

**Committee Report**

<b>Application No:</b>	<b>DC/21/00018/FUL</b>
<b>Case Officer</b>	<b>Rebecca Norman</b>
<b>Date Application Valid</b>	<b>11 January 2021</b>
<b>Applicant</b>	<b>Mr George Cooper</b>
<b>Site:</b>	<b>Vacant Land Storey Lane Blaydon-On-Tyne NE21 4NF</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (revised application).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**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 approx. 0.06ha in area and is covered with vegetation, small trees and bark chippings, having previously supported a number of mature trees that were felled pursuant to application reference TREE/19/073. Land levels within the site and wider area rise to the south/south 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 semi-detached dwellings along Storey Lane (nos. 1-14) from south west to the north east which face inwards towards the site. There is also a further property (Oak View) to the south west beyond 14 Storey Lane, accessed via 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 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 an electric vehicle charging point.

1.8 The application is supported by the following documentation:

- Design and Access/Heritage Statement;
- Coal Mining Risk Assessment; and
- Ecological Impact Assessment.

1.9 The application follows application DC/20/00417/FUL which was withdrawn on 20 August 2020. The scheme has been revised from that previously sought to incorporate a reduction in the width and height of the proposed dwelling by around 2.4m and 0.35m respectively.

1.10 **RELEVANT PLANNING HISTORY**

DC/20/00417/FUL - Proposed erection of single detached dwelling including demolition of part of stone boundary wall to enable development (amended plans 09.07.2020). Withdrawn 20.08.2020

TREE/19/073 - Tree works at land at Storey Lane Stella Blaydon. Determined 03.12.2019

**2.0 Consultation Responses:**

The Coal Authority	No objections
Northumbrian Water	No response received
Historic England	The Historic England Newburn Ford Battlefield research report will be helpful in understanding the impact of the development upon the Registered Battlefield. Specialist Conservation and Archaeological advice should be sought, as relevant.
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

**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. These cite the detrimental impact of the development upon the Conservation Area, impacts upon visual amenity, highway safety implications and the overdevelopment of the site, ecological issues and the proximity of the site to the nearby school.
- 3.3 18 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 be imposing and dominate properties on Storey Lane
  - Out of character with Conservation Area
  - Out of keeping with historic character of area
  - Out of character with the streetscene and surrounding properties
  - Inappropriate/harmful development within the Conservation Area
  - Adverse impact on Area of Special Character
  - The proposed development would appear dominant and 'developed' in a rural setting
  - The proposed development would appear as incongruous and awkward in its siting, design, scale, proportions and position
  - The proposed materials would be out of keeping with the surroundings
  - 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'
  - Loss of green space
  - The site does not constitute derelict land
  - Impact upon historic views and setting of nearby Grade II listed building
  - Inadequate amount of outdoor space for future occupiers
  - Impact upon residential amenity
  - Overbearing impact
  - Loss of outlook
  - Additional noise and disturbance to residents and school pupils
  - Loss of privacy/overlooking to existing/future occupiers and school pupils
  - Loss of light
  - Impact of cooking smells and odours
  - Disturbance from external lighting
  - Inadequate/narrow access
  - Inadequate car parking
  - Increase in traffic during/following construction
  - Road safety concerns, including to school pupils and parents, during construction
  - Inadequate visibility at entrance to site

- Exacerbation of existing parking and access issues
- Parked vehicles could obstruct emergency access to the school
- Inaccessible cycle storage
- Unsafe pedestrian access to site
- Proximity to school
- Loss of trees
- Loss of habitat
- Harm to biodiversity/wildlife
- Harm to wildlife corridor
- Inaccurate representation of wildlife on the site
- Drainage concerns
- Flood risk concerns
- Impacts/disruption during construction- noise, dust, access, storage of materials, traffic and parking,
- The site is greenfield not brownfield
- Unsustainable development
- Permission should have been refused to fell the trees on the site
- Impact on views
- Health concerns
- The property is not an affordable home, as required by the Government
- Security/vandalism concerns
- No requirement for a house of this size
- Land ownership disputes
- Issues of covenants on the site
- First time housing would be more appropriate in Stella
- Lack of previous site maintenance
- Land stability
- Damage to nearby property

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

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

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP23 Areas of Special Character

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP26 Heritage at Risk

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

IPA17 Conservation Area Character Statements

GPGSPD Gateshead Placemaking Guide SPG

## **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, impacts on the area of special character, archaeology, residential amenity, highway safety, trees, ecology, land conditions, CIL, open space/play provision, and any other matters.

