

Committee Report

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| Application No: | DC/19/00002/FUL |
| Case Officer | Joanne Munton |
| Date Application Valid | 20 December 2018 |
| Applicant | Broadleaf Construction Developments Ltd |
| Site: | Fistral Smailes Lane Rowlands Gill NE39 2LS |
| Ward: | Chopwell And Rowlands Gill |
| Proposal: | Erection of two split level, three bedroom semi-detached houses (additional information received 16/02/19). |
| Recommendation: | REFUSE |
| Application Type | Full Application |

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site lies to the south of Smailes Lane in Highfield, Rowlands Gill and comprises of the garden area to the side of an existing bungalow. There is a significant drop in land levels by approximately 11m between the northern boundary of the application site at Smailes Lane and the southern boundary. To the east of the site is an area of scrubland and to the south is an undeveloped housing plot.

1.2 Surrounding properties are a mix of various house types although all residential properties on the south of Smailes Lane at this location are bungalows.

1.3 DESCRIPTION OF APPLICATION

This application is a resubmission of the scheme DC/17/00623/FUL, which was refused on highway safety grounds. This revised application also seeks planning permission for the erection of a pair of semi-detached dwellings. The dwellings would be three bedroom family homes and would be split over three floors. In terms of the external materials, the dwellings would be finished in red brick and the roof would be tiled with concrete roof tiles.

1.4 The vehicular and pedestrian access into the site would be gained from Smailes Lane between the junctions with Cowell Grove and The Green opposite, and there would be a large front courtyard with four parking spaces.

1.5 The changes in the proposal and immediate area in this revised application are:

- The speed restriction at this part of Smailes Lane has been reduced from 30mph to 20mph;

- The access point for the proposed development would be located further east than the previously refused scheme, so it would be more central on the northern boundary;
- The layout of landscaping and parking at the front of the site have been amended to provide more landscaping to the front of the dwellings and parking areas to the east and west;
- The proposed doors on the side elevations on the previous scheme have been replaced with proposed high level windows.

1.6 RELEVANT PLANNING HISTORY

DC/17/00623/FUL - Erection of two split level x three bedroom, semi-detached dwellings with gables, balconies and dormer windows on south elevations (as amended 30.01.2018) - Refused 14.02.2018

DC/10/01099/FUL - Erection of split level two-storey dwellinghouse (use class C3) with associated parking and landscaping in garden area at side of existing dwellinghouse (resubmission) (amended 17/11/10, 31/12/10 and 09/02/12). - Granted - 30.03.2012. This permission has now lapsed.

DC/09/01786/FUL - Erection of split level two-storey dwellinghouse (use class C3) with associated parking and landscaping in garden area at side of existing dwellinghouse. - Withdrawn - 09.04.2010

1471/89 - Erection of a detached bungalow (use class C3) (amended plan dated 9/1/90) - Granted - 05.02.1990

2.0 Consultation Responses:

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| Tyne And Wear Archaeology Officer | No objection |
| Northumbrian Water | Information provided |

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.

3.2 Councillor Dave Bradford has objected to the application in relation to road safety.

3.3 Additionally, five objections have been received from residents, raising the following concerns:

- Despite the reduction in speed limit and installation of traffic calming measures, traffic exceeds 20mph, there is a busy shop opposite, cars park on the road and the limited visibility would lead to unsafe access and egress to and from the site;

- Overdevelopment of the site;
- Removal of hedgerow would reduce bird habitat;
- The site is made up ground and the surrounding land is mainly sand, and the proposal would damage surrounding properties;
- Neighbours not informed of application.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are: the principle of residential development on the site, highway safety, residential amenity, visual amenity, and ground conditions.

5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT
Paragraph 11 of the NPPF states that:

'Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁴; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

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. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.

5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a range and choice of housing is provided. The proposal is for two dwelling with three bedrooms each, so this policy requirement would be 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." It is considered that the proposal would provide appropriate space internally and externally.

5.7 It is considered that the proposal would comply with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.

5.8 HIGHWAY SAFETY AND PARKING

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.'

5.9 Objections from residents and Councillor Bradford raise the issue of highway safety and objectors have commented that there is a busy shop opposite the site, cars park on the road and the limited visibility would lead to unsafe access and egress to and from the site. Officers have reviewed access arrangements following the introduction of traffic calming measures and associated reduction in speed limit, which has seen a reduction in vehicle speeds. However, it is considered that the proposed egress from and access into the development

from Smailes Lane would pose a risk to vehicles travelling past in both directions and that the access is situated on an unsafe bend on a busy road and therefore would be a hazard.

