

Committee Report

Application No:	DC/20/00417/FUL
Case Officer	Rebecca Adams
Date Application Valid	1 June 2020
Applicant	Mr George Cooper
Site:	Vacant Land Storey Lane Blaydon-On-Tyne NE21 4NF
Ward:	Ryton Crookhill And Stella
Proposal:	Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (amended plans 09.07.2020)
Recommendation:	REFUSE
Application Type	Full Application

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

The application site comprises a plot of land situated between Storey Lane and Stella Lane which is accessed from Stella Road (B6317) to the east.

1.2 The site measures 0.06ha in area and is covered with bark chippings, vegetation and small trees, having previously supported a number of mature trees that were recently felled pursuant to application TREE/19/073. Land levels within the site and wider area rise to the west and the site is elevated above Stella Lane to the south, bordered by a stone retaining wall.

1.3 The application site is bordered by a crescent of residential dwellings along Storey Lane (nos. 1-14) which span around the site from south west to the north east and face inwards towards this. There is also a further property (Oak View) to the south west beyond 14 Storey Lane along Stella Lane. To the south east is St Mary and St Thomas Aquinas Catholic Primary School and to the south is open land contained within Stella Lane Pasture Local Wildlife Site. To the east of the site is the junction of Stella Lane and Storey Lane with the Grade II listed Church of St Mary and St Thomas Aquinas beyond.

1.4 The site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a four bedroom detached dwelling.

- 1.6 The proposed dwelling would be situated centrally within the site and would be orientated to face north east. The property would have two storeys to the north side increasing to three storeys to the south, with the front entrance and integral garage at lower ground floor level. It is proposed that the dwelling be constructed from clay brick with a slate roof and timber windows and doors.
- 1.7 The application includes the creation of an access from Stella Lane with a driveway accommodating vehicular parking for 2no. cars, necessitating the removal of part of the stone retaining wall. The scheme additionally proposes a cycle store within the rear garden and electric vehicle charging point.
- 1.8 The application has been amended during its course to increase the visibility splay at the access resulting in the removal of a proposed brick wall at the site entrance and slight reduction in the width of the proposed dwelling.
- 1.9 The application is supported by the following documentation:
- Design and Access/Heritage Statement;
 - Coal Mining Risk Assessment; and
 - Ecological Impact Assessment.
- 1.10 RELEVANT PLANNING HISTORY
TREE/19/073 - Tree works at land at Storey Lane Stella Blaydon. Determined 03.12.2019

2.0 Consultation Responses:

Northumbrian Water	No objections.
Tyne and Wear Archaeologist	The site is located within the designated battlefield of Newburn Ford. The proposals will not have a significant impact on any known heritage assets and no archaeological work is required.
Historic England	Awaiting comments.
The Coal Authority	Objection. The submitted Coal Mining Risk Assessment does not adequately assess the risks posed by coal mining legacy, specifically the risks posed by potentially unrecorded shallow coal mine workings.

Awaiting comments on revised Coal Mining Risk Assessment dated August 2020.

3.0 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 including the display of press and site notices.
- 3.2 One letter of objection and additional comments have been received from Councillor Buckley citing the impact of the development upon the Conservation Area and a listed building and refer to ecological issues and the proximity of the site to the nearby school.
- 3.3 Eighteen letters of objection have been received, including from St Mary & St Thomas Aquinas Catholic Primary School, in addition to which some objectors have submitted additional comments. These are summarised as follows:
- Overdevelopment
 - The development would dominate properties on Storey Lane
 - Out of character with the streetscene and surrounding properties
 - Out of character with Conservation Area
 - Detrimental impact upon visual amenity
 - Inappropriate/harmful development within the Conservation Area
 - The proposed development would appear as incongruous and awkward in its siting, design, scale and position
 - Infill development should be resisted in this area in accordance with the Gateshead Placemaking SPD
 - The site was retained to maintain the integrity of the conservation area and therefore is not 'in the midst of a residential area'
 - The site does not constitute derelict land
 - Loss of green space
 - Impact upon historic views and setting of nearby Grade II listed building
 - Inadequate amount of outdoor space for future occupiers
 - Impact upon residential amenity
 - Loss of light to properties on Storey Lane
 - Overbearing impact
 - Loss of outlook
 - Additional noise and disturbance
 - Loss of privacy/overlooking to existing and future occupiers
 - Inadequate/narrow access

