

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0523/22/FUL
Proposal: Demolition of existing dwelling and erection of new residential dwelling.
Location: 19 West Meadows Road
Cleadon
South Tyneside
SR6 7TU

Site Visit Made: 25/07/2022

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B, C, G, K and M)
- 2 DM7 - Biodiversity and Geodiversity Sites
- 3 LDF CS EA3 - Biodiversity and Geodiversity
- 4 LDF CS EA5 - Environmental Protection
- 5 SPD6 - Parking Standards
- 6 SPD9 - Householder Developments
- 7 SPD23 Interim - Mitigation Strategy for European Sites (Recreational Pressure from Residential Development)

Description of the site and of the proposals

The application site forms part of an existing residential plot, located within a residential street in Cleadon containing an eclectic mix of detached and semi-detached two storey dwellings and dormer bungalows. To the north of the site is a detached bungalow at 17 West Meadows Road. To the south of the site is a detached two storey house at 21 West Meadows Road. To the west of the site beyond the highway lies further properties at West Meadows Road. To the east of the site beyond the rear gardens of these properties lies open space comprising of agricultural land.

This application seeks permission to demolish the existing dwelling and to erect a two storey detached dwelling. The existing boundary treatments would be replaced, whilst the front driveway and dropped kerb would be extended.

Publicity / Consultations (Expiry date 15/08/2022)

1) Neighbour responses

None

2) Other Consultee responses

Countryside – My comments on this application relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted the following documents relating to ecology to inform their application:

- Bat survey & risk assessment for 19 West Meadows Road, Cleadon. Veronica Howard, February 2022. Preliminary Ecological Appraisal: 1 The Crescent, Cleadon, South Tyneside. June 2021 by Barrett Environmental Ltd.
- Arboricultural Impact Assessment for trees at 19 West Meadows Road, Cleadon by All About Trees. February 2022.

The building was assessed externally by a suitably qualified professional during a survey on 1st February 2022 which is outside of the active period for bats. The report concluded that the property is very unlikely to be used as a bat roost due to the lack of potential features in the exterior walls/ roof.

Trees will need to be removed as part of the works as shown in the Arboricultural Impact Assessment, however they were not assessed in the ecology report. In section 4.6.4 of the Arboricultural report it is stated that no visual signs were found to indicate the presence of bats, however it is unclear if the assessor is qualified to make an ecological judgement. As such, the ecologist is required to confirm the suitability of the trees to be removed for bat roosting or the arboriculturist needs to provide evidence of their qualification to assess trees for bat roosting suitability.

Following confirmation of the roosting potential, the bat and bird informatives below should be included within planned works.

Bat Informative

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should a bat or signs of bats be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Natural England Bat Advice Line: 0345 1300 228

Breeding Bird Informative

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Net Gain

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. The Case Officer should seek to secure the inclusion of a feature such as:

- An integrated Swift Brick (an example of which can be found here: <https://www.nhbs.com/manthorpe-swift-brick>) in the build itself following the below criteria:
 - Under the eaves on the northern or eastern aspects
 - A clear flight line must be available to the nest
 - Not placed directly above windows or doors
- An integrated bat box as part of the extension. Information and a suggested product can be found on the Bat Conservation Trust website; <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes/external-ready-made-bat-boxes-integrated-bat-boxes>
- There are several guidelines which must be followed to enable the box to be a useful Net Gain feature:
 - Tucked beneath the eaves, at least 4m above the ground
 - Not placed directly above windows or doors

- Away from artificial light sources
- Placed on the western or southern aspect of the extension (this shelters them from strong winds and exposes the bat box to the sun for part of the day).

Case Officer note: Following confirmation from the applicant's arboriculturist that they are an experienced bat worker or specialist (with appropriate qualifications provided), the Countryside Officer was happy with the evidence provided.

Environmental Health – The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, I would recommend that the following planning condition is attached to any approval, in case unexpected contamination is detected during the development works:

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.

Reason: To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

Environmental Health (as Lead Local Flood Authority) – We are not aware of any flooding at this location. The site is identified as very low risk on Environment Agency long term flood risk for surface water. Appears to be minimal change in impermeable area from existing to proposed through observation of plans and layouts. I have no further comments to make

Tree Officer – No comments received.

