DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0873/19/FUL
Proposal: Proposed new dwelling, three storey, three bedroomed terraced house with 4 No. rooflights.
Location: 13 Belgrave Gardens (garden to the side of)
South Shields
NE34 6AW

Site Visit Made: 09/12/2019 & 19/12/2019

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, G & M)

2 LDF CS SC1 - Creating Sustainable Urban Areas

3 LDF CS SC3 - Sustainable Housing Provision

4 LDF CS SC4 - Housing Needs, Mix and Affordability

5 SPD6 - Parking Standards

6 LDF CS A1 - Improving Accessibility

7 LDF CS EA5 - Environmental Protection

8 LDF CS EA3 - Biodiversity and Geodiversity

9 DM7 - Biodiversity and Geodiversity Sites

10 SPD23 Interim - Mitigation Strategy for European Sites (Recreational Pressure from Residential Development)

Description of the site and of the proposals

Planning permission is sought for the erection of a new dwelling within the garden area of 13 Belgrave Gardens, South Shields. The site is bounded by the dwelling and remainder of Belgrave Terrace to the north, properties at Selwood Court, Sunderland Road and Grosvenor Gardens to the south and west, and properties at St Mary's Avenue to the east. The dwelling would be located immediately adjacent to the host dwelling and would adjoin this property, and the remainder of the existing terrace.

The dwelling would follow the style of the original dwelling and remainder of Belgrave Terrace in terms of size and design. The dwelling would be constructed to the same ridge and eaves height, would follow the original front and rear building lines and incorporate a matching roof pitch. The development would also use materials to closely match the original dwelling including red brick, mock Tudor boarding, slate roofing, black fascias, frames and rainwater goods, and stone heads and cills.

The site would be accessed via the pedestrian footpath located to the western elevations of the properties at Belgrave Terrace. To the rear eastern elevation, the development would be accessed directly from St Mary's Avenue via the existing garage which would be for the use of the proposed dwelling. The applicant's agent has confirmed the existing access and parking space would remain for the original dwelling.

The area to the south of the existing property where the dwelling is proposed forms part of the curtilage of the dwelling and is characterised by a large area of hardstanding. A holly tree is located to the westernmost boundary of the site and would be unaffected by the proposal.

The site is partly located with the Coalfield High Risk Development Area and appropriate supporting documentation has been submitted as part of the application, along with details relating to contamination risks.

Planning history

Planning history at the site relates to works associated with the existing dwelling only.

Publicity / Consultations (Expiry date 06/07/2020)

Three site notices were posted close to the site and 39 neighbours were sent direct letters of notification.

1) Neighbour responses

10 Selwood Court, South Shields - No objections to the dwelling itself however has concerns over parking. The junction of St Mary's Avenue and Selwood Court is very busy with residents' cars parked on both sides of St Mary's Avenue. This makes turning out of Selwood Court very hazardous and frequently there are cars parked up to the corner of the road junction making visibility difficult.
The area is close to Harton School so school children are at risk. The parking areas in Selwood Court are for residents and their visitors only and busy throughout the day. During construction of the new dwelling where are the builders' vehicles going to park. Concerns that builders' vehicles are parked on the access road to Selwood Court adjacent to the site would make access to St Mary's Avenue more hazardous.

21 Selwood Court, South Shields - The developer may be tempted to use the private road at Selwood Court for lorries / materials etc. This would mean considerable inconvenience and even damage to walls / road surfaces / plants. Driving out of Selwood Court is already difficult with vehicles parked on both sides. I fear this would be even more dangerous.
The view from our flat would be affected and I would be concerned if the tree in the garden was removed. Would the wall on the Selwood Court side be affected in any way?

8 Belgrave Garden, South Shields - Is the proposed new dwelling in keeping with the rest of the houses in Belgrave Gardens? I take it all access for work will be via the rear entrance to No 13 and not the shared path to the front of all the other properties? Are there drawings and plans we can access?