- 5.10 Officers consider that the proposed location of the access on the bend in the road presents visibility issues. As such, actual traffic speeds were needed to determine the required visibility splay from the new access and the required stopping distance for vehicles travelling along Smailes Lane.
- 5.11 The applicant has submitted a speed survey (the measured 85th percentile speeds recorded as 20.4mph and 23.6mph for vehicles traveling eastbound and westbound respectively) and a visibility splay marked on a plan based on their interpretation of the data. However, officers consider that the proposed splay falls short of the requirement based on the submitted survey data. Additionally, achieving the visibility splay to the left is dependent on the relocation of an electric pole, the removal and rebuilding of a boundary wall at a neighbouring property not within the application site and the retention/maintenance of that arrangement, which would be outside of the control of planning. To the right, the splay relies on the maintenance of vegetation that is not within the adopted highway or the application site, which again would be outside of the control of planning.
- 5.12 Land within the visibility envelope is outside of the applicant's ownership/control and it is considered that conditions requiring implementation of works to create the necessary visibility splay, and to maintain it for the lifetime of the development, would not be reasonable or enforceable. Therefore, officers are not satisfied that the required visibility splay could be reasonably safeguarded to be free from any obstructions in perpetuity.
- 5.13 As such, it is considered that the proposal would give rise to an unacceptable impact on highway safety and would not comply with the aims and requirements of policy CS13 of the CSUCP or the NPPF.
- 5.14 **RESIDENTIAL AMENITY**
Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.15 The application site is approximately 5.5m higher than the land level of the adjacent plot to the south - 1 Red Kite Way. Planning permission was granted for the erection of a dwelling at 1 Red Kite Way in September 2010. Whilst the construction of the dwelling has not been commenced, the permission was implemented through discharging conditions, conducting groundworks and laying foundations therefore the 2010 approval is extant.
- 5.16 It is considered that the proposed houses would not have an unacceptable impact on the future occupants of 1 Red Kite Way. 1 Red Kite Way has been designed with a fully glazed wall looking south, and on the northern elevation, which faces the application site, there would be 2 clear glazed windows serving bedrooms. These windows would be small, only 70cm in width and would not

directly face onto the rear elevations of the proposed development, therefore it is considered that any overlooking from the proposed houses would not have a material impact on the living conditions of the future occupiers of 1 Red Kite Way. Further, there would be a separation distance of over 30m between the rear elevation of the proposed houses and 1 Red Kite Way preventing both the perception of, and actual level of overlooking.

- 5.17 Officers do not consider that the proposed houses would cause harm to the living conditions of the occupiers of 2 Red Kite Way which is complete and occupied, as there would be a 35m separation distance and the development would be at an oblique angle.
- 5.18 The application site is within the garden of 'Fistral'. The side wall of the proposed development would be located approximately 14m from this bungalow. The proposed properties are likely to have a slight overshadowing effect on the side elevation of 'Fistral' however as there are no primary windows in this elevation the development would not have a material impact on the occupiers of the bungalow. With regard to overlooking, the rear elevation of the proposed dwellings would be set back by over 5m from 'Fistral'. It is considered this staggered building line would ensure the current occupiers of 'Fistral' would not suffer undue loss of privacy on account of the development, particularly, the level of privacy the occupiers currently enjoy in the rear garden.
- 5.19 Overall, it is officers' opinion that the proposed development would be acceptable in terms of its impact on residential amenity as the proposal would not cause an unacceptable loss of privacy nor would it create an unacceptable overshadowing or overbearing impact on the neighbouring properties.
- 5.20 Turning to the living conditions of the future occupiers of the proposed dwellings, the internal floor area of the properties would be 112sqm. The internal living space the dwellings would provide would be adequate for a family home with 3 bedrooms. It is also considered that the level of outdoor amenity space would ensure the living conditions for the future occupants is acceptable.
- 5.21 In light of the above it is considered the proposed scheme would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.22 VISUAL AMENITY
It is considered that the proposed dwellings would integrate well within the established street scene. The scale and massing of the properties would be comparable to the surrounding properties when seen from Smailes Lane on the northern boundary of the site. The proposal would respect the established character of the area and positively respond to the site's topography.
- 5.23 As the site can accommodate the new dwellings whilst providing a sufficient internal floor area and an acceptable amount of outdoor amenity space, it is considered that the proposal would not appear out of character or overdevelopment.

