

Committee Report

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| Application No: | DC/16/01182/FUL |
| Case Officer | Joanne Munton |
| Date Application Valid | 21 November 2016 |
| Applicant | ISM Properties Ltd |
| Site: | Land At Ellison Terrace Greenside Ryton NE40 4BL |
| Ward: | Crawcrook And Greenside |
| Proposal: | Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017). |
| Recommendation: | GRANT |
| Application Type | Full Application |

1.0 The Application:

1.1 This application was deferred at the meeting of the Planning and Development Committee on 29 March 2017 to allow the Committee to visit the site. Members visited the site on 13 April 2017.

1.2 DESCRIPTION OF THE SITE

The site is located between allotment gardens and Rockwood Hill Road to the north, and between Ivy House and the western end of Ellison Terrace. It directly faces two pairs of 1930s semi-detached houses on the northern side of Rockwood Hill Road in Greenside. These are constructed of red brick and have slate roofs, and sit at a higher level to the application site. Ellison Terrace is also built of red brick and stone. Ivy House is an older property, of stone and slate, and stone boundary walls form a distinctive feature of both the application site and the adjoining area.

1.3 The site is wider at the eastern end, stepping in further west to accommodate a garage to the south, which is not part of the application site. The site had previously contained a stone building/barn, which has now been cleared. There is an existing garage building on site.

1.4 Access is currently via a gate (wide enough for vehicles) at the western end of the site on Rockwood Hill Road, where there is a dropped kerb.

1.5 DESCRIPTION OF THE APPLICATION

The submitted site layout indicates the removal of existing buildings on the site and the construction of three dwellings in terrace form, 2.5 storeys high with rooms in the roof. Plans show dormers to the rear and rooflights to the front to allow more useable space in the roof void.

- 1.6 Each dwelling would have three bedrooms, a separate study, kitchen and dining/family room, and a separate living room. Additionally, there would be garden areas to the rear (south) of the site and an area to the south east of the site for cycle and bin storage. Plans show the scheme to provide one parking space per dwelling and parking provision would be at the western end of the site, and the vehicle access is proposed to be relocated further east.
- 1.7 The dwellings are proposed to be constructed of red brick (Furness 'Weathered Red'), natural slate and with stone cills and heads on principal (north) elevation and both gables.
- 1.8 **RELEVANT PLANNING HISTORY**

DC/14/00186/OUT - Erection of detached dwellinghouse with associated garage (outline with all matters reserved apart from access) (additional info received 28/04/14) - Granted 11.08.2014

DC/10/01193/OUT- Extension of time for implementation of planning permission DC/06/01788/OUT for the erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.2011

DC/06/01788/OUT - Erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.08

2.0 Consultation Responses:

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| Coal Authority | Condition recommended |
| Northumbrian Water | Advice provided |

3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

Objections were received from Councillor Graham and Councillor Haran and the Councillors also requested that the application be reported to Planning Committee:

- The proposal is too large for the site;
- Impact on traffic movement due to existing on street parking.

Four objections were received from residents:

- Loss of privacy;
- Impact on parking;
- Overdevelopment of the site;
- Insufficient parking provision;

- Impact on off-street parking provision;
- Proposed materials inappropriate;
- Impact on bats and/or barn owls;
- Inappropriate height of proposed dwellings;
- Retained access to boundary fence at Ivy House.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, ground conditions, open space/play and any other matters.
- 5.2 **PRINCIPLE**
Paragraph 14 of the NPPF states that:
- 'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:
- approving development proposals that accord with the development plan without delay, and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
 - specific policies in this Framework indicate development should be restricted.'
- 5.3 Policy CS10 of the 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 site would be considered as a housing windfall site under policy H4 of the UDP. This area is not isolated and it is considered that the location of the proposal is sustainable. It therefore complies with policy H4.
- 5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area is suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes three dwellings each with three bedrooms so this requirement is satisfied.
- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. However, currently the Council cannot insist that these standards are met. More specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.

- 5.7 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 **VISUAL AMENITY**
The site is widely visible from the public domain and is within an area of important character as identified by the Gateshead Placemaking SPD. It is considered the proposed design approach is appropriate in the context of the street scene, as the dwellings would reflect the existing terrace further east. The proposed materials are considered to be of appropriate quality and would respect the character of the area.
- 5.9 It is recognised that Ivy House to the west is, and the building/barn previously on site was, constructed of stone. However, it is considered that the proposed form of the scheme would be read as a continuation of the brick built terrace further east along Rockwood Hill Road. Therefore, it is considered that, the proposed materials would be appropriate and would respond positively to the local distinctiveness and character.
- 5.10 Additionally it is considered that the stone cills and heads, and windows in the gable ends would bring architectural interest to the scheme that would also make a positive contribution to the established character and identity of the locality.
- 5.11 In terms of layout, it is considered that the proposed shared space for cycle and bin storage would maximise the garden areas to the rear and would be an appropriate way to make use of the space available. It is considered that whilst the site is limited, the proposal would provide sufficient space for the dwellings, gardens and parking. Therefore it is considered that the proposal would not constitute overdevelopment of the site.
- 5.12 It is considered that the height of the proposed new dwellings is appropriate. The proposed dwellings would be 10.1m high, whereas dwellings on Ellison Terrace (19.9m away to the east) are shown on plans to be 8.8m high at the westernmost point/highest ground level and Ivy House (13.4m to the west) is 8.1m high. Whilst it is recognised that the proposed dwellings would be higher than the nearest built form to the east and west, it is considered that the distances away from the existing buildings and the sloping site would lessen the appearance of the difference.
- 5.13 Furthermore, it is recommended that conditions be attached to the permission requiring final details of the northern boundary treatment to be submitted to the Local Planning Authority for consideration.
- 5.14 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.
- 5.15 **RESIDENTIAL AMENITY**