- Increase in traffic during/following construction
- Inadequate visibility at entrance to site
- Inadequate car parking
- Exacerbation of existing parking issues
- Road safety concerns, including to school pupils and parents, during construction
- Inaccessible cycle storage
- Proximity to school
- Loss of trees
- Loss of habitat
- Harm to biodiversity/wildlife
- Harm to wildlife corridor
- Exacerbation of existing flooding concerns resulting from heavy rainfall runoff
- Drainage concerns resulting from the loss of green space
- Flood risk concerns
- The property is not an affordable home, as required by the Government
- Impacts/disruption during construction- noise, dust, access, storage of materials, traffic and parking, impacts upon power supply
- Damage to neighbouring property
- Issues relating to covenants on the site
- Land ownership disputes
- Security issues
- Lack of previous site maintenance
- Devaluation of property
- Impact on views

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV24 Newburn Ford Battlefield

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPD

MSGP Making Spaces for Growing Places

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

- 5.1 The key matters in the assessment of this application are the principle of the development, impacts upon heritage, design and visual amenity, archaeology, residential amenity, highway safety, trees, ecology, land conditions, CIL, open space/play provision, and any other matters.
- 5.2 THE PRINCIPLE OF THE DEVELOPMENT
- 5.3 Housing demand and policy
Policy CS10 of the Council's Core Strategy and Urban Core Plan (CSUCP) states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.4 The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. The principle of housing development on this site is therefore to be assessed against saved policy H4 of the Unitary Development Plan (UDP) as a windfall site. The location of the site is sustainable, being within an established residential area close to local services and public transport routes. The principle of housing development on this site is therefore acceptable, subject to all other material planning considerations being satisfied.
- 5.5 Housing choice
Core Strategy policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms. The application proposes the erection of a four bedroom dwelling and would therefore satisfy this policy objective.

5.6 Residential space standards

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

5.7 Housing density

Saved UDP policy H12 seeks a density of between 30 and 50 dwellings per hectare, with a lesser density permitted only where higher density proposals would have an unacceptable impact on the amenity and character of the area. The resultant density of the proposed development would equate to 20 dwellings per hectare; whilst this is below the range specified by saved policy H12 Officers consider this to be justified in this instance by the physical constraints of the site.

5.8 The development is considered to be acceptable in principle and would contribute to housing stock in the Borough. The proposal therefore accords with saved policies H4 and H12 of the UDP, policies CS10 and CS11(1) of the CSUCP and the NPPF.

5.9 HERITAGE

The application site is situated within Path Head Conservation Area and the Battle of Newburn Ford 1640 Registered Battlefield. The site is also adjacent to the Former Stella Hall Estate Locally Listed Park and Garden and within proximity of the Grade II listed St Mary and St Thomas Aquinas church.

5.10 NPPF Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

5.11 The NPPG explains that the NPPF makes clear that significance derives not only from a heritage assets physical presence but also from its setting. The NPPG further advises that proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in the NPPF apply (paragraphs 194-196). Within each category of harm (which

should be explicitly identified) the extent of harm may vary and should be clearly articulated. (NPPG Paragraph: 018 Reference ID: 18a 018 20190723).

- 5.12 NPPF Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.
- 5.13 NPPF Paragraph 195 states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 5.14 NPPF Paragraph 196 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.15 Core Strategy policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. This is supported by saved UDP policy ENV7, which requires new development within Conservation Areas to preserve or enhance the area's special architectural or historic character or appearance; and policy ENV9, which supports development that protects or enhances the setting of a Conservation Area.
- 5.16 The application site is a small, irregularly shaped plot of land that is tightly enclosed between Stella Lane and Storey Lane and is closely bordered by the crescent of mid C20 dwellings along Storey Lane, for which the site acts as a green focal point. The site was previously covered with mature trees and dense vegetation however following their recent felling the site is now more open but remains uncultivated, with vegetation and small trees. The site is elevated above Stella Lane to the south, bounded by a stone retaining wall which is likely to relate to the former Stella Estate, with open land and trees beyond to the south that are also elevated above Stella Lane. The topography within the wider area rises to the west and consequently the site appears as being positioned at a higher level than the properties to the east.
- 5.17 Interim Policy Advice 17 (Conservation Area Character Statements, Strategies and Policy Guidelines) describes Path Head Conservation Area as having been designated to afford recognition and protection to the combination of historic, architectural and ecological sites including the former Stella Hall estate, with its boundary having been drawn to reflect the historic extent of the estate. The Conservation Area includes areas of open countryside as well as buildings, with

