

Committee Report

Application No:	DC/21/00885/FUL
Case Officer	Amy Dunbar
Date Application Valid	2 August 2021
Applicant	Mr Douglas Coulthard
Site:	27 North Dene Northside Birtley DH3 1PZ
Ward:	Lamesley
Proposal:	Erection of detached dwelling with garage (additional information submitted 03.09.2021).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is a rectangular parcel of private garden currently associated with 27 North Dene. The site has an area of approximately 650m².

- 1.2 The site is situated as the end of a cul-de-sac and bound by residential properties. The north boundary is shared with 59, 61 and 63 North Dene, the west boundary is shared with 29 North Dene, the south boundary with 27 North Dene and the east boundary is shared with 19 and 21 Long Bank.
- 1.3 The application site is not allocated for any particular purpose and lies in a Coal Authority High Risk Area.

1.4 DESCRIPTION OF APPLICATION

The application seeks to construct one two-storey, 4-bedroom dwelling with an integral garage and the provision of two onsite parking spaces. The proposed new dwelling would have a maximum width of 14.2 metres with the main house being 10.3 metres wide and the integral garage/utility room making up the remaining 3.9 metres. The maximum depth of the dwelling would be 8.9 metres.

- 1.5 The proposed dwelling would be of a contemporary design built using red brick featuring render on the front facing gable end, grey roof tiles and uPVC windows.
- 1.6 This application is essentially a resubmission of approved application DC/17/00223/FUL for a single dwelling on this plot, with some minor amendments to slightly increase the footprint of the property from approximately 110.6m² to 116.4m². The position of the property within the plot would remain the same.

1.7 RELEVANT PLANNING HISTORY

DC/08/00344/FUL planning permission REFUSED for erection of two detached dwellinghouses and new hardstanding parking place for use of No 27 North Dene in garden area at side of existing dwellinghouse (amended design).
Dated 29.05.2008 Appeal dismissed 23.01.2009

DC/09/00596/FUL Planning permission GRANTED for erection of detached dwellinghouse (use class C3) with integral garage in garden area to side of existing dwellinghouse and erection of garage at side of existing dwellinghouse (revised application) (amended plans received 28.10.09 and 29.10.09). Dated 31.03.2010

DC/12/00118/FUL permission GRANTED for Section 73 application to amend conditions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and the removal of condition 18 of DC/09/00596/FUL for the erection of a detached dwellinghouse (use class C3) with an integral garage in the garden area to the side of the existing dwellinghouse and the erection of a garage at the side of the existing dwellinghouse, Dated 20.03.2012

NOTE: The house approved by this planning permission can still be built, as the permission has been lawfully implemented by the construction, in 2012, of the new garage attached to the side of 27 North Dene. This permission is extant and has not lapsed.

DC/12/01033/NMA permission GRANTED for proposed non-material amendment of planning application DC/12/00118/FUL to allow retention of small retaining wall. Dated 16.10.2012

DC/17/00223/FUL planning permission GRANTED for erection of four bedroom detached house with integral garage. Dated 14.08.2017

NOTE: This permission has lapsed.

2.0 Consultation Responses:

Coal Authority	No objections
Tyne and Wear Archaeology Officer	No objections

3.0 Representations:

- 3.1 Neighbour notifications were issued on 3rd August 2021 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
 - 3.2 8 letters of representation have been received, including one from Councillor Gallagher. The representations have been summarised below:
 - Inadequate car parking
 - Increased traffic/congestion

- Increased pollution
- Access to the site too narrow/ inaccessible
- Insufficient vehicle turning space
- Highway safety- increase in collisions
- Out of character with street scene
- Out of character with conservation area
- Overbearing
- Overdevelopment
- Damage could be caused during construction phase- delivery vehicles
- Loss of natural light
- Loss of privacy
- Impact on health
- Disturbance during construction- additional noise, dirt, parking
- Disturbance during early mornings/ late evenings

