

## **DELEGATED REPORT / CASE OFFICER'S ASSESSMENT**

**Ref No:** ST/0083/20/FUL

**Proposal:** Construction of five detached dwellings, with associated car parking and amenity space

**Location:** Land Site of Former St Aidan's Church, St Aidan's Road, South Shields  
NE33 2EY

**Site Visit Made: 3/3/20**

### **Relevant policies/SPDs**

- 1 LDF CS ST1 - Spatial Strategy for South Tyneside
- 2 LDF CS ST2 - Sustainable Urban Living
- 3 LDF CS SC1 - Creating Sustainable Urban Areas
- 4 LDF CS SC3 - Sustainable Housing Provision
- 5 LDF CS SC4 - Housing Needs, Mix and Affordability
- 6 SSTCW AAP Policy SS11 - Living in South Shields
- 7 DM1 - Management of Development
- 8 DM6 - Heritage Assets and Archaeology
- 9 DM7 - Biodiversity and Geodiversity Sites
- 10 LDF CS A1 - Improving Accessibility
- 11 LDF CS EA1 - Local Character and Distinctiveness
- 12 LDF CS EA3 - Biodiversity and Geodiversity
- 13 LDF CS EA4 - World Heritage Site
- 14 LDF CS EA5 - Environmental Protection
- 15 SSTCW AAP Policy SS12 - Protecting the Built Environment Assets of South Shields
- 16 SSTCW AAP Policy SS13 - Protecting the Natural Environment Assets of South Shields
- 17 SPD1 - Sustainable Construction & Development - Adopted August 2007
- 18 SPD4 - Affordable Housing - Adopted August 2007
- 19 SPD5 - Planning Obligations & Agreements - Adopted October 2008
- 20 SPD6 - Parking Standards
- 21 SPD9 - Householder Developments

## **Description of the site and of the proposals**

Planning permission is sought for redevelopment of a vacant site at the junction of St Aidan's Road and Henry Nelson Street to provide five 4 bedroomed, two and a half story high detached dwellings, with gardens and private driveways.

Although the site is grassed and clear of buildings, there was previously a large church and attached church hall that stood on the land, which were demolished approximately 16 years ago.

The proposed dwellings would front onto St. Aidan's Road, and they would have a modern external finish. The five detached dwellings would all provide habitable accommodation within the roof space. Plot one, would also include a sun room and two storey bay window to Henry Nelson Street.

Proposed parking would be to the front of the site for the new dwellings. Further visitor parking is proposed through the provision of 2 parking bays, located to the east of the site, accessed via the back lane serving properties that face onto Lawe Road.

The application site is allocated for residential development (approximately 9 dwellings), in accordance with Policy SS11 of the South Shields Town Centre and Riverside Area Action Plan Local Development Framework Development Plan Document.

## **Relevant Planning History**

The site has historically been subject to planning applications for residential development following the demolition of the church in late 2004. These historic applications are listed below including a brief summary of the decision.

ST/1701/05/FUL: 26 apartments with landscaping, car parking and new vehicle access – withdrawn.

ST/1334/06/FUL: 20 no. apartments with associated car parking, new vehicular access and hard and soft landscaping – refused.

ST/0053/07/FUL: 6no. houses and 3no. apartments and managers office with associated car parking, garaging and hard & soft landscaping – granted, subject to conditions.

ST/1092/08/FUL: 8no town houses and 2no apartments with associated parking, garages and landscaping – granted, subject to conditions.

ST/0330/17/FUL: Construction of six family homes (providing split level living over 3 stories high) with enclosed front and rear gardens. Parking to the rear including detached garages. Garden room structures above four of the detached garages – granted subject to conditions.

The applicant has advised within their supporting Design and Access Statement that '*while the scheme was supported and approved, it later became clear that the design of the scheme was overly complex. Consequently, excessive estimated build costs meant the development was not feasible. The design of the revised scheme (the current planning application) was to retain the benefits of the approved scheme, while ensuring that the cost of the project was contained, ensuring that the development could be delivered. The scheme for family homes, with large gardens and private rear gardens was supported and would be retained. The established build line, position and orientation of the proposed dwellings on the site would also be mirrored...However, the complexity of the rear garages and garden rooms, along with the need for site retaining walls, would be omitted from the revised design.*

## **Responses to Publicity and Consultations**

### **Neighbour Notification Responses**

Neighbour notification letters were sent out and site notices were also erected. No representations were received.

## **External Consultees**

### Northumbrian Water

No objections. A drainage strategy has been submitted to support the application, however it does not appear that this strategy has yet been agreed with Northumbrian Water. Condition suggested in relation to the submission and approval of a detailed scheme for the disposal of foul and surface water from the development. Advise that the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. Advise that the planning permission with the requested condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

### Northern Gas Networks

No objections. Reference to apparatus in the area that may be at risk during construction works and the developer should contact Northern Gas directly to discuss requirements. Should any diversionary works be required, these would be fully chargeable. Copies of mains records and safe working guidance supplied.

