

Committee Report

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| Application No: | DC/19/00723/FUL |
| Case Officer | Richard Smith |
| Date Application Valid | 1 August 2019 |
| Applicant | Mr Elderbrant |
| Site: | Felstead 17 North Side North Side Birtley DH3 1RD |
| Ward: | Lamesley |
| Proposal: | Demolition of existing bungalow and garage. Construction of new 4 bedroom house, new outbuilding and standalone garage. (Amended 6/11/19 and an additional plan received 06.01.2020) |
| Recommendation: | GRANT |
| Application Type | Full Application |

1.0 The Application:**1.1 BACKGROUND**

This application was deferred at the meeting of the Planning and Development Committee on 18 December 2019 to allow for a Members' Site Visit to take place. The purpose of the Site Visit was to allow Members to better consider the impact of the development on the living conditions of neighbouring occupiers. The site visit took place on Thursday 9 January 2020.

1.2 DESCRIPTION OF SITE

The application site is a large east facing plot which currently houses a detached bungalow with an overall site area of 1119 sqm. The grounds of the site include a large front garden with a number of mature trees and a smaller rear garden. The site has a large number of trees along the boundary to the north, west and south, which serve to screen the site from the neighbouring properties.

1.3 The site takes access from North Side to the east of the site and has a single vehicle driveway which is served by a gated entrance.

1.4 The application site shares a boundary with West View, 16 North Side to the north and Glenview, 19 North Side to the south. Whilst no.32, 34, 36 and 38 Leafield Close are situated to the west. It is noted that the properties at Leafield Close are set down considerably in terms of land levels from the host property.

1.5 DESCRIPTION OF APPLICATION

Planning permission is sought for the demolition of the existing bungalow and garage and the erection of a 4no bedroom two storey dwelling house, single storey outbuilding and detached garage.

1.6 Amended plans were received on 6 November 2019 that have brought a hipped roof design to southern elevation and recessed window at first floor level. An additional plan was received on 06.01.2020, this shows the existing and proposed site layouts with the distances to the nearby neighbouring properties.

1.7 PLANNING HISTORY

Planning Permission was granted in 1989 for the erection of detached double garage in front garden of dwellinghouse (937/89)

2.0 Consultation Responses:

Northumbria Water No objection

Coal Authority Objection withdrawn subject to suitable conditions

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 5no letters of objection were received to the original scheme proposed, following the submission of amended plans a further 4no objections were received raising concern with regards

- Loss of natural light
- Loss of privacy
- Loss of trees
- Out of character within the street scene
- Overbearing
- Noise
- Concerns over the structural stability of the retaining wall
- Noise and dust from the construction
- Disturbance early mornings/late evenings
- Loss of property value

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

ENV44 Wood/Tree/Hedge Protection/Enhancement

H4 Windfall and Small Housing Sites

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

- 5.1 The main planning considerations are the principle of the development, visual and residential amenity, highway safety, coal mining legacy and play and open space.
- 5.2 **PRINCIPLE OF DEVELOPMENT**
The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such the principle of developing this site for housing should be assessed against saved local plan policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. It is considered that the principle of developing this site for housing, which is within an existing residential area, is acceptable subject to all other material planning considerations being satisfied.
- 5.3 The proposed dwelling would be a windfall site as defined within Policy H4 of the UDP. The National Planning Policy Framework (NPPF) 2019 states that to promote the development of a good mix of sites, planning authorities should "support the development of windfall sites through their policies and decisions, giving weight to the benefits of using suitable sites within existing settlements for homes."
- 5.4 There is currently scope for a number of windfall sites within the borough given the number of demolitions and the lack of sites coming forward for development and as a result the principle of developing this site for a residential use is

considered acceptable should all other material planning considerations be satisfied.