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main issues to be considered in the determination of this proposal are:

- Visual amenity and the character of the area;
- Residential amenity;
- Highway safety and parking;
- Landscaping and trees;
- Biodiversity, Habitats Regulations Screening Assessment and Appropriate Assessment;
- Land contamination; and
- Flood risk

Visual amenity and the character of the area

Policy DM1 (A) of the South Tyneside LDF seeks to encourage good design so that new development relates sensitively to its site and surroundings and where possible reinforces local identity. West Meadows Road comprises a variety of property types which include bungalows, dormer bungalows and two storey properties in both traditional and contemporary styles. Many dwellings in the locality have been substantially enlarged in size by extensions, including at the adjacent property to the south, no.21 West Meadows Road.

The existing dwelling measures 6.7 metres in height to the ridge. The amended proposal would measure between 8.1 and 9.3 metres in height to the ridges of the property. To the south, 21 West Meadows Road has a ridge height of 7.4 metres, and the development would be comparable height to this dwelling, measuring 8.1 metres in height to the ridge at the closest point to this property. To the north, 19 West Meadows Road is a bungalow, however given the eclectic mix of architectural styles within the streetscene, it is not considered the development as proposed would appear incongruous when viewed in context adjacent to this neighbour.

The proposed materials include red facing brick, white render, grey cladding, a natural slate roof, grey aluminium windows, rooflights and dormer cheeks, grey fascias and bargeboards, composite doors, black rainwater goods, stone coping, and a solar panel system to the southern roofplane. All of these design elements, whilst contemporary, are considered appropriate. A notable element of the scheme is the proposed projecting front gable, which is in keeping with the design of the existing property and is a feature within the principal elevations of both adjacent properties to the north and south.

It is judged that the development would convey sensitive consideration of its surroundings, having regard to scale and proportions, use of materials and architectural detailing, subject to a condition requiring sample materials of external materials being submitted and approved. In this regard the development is proposed to accord with LDF Policy DM1 (A).

Residential amenity

LDF Policy DM1 (B) of the South Tyneside LDF seeks to ensure that development is acceptable in relation to any impact on residential amenity. Regarding the amenity of future occupiers of the proposed development, it is considered that the dwelling proposed would provide adequate levels of light and privacy. In addition, a large rear lawn area would be retained to the east of the dwelling. Regarding the amenity of neighbouring residents, due to the position, orientation and form of the proposed dwelling it is considered that the only neighbours who could be materially affected by the development are those at nos. 17 and 21 West Meadows Road.

17 West Meadows Road is located to the north of the site. This property is a bungalow which has several windows in close proximity to the application site, including ground floor windows within its southern gable elevation which contains a habitable room. This would face the northern elevation of the proposed dwelling at a distance of approximately three metres. However, it appears from historic plans of this property these windows and the window within the principal elevation of this property adjacent to the boundary all form part of a much larger single room. As such it is not considered there would be an adverse impact in terms of outlook / overdominance from the development to this room.

This neighbour also has a window within the rear elevation of their rear extension close to the common boundary. The rear two storey projecting element of the proposed development would extend approximately five metres beyond the rear elevation of this extension, however given the distances between the properties (approximately 3.4 metres) and orientation of the dwellings, it is not considered any significant amenity or overshadowing effects would occur to this neighbour's window or associated room.

The proposed dwelling has openings within the northern elevation facing this neighbour including a window for a utility room at ground floor level, and three windows at first floor level for a dressing room and two en-suite bathrooms. It is not considered any privacy implications would occur to this neighbour subject to a condition ensuring the windows at first floor level within the northern elevation are obscurely glazed and remain so in perpetuity.

21 West Meadows Road is located to the south of the site. This property is a two storey detached dwelling which has been significantly extended. This neighbour has windows at ground floor level within its northern elevation facing the application property. These windows are for a bathroom, utility room and

kitchen, however the window for the kitchen is a secondary window with larger openings to its east and south elevations.

The proposed dwelling has no openings within the southern elevation closest to this neighbour. However, openings are included within the southern elevation of the two storey rear projecting element, at ground and first floor level. The closest openings at ground floor level would face the common boundary with this neighbour at a distance of approximately ten metres. At first floor level, two windows associated with a bedroom would face the common boundary at a distance of approximately 13 metres. Although not directly applicable, SPD9 guidance sets out habitable room windows within a two storey extension should not face the front or rear elevation of an adjacent property at a distance of less than 14 metres. In this case these windows would not face any elevation of the property and would instead face the rear garden of the neighbouring property. Given the distances concerned it is not considered any adverse amenity or privacy impacts would occur to this neighbour, whilst given the positioning of the property it is not considered significant overshadowing would occur to this neighbour above and beyond the existing arrangement.