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

CS18 Green Infrastructure/Natural Environment

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

MSGP48 Waste Management Facilities - New Dev

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, visual amenity, residential amenity, highway safety, trees, and land conditions.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING DEMAND AND POLICY**
The application site is not allocated for housing and is therefore classed as a windfall housing site. The site is located within an established residential area where there are recreational and community facilities, such as accessible natural green space and a primary school, situated nearby. The site is close to public amenities on Durham Road including a convenience store and a local pub and is approximately a 5-minute drive away from Birtley District Retail Centre where a range of shops and services are provided. The Team Valley Industrial Estate, which is a primary employment area, can be reached in less than 10 minutes by car as can the allocated Main Employment Area in Birtley. In housing policy terms, the site is considered to be in principle, an appropriate location for a new dwelling.
- 5.3 The proposal would add a new dwelling to the local housing stock and would therefore contribute modestly towards delivering new housing within Gateshead in accordance with policy CS10 of the Local Plan for Gateshead.
- 5.4 **HOUSING CHOICE**
Policy CS11 specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.5 The proposed development would provide a reasonably sized family home with four bedrooms and outdoor space in an established residential area which accords with policy CS9 and CS11 of the Local Plan for Gateshead.
- 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.
- 5.7 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality. However, the supporting text to MSGP12 (paragraph 5.8) explains that the requirement to comply with the NDSS is to be introduced one year after the adoption of the MSGP (1st February 2021), to allow for a period of transition in accordance with national guidance.
- 5.8 As indicated on the proposed floor plans, the dwelling would provide four bedrooms. The minimum gross internal floor area for a 4-bedroom, 2 storey dwelling with a minimum provision of 5 bed spaces is 97m² including 3m² of built-in storage. The floor plans demonstrate that an internal floor area of

163.3m² would be achieved including 3.4m² of built-in storage. The proposed dwelling would exceed the minimum space requirements for gross internal floor area and built-in storage.

- 5.9 The proposed floor plans demonstrate that bedroom 1 would exceed the minimum width and floor area requirements necessary for accommodating a double bedroom. Bedrooms 2 and 3 would exceed the minimum width and floor area requirements necessary for accommodating a single bedroom.
- 5.10 Bedroom 4 would fall short of the minimum floor area requirement for a single bedroom by 0.6m². The minimum width requirement would be exceeded. Given that this rooms fall short of the NDSS technical requirement for floor space by a very minor amount and that there would still be a sizable amount of internal floor area, this minor shortfall is considered acceptable.
- 5.11 It is considered that the proposal presents a spacious, family-sized home that would provide an acceptable amount of internal living space for future occupiers which would contribute towards providing a good standard of amenity and is therefore in accordance with policies CS11 and MSGP12 of the Local Plan for Gateshead.
- 5.12 In terms of housing policy, the principle of the development is acceptable subject to all other material planning considerations being satisfied. In addition to the acceptability of the principle of development set out above, Officers are mindful that the house granted planning permission on this plot in 2012 (DC/12/00118/FUL), could still be constructed. This fallback position should therefore be afforded significant weight in the assessment of the current application.
- 5.13 **IMPACT ON VISUAL AMENITY**
The NPPF requires that, amongst other things, new development is sympathetic to local character and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.14 The development would be a brick-built dwelling incorporating materials to match those used to construct the surrounding residential properties. The front facing gable end on the front elevation would feature a rendered finish. Some properties within the surrounding street scene feature a partial cream render finish therefore it considered necessary to condition the colour of the proposed render to ensure it would be in keeping with the character and appearance of the street scene (condition 4).
- 5.15 In terms of landscaping, the development would feature areas of grassed garden space and some hardstanding to support the driveway and space for storing bins. The application does not propose to remove any of the existing trees which would retain the 'leafy' character of this plot. The retention of the trees and addition of grassed garden space would contribute towards softening the appearance of the site therefore a condition has been attached to ensure the soft landscaping scheme proposed on the site layout plan is implemented to protect the visual amenity of the site (condition 5).