- 5.24 In terms of external materials, the dwellings would be finished in red brick and hanging tiles and it is proposed that the roof be tiled with concrete large format flat tiles. If the application was recommended to be granted, conditions could be imposed requiring final details of external materials to be submitted to the LPA for consideration, and implementation of the approved scheme, to ensure the materials are appropriate for the area to ensure the development integrates within the street scene.
- 5.25 The proposal would result in the loss of hedge along the southern boundary of Smailes Lane, which makes a positive contribution to the area. However, it is considered that the removal of the hedge to facilitate the access and to create an adequate visibility for drivers would not cause significant harm to the character or appearance of the area. If the application was to be granted, conditions should be imposed requiring final details of replacement boundary treatment to be submitted to the LPA for consideration, and implementation of the approved scheme, to ensure that the replacement is appropriate and helps mitigate the loss of the existing hedge.
- 5.26 It is officers' opinion that the proposed development would respond positively to the site and would integrate well within the existing street scene. It is therefore considered that the proposal complies with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.27 **GROUND CONDITIONS**
The application site has not previously been developed and as such, the risk of contamination in made ground affecting the development is considered to be low. However, given the proposed sensitive end use and the ground works that would be required, if the application was recommended to be granted, conditions could be imposed requiring, in the event of undesirable material discovered during ground works, a risk assessment with relevant remediation to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.28 The proposal would comply with the aims and requirements of saved policies DC1 and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.29 **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.
- 5.30 **OTHER MATTERS**
As part of the formal planning application, residents were notified through the neighbour notification process and a site notice was posted on the junction of Smailes Lane and Cowell Grove. The Council has therefore satisfied its statutory duty to advertise the planning application.

- 5.31 An objection also states that the work associated with the development would cause damage to the surrounding properties. Whilst it is understandable residents will wish to protect their property from damage, this is not a material consideration in the determination of planning applications.

6.0 CONCLUSION

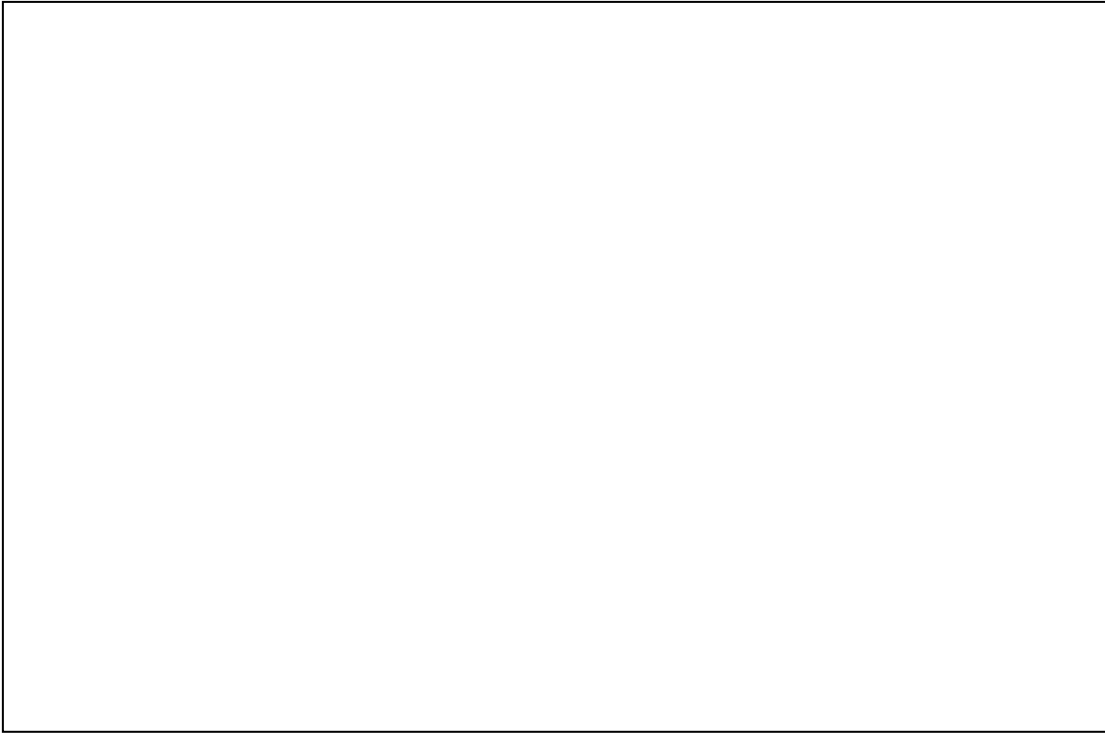
- 6.1 Taking all the material planning considerations into account, including the objections raised, the proposal would be acceptable in principle and in terms of visual amenity, residential amenity, and ground conditions. However, based on actual traffic speed data, officers are not satisfied that the required visibility splay could be reasonably safeguarded to be free from any obstructions in perpetuity. It is considered that the proposal would give rise to an unacceptable impact on highway safety and would not comply with the aims and requirements of policy CS13 of the CSUCP or the NPPF it is recommended that planning permission is refused

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Service Director of Development, Transport and Public Protection be authorised to vary and amend the refusal reason as necessary:

1

The proposal would pose a risk to road users as it would not provide an adequate visibility splay that could be reasonably safeguarded to be free from any obstructions for the lifetime of the development. Therefore, the proposal would have an unacceptable impact on highway safety and would conflict with policy CS13 of the Core Strategy and Urban Core Plan or the National Planning Policy Framework.



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