Although no unacceptable adverse impacts on the amenity of neighbouring residents are envisaged as a result of the development proposed, due to the scale and design of the proposed dwelling, its orientation and proximity to its neighbours, there is concern that if the dwelling were subsequently to be altered or extended (for example by the addition of rear dormers or by the construction of rear extensions) this could result in significant and unacceptable harm. Therefore, it is considered necessary to attach a condition to any approval removing normal Permitted Development rights so that any such future extensions or alterations would be subject to control.

In conclusion, it is considered that the development would not result in an unacceptable loss of privacy, outlook, light or overshadowing for adjoining residents or future occupiers of the new dwelling and no unreasonable or unacceptable harm to residential amenity is envisaged as a result of the development proposed in accordance with Policy DM1 (B) of the South Tyneside LDF and SPD9.

Highway safety and parking

LDF Policy DM1 (G) seeks to ensure that development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts. The existing site access would be unchanged and the driveway area would be widened. The agent was not able to confirm the proposed materials for the widened driveway area and it was considered appropriate to require details of such materials to also be submitted as part of the materials condition.

The amended parking arrangement would increase the number of vehicles able to park within the curtilage of the site from two to four. SPD6 sets out within out of settlement / urban fringe locations such as this, for residential use the maximum car parking provision is normally two spaces per dwelling, however it may be appropriate to allow provision above these figures in the case of larger dwellings, where provision can be linked to the number of bedrooms. In this case the dwelling is proposed to have four large bedrooms. It is therefore considered the development would provide a level of off-street parking in line with Council standards, and the proposal is considered to be in accordance with Policy DM1 (G) of the South Tyneside LDF and SPD6.

Landscaping and Trees

LDF Policy DM1 (C) seeks the protection of existing soft landscaping where possible including trees and hedges, or the provision of replacement planting where necessary. The applicant has submitted an Arboricultural Method Statement and Impact Assessment and plans for consideration. Seven trees have already been removed from the site, and the documentation confirms the proposed removal of two Lawson Cypress trees to the front of the existing garage, measuring between 3 and 3.5 metres in height. These trees are considered to be of low value, whilst the remaining seven trees on the site, all in the rear garden, would be retained and protected during construction works. Five groups of mixed shrubs and

planting are to be removed to the front and rear of the existing dwelling, whilst all hedging to the rear garden would be retained.

Given the extent of the proposed arboricultural works and considering none of the trees are afforded formal protection via a Tree Preservation Order (TPO) or being located in a Conservation Area, it is considered the proposed arboricultural works are acceptable subject to being undertaken in accordance with the works being carried out in accordance with '5. Arboricultural Supervision' of the submitted Arboricultural Method Statement, and the associated plan.

In terms of landscaping, the existing arrangement is predominantly low level planting and a small grassed area to the front of the existing dwelling. The proposed plans show the existing group landscaping to the front boundary and front / side boundaries would largely be retained, whilst the rear garden would retain the lawn with areas of landscaping. In this context it is considered unnecessary and unreasonable in this case to seek to control the landscape works proposed via conditions attached to any approval. Subject to a suitable condition relating to tree protection measures, it is considered the proposal would be in accordance with LDF Policy DM1 (C).

Biodiversity, Habitats Regulations Screening Assessment and Appropriate Assessment

A bat survey and risk assessment was submitted by the applicant for consideration. The Council's Countryside Officer has provided comment, noting the building was assessed externally by a suitably qualified professional during a survey on 1st February 2022 which is outside of the active period for bats. The report concluded that the property is very unlikely to be used as a bat roost due to the lack of potential features in the exterior walls/ roof. The Countryside Officer also confirmed the suitability of the Arboricultural reports following confirmation of the arboriculturalist's experience in relation to bats.

It is suggested the mitigation measures as set out in section '4.MITIGATION' of the survey and risk assessment are secured via condition. Informatives relating to bats and breeding birds should also be included. Subject to the above conditions, it is considered the proposal would accord with LDF Policy DM7 and Core Strategy Policy EA3.

The Council's Countryside Officer has also recommended that ecological enhancements are provided, in the form of the provision of a 'swift brick' and bat box, and that the case officer should secure this as a policy requirement, as the NPPF encourages applicants to aim to provide a net gain for biodiversity. The provisions of enhancement measures is not a necessary requirement in order for the development to accord with the development plan and NPPF, as the development would not lead to any likely risk of harm to biodiversity. A planning condition requiring the provision of these enhancements would not meet the tests for conditions (NPPF Paragraph 55). The enhancements that have been suggested include the provision of a 'swift brick' suitable for use by nesting birds within the site, and an integrated bat box. An informative note is recommended to encourage that these measures are included as part of the development where possible due to the benefit of the ecological net gain, but it would not be reasonable or necessary to include this as a planning condition in line with LDF Policy DM7 and Core Strategy Policy EA3.