- 5.16 With regard to boundary treatment, the application states that the existing boundary fences will be retained however, if once the development has commenced it is considered necessary to install new boundary treatment, a detailed scheme for boundary treatment should be submitted to the Local Planning Authority to ensure the visual amenity of the site is protected (condition 6).
- 5.17 Consideration has been given to the design of the surrounding properties on North Dene which features pairs of semi-detached dwellings. Some pairs are symmetrical in appearance while others feature one dwelling which has a front facing gable end i.e., the adjacent pair (Nos.25 and 27 North Dene) have been designed in such a way. The proposed dwelling is not intended to be an exact copy of these properties as it would be a larger detached dwelling, however it would be constructed from materials sympathetic to the appearance of the surrounding street screen and would incorporate complementary design features such as the front facing gable end.
- 5.18 The contemporary design of the development in terms of its layout, form and materials would ensure a good architectural design, therefore it is considered that the development would not have a harmful impact on the character and appearance of the wider street scene in accordance with policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.19 **RESIDENTIAL AMENITY**
Paragraph 130 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.20 Policy MSGP17 recognises amongst other things, that existing residential areas are vulnerable to amenity issues where building density is increased as a result of the sub-division of curtilages to create new building plots particularly as a result of a loss of privacy and reasonable levels of outlook.
- 5.21 The nearest residential dwelling to the application site is 27 North Dene. The proposed dwelling would be situated within 2.7 metres of the side elevation of No.27 which is a blank elevation. The proposed side elevation of the new dwelling facing No.27 would also be blank. Given this arrangement there would be no scope for overlooking of either property.
- 5.22 Given the movement of the sun throughout the day in relation to the position of No.27, it is not anticipated that the size and scale of the proposed dwelling would result in a loss of daylight entering habitable room windows/ private garden space or have an overbearing impact on this property.
- 5.23 Overall, it is considered that the position, size, and scale of the proposed dwelling in relation to 27 North Dene would not result in harm to the amenity of residents occupying this property.

- 5.24 To ensure that acceptable levels of privacy are achieved, The Council's Household Extensions and Alterations Supplementary Planning Document requires that a minimum distance of 21 metres is achieved between main facing elevations containing habitable room windows and 13 metres between such elevations and a gable elevation. Although only strictly applicable to when houses are to be extended, these dimensions can be helpful in providing a benchmark for use in new build situations too.
- 5.25 The nearest elevations containing habitable room windows are that of 59 and 61 North Dene. The rear elevations of these properties would be approximately 16 metres away from the blank side elevation of the proposed dwelling. Given this separation distance, it is not considered that the development would result in an unacceptable loss of outlook from habitable room windows nor is it anticipated that the development would overlook this property.
- 5.26 The rear elevations of 19 and 21 Long Bank are situated approximately 29 metres away from the rear elevation of the proposed dwelling while the side elevation of 29 North Dene, which does not contain habitable room windows, would be approximately 15.9 metres away from the front elevation. Overall, the separation distances afforded to the surrounding residential properties would ensure both existing and future occupiers an acceptable level of light, outlook and privacy, nor would there be overdevelopment of the plot.
- 5.27 The site is located within a residential setting therefore there is likely to be an increase in noise disturbance to nearby residents during the construction phase. Should planning permission be granted it would be necessary to condition the hours of construction (condition 8).
- 5.28 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.29 **TRANSPORT AND HIGHWAY SAFETY**
The application proposes that two off-street parking spaces would be provided to serve the proposed dwelling. This satisfies the maximum parking provision for new residential development as set out in appendix 4a of the MSGP Local Plan document.
- 5.30 The proposed access point would have a width of 4.1 metres and would be situated immediately adjacent to the existing detached garage associated with 29 North Dene and the driveway belonging to No.27. It is accepted that the level of visibility at the site access would be limited due to the existence of the adjacent garage (at No.29) however taking into consideration the site location and speed at which a vehicle would egress this access, Highways Officers are satisfied that the development would not have an unacceptable impact on highway safety.