2) Other Consultee responses

Traffic and Road Safety: Initial response recommended refusal of the application as there did not appear to be any parking provision for the new dwelling, and the Parking Team would not support the reliance of on-street parking for the new property. In the past the Traffic and Road Safety Team have not accepted a garage as the only available parking space for a property.

The Parking Team provided comment noting there are no problems currently in Selwood Court however there is an existing residents parking scheme at St Mary's Avenue.

Environmental Protection: Initial response requested a YALPAG Screening Assessment form to be completed. Following receipt of the Screening Assessment and Mining Risk Assessment, the risk from land contamination was considered to be low, and a condition relating to unexpected contamination is suggested to be imposed as part of any approval granted to cover any

uncertainties. Environmental Protection had no comments to make in respect of flood risk and drainage matters.

Waste Services: No comments received.

Northumbrian Water: Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site.

The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
-discharge into ground (infiltration)
-discharge to a surface water body
-discharge to a surface water sewer, highway drain, or another drainage system
-as a last resort, discharge to a combined sewer

Northern Gas Networks: No objections however notes there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of the works should contact Northern Gas Networks directly to discuss their requirements in detail.

Northern Power Grid: No comments received.

The Coal Authority: Initially raised a fundamental concern as the site falls within the defined Development High Risk Area, with records indicating the application site is likely to be underlain by probable unrecorded coal mine workings at shallow depth. An objection was raised due to the lack of a Coal Mining Risk Assessment Report, or equivalent.

Following the submission of a Coal Mining Risk Assessment, it was concluded that coal is very close to the surface of the application site and of workable thickness, thus supporting the likelihood to unrecorded coal mining workings at shallow depth. Therefore the Coal Authority maintained their objection and requested a revised Coal Mining Risk Assessment to be submitted providing updated commentary on the probability for unrecorded coal mining workings to underlay the application site and the level of risk posed to the safety and stability of the application site and proposed development.

A revised Coal Mining Risk Assessment was submitted presenting the findings of intrusive site investigations undertaken within the application site to establish exact ground conditions had shallow coal mining legacy. A Coal Authority Permit was correctly obtained. Two boreholes were sunk to a depth of 30.5m bgl; the report states 'no coal seams, or any evidence of coal workings' were recorded at the borehole locations. Based on the findings, the report concludes the site is safe, stable and suitable for development with no further works required. The Coal Authority raises no objection to the application, however further more detailed considerations of ground conditions and / or foundation design may be required as part of any subsequent Building Regulations application.

Assessment

In determining this application the main issues to be considered are:

- The principle of the development;
- Design of the proposal and its impact on visual amenity;

- Impact on residential amenity;
- Highway capacity and safety;
- Coal mining risks; and
- Habitats Regulations Screening Assessment and Appropriate Assessment

Principle of Development

The application site is not identified within the Local Development Framework Site Specific Allocations document for any specific purpose. However, the site is located within a residential area in South Shields. It is not considered that the erection of a dwelling within this sustainable location, close to shops and services at The Nook, a school nearby and regular bus services at Sunderland Road, would conflict with development plan policy.

Design and impact on visual amenity

The proposed dwelling would be similar in terms of scale, design and choice of facing materials to the host dwelling and remainder of Belgrave Terrace. This would be in keeping with the architectural character of the surrounding residential area and adjoining terrace. A condition is recommended requiring the materials to match those on the host property, 13 Belgrave Gardens, as detailed within the submitted documentation.

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; and would accord with LDF Policy DM1 (A).

Impact on residential amenity

Based on its size, scale and position, it is judged that the proposed dwelling has been designed to ensure that there would be sufficient separation distance between the proposed dwellings within the site and the existing nearby dwellings. The facing habitable room windows within the front and rear elevations would directly face properties at Selwood Court and St Mary's Avenue respectively at distances in excess of 20 metres.

A habitable room window is proposed within the gable elevation of the dwelling at roof level, this would not directly face any property given the position of the closest property to the south at Selwood Court. Similarly, windows are positioned within the gable elevations of these closest properties at Selwood Court facing the site at a distance of approximately seven metres, however these appear to be obscurely glazed and as such would not be affected in terms of overlooking or privacy issues.