- 5.5 Policy CS10 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (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.
- 5.6 Policy CS11(4) 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 proposed development exceeds the 11.5 m² space required for bedrooms, whilst exceeding the required internal floor space requirement. The proposed development also provides a large area of outdoor amenity space.
- 5.7 On this basis, the proposed development of a four bedroomed family house is considered to contribute modestly to housing stock in the Borough. It is considered that the proposal accords with saved policies H4 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 VISUAL AMENITY/DESIGN
The design of the proposed house should have regard to saved UDP policy ENV3 which promotes new development that would have a design, scale and layout proportionate to the local area and make a positive contribution to the established local character/identity whilst safeguarding residential amenity, whilst policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character
- 5.9 Furthermore, Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities and paragraph 130 states that planning 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 and the way it functions.
- 5.10 In this regard, whilst the existing bungalow sits within a block of 5 bungalows along North Side, there is no standard uniformity in terms of size, design and location between the bungalows. Furthermore, a number of two storey properties have been erected directly opposite the application site since the bungalows were constructed, giving the immediate area a variety of dwelling sizes and architectural styles.
- 5.11 Regard is also given to the location of the proposed dwelling which is to be sited on the footprint of the existing bungalow and is located approximately 42 metres from the main road. Furthermore, a number of trees are to be retained along the boundary to the north, south and east.

- 5.12 In terms of the design, as mentioned above, amendments were received (06.11.2019) to the original proposal following concerns raised by Officers. The amended plans have brought a hipped roof design to southern elevation and recessed window at first floor level.
- 5.13 The dwelling house proposes materials similar to those used within the wider street scene and given the current neglected bungalow it is considered the proposed dwelling, outbuilding and detached garage will lead to a more aesthetically pleasing form of development which will contribute to the wider street scene.
- 5.14 Therefore, in terms of design and its visual impact, the proposal is considered acceptable in accordance with saved UDP policy ENV3, CSUCP policy CS15 and the NPPF.
- 5.15 **RESIDENTIAL AMENITY**
Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses. Whilst CSUCP policy CS14 1 (iii) seeks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.16 Paragraph 127 of the NPPF meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.17 In terms of Glenview located to the south of application site, concerns were raised around the overbearing nature of the of the proposed dwelling. Given the proposed dwelling is set off the boundary by 4 metres, plus the changes to the roof sloop it is considered the amended scheme has satisfied the concerns raised in regard to the overbearing nature of the proposed dwelling.
- 5.18 With regards to outlook from the windows which serve the living room and bedroom located on the west elevation of Glenview, given their respective positions along the elevation, and its position in relation to the proposed dwelling, it is considered that an acceptable level of outlook will be retained as a result of the proposed development. Furthermore, regard is given to the existing hedgerow and trees located within Glenview, which are within the neighbours control and will further add to a screening effect.
- 5.19 Given the only windows located into the side elevation of the proposed house that would face Glenview serve a bathroom and will therefore be recommended to be conditioned to be obscurely glazed, it is not considered the proposed development will impact on the privacy of that neighbouring property, nor will it lead an unacceptable level of visual intrusion.

- 5.20 Whilst the proposed outbuilding is situated just 1 metre from the common boundary, given the only window located upon the north elevation of Glenview serves a bathroom, and is itself obscurely glazed, coupled with the existing hedgerow along the southern boundary, it is not considered the outbuilding will impact upon the amenity of the neighbouring property. Furthermore, any noise generated from the outbuilding would be expected to be general domestic noise.
- 5.21 With regards West View, located to the north of the application site, the amended plans included a residential amenity diagram, that has demonstrated that any outlook from the first-floor bedroom window located on the west elevation of the proposed house could only be towards the very western end of the garden area of West View and therefore on balance it is not considered the proposed dwelling will lead to an unacceptable loss of privacy or visual intrusion. Furthermore, the 2no windows located on the proposed northern elevation are recommended to be obscurely glazed (condition 4).
- 5.22 The northern elevation of the proposed dwelling is set off the common boundary with West View by 2 metres and has a separation distance of approximately 9 metres between the gable elevation and the side elevation of West View which serves a habitable room. The separation distance of 9 metres proposed is considered to be appropriate, coupled with the existing arrangement of the properties which includes a retaining wall and a high level of tree coverage it is considered, on balance, that whilst the proposed dwelling may lead to a small loss of outlook, it is not considered to be sufficient enough to warrant a refusal of planning permission.
- 5.23 No.32 Leaffield Close is set significantly lower than the application site with a large retaining wall separating the properties on North Side with those on Leaffield Close. The proposed new dwelling will be located approximately 12.7 metres away from the neighbouring property, the separation distances proposed in this instance is considered to be appropriate, furthermore, given the offset orientation of the two properties, it is not considered there will be no direct overlooking into no.32 Leaffield Close.
- 5.24 Regard is also given to a number of trees which abut the boundary, which will be retained as part of the proposed development, this will be added as a condition (condition 9).
- 5.25 Concerns were raised by the occupier of no.32 Leaffield Close with regards to the structural stability of the retaining wall. The applicant has indicated a structural engineer will be appointed and the appropriate Building Regulations approvals will need to be obtained in respect of the retaining wall between application site and the properties on Leaffield Close.
- 5.26 No.34 Leaffield Close is located in excess of 20 metres from the rear elevation of the proposed dwelling and therefore the separation distances proposed are considered to be appropriate. Given the orientation of the proposed dwelling in relation to no.34 Leaffield Close it is not considered there would be a level of visual intrusion, coupled with the number of trees to be retained as part of the