- 5.31 The development would involve the addition of an area hardstanding at the front of the property which has a width of 9.8 metres and length of 9.6 metres. This would provide scope to manoeuvre vehicles within the site to accommodate forward entry into North Dene.
- 5.32 Representations have been submitted raising concerns regarding traffic congestion, an increase in demand for street parking around the application site and pedestrian safety concerns as a result of the development. It is considered that the addition of one dwelling would not be significant enough to harm the safe operation of the surrounding highway network or result in a significant increase in the demand street parking given that provision has been made to secure onsite parking.
- 5.33 In order to encourage the use of sustainable transport, a condition has been attached to ensure that secure and weatherproof cycle storage is provided on site (condition 9).
- 5.34 The proposal would not have any significant additional impact on highway capacity and safety and would provide onsite car parking to the levels set out in the Council's car parking standards. Subject to the provision of cycle parking, the application is in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.35 **TREES**
There are currently six birch trees situated within the application site. Three of which are located adjacent to the boundary facing onto 29 North Dene while the other three are located adjacent to the boundary facing onto 59, 61 and 63 North Dene respectively. The application proposes to retain these trees.
- 5.36 As well as benefitting local wildlife, the trees provide a degree of screening between the application site and surrounding properties as well as positively contribute towards the visual amenity of the site. The retention of these trees would prove beneficial in terms of their ecological and amenity value therefore it is considered necessary to condition that tree protection measures are implemented during the construction phase (condition 10).
- 5.37 Subject to conditions, it is considered that the development would have no significant impact on the existing trees and would be in accordance with policies CS18 and MSGP36 of the Local Plan for Gateshead.
- 5.38 **LAND CONDITIONS- CONTAMINATED LAND**
The applicant proposes a sensitive end use of the site therefore a Preliminary Risk Assessment (PRA) has been submitted and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.
- 5.39 The site has been identified as being generally undeveloped except for the detached garage formerly associated with 27 North Dene which has since been demolished. Based on its historic use, it is unlikely that the site will be affected by ground contamination.

5.40 The Local Planning Authority is satisfied that no further site investigation works would be required prior to the commencement of the development with regard to contaminated land. The proposal therefore complies with policy CS14 and MSGP20 of the Local Plan for Gateshead.

5.41 LAND STABILITY

The Coal Authority has identified that the site is situated within a 'Development High Risk Area'. A Ground Investigation Report, which includes a Coal Mining Risk Assessment, has been submitted to support this application.

5.42 The Ground Investigation Report includes the results of an intrusive site investigation undertaken comprising the drilling of a rotary borehole which confirms that there is sufficient competent rock cover above the shallowest intact coal seam. Overall, The Coal Authority is satisfied the site is safe and stable to accommodate the proposed development and no further site investigation works are necessary with regard to coal mining legacy. The proposal complies with policy CS14 and MSGP20 of the Local Plan for Gateshead.

5.43 WASTE MANAGEMENT

It is considered that the plot is of ample size in which to store wheeled bins and the site has sufficient access to the existing road for emptying therefore the proposal is in accordance with policy MSGP48 of the Local Plan for Gateshead.

5.44 COMMUNITY INFRASTRUCTURE LEVY

1st January 2017, Gateshead Council became a CIL charging local authority. This proposal has been assessed against the Council's CIL charging schedule and this development would be CIL chargeable. CIL is charged on all new developments which create more than 100m² of floor space and on developments which create 1 or more new dwellings, even where the floor space is less than 100m².

5.45 The development is located within Residential Zone C and would therefore be subject to a charge of £0/sqm.

5.46 OTHER MATTERS

Objections have been put forward which concerns matters that are not considered material planning issues. These are:

- health implications of development

These matters have not been considered as part of this assessment.

6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary.

1

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

Site Location Plan

DC/09 Proposed Plans and Elevations (Dated 07 2021).

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number DC/09 Proposed Plans and Elevations (Dated 07 2021).