### **5.2 BACKGROUND**

On 19 January 2021 the latest Housing Delivery Test (HDT) results were published. These show that the Council's housing delivery was significantly below the expectations of the National Planning Policy Framework (NPPF). The presumption in favour of sustainable development outlined at NPPF Paragraph 11d) is therefore engaged.

### **5.3 THE PRINCIPLE OF THE DEVELOPMENT**

- 5.4 Housing demand and policy  
Policy CS10 of the Local Plan for Gateshead states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030. The proposal would contribute to local housing stock in the Borough and therefore accords with Local Plan policy CS10.
- 5.5 The site is not allocated for any specific purpose in the Local Plan for Gateshead and is therefore classed as a windfall housing site. Having regard to the circumstances of the site, which is located adjacent to an established residential area within proximity of local services and transport links, this is considered to be, in principle, an appropriate location for new residential development.
- 5.6 It is considered that the principle of new housing development on this site would accord with the NPPF, subject to all other material planning considerations being satisfied. Having regard to the circumstances of the site it is further considered that the proposed scheme would be acceptable in terms of NPPF Paragraph 122 and 123 which require development to make efficient use of land.
- 5.7 Housing Choice  
Policy CS11(1) of the Local Plan for Gateshead 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. Local Plan policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice which should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.8 The application proposes the creation of a four bedroom property in a sustainable location and therefore accords with policies CS9 and CS11 of the Local Plan for Gateshead.
- 5.9 Residential Space Standards  
Policy CS11(4) of the Local Plan for Gateshead requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents"*.
- 5.10 Local Plan policy MSGP12 requires new residential developments to be built in accordance with the Nationally Described Space Standards (NDSS) or equivalent standards, as a minimum, in order to achieve a high standard of amenity and protect the living conditions of residents. The supporting text to MSGP12 (Paragraph 5.8) however explains that the requirement to comply with NDSS is to be introduced one year following the adoption of Making Spaces for Growing Places (MSGP) on 1 February 2021, in order to allow for a period of transition in accordance with national guidance.
- 5.11 The proposed floor plans indicate that the proposed development would fall short of the NDSS technical requirements in that the requisite amount of built-in

storage space would not be provided; notwithstanding this shortfall and given the above policy stance in respect of MSGP12, it is considered that the proposed development would not result in an inadequate amount of internal living space and overall the development would not be harmful to the residential amenity of future occupiers when considering internal space standards

- 5.12 In terms of housing policy, the principle of the development is therefore considered to be acceptable, subject to all other material planning considerations being satisfied.
- 5.13 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.
- 5.14 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.
- 5.15 NPPG explains that the NPPF makes clear that significance derives not only from a heritage asset's physical presence but also from its setting. 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).
- 5.16 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. NPPF Paragraph 196 explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it should be demonstrated that this harm can be justified and outweighed through the provision of public benefits.
- 5.17 Local Plan policy CS15 requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment, which is supported by policy MSGP25.
- 5.18 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 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, 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.

- 5.19 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.
- 5.20 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 crescent of 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.
- 5.21 The Design and Access/Heritage Statement states that the site does not form an intrinsic part of the Conservation Area but lies on its periphery. It therefore surmises that due to the site's location there is little visual connection to the wider Conservation Area and that any development on this would not affect the wider Conservation Area "*due to the natural segregation with the 'heritage asset'*". In addition, it is stated that the proposed dwelling would be read in relation to the existing dwellings along Storey Lane which are within the setting of the Conservation Area and would be reflective of their scale, massing and materials and suitably respond to the character of the area.
- 5.22 Officers acknowledge that the application site is separated from other areas of the Conservation Area and consider that the site in itself is not of historic significance; nevertheless, the site does form part of the Conservation Area and Officers consider that this makes a positive contribution to the rural character and appearance of this part of the heritage asset, 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.
- 5.23 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.