landscaping of the site it is not considered the proposed dwelling will allow for an unacceptable level of overlooking.

- 5.27 No.36 Leaffield Close is located in excess of 30 metres from the rear elevation of the proposed dwelling and therefore the separation distances proposed are considered to be appropriate. Following a site visit it is not considered the proposed dwelling lead to any significant loss of amenity to the neighbouring property.
- 5.28 No.38 Leaffield Close is located directly to the rear of the proposed dwelling, however there is a separation distance of approximately 26 metres, the separation distances proposed are considered to be appropriate given the existing relationship between the neighbouring property and the bungalow coupled with the boundary treatments and trees located along the boundary, plus the difference in land levels it is not considered the proposed dwelling will lead to an unacceptable level of visual intrusion, to the detriment of residential amenity.
- 5.29 Given the location of the proposed dwelling and its relationship with the neighbouring properties referred to above it is not considered any significant loss of light, sunlight or any significant overshadowing will occur as a result of the proposed dwelling.
- 5.30 Therefore, it is considered the proposed dwellings will comply with the requirements of saved policy DC2, CSUCP policy CS14 1 (iii) and the NPPF.
- 5.31 HIGHWAY SAFETY
Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.32 There are no objections to the proposed development from a highway safety point of view. There is sufficient off-street parking available within the site and given the garage dimensions there is adequate space for cycle storage.
- 5.33 It is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.34 COAL MINING
The Coal Authority initially objected to the proposed development due to a substantive concern, with regards to mitigation measures. This has been overcome following the submission of an updated Coal Risk Mining Assessment conditions are recommended (condition 5) requiring an intrusive site investigation with a Phase II Detailed Risk Assessment, and if required standard conditions for remediation, Monitoring and Verification Reports are recommended.
- 5.35 PLAY AND OPEN SPACE
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the

standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.

5.37 Therefore while it cannot be concluded that the appeal 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 play provision in this case based on the above assessment.

5.38 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 for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

6.1 Taking all other relevant issues into account, it is considered that the proposed development is acceptable; the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.

6.2 Given the above, it is recommended that planning permission be granted subject to planning conditions set out below.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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.

2

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

Location Plan, (1.1250)

DR-A-10 002-S3-PO3, received 06.11.2019

DR-A-10 003-S3-PO1, received 06.11.2019

DR-A-30 002-S3-PO3, received 06.11.2019

DR-A-30 003-S3-PO3, received 06.11.2019

DR-A-30 004-S3-PO3, received 06.11.2019

DR-A-31 003-S3-PO3, received 06.11.2019

DR-A-31 004-S3-PO3, received 06.11.2019
DR-A-31 005-S3-PO3, received 06.11.2019
DR-A-30 005-S3-PO1, received 11.07.2019

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.