### Tyne & Wear Archaeology Officer

The site has been previously subject to an archaeology desk top study report and a subsequent trial trenching and an archaeology evaluation report. An archaeology watching brief condition is suggested having regard to such a condition imposed on the 2017, 2008 and 2007 planning permissions for the residential development this site.

## **Internal Consultees**

### Waste Services

No comments received

### Traffic and Road Safety

Initial comments:

Entry / exit taper to visitor parking to be extended due to nature of adjacent retaining wall.

Visitor bays may be offered for adoption by applicant.

Assumption that retaining walls will remain in applicant's ownership.

Removal of parking bays to front will be at applicant's expense via Parking Services team

*Case Officer comment – Amended plans were received, which revised the exit and entry taper, designed with 60° taper as opposed to 45° taper. The agent also clarified and confirmed that the applicant will offer the visitor bays for adoption, the retaining walls to the east, south and west boundaries, will remain within the ownership of the applicant and that the cost of removing the on-street parking bays will be met by the applicant, via the Parking Services Team.*

Final comments:

The amendments and applicants notes are acceptable.

### Environmental Protection (including as Lead Local Flood Authority)

Land contamination:

The site investigation and desk study which have been submitted as part of the development are not dated, and clarification sought on when the assessments were done. The content appears that it was done a while ago as there are a number of things which have changed since. The sampling which has been done and tested state that this was done over 10 years ago – therefore there is concern that they do not reflect the current guidelines – and that the report will therefore not provide an accurate risk assessment. The report does suggest that only copper was elevated and that the area around this sample required remediation.

Additional sampling should be carried out in the proposed garden areas. I would also suggest that a review should be carried out against the latest assessment criteria to ensure that the recommendations are still

appropriate. Given this potentially dated information, should the application proceed, conditions would be required to ensure that prior to the commencement of development, additional sampling is carried out within the proposed garden areas and a technical review of the original site investigation is also carried out to ensure that recommendations remain unchanged. Additionally conditions will be required in respect of a detailed remediation strategy for the proposed remedial works, a verification report that demonstrates the effectiveness of the remediation carried out and a condition relating to any unexpected contamination.

*Case Officer comment: the applicant's agent advised that the Phase 1 Desk Top Study | Project No: 08-329 | was undertaken in July 2008 and the Phase 2 Ground Investigation Report | Project No: 08-494 | was undertaken in Jan 2009. Due to the period of time which has passed since these reports, the recommended conditions, as summarised above are considered necessary.*

Drainage / flood risk:

No comments received. The Lead Local Flood Authority is not a statutory consultee on a minor application (of which this application is categorised).

#### Countryside Officer

No ecological information has been submitted to accompany this application, though it is noted that the Church was demolished ~20 years ago and as far as I am aware has been devoid of buildings since then. The site is unlikely to have developed any significant ecological interest due to its small size and its relative isolation from other habitats. However even species poor grassland provides some biodiversity interest, providing nectar and pollen to invertebrates and foraging habitat for a range of common and widespread species.

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. As a bare minimum the scheme should result in no net loss for biodiversity.

The following measures should be incorporated into the development to provide no net loss and hopefully result in gains for biodiversity overall:

- 'Built in' nesting opportunities for birds common in urban environments such as swift, starling, house sparrow.
- 'Built in' roosting opportunities for crevice roosting species of bats.
- Measures to make the gardens permeable for hedgehogs – appropriate sized gaps in boundary and dividing fences and walls.

These should be secured by a suitable condition.

#### **Habitats Regulations Assessment**

The legal protection for habitats and species of European Importance is set out in the Directive 92/43/EEC – 'The Conservation of Natural Habitats and Wild Fauna and Flora', known as the 'Habitats Directive'.

The Directive includes a duty on European Member States to establish a European ecology network known as 'Natura 2000' (N2K) sites, which comprise of Special Areas of Conservation (SAC) and, in accordance with the 'Birds Directive' (79/409/EEC & 2009/147/EC); Special Protection Areas (SPA). The Directives includes Annexes of habitats and species for which SACs should be designated and SPAs classified in order to further their conservation. Member states must therefore take necessary measures to guarantee the conservation of these habitats and species and avoid their deterioration. The Conservation of Habitats and Species Regulations (2017) transposes the Habitats and Birds Directives into English Law, and is commonly referred to as the 'Habitats Regulations.'

This proposed development is within 6km of the following relevant European sites:

- Durham Coast Special Area of Conservation
- Northumbria Coast Special Protection Area and Ramsar Site

Studies have shown that recreation pressure on the European sites is likely to increase with new residential growth, which is also likely to apply to increased tourism and visitors to the Borough. Recreational pressure affecting the European Sites is predominantly from residents within a 6km 'zone of influence' and it is

therefore concluded that additional residential development within this zone will contribute to further recreation pressure if not mitigated for.

The applicant can be directed to SPD 23 and the supporting documents to explain the requirement to mitigate impacts on the European designated sites.

The SPD advises that residential developments within the 6km zone are likely to have a significant effect on the European sites, and draws on the strategic HRA and mitigation strategy work to conclude that adverse effects on site integrity can be ruled out where developments of 10 or more dwellings make a proportionate contribution to a carefully designed package of mitigation measures.