- 5.24 Council Officers are of the opinion that the introduction of the proposed development 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.
- 5.25 Policy MSGP26 refers to Heritage at Risk and identifies sites which are included on the National Heritage at Risk Register, including Newburn Ford Battlefield (MSGP26.1). MSGP26.1 states that the significance of the Battlefield will be protected, sustained and enhanced by: protecting it from development which results in changes to the landscape that adversely affect the interpretation of the course of events during the battle; requiring development to enhance the appearance of the battlefield through the use of landscaping, materials and public access provision; and protecting significant views into and out of the battlefield which contribute to the interpretation and understanding of events during the battle.
- 5.26 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.
- 5.27 The report divides the battlefield into character areas, with the site being at the overlap between areas 4 and 8. The area of the application site is described as being largely outside of, and of relatively low significance in terms of, the registered battlefield however is viewed as contributing to the overall landscape of the battlefield and is of illustrative value as it helps to illustrate the type of area where English troops retreated to. In particular, the report identifies the view facing west along Stella Lane to the southern side of the application site as being a 'View of High Significance' in the understanding of the battlefield (View 11), with Stella Lane having been referenced in accounts of the battle as one of the historic routes believed to have been taken by the retreating English troops.
- 5.28 The proposed development would result in the introduction of a highly intrusive and prominent feature adjacent to Stella Lane in the context of the identified View 11, which is considered to be highly significant in the understanding of the battlefield for its illustration of a distinct aspect of the battle (the English retreat). Officers therefore consider that this would result in less than substantial harm to the registered battlefield, contrary to the objectives of policy MSGP26.1.
- 5.29 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.

5.30 Benefits

Council Officers consider that the harm to the significance of the heritage asset that would result from the proposed development 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.

5.31 NPPG states that public benefits may follow from many developments and could deliver economic, social or environmental benefits, as at NPPF Paragraph 8.

5.32 The submitted Design and Access/Heritage Statement states that the impact of the proposed development on the wider Conservation Area would be minimal; this also states that the wider Conservation Area would not be affected by the proposed development due to the site's natural segregation from the wider Conservation Area, and that there would be no significant impact on the registered battlefield

5.33 Furthermore, the supporting information states that the development would assist in achieving housing targets in the Borough whilst providing economic benefits from construction jobs and longer-term income and support for local services alongside 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.

5.34 Council Officers have reviewed the suggested benefits and acknowledge that the development would result in the provision of one family dwelling which would contribute towards the provision of new housing within Gateshead, however the public benefit of a single dwelling is considered to be relatively minor.

5.35 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 only be temporary, during the construction stage.

5.36 Council Officers have considered the public benefits that would arise from the proposal and have weighed these against the identified harm to the designated heritage asset however are of the opinion that the public benefits of the development are no more than limited in weight due to the scale of the development and are not significant enough to outweigh the harm.

5.37 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 and policies CS15, MSGP25 and MSGP26 of the Local Plan for Gateshead.

5.38 DESIGN AND VISUAL AMENITY

Policy CS15 of the Local Plan for Gateshead requires development to contribute to good place making and seeks the conservation and enhancement of the historic environment. Policy MSGP24 additionally states that the design quality of proposals will be assessed with regards to criteria including: the proposal's compatibility with local character including scale, massing, proportions and form; layout and access; and materials.