historic significance extending to archaeological and battlefield movements associated with the Battle of Newburn Ford.

- 5.18 The application site is situated to the northern edge of the Conservation Area to the southern edge of the village of Stella, at the transition of the landscape from urban to rural open land and woods. The Conservation Area also includes the Grade II listed church and terraced dwellings to the east of the site however excludes the adjacent properties along Storey Lane and the school, and the site is separated from these adjacent areas of the Conservation Area by Stella Lane, which at the point to the south of the site is sunken below the level of the land on either side.
- 5.19 The Design and Access/Heritage Statement states that the site is peripheral to the Conservation Area and that the proposed development would not affect this due to its segregation from the heritage asset; in addition, it is stated that the proposed dwelling is reflective of the scale, massing and materials of the surrounding dwellings and suitably responds to the character of the area.
- 5.20 The application site is separated from other areas of the Conservation Area and Officers consider that this is not in itself of historic significance; the site nevertheless forms part of the Conservation Area and Officers consider that this makes a positive contribution to the rural character and appearance of this part and facilitates the transition from Stella village and the properties along Storey Lane to the surrounding rural open land that is designated within the Conservation Area.
- 5.21 The trees which previously occupied this site afforded a visual screen and degree of separation of the houses along Storey Lane from the Conservation Area to the south, which is at the same level as the site, separated by the sunken Stella Lane; Officers acknowledge that the removal of these trees has diminished this visual screen however consider that the site in its present form continues to contribute to the character and appearance of the Conservation Area and allows for a degree of separation to be maintained between the adjacent suburban houses and open land to the south of the application site.
- 5.22 Council officers are of the opinion that the introduction of the proposed development into this site would erode the rural character of the site, which is significant to the character and appearance of this part of the Conservation Area and facilitates the transition of the developed surroundings to the surrounding rural open land that is contained within the wider Conservation Area. Officers therefore consider that the proposed development would result in less than substantial harm to the character and appearance of this part of the Conservation Area.

- 5.23 Saved UDP policy ENV24 seeks to protect and enhance the historical value of the Newburn Ford battlefield by preventing development and changes to the landscape which would adversely affect the scope to interpret the course of events during the battle.
- 5.24 The Oxford Archaeology 2018 Historic England project NHPP 4EI: Strategic Research for the Registered Battlefields at Newburn Ford and Boroughbridge: Newburn Ford report provides an appraisal of the battlefield and divides this into character areas, with the site being situated between areas 4 and 8. The application site is within/adjacent to an area which is described as contributing to the overall landscape of the battlefield that illustrates the type of area where English troops retreated to. The report identifies the view facing west along Stella Lane towards the application site as being a 'View of High Significance' in the understanding of the battlefield (View 11) as a result of Stella Lane having been referenced in accounts of the battle as one of the routes taken by the retreating English troops, and notes the presence of historic stone walls along the route of Stella Lane.
- 5.25 The proposed development would result in the introduction of a highly intrusive feature adjacent to Stella Lane in the context of the interpretation of the battlefield and Officers therefore consider that this would result in less than substantial harm to the registered battlefield.
- 5.26 The site is situated some 80m west of the Grade II listed St Mary and St Thomas Aquinas church; it is however considered that the proposed development would not detrimentally impact upon the setting of, or views of, this heritage asset. It is further considered that the proposed development would not have a detrimental impact upon the Locally Listed Park and Garden.
- 5.27 Benefits
Council officers consider that the harm that would result from the proposed development to the significance of the heritage asset would be less than substantial. In accordance with NPPF Paragraph 196 it is therefore necessary to balance the harm against any public benefits from the proposal.
- 5.28 The NPPG states that public benefits may follow from many developments and could deliver economic, social or environmental benefits, as at NPPF Paragraph 8.
- 5.29 The supporting Design and Access/Heritage Statement states that the proposed development would not result in harm to the Conservation Area and would benefit this through the removal of an area of derelict land through the development of the site. Further benefits are also given, comprising economic benefits resulting from construction jobs associated with the development and

the provision of a high quality house that would provide the opportunity for local people to construct their own home as a self-build plot.