The requirements of the SPD provide a robust solution to the need to comply with the requirements of the Habitats Regulations. The SPD is not an additional burden placed on developers, rather it provides a solution for developers to comply with the HRA requirements without having to undertake their own extensive evidence gathering to demonstrate that their mitigation measures are fit for purpose. The SPD has been put in place to prevent project level delays, difficulties in demonstrating effective mitigation, and evidence burdens on the developer. Natural England, the statutory nature conservation body, has confirmed that a strategic approach to mitigating for increased recreation pressure at the coast is the most favourable way forward.

The contribution towards the strategic mitigation scheme as set out in the SPD is calculated at £403 per dwelling for developments of 10 units or more. This proposal is for 5 units and so would not attract the tariff, but the requirement for a project HRA remains.

The Case Officer will need to ensure that an Appropriate Assessment is completed for this proposal and the HRA process is recorded.

#### Further comments:

*Clarification sought for the recommended measures to be incorporated into the development to provide no net loss for biodiversity. The following further comments were provided:*

Something should be provided in all 5 dwellings . Bat opportunities should concentrate on being on south and western facing elevations and avoid being over balconies or top floor windows. Bird features should concentrate on northern and eastern elevations, again not above balconies, top floor windows or well used footways and car parking areas (to reduce conflict over droppings). The hedgehog access needs to be throughout the site, including the edge plots leading off site.

### **Planning Assessment**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

### **Strategic Policies and Delivering Sustainable Communities**

**ST1 Spatial Strategy for South Tyneside (LDF Core Strategy)** sets out the spatial strategy for the development of South Tyneside and that the use of planning obligations is essential to the delivery of the overall strategy.

**ST2 Sustainable Urban Living (LDF Core Strategy)** promotes the highest standards of design, environmentally sound practices, (including on site generation of renewable energy) and sustainable drainage, gives priority to alternative modes of transport to the private car, addresses the need to design out crime and eliminate the fear of crime and promotes biodiversity interests.

**SC1 Creating Sustainable Urban Areas (LDF Core Strategy)** says that to deliver sustainable communities, development proposals will be focused and promoted within the built up area.

**SC3 Sustainable Housing Provision (LDF Core Strategy)** promotes the renovation of existing housing stock where viable and managed redevelopment in order to create sustainable residential communities and manages the phased release of land for new housing developments.

**SC4 Housing Needs, Mix and Affordability (LDF Core Strategy)** seeks to ensure a range and choice of good quality affordable homes to meet identified housing needs.

**SS11 Living in South Shields (LDF South Shields Town Centre and Riverside Area Action Plan)** allocates sites suitable for new housing and the types of housing needed.

**DM1(J) Energy Efficiency and Resilience to the Affects of Climate Change (LDF Development Management Policies)** is to ensure that developments are designed to achieve lower carbon emissions and to have greater resilience to the affects of climate change.

*SPD1 Sustainable Construction and Development: requires applicants for certain larger scale or significant schemes to demonstrate the sustainability credentials of their proposals.*

*SPD4 Affordable Housing: sets out how the affordable housing requirement in policy SC4 is to be provided through the planning process.*

*SPD5 Planning Obligations and Agreements: provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.*

This planning application site is allocated for approximately nine dwellings in the South Shields Town Centre and Riverside Area Action Plan (AAP), by virtue of Policy SS11 A) iii). Furthermore policies SC1 and SC3 seek to deliver sustainable communities in built up areas and manage the phased release of land for new housing. The proposal would therefore be consistent with objectives of Policies SC1 and SC3 and it would support the objectives of Policy ST1.

The application site is allocated for residential development (approximately 9 dwellings), in accordance with Policy SS11 and therefore the proposal for 5 family dwellings would be a reduction in the approximate number identified through policy SS11. The site has been previously granted consent for 6no. houses and 3no. apartments, 8no town houses and 2no apartments and most recently six family homes. The current proposal would provide the lowest density of residential development on the site in comparison to the former approved developments and it must be considered whether the development is making the best use of this previously developed site in terms of being sustainable development. It is considered that although the proposed development would reduce the number of dwellings from former approved developments, the size of the dwellings (4 bedroomed) and the amount of external amenity space to the dwellings is not excessive. It should also be noted that the topography of the site represents a significant constraint to the developable area of the site and viability of developing the site (as identified by the applicant in a supporting statement). The former schemes proposed a mixture of housing types and sizes; this application seeks consent for family dwellings only rather than including apartments. The mix of housing proposed would be acceptable in terms of Policy SC4 and Policy SS11, where the latter includes identifying a need for 3 and 4 bedroom family homes. It should be noted that as the site is less than 0.5 hectare in area and less than 15 dwellings are proposed; there is no Policy SC4 requirement triggered to consider the provision of affordable housing (either on-site or via a financial contribution in-lieu of on-site provision).