Given the nature of the proposal and its location, a Habitats Regulation Assessment Screening has been completed and concluded that the project is unlikely to cause an impact on designated sites. In addition, an Appropriate Assessment have been carried out by the LPA as competent authority and the Appropriate Assessment does not require approval by Natural England as its conclusions are consistent with the parameters in their Standing Advice. In summary, this has concluded that the proposal is compliant with the Habitats Regulations, would not cause unacceptable harm in respect of biodiversity and protected species and that it would not conflict with LDF Policies EA3 and DM7 or the Interim SPD23.

Land contamination

A Phase 1 Geoenvironmental desktop study report has been submitted as part of the application. The Environmental Health Officer has considered the report noting it provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. The Environmental Health Officer considers the findings of the report as acceptable and suggests a condition relating unexpected contamination is imposed as part of any approval granted, should there be any unforeseen contamination on the site during the works. In this regard, and subject to this condition, it is considered the proposal would accord with LDF Policy DM1 (M) and Core Strategy Policy EA5.

Flood risk

The site is located within an area identified as low risk of surface water flooding with no history of flooding at this site. The Environmental Protection Officer (responding in their capacity as Lead Local Flood Authority) has raised no concerns with the development, and it is considered the proposal would accord with LDF Policy DM1 (K).

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. AL (00) 0030 received 22/06/2022
Drg No. AL (00) 0200 received 22/06/2022
Drg No. AL (00) 0201 received 22/06/2022
Drg No. AL (00) 0220 received 22/06/2022
Drg No. AL (00) 0221 received 22/06/2022
Drg No. AL (00) 0222 received 22/06/2022
Drg No. AL (00) 0223 received 22/06/2022

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 Prior to the commencement of the development details of all external facing, roofing and hard surfacing materials and boundary treatments, including the proposed driveway materials, shall be submitted to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development and in the interests of visual and residential amenity in accordance with Development Management Policy DM1 of the

South Tyneside Local Development Framework.

- 4 Prior to the commencement of development, and notwithstanding the details submitted within this application, the tree protection measures shall be installed on site and in accordance with the details as shown in the Arboricultural Method Statement Tree Protection Plan (received 22/06/2022). The tree protection measures shall be retained thereafter until completion of the development, unless agreed in writing with the Local Planning Authority.

To ensure a satisfactory standard of development in the interests of arboricultural management and biodiversity in accordance with Core Strategy Policy E3 and Development Management Policies DM1 and DM7 of the South Tyneside Local Development Framework.

- 5 The mitigation measures as set out within section '5. Arboricultural Supervision' of the submitted 'Arboricultural Method Statement' (received 22/06/2022) shall be undertaken in their entirety.

To ensure a satisfactory standard of development in the interests of arboricultural management and biodiversity in accordance with Core Strategy Policy E3 and Development Management Policies DM1 and DM7 of the South Tyneside Local Development Framework.

- 6 Prior to the first occupation of the dwelling hereby permitted, the first floor windows shown within the northern elevation of the dwelling facing the common boundary with no.17 West Meadows Road shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. The obscure glazing shall be retained thereafter.

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with policy DM1 of the South Tyneside Local Development Framework.

- 7 Notwithstanding the provisions of Article 3 and Classes A-E of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no enlargement, improvement or other alteration shall be carried out nor shall any structure be erected within the curtilage of the dwelling hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

In order to prevent the loss of amenity to occupiers of neighbouring dwellings and the loss of visual amenity which, due to the scale and design of the new dwelling hereby approved, may be caused by developments which otherwise would be permitted, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 8 The mitigation measures as set out within section '4.MITIGATION' of the submitted 'Bat Survey and Risk Assessment' (received 22/06/2022) shall be undertaken in their entirety, and in accordance with the method statement as appended within the 'Bat Survey and Risk Assessment'.

In the interests of biodiversity and in accordance with Core Strategy Policy E3 and Development Management Policy DM7 of the South Tyneside Local Development Framework.

- 9 If during development contamination not previously considered is 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.

To protect the environment from contamination and to ensure that the site is reclaimed to a standard appropriate for its approved use in accordance with South Tyneside LDF Policies EA5 and DM1(M) and the NPPF.

- 10 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 Bank Holidays.

To safeguard the amenity of the nearby residents, in accordance with Policy DM1 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

- 3 NOTE TO APPLICANT

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

- 4 NOTE TO APPLICANT

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Case officer: Nick Graham

Signed: N. Graham

Date: 06/10/2022

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Authorised Signatory: Geoff Horsman
Date: 06/10/2022

«END»