- 5.30 Council Officers have reviewed the suggested benefits and it is accepted that the proposal would result in the net gain of a family dwelling; however given that the development relates to one additional dwelling and the Council has a number of major housebuilding schemes ongoing at present this benefit would be relatively minor. It is also accepted that the development would generate some economic benefits through employment associated with construction works however this would not be a substantial benefit given the scale of the development and would also be a temporary benefit lasting only during the construction stage. Whilst the site is presently undeveloped Council Officers disagree that this would constitute derelict land so as to render its development a public benefit.
- 5.31 Council Officers have considered the benefits that would arise from the proposal and in weighing the public benefits of the proposal against the identified harm are of the opinion that the public benefits of the development are no more than limited weight due to the scale of the development. Officers are therefore of the view that the benefits associated with the development would not outweigh the less than substantial harm that would be caused by the development to the significance of the heritage asset.
- 5.32 It is therefore recommended that planning permission be refused for the proposal on the grounds of less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield, that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV24 of the UDP and policy CS15 of the CSUCP
- 5.33 DESIGN AND VISUAL AMENITY
Core Strategy policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. This is supported by saved UDP policy ENV3, which requires the design, density and scale of new development to positively contribute to the established character of its locality.
- 5.34 The adjacent houses along Storey Lane comprise a crescent of 7 pairs of matching semi-detached houses, which are arranged around the site. A number of these properties have been extended to the side and rear however their appearance is generally uniform.
- 5.35 Officers consider that as a result of its form, scale and position the proposed dwelling would appear as dominant, over-developed and incongruous within its

setting relative to its surroundings and would be out of keeping with the character, appearance and established crescent arrangement of the properties along Storey Lane. Officers therefore consider that the development would have a detrimental impact upon the general character and appearance of the wider streetscene.

5.36 Making Spaces for Growing Places (MSGP)

Policy MSGP24 of the emerging Making Spaces for Growing Spaces DPD (MSGP) refers to Areas of Special Character. MSGP24 affords a high level of importance to the design of development within or affecting the setting of these areas and states that development that will maintain or enhance the character of the area, with inappropriate development to be resisted. Whilst this is emerging policy MSGP24 indicates the direction of travel towards a recognition of Stella's significant character.

5.37 The policy designates Stella, Crookhill and Hedgefield as an Area of Special Character; this includes the properties along Storey Lane adjacent to the application site however excludes the site itself, which is therefore within the setting of the area. The Gateshead Placemaking SPD identifies the important aspects of the character of the areas that are to be protected and provides design guidance on development within these areas; within the Stella, Crookhill and Hedgefield Area of Special Character the SPD identifies the setting of the area within the rural landscape and states that infill development that would detract from the existing townscape quality and setting of the properties is to be resisted and that the landscaping/semi-rural setting is to be protected.

5.38 Officers consider that the proposed development would detract from the setting of the properties along Storey Lane and would therefore not maintain or enhance the Area of Special Character and would therefore be contrary to MSGP24. The current status of MSGP is that it has been subject to examination in Autumn 2019 and weight should therefore be afforded accordingly.

5.39 It is therefore considered that the proposed development is unacceptable in terms of design and impact upon visual amenity and would be contrary to the NPPF, CSUCP policy CS15, saved UDP policy ENV3 and emerging MSGP policy MSGP24 and it is therefore recommended that planning permission be refused for this reason.