#### Sustainable buildings / security

The applicant was not required to submit a sustainability statement, as the proposal does meet the local planning application validation requirement to trigger this and that relates to 'major development' proposals. For housing this would be proposals for 10 or more dwellings (or if the number of dwellings is not known where the site area exceeds 0.5 hectare in area). Notwithstanding this, reducing carbon emissions can be achieved by improving a building's thermal performance (i.e. fabric first approach), rather than insisting on the provision of on-site renewables (i.e. low or zero carbon technologies), which is a consideration of Policy ST2. It should be noted that the Building Regulations, which is a separate regulatory regime and that would apply to the proposals construction, now require buildings to have a higher thermal performance than was the case when either the LDF core strategy was adopted in June 2007 or when the development management (DM) polices development plan document was adopted in December 2011. The applicant has indicated that the proposed development would include sustainable drainage (permeable paving) to deal with surface water; which is considered further in the "Capitalising on our Environmental Assets / Environmental Protection" section of this report.

In respect of crime / fear of crime, street lighting is currently located around the perimeter of the site. It is not anticipated that any of these lighting columns will need to be relocated as a consequence of the development. No further street lighting has been indicated as forming part of these proposals, however should further lighting be proposed, a condition is recommended requiring the submission and approval of details. Boundary treatments are considered within the 'Other Development Management Policies section'.

As such, the proposal would be consistent with LDF Policies ST1, ST2 and DM1(J).

### **Improving accessibility; highway capacity, highway safety**

**A1 Improving Accessibility (LDF Core Strategy)** seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments or transport statements for major development proposals, having regard to the Tyneside Validation of Planning Application requirements. Parking standards will apply to new development, as set out in SPD6.

**DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies)** seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

*SPD6 Parking Standards: sets out the parking standards used in assessing proposals for new development.*

The proposed parking arrangements for the proposed development will be situated at the northern side of the application site, providing in curtilage driveways for two cars to each dwelling, accessed from St Aidan's Road. Two visitor parking bays are proposed to the east of the site, accessed from the lane to the rear of Lawe Road. It should be noted that SPD6, as maximum, would only require 2 visitor spaces to serve the proposal, which would be provided by the visitor bays proposed. It is accepted that the use of the rear lane will increase through the provision of these visitor spaces, in comparison to the current situation, however it is not considered that this would be to such an extent that would materially harm either highway safety or amenity of residents from associated noise for increased vehicular movements. Additionally the location of these bays would not narrow the rear lane, and therefore the existing rear access and parking to properties in Lawe Road adjacent to the site would not be compromised by the location of the bays.

St. Aidan's Road and Henry Nelson Street have relatively wide vehicular carriageways and this has enabled the existing arrangement comprising car parking laybys marked out on both sides of each neighbouring street. Further visitor parking, beyond the two visitor bays proposed would be reliant on the use of the public highway. To enable the provision of in curtilage parking, 6 no. existing on street parking bays, marked out on the southern side of the highway (St Aidan's Road) would need to be removed. The Council's Traffic and Road Safety Team in consultation with the Council's Parking Manager has advised that the removal of these parking bays would be at the applicant's expense. It is considered that there is sufficient capacity on street that the loss of these spaces would not be significant. Furthermore it should be noted that previously approved schemes for the application site did not include any visitor parking, and would have therefore relied upon on street provision entirely.

A condition is recommended requiring the completion of the parking bays prior to the occupation of the final dwelling and the retention of these parking bays thereafter for their intended purpose.

Cycle storage has been indicated to each dwelling through the provision of a timber store within the rear garden areas. Located within rear gardens, the stores would not be highly visible from the main street scene. The detailed dimensions of the store have been given and a condition is recommended that requires the installation of the cycle stores.

The proposed layout provides bin store locations within the rear gardens of the properties. Amended plans have been received to ensure there are means of access onto the highway from the rear gardens to allow for the collection of returnable containers from the highway, from both St Aidan's Road and Henry Nelson Street.

The proposed layout would accord with Policies A1 and DM1 (G, H and I).

Informatives are suggested in relation to works requiring the consent of the highway authority and in relation to the supply of refuse containers for the future residents of this proposed residential development.

### **Capitalising on our Environmental Assets/Environmental Protection.**

**EA1 Local Character and Distinctiveness (LDF Core Strategy)** seeks to conserve the best qualities of South Tyneside's built and natural environment

**EA3 Biodiversity and Geodiversity (LDF Core Strategy)** seeks to optimise conditions for wildlife and tackle habitat fragmentation.

**EA4 World Heritage Sites (LDF Core Strategy)** seeks to maximise the benefits of the Borough's most important heritage assets.

**EA5 Environmental Protection (LDF Core Strategy)** seeks to ensure that new development reduces levels of pollution and environmental risk.

**SS12 Protecting the Built Environment Assets of South Shields (South Shields Town Centre & Waterfront AAP)** seeks to preserve, protect and promote built environment historic, cultural and architectural assets and their setting with the AAP's boundary

**SS13 Protecting the Natural Environmental Assets of South Shields (South Shields Town Centre & Waterfront AAP)** seeks to protect and enhance the natural asset within the AAP's boundary.

**DM1 (K) Management of Development-Flood Risk (LDF Development Management Policies)** is to ensure that developments are designed to minimise and mitigate localised flood risk.

**DM1 (M) Management of Development-Contamination (LDF Development Management Policies)** is to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

**DM6 Heritage Assets and Archaeology (LDF Development Management Policies)** relates to the protection, preservation and enhancement of the Borough's heritage assets and their settings.