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

Development shall not commence above damp-proof course level until details of the colour of the proposed render finish to be used on all external surfaces have been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the

appearance of the existing building in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

5

The landscaping scheme demonstrated in plan no. 'DC/09 Proposed Plans and Elevations (Dated 07 2021)' shall be implemented in accordance with the approved details within the first available planting season (October to March) and shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any grass which fails to establish shall be re-established.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF and Policies CS15 and MSGP24 the Local Plan for Gateshead.

6

Where required and prior to the commencement of works to install/remove boundary treatment, a fully detailed scheme for the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

7

The boundary treatment approved under condition 6 shall be implemented in accordance with the approved details.

Reason

To ensure the satisfactory appearance of the development in the interests of the visual amenity of the area in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

8

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

Prior to the first occupation of the dwelling, secure and weatherproof cycle storage, capable of storing at least one bicycle, shall be provided on site and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

10

The tree protection measures shown on plan no. 'DC/09 TP' (Dated September 2021) and details of protection fencing submitted 03.09.2021, must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the groundworks and construction phase and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework and Policies CS18 and MSGP36 of the Local Plan for Gateshead.

Reason for pre-commencement condition

To avoid damage to existing trees.

11

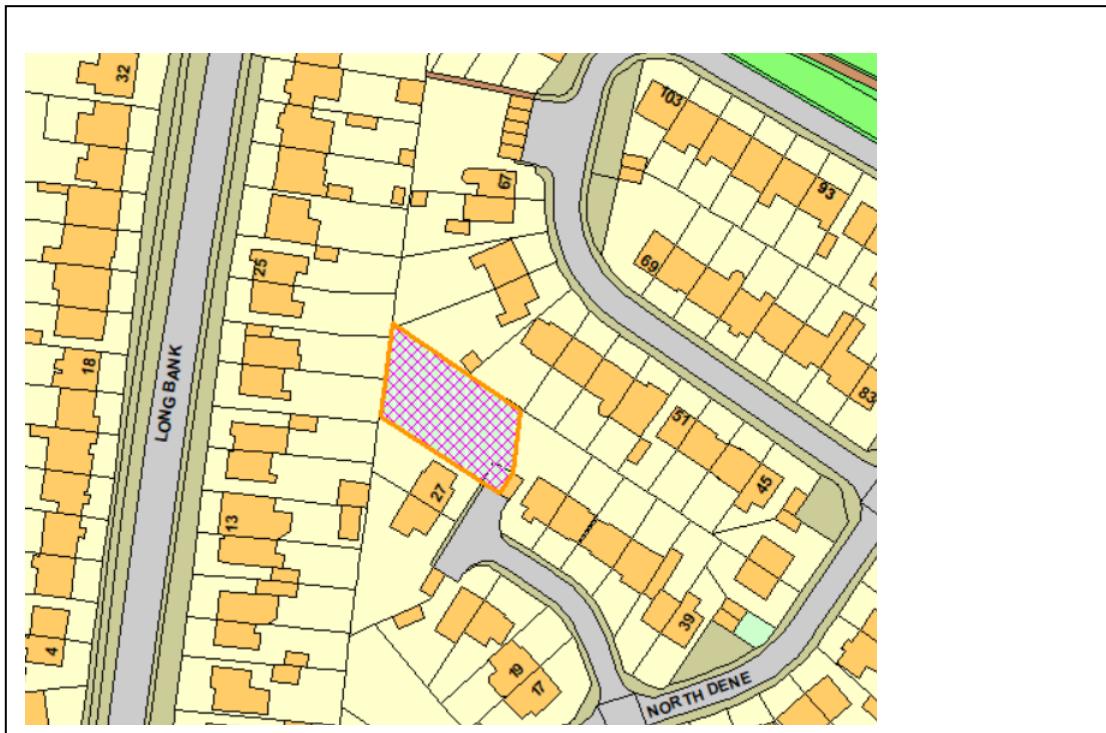
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS14 and MSGP20 of the Local Plan for Gateshead.



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