5.40 ARCHAEOLOGY

The site lies within an area of archaeological importance within the Registered Battlefield of Newburn Ford 1640 and is identified as an area of low sensitivity and high capacity for change with little archaeological potential within the Historic England battlefield report. It is considered that the proposed development would not have a significant impact on any archaeological

remains relating to the battle and should planning permission be granted no archaeological work or investigations would be recommended, in accordance with the NPPF and saved UDP policies ENV21 and ENV22.

5.41 RESIDENTIAL AMENITY

Paragraph 127 of the NPPF states that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Policy CS14 of the CSUCP and saved policy DC2 of the UDP additionally require that new development does not have any negative impact upon the amenity of nearby residents.

5.42 A number of representations have objected on the grounds that the proposed development would have a harmful impact upon residential amenity.

5.43 The proposed dwelling would be situated around 16m from the closest dwellings to the north (nos. 5-8 Storey Lane) which face towards the site, to which the property would present its two storey north side elevation that would contain a first floor non-habitable room window; should planning permission be granted a condition could be attached requiring this window to be obscurely glazed. The south side elevation would increase to three storeys and would include windows facing towards open land.

5.44 The front (east) elevation of the property would not face directly towards any neighbouring dwelling and would have an offset relationship with nos. 1-4 Storey Lane, from which it would be separated by a minimum of 20m, increasing to around 35m.

5.45 The rear (west) elevation of the dwelling would be positioned around 22m from the properties to the north west (nos. 9-10 Storey Lane), from which it would be offset and between which are situated a small number of trees within the site that are proposed to be retained. The property would be positioned around 30m from nos. 11 and 12 Storey Lane, increasing to around 40m from 13 and 14 Storey Lane, also partly separated by these trees and further vegetation and hedging which provide an element of screening.

5.46 Officers recognise that the application would result in the introduction of a dwelling into a site which maintains a close relationship with existing properties and is previously undeveloped. Having regard for the separation distances that would be afforded between the proposed dwelling and existing properties surrounding the site and its positioning within the site, officers however consider that the development would not result in any such significant harm to the living conditions of adjacent residents including through any loss of light or overshadowing, loss of privacy/overlooking or loss of outlook/visual intrusion so as to warrant refusal of the application.

- 5.47 As a result of changing topography the application states that the property would be situated at a higher level than the existing properties to the east (nos. 1-4 Storey Lane) however having regard for the aforementioned separation distances it is considered that this would not result in such a detrimental impact upon amenity so as to warrant refusal of the scheme.
- 5.48 It is further considered that the proposed scheme would afford an appropriate level of amenity to future occupiers of the proposed dwelling.
- 5.49 Given the proximity of the site to adjacent residential properties construction works associated with the development have the potential to impact upon the amenity of nearby residents; this could however be limited by a planning condition requiring the submission of details including controls over dust and noise, access arrangements and working hours, should planning permission be granted.
- 5.50 The proposed development is therefore considered to be acceptable in respect of impact upon residential amenity and would not be in conflict with the NPPF, saved policies DC2 and ENV61 of the UDP or policy CS14 of the CSUCP.
- 5.51 HIGHWAY SAFETY
Paragraph 109 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.52 Access arrangements
Access to the site is gained from Stella Lane via Stella Road to the north east. Stella Lane serves a number of existing residential properties together with St Mary And St Thomas Aquinas Catholic Primary School and St Mary and St Thomas Aquinas Church which are to the east of the site. The carriageway along Stella Lane varies in width, with some sections unable to accommodate two-way traffic and there are also some gaps in the pedestrian footway.
- 5.53 Stella Lane divides at the eastern boundary of the site, with Storey Lane bordering the site to the north and serving the adjacent properties and Stella Lane continuing south west along the southern site boundary towards Hexham Old Road. The section of Stella Lane to the south of the site does not include any pedestrian footway and is a no-through road (except for cycles), with a barrier in place to prevent vehicular through-traffic around 100m south west of the site (beyond the access to Oak View).

5.54 The application proposes the creation of a new access to the development from Stella Lane to the south of the site. The scheme as originally submitted included a 2.4m x 2.4m visibility splay at the site entrance. Highway safety concerns were however raised by Council Officers about the level of visibility at the access, given the absence of a pedestrian footway along Stella Lane. Amended plans were subsequently submitted which included a 2m x 25m visibility splay, necessitating the removal of a proposed brick wall at the site entrance and slight reduction in the width of the proposed dwelling. Council officers consider that the revised access would provide adequate visibility and the proposed access would be acceptable in terms of highway safety.