**DM7 Biodiversity and Geodiversity Sites (LDF Development Management Policies)** is to ensure the protection and enhancement of the important environmental assets of the borough.

### Flood Risk and Drainage

The application has been accompanied by a Drainage Strategy, which identifies a proposed discharge rate of 5l/sec to the Northumbrian Waters (NWL) combined sewer. Through consulting with NWL on the planning application, they have advised that they have no objections. It has been stated that the strategy has yet to be agreed with NWL (at the time of consulting NWL no pre-development enquiry had been made to NWL). A condition has therefore been requested in relation to the submission and approval of a detailed scheme for the disposal of foul and surface water from the development. NWL have advised that the developer should contact them to agree allowable discharge rates and points into the public sewer network. NWL have advised that the planning permission with the requested condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

The agent has been contacted to discuss the lack of a pre-development enquiry with NWL. The applicant's Consulting Engineer contacted NWL and NWL advised the applicant that in this instance, the submission of a Pre Planning Enquiry is not required, but that a sewer connection application (Section 106 of the Water Industry Act 1991) is still needed. It should be noted that these discussions with NWL took place after the LPA's consultation with NWL on the planning application.

The LPA contacted the agent to discuss the options available in proceeding with the application; to either retain the condition as requested by NWL (requiring that a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority) or for



re-consultation with NWL to be carried out, in response to the recent developer enquiries with NWL. The applicant's agent advised that they wished for the recent developer contact and response from NWL to be disregarded and for detailed drainage details and agreement with NWL to be conditioned.

As such without confirmed agreement by NWL to the LPA in respect of the detailed drainage strategy, it is considered necessary to include a condition as originally recommended by NWL.

The Lead Local Flood Authority is not a statutory consultee on a minor application (of which this application is categorised), so no comments have been received in respect of the proposed development.

The proposal is for 5 dwellings below the 10 dwelling statutory requirement to consider sustainable drainage systems (SUDS). The proposed surface water drainage scheme has nevertheless considered SUDS. As soakaway or infiltration are not practicable due to ground conditions and nor would be discharge to a watercourse, as there are none nearby; on-site permeable paving is proposed. It is good practice to include the maintenance scheme for any proposed SUDS feature like permeable paving in the drainage strategy and (in accordance with CIRICA C75). The drainage strategy includes maintenance details. A condition is recommended to ensure the maintenance of the permeable paving is undertaken in accordance with the recommendations as detailed on the drainage strategy.

Given the above, planning conditions relating to the proposed foul and surface water drainage scheme and the maintenance of permeable paving are suggested. As such, the proposal would accord with Policies EA5 and DM1(K).

#### Contaminated land

A Phase 1 Desk Top Study (dated July 2008) and Phase 2 Ground Investigation Report (dated January 2009) have been submitted. The latter suggested that the site might require some remediation works if left undeveloped as garden space to remove land containing elevated levels of copper.

The response from Environmental Protection advised that, as the ground investigation was carried out a number of years ago, a review should be carried out by competent persons against the latest assessment criteria to ensure that the recommendations are still appropriate. Soil sampling for the proposed garden areas also needs to be undertaken. The response advised that four planning conditions should be imposed – a technical review of the ground investigation / investigation and risk assessment, a detailed remediation strategy, verification and lastly reporting/dealing with unexpected contamination.

Given the above, four planning conditions with regards to dealing with land contamination are therefore suggested. As such, the proposal would accord with Policies EA5 and DM1(M).

#### Ecology / Habitats Regulations Assessment

The Council's Countryside Officer advised that the potential for the proposed development to affect biodiversity on the site is minimal and no ecological information has been submitted to accompany this application, although it is noted that the Church was demolished around 20 years ago and the site has been devoid of buildings since then. The site is unlikely to have developed any significant ecological interest due to its small size and its relative isolation from other habitats. However even species poor grassland provides some biodiversity interest, providing nectar and pollen to invertebrates and foraging habitat for a range of common and widespread species.

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. As a bare minimum the scheme should result in no net loss for biodiversity.

It has been advised that the following measures should be incorporated into the development to provide no net loss and potentially result in gains for biodiversity overall:

- 'Built in' nesting opportunities for birds common in urban environments such as swift, starling, house sparrow.
- 'Built in' roosting opportunities for crevice roosting species of bats.
- Measures to make the gardens permeable for hedgehogs – appropriate sized gaps in boundary and dividing fences and walls.

Clarification has been sought on the amount of in built mitigation from the Council's Countryside Officer, who has advised that all 5 dwellings should provide in built (integrated) mitigation. As such conditions and informatives are recommended in this regard.

The Habitats Directive relates to European Protected sites which include the Durham Coast Special Area of Conservation (SAC), Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site. The UK Habitat Regulations are used to implement the Directive and require a Habitat Regulations Assessment to be made when a project is likely to have a significant effect on a European site. The Northumbria Coast Special Protection Area (SPA) is within 980m and the Durham Coast Special Area of Conservation (SAC) is within 1.62km.