- 5.39 Officers consider that as a result of its form, scale, materials and position the proposed dwelling would appear as dominant 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, and would represent an overdevelopment of the site. Officers therefore consider that the development would have a detrimental impact upon the general character and appearance of the wider streetscene.
- 5.40 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 and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.41 **IMPACT ON AREA OF SPECIAL CHARACTER**  
Policy MSGP23 of the Local Plan for Gateshead refers to Areas of Special Character, which are places that are identified as displaying positive and unique characteristics which should be retained, enhanced and protected. MSGP23 states that a high level of importance must be given to the design of development within, or affecting the setting of, Areas of Special Character, and that development will be required to maintain or enhance the character of the area and inappropriate development will be resisted.
- 5.42 The Gateshead Placement Supplementary Planning Document (SPD) supports policy MSGP23 and identifies the important aspects of the character of the areas that are to be protected and provides design guidance on development within these areas. The supporting text to policy MSGP23 states that where the type or degree of change resulting from a proposal would have significant adverse impact on these characteristics, permission will normally be refused.
- 5.43 MSGP23.1 designates Stella, Crookhill and Hedgefield as an Area of Special Character; this includes the properties along Storey Lane adjacent to the site however excludes the application site itself, which is therefore within the setting of the area. Within the Stella, Crookhill and Hedgefield Area of Special Character the Placemaking 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.
- 5.44 Officers consider that the proposed development would detract significantly from the setting of the properties along Storey Lane and would therefore not maintain or enhance the identified Area of Special Character. The proposed development would therefore be contrary to the aims and objectives of MSGP23.

#### 5.45 ARCHAEOLOGY

The site lies within an area of archaeological importance within the Registered Battlefield of Newburn Ford 1640. The Historic England battlefield report identifies that there is little archaeological potential within the area given the nature of its relationship to the battle, and that the movements taken across here are likely to have left little archaeological evidence. Records also identify a historic wagonway route (HER 3315) which passes through the site and continues westwards from it.

5.46 It is considered that the proposed development would not have a significant impact on any archaeological remains relating to the battle or other known heritage assets in terms of archaeology, and should planning permission be granted no archaeological work or investigations would be recommended, in accordance with the NPPF and policy MSGP27 of the Local Plan for Gateshead.

#### 5.47 RESIDENTIAL AMENITY

NPPF Paragraph 127 states that that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Local Plan policies CS14 and MSGP17 additionally require that new development does not have an unacceptable impact upon the amenity of nearby residents.

5.48 A number of representations have been received which object on the grounds that the proposed development would have a harmful impact upon residential amenity.

5.49 The proposed dwelling would be situated around 17.5m 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 imposed requiring this window to be obscurely glazed. The south side elevation would increase to three storeys and would include windows facing towards open land.

5.50 The front (east) elevation of the property would not face directly towards any of the neighbouring dwellings and would have an offset relationship with nos. 1-4 Storey Lane, from which it would be separated by a minimum distance of approx. 19.5m, increasing to around 35m.

5.51 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 approx. 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.

5.52 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, overbearing impact or loss of outlook/visual intrusion so as to warrant refusal of the application.

- 5.53 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.
- 5.54 It is further considered that the proposed scheme would afford an appropriate level of amenity to future occupiers of the proposed dwelling.
- 5.55 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 and site users; 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.
- 5.56 Representations received have raised additional concerns regarding potential overlooking that could occur to the classrooms and playground of the adjacent school. Officers however consider that given the orientation of the sites relative to one another, the distances involved and presence of trees around the school, such overlooking is unlikely to occur.
- 5.57 A further representation has been received raising concerns regarding the potential for future external lighting and cooking smells and odours associated with the site to give rise to a detrimental impact upon the amenity of nearby occupiers. Given the scale and nature of the proposed development and its relationship to nearby properties it is however considered that the development would give rise to such significant impacts upon the amenity of nearby occupiers in these respects so as to warrant refusal of the scheme.
- 5.58 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 or policies CS14 and MSGP of the Local Plan for Gateshead.
- 5.59 HIGHWAY SAFETY  
NPPF Paragraph 109 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”*.
- 5.60 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.

- 5.61 Stella Lane divides at the eastern boundary of the site, with Storey Lane bordering the site to the north and serving the adjacent properties. Stella Lane continues 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 across the road around 100m south west of the site (beyond the access to Oak View) to prevent vehicular through-traffic.
- 5.62 The application proposes the creation of a new access to the development from Stella Lane, to the southern side of the site. The submitted plans demonstrate that the proposed access would afford a 2m x 25m visibility splay, which Officers consider would provide adequate visibility and would be acceptable in highway safety terms.
- 5.63 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 in accordance with the standards referenced by Local Plan policy MSGP15 and is therefore considered to be acceptable.
- 5.64 A number of objections 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.
- 5.65 Traffic generation  
A number of objections 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 Officers are 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.
- 5.66 Cycle storage provision  
The application proposes a cycle storage shed within the rear garden of the property. Officers consider this to be acceptable in principle and should

planning permission be granted the final details of this storage provision could be secured by condition.