Residential neighbours to the site are 13 Ellison Terrace to the east (which would be 19m away from the proposed dwellings), Ivy House to the west (at least 11.4m from the proposed dwellings) and semi detached properties Ryedale, Thurcroft, Oak Dale and Hollycroft on the opposite (north) side of Rockwood Hill Road. Of these, Oak Dale and Hollycroft would be opposite the proposed parking area, and Ryedale and Thurcroft would be opposite proposed dwellings 1 and 2. Dwelling 2 would be at least 13.6m away from Ryedale, and dwelling 1 would be 12.1m away from the ground floor and 14m away from the first floor of Thurcroft.

- 5.16 The ground floor windows on the principal elevations of the proposed dwellings would serve studies, which are not considered to be habitable rooms. The two first floor windows on the principal elevations would serve the living room. Given the distance and the road between the dwellings, it is considered that the proposal would not result in an unacceptable loss of privacy or light at residential properties on the opposite side of Rockwood Hill Road.
- 5.17 The windows in the gable elevations would serve a WC on the ground floor and stairwells on the first and second floors. Plans show the WC window to be obscurely glazed and it is recommended that a condition be imposed requiring this to be an acceptable level of obscurity. The stairwell windows are shown on plans to be non-opening. Given the above, and as these windows would not serve habitable rooms, it is considered that they would not result in an unacceptable loss of privacy.
- 5.18 Furthermore, given the distance between the gable elevations of proposed dwelling 1 and 13 Ellison Terrace, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours at this property.
- 5.19 It is recommended that a condition be imposed restricting construction hours to ensure that the development would not cause an unacceptable level of disturbance.
- 5.20 It is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.21 **HIGHWAY SAFETY AND PARKING**
The proposal plans show three parking spaces provided at the western end of the site. The provision of one space per dwelling and visitor parking to be on-street is considered to be adequate. It is also considered that the design and location of the parking bays are appropriate.
- 5.22 Additionally, plans show that the existing boundary wall on the front would be reduced to no more than 1m high, which would provide sufficient visibility within the control of the application site.

- 5.23 It is considered that the proposal would not have an unacceptable impact on highway safety. It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.24 **ECOLOGY**
It is understood that there is bat activity in this area and that the site supports several breeding house sparrows (which are a priority species). Proposal plans show the incorporation of potential bat roost features and nesting provision for house sparrow, which are considered to be appropriate.
- 5.25 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.26 **GROUND CONDITIONS**
The land has been assessed as being potentially contaminated. An adequate Preliminary Risk Assessment has not been provided with the application. In this instance, as potentially contaminated made ground may be on site it is recommended that conditions be imposed requiring site investigations and Phase 2 Risk Assessment be undertaken and remediation implemented where required.
- 5.27 Additionally, the application site falls within the Coal Authority defined development high risk area. A Coal Mining Risk Assessment has been submitted and the Coal Authority agree with the recommendations of the report. Therefore, it is recommended that conditions be imposed requiring site investigations to be undertaken and the submission of a report of those investigations (including the results of any gas monitoring) to the LPA for consideration and the implementation of remediation measures where required.
- 5.28 Therefore, it is considered that the proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.29 **OPEN SPACE/PLAY**
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.30 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.31 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
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 retail or 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.

5.32 OTHER MATTERS

Plans show the retention of the boundary treatment with Ivy House. In any event, ownership and/or access to boundary treatment is not a planning matter.

5.33 Additionally, the current situation regarding potential inconsiderate parking by existing residents is not a matter that can be addressed in considering this planning application.

5.34 It is considered that all other matters are addressed in the main body of the report.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, ground conditions, and open space/play, and would comply with the aims and objectives of the NPPF, the Gateshead Placemaking SPD and the relevant policies of the UDP and the CSUCP.

6.2 It is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s):

1

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

15034OS

15034 P-10 B

15034 P-11

15034 P-12 C

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 development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 15034 P-12 C, except for bricks, which shall be Furness Weathered Red, and roof tiles, which shall be natural slate, unless otherwise approved in writing by the Local Planning Authority.

Additionally, reveals to openings shall be a minimum of 100mm deep, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing at dwellings 1 and 3 shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

The development hereby approved shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

Where required, the remediation and monitoring measures approved under Condition 5 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The amended remediation and monitoring measures approved under condition 7 shall be implemented in accordance with the approved

details prior to any further works (other than those required for remediation) and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

The remediation and monitoring measures approved under condition 9 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

11

Where remediation is required (under conditions 5-10), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14

of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

12

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

13

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

14

The details approved under Condition 13 shall be implemented before the new dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

15

The bat roost features and nesting provision for house sparrow shown on plan no 15034 P-12 C shall be implemented before the dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with NPPF and policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

16

No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment; which shall be no more than 1m high above ground level, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The details approved under Condition 16 shall be implemented before the new dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