No habitable room windows are proposed to the dwelling which would unacceptably overlook any surrounding property; with the development maintaining acceptable privacy standards within the surrounding area. As such, it is considered that the proposed development would not be materially detrimental to the visual or residential amenities of the occupants the nearby residential properties through unacceptable overshadowing or loss of outlook.

For these reasons, it is judged that the proposal would accord with LDF Policy DM1 (B) and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Access and parking arrangements

The applicant's agent has confirmed the proposed vehicular access and parking arrangement, with the existing vehicular access and hardstanding to be used for the existing dwelling, and the detached garage to be used as the parking space for the proposed dwelling. Following clarification from the Traffic and Road Safety and Parking Teams, it is considered the existing parking arrangements at Selwood Court

and St Mary's Avenue are acceptable with no concerns raised. It is also not considered the increase of one dwelling at this location would cause substantive parking problems sufficient to warrant refusal of the application.

Concerns have been raised regarding parking and visibility issues close to the site, particularly at Selwood Court, however there have been no issues raised by the Traffic and Road Safety Team in relation to these issues specifically. Concerns have also been raised regarding access for construction vehicles and whether the wall adjacent to Selwood Court will be demolished in part to provide access. These are not material planning considerations and would be civil matters.

It is therefore judged that the proposals would be in line with the requirements of Supplementary Planning Document 6: Parking Standards. There would be sufficient space within the curtilage of the proposed dwelling for cycle parking, whilst it is also noted there would be sufficient space within the curtilage of the proposed and existing dwellings for the off-street storage of refuse bins.

As such, it is not judged that the proposed development would be detrimental to highway safety and would be acceptable with regard to vehicle movements and parking. It is considered that it would accord with Policy DM1 (G) of the South Tyneside Local Development Framework and the guidance contained within Supplementary Planning Document 6.

Coal Mining Risks

The site is located partly within the Coalfield High Risk Development Area, and as such a Coal Mining Risk Assessment detailing intrusive site investigations and borehole testing. The Coal Authority has considered the findings acceptable with no objections raised. An informative is recommended in this regard.

Contaminated Land

The council's Environmental Protection officer has assessed the proposed development with regard to land contamination. Information provided within a YALPAG Screening Report has been considered and a condition has been suggested by the officer requesting that in the event that contamination is found at any time when carrying out the approved development that was not previously identified, along with the means of dealing with such contamination.

Subject to the recommended conditions, it is judged that the proposals would be in accordance with Policies EA5 and DM1 (M) of the South Tyneside Local Development Framework.

Habitats Regulations Screening Assessment and Appropriate Assessment

Given the nature of the proposal and its location, a Habitats Regulations Screening Assessment and 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.

Other matters

A condition is suggested in respect of proposed working hours, including deliveries at the site, given the site's location in a residential area and in the interests of residential amenity.

Concerns have been raised regarding the potential removal of the wall adjacent to Selwood Court, and / or the holly tree located to the garden. Neither of these elements are proposed as part of this development, however it is noted neither of these would require permission in their own right.

Conclusion

It is considered that the proposed development of this site for a dwelling would be acceptable, subject to the recommended conditions. The proposal complies with the relevant policies contained within the South Tyneside Local Development Framework.

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

Proposed Site / Roof Plan received 05/11/2019
Drg No 1 received 05/11/2019
Drg No 2 received 05/11/2019
Drg No 3 received 05/11/2019

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 The external surfaces of the development hereby permitted shall be of similar appearance to those used in the construction of the exterior of 13 Belgrave Gardens. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

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

4 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.

To ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

5 No demolition, construction or associated works or deliveries of materials shall take place outside of the hours of 8am - 6pm Monday to Friday and 9am - 1pm on 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 with Policy DM1 (B) of

the South Tyneside Local Development Framework.

Informatives

1 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 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

3 UNIQUE NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

4 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.

Case officer: Nick Graham
Signed: N. Graham
Date: 07/08/2020

Authorised Signatory:
Date:

«END»