3

No development above damp proof course shall commence until samples of all materials, colours and finishes to be used on all external surfaces, have been submitted or made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC1 and ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The 2no windows on the north elevation, as shown on approved plan DR-A-31 003-S3-PO3, received 06.11.2019 and the window on the south elevation, as shown on approved plan DR-A-31 004-S3-PO3, received 06.11.2019, shall be glazed with obscure glass at Pilkington level three or greater (or equivalent). The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

5

Prior to commencement of the development hereby permitted (except for the erection of the site security hoardings, demolition of the existing buildings) additional Phase II intrusive site investigation works shall be undertaken, in order to ascertain the ground conditions and to establish

the presence or otherwise of shallow mine workings and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1p of the Unitary Development Plan and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6

Prior to the commencement of the development hereby permitted, details of remediation measures to remove risks associated with coal mining legacy in the development area shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The remediation measures approved under condition 6 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for condition

To ensure the ground stability of the development and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1 of the Unitary Development Plan.

Reason for Pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

8

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority.

Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be 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 Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

9

All trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 shall be retained for the life of the development, unless submitted to and approved in writing by the Local Planning Authority

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity and visual amenity, in accordance with National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and saved policies DC2 and ENV3 of the Unitary Development Plan.

10

No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

To ensure there can be no damage to the retained trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 during the construction of the development hereby permitted.

11

The protective fencing approved under condition 9 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies DC1 and ENV44 of the Unitary Development Plan and CSUCP policy CS18.

Reason for prior to commencement condition

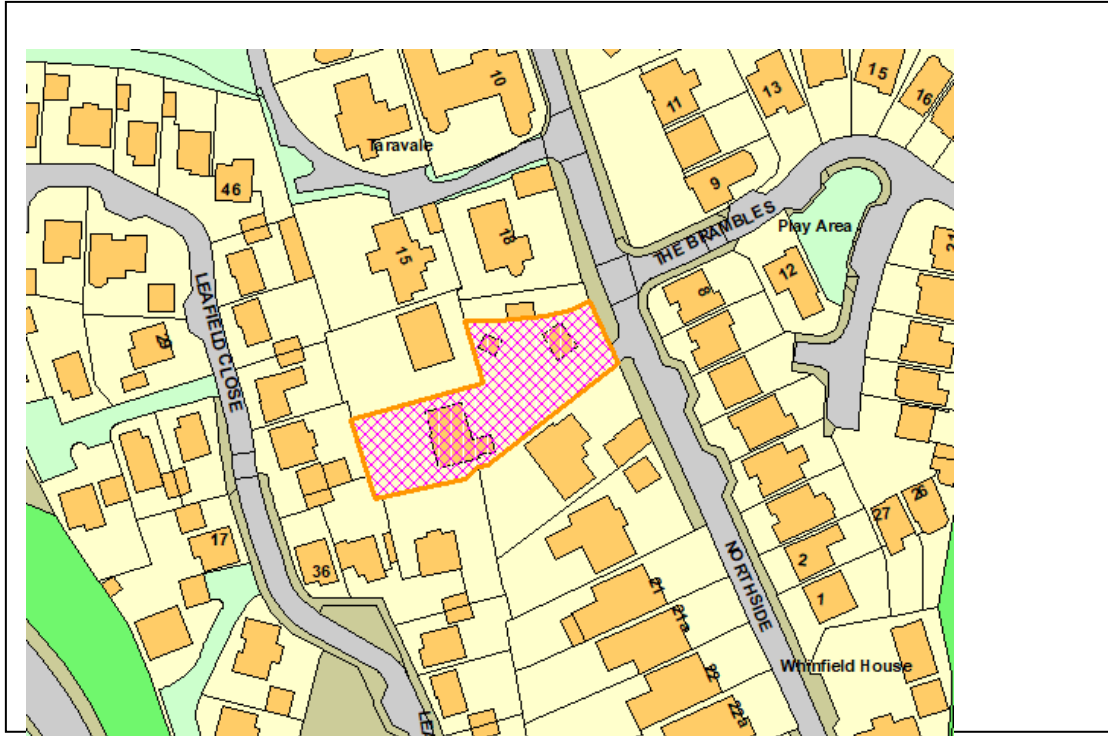
To ensure there can be no damage to the retained trees indicated on plan DR-A-10 002-S3-PO3, received 06.11.2019 during the construction of the development hereby permitted.

12

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the demolition and 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.



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