Studies have shown that recreation pressure on the European sites is likely to increase with new residential growth. Recreational pressure affecting the European Sites is predominantly from residents within a 6km 'zone of influence' and it is therefore concluded that additional residential development within this zone will contribute to further recreation pressure if not mitigated for. The Supplementary Planning Document 23 - Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) advises that residential developments within the 6km zone are likely to have a significant effect on the European sites, and draws on the strategic HRA and mitigation strategy work to conclude that adverse effects on site integrity can be ruled out where developments of 10 or more dwellings make a proportionate contribution to a carefully designed package of mitigation measures.

The proposed development is located within the 6km zone of influence of the Durham Coast SAC, Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar Site and as such consideration must be given to the potential indirect effects on these sites through additional recreational pressure under the Habitats Regulations.

A Habitats Regulations Screening Assessment and an Appropriate Assessment has been carried out by the Local Planning authority as competent authority. In summary, the Appropriate Assessment has concluded that whilst no mitigation measures are included as part of the application proposal itself (being under the 10 dwelling threshold), adverse effects would be avoided due to the mitigation secured through South Tyneside Council's Mitigation Strategy for European Sites; developer contribution being obtained for major residential developments, set at a level designed to also provide sufficient mitigation to address effects associated with minor residential development proposals.

As such, the proposal would accord with Policies EA3, SS13 and DM7.

### Archaeology

In dealing with the 2007 planning application (mentioned earlier in this report) an Archaeological Assessment report was submitted given that the site was within the Arbeia Roman Fort World Heritage Site buffer zone. Also, further to that some archaeology trial trenching was then undertaken and an Archaeological Evaluation report was subsequently submitted.

The results of the trenching were largely negative although a linear feature of uncertain date was recorded at a depth of 1.5m in one of the four trenches. In response, and having consulted with the Tyne and Wear Archaeology Officer; it was considered that an archaeology watching brief planning condition should be imposed. The condition would ensure that no archaeological heritage asset would be harmed. The wording of the condition included it being linked to both a plan to identify the part of the site affected by it and that it would only relate to development works to be carried 1.5m below the existing ground levels, within the identified area. A condition in this regard was imposed on the 2007, 2008 and 2017 planning permissions.

As there has been no material change to the condition or appearance of the application site, this previous archaeological work and related reports are still relevant to the consideration of the current proposal for the site. As a result, the applicant was not required to produce any further work in this regard to enable this planning application to be considered.

The Tyne and Wear Archaeology Officer has confirmed that, in relation to this planning application; that an archaeology watching brief condition should be imposed and similar wording and a plan to that used for the 2007, 2008 and 2017 planning permissions.

A planning condition is suggested in this regard. As such, the proposal would accord with Policies EA4, SS12 and DM6.

### Heritage Assets

The application site lies within the buffer zone for Arbeia Roman Fort World Heritage Site, as shown on the South Shields and Town Centre Waterfront AAP proposal's map. However, the proposal would not give rise to any harm to the setting of the Arbeia Roman Fort due both distance (300m) and a lack of inter-visibility due to the intervening terraces of housing and also due changes in ground levels. The application site is at a noticeably lower ground level than the Arbeia site.

Furthermore, the proposal would not harm the setting of North Marine Park which is located approximately 60m to the east and designated Park & Garden Grade II, as there is intervening housing along Lawe Road; so the site will only have limited visibility from this park.

As such, the proposal would accord with Policies EA4, SS12 and DM6.

### **Other Development Management Policies**

**DM1 (A) Management of Development-Design (LDF Development Management Policies)** is to ensure that developments are designed to convey sensitive consideration of surroundings.

**DM1 (C) Management of Development-Landscaping (LDF Development Management Policies)** is to ensure that developments protect existing landscaping, where possible or provide replacement planting where necessary.

**DM1 (B) Management of Development-Residential Amenity (LDF Development Management Policies)** is to ensure that developments are acceptable in relation to any impact on residential amenity.

*SPD9 Householder Developments: provides guidance in relation to extensions and alterations to existing dwellings.*

### Layout, Design and Landscaping

The proposed development would have a modern contemporary external appearance and design. It is not attempting to replicate the appearance of the terraced properties that largely surround the site. The proposed layout identifies that one of the properties (plot 1) would have a garden room structure in the rear garden.

The submitted details include indicative information about the proposal materials, which include the use of red bricks, art stone (sandstone) surrounds to windows, grey charcoal weatherboard panels, grey window frames, and light grey roof tiles. Boundary treatments to the sites perimeter include close boarded fencing above the retained wall to the south of the site and a new low red brick wall to the east of the site, to match the existing. Timber fencing is indicated for internal separation of the rear gardens within the site.

LDF Policy DM1(A) sets a presumption in favour of development that is sympathetic to its site and surroundings. It is considered that the proposed housing designs are acceptable, as are the general principles of the proposal's layout and that includes taking the sites sloping nature into account. Whilst the proposed plans give an indication of the external facing materials, precise details of these materials and hard surface treatments are required and these may be secured by planning condition.

The submitted details include some indicative information in relation to the means of enclosure (i.e. walls, fences, gates etc.) but full details (such as any front boundary enclosures) have not been submitted. Whilst this indicative information is acceptable in principle, precise and full details for the means of enclosure may be secured by planning condition.