5.55 Car parking provision

The application proposes the creation of a driveway that would allow vehicles to turn within the site and would provide vehicular parking for 2no. vehicles, in addition to an integral garage. The proposed car parking provision would be sufficient for the development and is therefore considered to be acceptable.

5.56 A number of objections to the application have raised issues relating to the impact of the proposed development upon existing on-street parking provision. Whilst Officers acknowledge that there are existing issues relating to parking within the area officers consider that the level of parking proposed would be sufficient for the development and there is no evidence that the proposed scheme would impact upon existing parking provision within the area.

5.57 Traffic generation

A number of objections received to the application have raised issues in respect of the level of traffic that would be generated by the proposed development, citing existing issues relating to the constraints of Stella Lane together with existing traffic movements and parking issues associated with the adjacent school and church. Whilst noting the constraints of the site Council Officers are however of the opinion that the increase in traffic movements associated with the erection of the proposed single dwelling would not have a significant impact upon Stella Lane or the surrounding highway network and the development is therefore acceptable in terms of traffic generation.

5.58 Cycle storage provision

The application proposes a cycle store within the rear garden of the property. Officers consider this to be acceptable in principle and should planning permission be granted it is considered that the final details of this storage provision could be secured by condition.

5.59 Electric vehicle charging

The application proposes the creation of an external electric vehicle charging point to the property; whilst advocated this is not a requirement of CSUCP

policy CS13 as the proposal is not major development and therefore should planning permission be granted it would be unreasonable to require the inclusion of conditions to secure the provision of this feature.

5.60 Other matters

A number of objections received have raised issues in respect of highway safety and amenity impacts during the construction phase, in particular due to the proximity of the site to the school. Should planning permission be granted it is considered that such impacts could be limited through construction control conditions in relation to arrangements for the storage of materials and arrangements of parking, access and deliveries to the site.

5.61 Subject to the inclusion of the above conditions it is considered that the proposed development is acceptable in terms of highway safety and would comply with the aims and requirements of the NPPF, policy CS13 of the CSUCP and the Council's Cycling Strategy.

5.62 TREES

The application site previously benefitted from a number of mature trees which were felled in late 2019/early 2020. A Conservation Area notification (Section 211 notification; reference TREE/19/073) was submitted to the Council in October 2019 seeking the removal or pollarding of these trees, to which no objection was raised, as it was considered that the trees were in poor and hazardous condition which justified their removal and reasonably prevented their retention through the making of a Tree Preservation Order.

5.63 The site at present does not benefit from any significant trees however there are a small number of small trees present within the site together with areas of defunct laurel hedging and other vegetation. The application proposes the removal of 4no. small trees within the site which Officers consider to be acceptable as a result of their low quality, which would not warrant protection under a Tree Preservation Order (TPO).

5.64 The proposed development is therefore considered to be acceptable in respect of impact upon trees, in accordance with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.

5.65 ECOLOGY

The application site is located within a designated Wildlife Corridor and immediately adjacent to Stella Lane Pasture Local Wildlife Site (LWS) and is ecologically connected to the wider landscape and larger areas of high quality ecological habitat including hedgerow, woodland and unimproved grassland to the south and west via Stella Lane.

- 5.66 The application is supported by a Preliminary Ecological Appraisal which provides a description of the habitats present within the site and an assessment of the potential impacts of the proposed development.
- 5.67 The site in its present form provides limited opportunities for low numbers of species including statutorily protected and priority/notable species including nesting and foraging birds, foraging bats, small mammals and invertebrates. Officers consider that the proposed scheme would not have an unacceptably detrimental impact upon ecology so as to result in the refusal of the scheme and that conditions could be included, should planning permission be granted, to provide ecological enhancements within the site and to avoid/reduce the risk of harm to biodiversity during the site clearance and construction phases of the development.
- 5.68 Therefore the proposal is not in conflict with the NPPF, saved policies DC1D, ENV46, ENV47 and ENV51 of the UDP and policy CS18 of the CSUCP.

