- 5.48 Subject to imposition of the above condition and informative, it is considered that the proposed development can be achieved within acceptable ecological limits and would accord with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.
- 5.49 **CONTAMINATED LAND**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on potentially contaminated land based on previous historic use. The site has remained undeveloped being used as agricultural land and open space/garden areas.
- 5.50 Consequently, overall the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be low. Officers are satisfied that significant contamination of soils and made ground beneath the land is not anticipated and can be dealt with through normal site risk management and welfare procedures.
- 5.51 The site is not within a Coal Authority defined 'Development High Risk Area'. However, the property is situated in an area containing coal measures which are a potential source of methane and carbon dioxide. To address this, a condition is recommended by Officers requiring gas monitoring to be undertaken, and a Land Gas Risk Assessment submitted for approval to the Local Planning Authority. Any required protection measures would be informed by the results of the gas monitoring, the details of which would be approved through a further planning condition.

5.52 Subject to the recommended conditions (and their satisfactory discharge), it is considered by Officers that the development would be in accordance with the NPPF and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

5.53 OTHER MATTERS

While concerns have been raised in objections in relation to land ownership, the applicant has completed Certificate B on the application form and has served notice on relevant landowners. The matter of land ownership in itself, is not a material planning consideration in the determination of the acceptability of the development. Similarly, concerns expressed in an objection that there remains a covenant on the land to prevent building would be a private legal matter for the applicant to address and would not be a material planning consideration.

6.0 CONCLUSION

Taking all relevant material considerations into account it is recommended by Officers that planning permission is granted, subject to the conditions set out below:

7.0 Recommendation

7.1 That permission be granted subject to the following condition(s) and that the Strategic Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

-Site Location Plan

-Drawing Number C542.02 Revision D Proposed Site Plan

-Drawing Number C542.03 Revision A Proposed Floor Plans and Elevations

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The external facing materials of the development shall be completed in accordance with the approved plans and documents as detailed below-

-Application Form

--Drawing Number C542.03 Revision A Proposed Floor Plans and Elevations

-Design and Access Statement 'Land – Ethel Terrace, High Spen'

Reason

To safeguard the visual amenity of the area in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

Notwithstanding the submitted information, the development hereby approved shall not progress above ground floor level until full details including the specification and precise location (as identified on a plan and elevation drawing of the property) of the proposed integrated bat roost features (minimum 1no) and bird nesting features (minimum 1no) have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to provide enhanced potential roosting opportunities for bats and nesting birds, and to maintain the favourable conservation status of the local bat and bird population(s) at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

5

The bat roost and bird nesting features approved under condition 4 shall be implemented in full accordance with the approved details and retained and maintained as such for the lifetime of the development.

Reason

In order to provide enhanced potential roosting opportunities for bats and nesting birds, and to maintain the favourable conservation status of the local bat and bird population(s) at or

above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

6

Notwithstanding the details of the submitted application, prior to the first occupation/ use of the dwellinghouse hereby approved final details of the cycle storage/ parking arrangements shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of delivering sustainable development and in order to accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

7

The cycle storage/ parking arrangements approved under condition 6 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the dwellinghouse and shall be retained thereafter for the life of the development.

Reason

In the interests of delivering sustainable development and in order to accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

8

Notwithstanding the submitted plans, prior to first use/ occupation of the dwellinghouse hereby approved, final details of the vehicular parking and access layout for the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to secure safe access to the site in the interests of highway safety in accordance with the requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

9

The vehicular parking and access layout approved under condition 8 shall be implemented in full accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.

Reason

In order to secure safe access to the site in the interests of highway safety in accordance with the requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

Prior to the commencement of development, gas monitoring of the site shall be carried out to provide monitoring data sufficient to allow prediction of worse case conditions and so enable the full assessment of risk and characterisation of pollutant linkages and subsequent design of appropriate gas protection schemes. The findings of the gas monitoring and a Land Gas Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.

Reason For Pre Commencement Condition

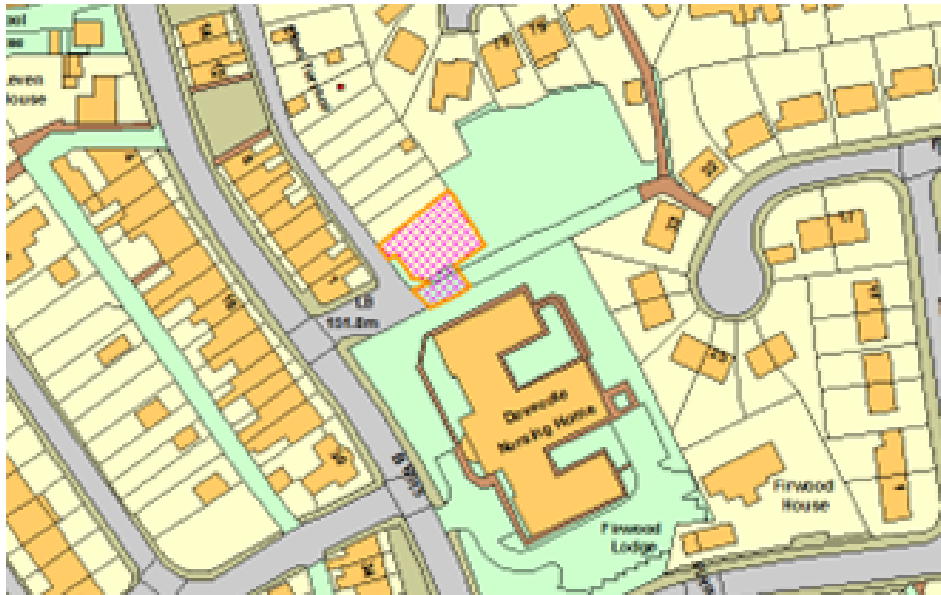
This pre commencement condition is required as it may not be possible to carry out the gas monitoring after development has commenced and the result of the monitoring works will influence the subsequent design of appropriate gas protection measures for the development.

11

If deemed necessary by the results of the gas monitoring required under condition 10, the construction of the proposed development shall take account of the results of site investigations for gas emissions from underground. The detailed design and method of construction shall incorporate the gas protection measures required, the details of which shall first be submitted to and be approved in writing by the Local Planning Authority. All approved gas protection measures shall be fully implemented in accordance with the approved details before the development is first occupied or brought into use and retained as such for the lifetime of the development.

Reason

In order to ensure that risks from land contamination are minimised in accordance with the National Planning Policy Framework and policies MSGP20 and Policy CS14 of the Local Plan for Gateshead.



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