A condition is suggested that the houses and garden room are carried out as per the submitted finished floor levels, unless otherwise agreed.

The proposals soft landscaping details within the curtilage of dwellings would provide ecological enhancements within the application site. The submitted details indicate the planting of trees and shrubs and areas of grass. A condition is suggested in relation to the submission of further landscaping proposals and its provision.

As such, the proposal would accord with Policy DM1(A).

### Residential Amenity

The layout and design of the proposal is considered to be acceptable in terms of providing the future occupants of the houses with a reasonable level of amenity.

The Council's SPD9 guidance seeks to maintain a reasonable outlook from habitable room windows and it generally seeks to ensure that there is a distance of more than 14 metres between habitable room windows of neighbouring properties, especially where windows in properties are directly facing each other.

The proposal would comprise two and a half storey housing development, with front elevations facing north towards the existing dwellings on St. Aidans Road. This existing terrace has habitable room windows facing towards the application site. The proposed houses would provide a distance of 18.5 metres (at a minimum) between the habitable windows.

A two storey feature bay window is proposed to the side gable elevation of plot 1, which would face towards properties in Henry Nelson Street. There would be a distance of 16.4m (at its nearest point) between this proposed window and the side elevation of 54 St Aidan's Road (a corner property with feature corner turret) and bay window to the side elevation facing the application site. The front elevation to no. 55 Henry Nelson Street also faces the application site and contains habitable room windows but would be off set from the proposed glazing to plot 1.

In terms of the existing properties that surround the planning application site, the proposed layout and design is not considered to materially harm these in terms of outlook, privacy or overshadowing having regard to the spacing of proposed dwellings, their finished floor levels and/or their massing and orientation relative to those of the existing properties.

Furthermore, the overall general scale and massing of the proposed houses plus the numbers being proposed; is less than that of former planning permissions for this site.

As such, the proposal would accord Policy DM1(B)

### Conclusion

This site is allocated in the Local Development Framework for the provision of new housing.

The proposal is considered to be acceptable in terms of its layout and design, impact on the general character of the area, amenities of the neighbours, highway safety and environmental impacts subject to the suggested planning conditions.

The proposal accords with the Local Development Framework policies to be taken into account, having regard to all relevant material planning considerations.

### Recommendation

Grant Permission with Conditions

### Conditions

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

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

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

Drg no. 19SASS (EW) 02 Rev B - Proposed site plan, received 30/03/2020  
Drg no. 19SASS (GA)01-04 - Proposed floor Plans, Plot 1 received 03/02/2020  
Drg no. 19SASS (GA) 01-04 rev A - Proposed floor plans, Plot 2 received 14/02/2020  
Drg no. 19SASS (GA)01-04 - Proposed floor plans, Plots 3, 4 and 5 received 03/02/2020  
Drg no. 19SASS (GA) 21-24 - Proposed Elevations, Plot 1 received 03/02/2020  
Drg no. 19SASS(GA)21-24 - Proposed Elevations, Plots 3, 4 and 5 received 03/02/2020  
Drg no. 19SASS (GA) 21-24 rev A - Proposed Elevations, Plot 2 received 14/02/2020  
Drg no. 19SASS (SE)B-B rev A received 11/03/2020  
Drg no. 19SASS (SE) C-C rev A received 11/03/2020  
Drg no. 19SASS (SE) A-A rev A received 11/03/2020

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 Notwithstanding the submitted Phase 2 Ground Investigation report (by Arc Environmental, received 03/02/2020) and before the commencement of any development, additional sampling to the proposed garden areas shall be completed and results reported through the submission of an up to date ground investigation report. A technical review of the original site investigation should also be completed to ensure the recommendations within the Phase 2 Ground Investigation report (by Arc Environmental, received 03/02/2020) remain unchanged. An investigation and risk assessment must be completed for the entire site to assess the nature and extent of any contamination, whether or not it originates on site. The ground investigation report and the risk assessment must be undertaken by competent persons and a written report of the findings must be submitted for approval in writing by the Local Planning Authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management'.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

- 4 A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved by the Local Planning Authority prior to them commencing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation a verification plan shall be submitted for the proposed gas protection

measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Development shall be carried out in accordance with the approved details.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

- 5 Following completion of measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to any part of the site being first occupied.

To ensure that risks from land contamination to the future users of the development site and neighbouring have been addressed in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

- 6 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. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

Development shall be carried out in accordance with the approved details.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

- 7 No foundations or associated excavations exceeding 1.5m in depth from current ground level shall be carried out within the 'Proposed Watching Brief Plan' as shown on plan reference 19SASS (EW) 03 received 03/02/2020) until a specification for an archaeological watching brief for this part of the site has been submitted to and approved by the Local Planning Authority in writing. Work shall be carried out in accordance with the approved details and an archaeological watching brief report shall be submitted to the Local Planning Authority within 56 days of the foundation / excavation work being completed. Unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that excavation works associated with the approved development within the 'Area of Watching Brief' are controlled to safeguard any archaeology / heritage assets that may exist within the site. In accordance with the Archaeological Evaluation (Tyne & Wear Museums report no. 699), as the site lies within the Arbeia Roman Fort buffer zone; in accordance with paragraphs 189 and 199 of the National Planning Policy Framework and Policies DM6 and SS12 of the South Tyneside Local Development Framework.