5.69 LAND CONDITIONS

5.70 Contaminated land

The application 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 usage, having been previously occupied by agricultural land/open space prior and subsequently by woodland.

- 5.71 The application is not accompanied by a Preliminary Risk Assessment (PRA); however, given the above assessment Officers consider this to be acceptable. Should planning permission be granted conditions requiring the submission of a PRA and further investigations would not be required beyond those required under the Building Control regime however conditions would be recommended to address any previously unidentified contamination found during construction. The proposal would therefore comply with the aims and requirements of the NPPF, saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.72 Land stability

The application site falls within the defined Coal Mining Development High Risk Area and there are therefore coal mining features and hazards which need to be considered in relation to the determination of the application. As such, the application is accompanied by a Coal Mining Risk Assessment.

- 5.73 The Coal Authority has raised an objection to the application on the basis that the initial Coal Mining Risk Assessment does not adequately consider the risks

posed by coal mining legacy specifically in regard to the risks posed by potentially unrecorded shallow coal mine workings.

- 5.74 At the time of writing this report a revised Coal Mining Risk Assessment had been submitted on which the Coal Authority has been consulted however no additional comments had been received and therefore their objection still stands.
- 5.75 As such it is considered that insufficient information has been submitted with the application to demonstrate that the application site is safe, stable and suitable for development and assess the risks posed by potential historic recorded shallow underground coal workings and a thick coal seam outcrop. Therefore, the proposal would fail to comply with the aims and objectives of the NPPF, policy CS14 of the CSUCP and saved UDP policy DC1(p).
- 5.76 **OPEN SPACE/PLAY PROVISION**
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.
- 5.77 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.78 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.79 Therefore while it cannot be concluded that the proposal would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or off-site play provision in this case based on the above assessment.
- 5.80 **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.

5.81 OTHER MATTERS

A number of objections received have raised issues of flood risk and drainage. The site comprises an area of 0.06 hectares and is located in Flood Zone 1, an area at least risk of flooding. There is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted with this application.

5.82 The application proposes that surface water is to be disposed of via soakaway, with the proposed driveway area to be constructed from permeable block paving. The development would introduce hard surfacing into a currently undeveloped site however Officers consider that the proposed drainage method is appropriate and the development would not lead to a significant increase in surface water and there is no evidence that this would result in an unacceptable increase in flood risk.

5.83 One objection received has stated that the property should be an affordable home; this is not however a requirement of planning policy.

5.84 Issues raised in letters of representation relating to covenants, land ownership, impacts on property prices, security and health and safety risks, a lack of previous site maintenance, damage to neighbouring property and loss of views are not material planning issues that can be taken into account when considering a planning application.

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

6.0 CONCLUSION

6.1 Taking all the relevant issues into account including representations made by local residents it is considered that the proposal would result in less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that Officers consider would not be outweighed by the benefits of the development. In addition, the proposed development would result in harm to the visual amenity of the surrounding area.

6.2 Furthermore, insufficient information has been submitted in the form of a Coal Mining Risk Assessment in order to fully assess the risks posed by coal mining legacy affecting the site.

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

7.0 Recommendation:

That permission be REFUSED for the following reasons:

1

The proposed development would result in less than substantial harm to the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield that would not be outweighed by public benefits, contrary to the aims and objectives of the NPPF, saved policies ENV7 and ENV24 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

2

By virtue of its form, scale and location the proposed dwelling would appear as dominant, over-developed and incongruous within its setting relative to its surroundings and would be out of keeping with the character, appearance and established arrangement of the properties along Storey Lane. The development would therefore have a detrimental impact upon the general character and appearance of the wider streetscene and is therefore contrary to the NPPF, saved policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and emerging Making Spaces for Growing Places policy MSGP24.

3

The application site falls within the Coal Authority defined Development High Risk Area and insufficient information in the form of a Coal Mining Risk Assessment has been submitted in order to fully assess the risks posed by potential historic unrecorded shallow underground coal workings and a thick coal seam outcrop. The development therefore fails to comply with the requirements of the NPPF, saved policy DC1(p) of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.



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