5.67 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 Local Plan policies CS13 and MSGP15; therefore, should planning permission be granted it would be unreasonable to require the inclusion of conditions to secure the provision of this feature.

5.68 Refuse storage

The application includes space within the curtilage of the wider site for the storage of bins and would allow access for waste collection.

5.69 Other matters

A number of objections 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 and existing parking issues. Notwithstanding information submitted by the applicant indicating the location of a nearby area that could be utilised for the storage of materials and parking of vehicles associated with the proposed development, should planning permission be granted it is considered that such impacts could be limited and mitigated through construction control conditions in relation to the detailed arrangements for the storage of materials and arrangements of parking, access and deliveries to the site and hours of operation.

5.70 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, policies CS13, MSGP15 and MSGP48 of the Local Plan for Gateshead and the Council's Cycling Strategy.

5.71 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.

5.72 The site at present does not benefit from any significant trees however there are a small number of small trees together with areas of laurel hedging and other vegetation.

5.73 Policy MSGP36 of the Local Plan for Gateshead states that development that would result in the loss of trees will only be permitted where it can clearly be demonstrated that the development cannot be located elsewhere; the need for the development clearly outweighs any harm to the ecological value, landscape

quality or historical importance of the area; and harm can be reduced to acceptable levels through positive mitigation and enhancement measures.

5.74 The application proposes the removal of 4no. small trees within the site. Whilst it cannot be concluded that the proposed development would be in accordance with MSGP36, Officers consider that, on balance, the proposed loss of 4no. trees would not in itself warrant refusal of the application on this basis as the trees to be removed are considered to be of low quality which would not warrant protection under a Tree Preservation Order (TPO) and provide limited ecological, historical or landscape value.

5.75 Having regard to the NPPF and Local Plan policies CS18 and MSGP36 the proposed development is therefore considered, on balance, to be acceptable in respect of impact upon trees.

#### 5.76 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.

5.77 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.

5.78 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.

5.79 Officers consider that the proposed scheme would not have an unacceptably detrimental impact upon ecology to justify the refusal of the scheme on this basis. Should planning permission be granted, Officers consider that conditions and/or obligations could be imposed in order to avoid/reduce the risk of harm to biodiversity during the site clearance and construction phases of the development and to provide ecological enhancements within the site and secure biodiversity net gains as appropriate.

5.80 Therefore the proposal is not in conflict with the NPPF or policies CS18 and MSGP37 of the Local Plan for Gateshead.

#### 5.81 LAND CONDITIONS

##### 5.82 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 and subsequently by woodland.

- 5.83 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 and policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.84 **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.
- 5.85 The Coal Authority has reviewed the submitted Coal Mining Risk Assessment and has raised no objections. As such it is considered that the proposal would comply with the aims and objectives of the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.86 **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 housing related.
- 5.87 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.
- 5.88 **OPEN SPACE AND PLAY PROVISION**  
Local Plan policy MSGP40 states that new development will ensure that the provision of open space, sports and recreation facilities is able to meet identified needs and sets targets for the provision of such facilities in relation to new housing developments of 10 or more dwellings.
- 5.89 As the proposed scheme seeks the provision of a single dwelling there is therefore no requirement for a contribution towards open space and play provision to be made as part of this development.
- 5.90 **ANY OTHER MATTERS**  
Objections have been received relating to 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.
- 5.91 The application proposes that surface water would be disposed of via soakaway, with the proposed driveway area 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.

- 5.92 One objection received has stated that the property should be an affordable home; this is not however a requirement of planning policy.
- 5.93 Matters raised in representations relating to covenants, land ownership disputes, impact on views, security and vandalism concerns, the need for and appropriateness of the location of the development, damage to neighbouring property and a lack of previous site maintenance are not material planning issues that can be taken into account when considering a planning application.
- 5.94 It is considered that all other material planning considerations have been addressed within the main body of the report.