- 8 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Public Holidays.

To safeguard the amenity of the nearby residents in accordance Policy DM1 of the South Tyneside Local Development Framework.

- 9 The finished floor levels of the hereby permitted dwellings and garden room to plot 1 shall be carried out in accordance with the details included on Drg no.19SASS (EW) rev B received 30/03/2020, Drg no. 19SASS (EW) 01 rev A received 11/03/2020, Drg no. 19SASS (SE) A-A rev A received 11/03/2020, Drg no. 19SASS (SE) B-B rev A received 11/03/2020 and Drg no. 19SASS (SE) C-C rev A received 11/03/2020. Unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out in accordance with them.

To ensure a satisfactory standard of development in the interests of both visual and residential amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 10 Prior to construction of the hereby approved dwellings above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. The development shall be completed in accordance with the approved details.

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding in accordance with Policies ST2 and DM1 of the South Tyneside Local Development Framework.

- 11 The sustainable drainage system (permeable paving) shall be managed and maintained in accordance with the approved management and maintenance recommendations as detailed on the Drainage Strategy (Drg no. 01 rev P1) received 03/02/2020.

To ensure the drainage scheme is adequately managed and maintained and so that it does not increase the risk of flooding in accordance with Policies ST2 and DM1 of the South Tyneside Local Development Framework.

- 12 Prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings and/or specifications) of the proposed external facing materials for the dwellings, garden room (to plot 1) and external hard surface treatments shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 13 Notwithstanding the illustrative details shown on Drg no. 19SASS (EW) 02 rev B received 30/03/2020, no dwelling shall be occupied / brought into use until a detailed soft landscaping planting plan/specification including a phasing plan to secure the completion of the proposed soft landscaping, the type, height, species and location of any new trees and shrubs as well as any proposed seeding or turfing, topsoil depths and planting specification shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Any trees or plants, which within a period of 5 years of planting, die, are removed, or

become seriously damaged or diseased, shall be replaced with others of similar size and species not later than the next planting season after the loss or damage has occurred (unless otherwise agreed in writing by the Local Planning Authority).

To ensure a satisfactory standard of development in the interests of visual amenity and ecology in accordance with Policy DM1 and EA3 of the South Tyneside Local Development Framework.

- 14 Notwithstanding the information shown on the submitted plans and prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings, cross sections and/or specifications) of the proposed means of enclosure to the site - such as gates, fences, railings or walls - and a phasing plan to secure their completion shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 15 Prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings and/or specifications) of proposed external lighting including a phasing plan to secure its completion shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development in the interests of both visual and residential amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 16 Prior to the occupation of the final dwelling hereby approved, the two visitor car parking bays as detailed on drawing no. 19SASS (EW)02 rev B received 30/03/2020, shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition. These visitor car parking spaces shall then be maintained henceforth for their designated purpose.

To ensure the provision of adequate visitor car parking on site in the interests of highway safety in accordance with policies DM1 and A1 of the South Tyneside Local Development Framework.

- 17 No dwelling hereby approved shall be occupied until the approved cycle storage for that dwelling as shown on Drg no. 19SASS (EW) 02 rev B received 30/03/2020 and by e-mail from Insight architectural design (agent) dated 11/03/2020 15:54 (confirming the detailed dimensions of the cycle storage) has been completed on site.

In the interests of sustainable development and in accordance with Core Strategy ST2 of the South Tyneside Local Development Framework.

- 18 Prior to the construction of the hereby approved dwellings above ground level, full details (including location and specifications) for built-in (integrated) bird and bat boxes, one to each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the occupation of each



dwelling.

In the interests of biodiversity and in accordance with Core Strategy Policy EA3 and Development Management Policy DM7 of the South Tyneside Local Development Framework.

### **Informatives**

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 3 The Council requires the developer to provide to each unit before first occupation a 240l refuse bin and a 240l recycling bin to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council

- 4 Highways alterations

Alterations to the existing adopted highway or creation of new highway proposed for adoption will require the separate approval of the Highway Authority under the provisions of the Highways Act 1980 (as amended). Please contact Highway Engineering Services, Adoptions and Projects Team, for further information on 0191 424 7507.

- 5 Measures to make the gardens permeable for hedgehogs shall be employed, by providing appropriate sized gaps in boundary and dividing fences and walls throughout the site.
- 6 To enable the provision of in curtilage parking to the hereby approved dwellings, 6 no. existing on street parking bays, marked out on the southern side of the highway (St Aidan's Road) will need to be removed. Please contact the Council's Parking Manager regarding the removal of these parking bays. All works required will be at the applicant's expense.

**Case officer: Helen Lynch**

**Signed:** *Helen Lynch*

**Date:** 08/04/2020

**Authorised Signatory:** *Peter Cunningham*

**Date:** 8 April 2020

«END»