## **6.0 CONCLUSION**

- 6.1 The Council has been unable to demonstrate a five-year supply of deliverable housing land and the provision of an additional dwelling that would result from the proposed development would contribute to the overall housing land supply. Moderate weight can therefore be afforded in the decision-making process to the contribution that the proposed development would make to boosting the supply of housing and providing housing where a five-year housing land supply cannot be demonstrated.
- 6.2 However, Officers consider that this benefit would not clearly outweigh the less than substantial harm to the designated heritage asset, in this case the Path Head Conservation Area and Battle of Newburn Ford 1640 Registered Battlefield, and the application of policies in the NPPF that seek to conserve and enhance the historic environment, provide a clear reason for the refusal of the proposed development in accordance with NPPF Paragraph 11 d) i and footnote 6.
- 6.3 Furthermore, Officers consider that the proposed development would result in harm to the visual amenity of the surrounding area and would not maintain or enhance the setting of the identified Area of Special Character, contrary to the application of policies in the NPPF that seek to achieve well-designed places, ensuring that developments are sympathetic to local character and history and those within the Local Plan for Gateshead.
- 6.4 Taking all the relevant issues into account including representations made by local residents it is 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:**

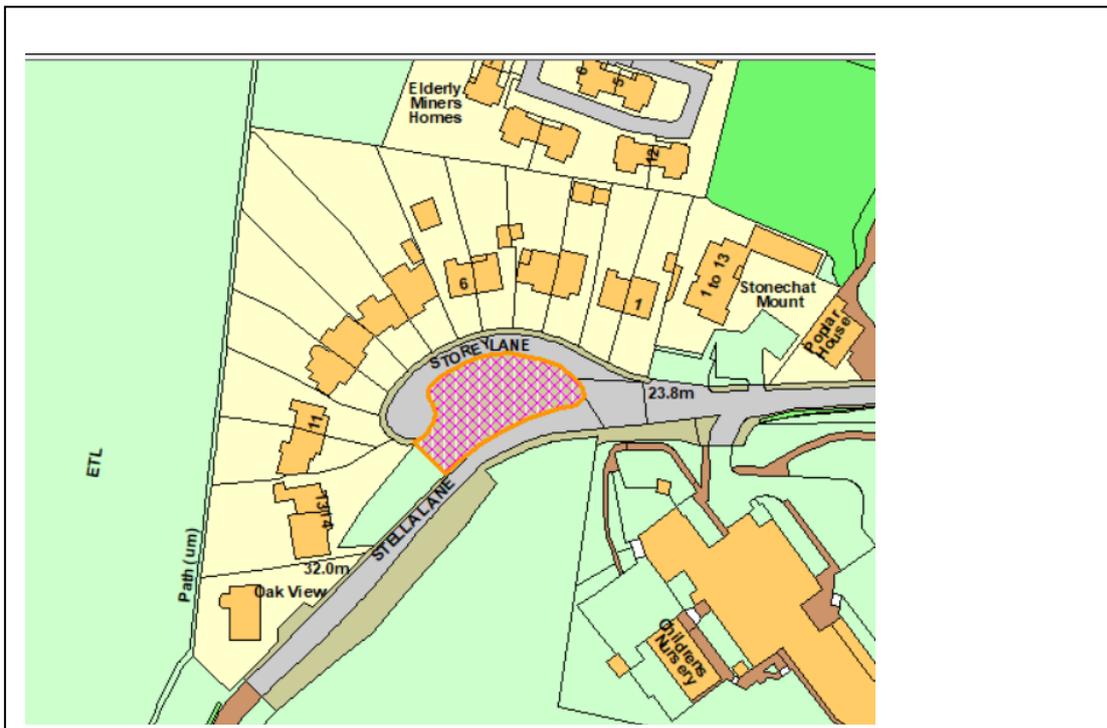
That permission be REFUSED for the following reasons:

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 and policies CS15, MSGP25 and MSGP26 of the Local Plan for Gateshead.

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. The proposed development would also not maintain or enhance the setting of the Stella, Crookhill and Hedgefield Area of Special Character, and is therefore contrary to the NPPF and policies CS15, MSGP23 and MSGP24 of the Local Plan for Gateshead.



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