DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0828/20/FUL
Proposal: Construction of a new bungalow in the rear garden of 25 Moore Avenue, the construction of a detached flat roofed garage and parking space for the existing dwelling, associated alterations to the existing attached garage to provide vehicular access to the bungalow, garage and parking spaces, the construction of a store/utility room under the existing garage roof, and the demolition of the existing 2.4m high rear boundary wall and construction of a new 3m high rear boundary wall. The bungalow will have 3no. rooflights and a chimney to the lounge area.
Location: 25 Moore Avenue
South Shields
NE34 6AA

Site Visit Made: 09/11/2020

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, C, G, K and M)

2 DM7 - Biodiversity and Geodiversity Sites

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 LDF CS EA1 - Local Character and Distinctiveness

7 LDF CS EA3 - Biodiversity and Geodiversity

8 LDF CS EA5 - Environmental Protection

9 LDF CS ST2 - Sustainable Urban Living

10 SPD6 - Parking Standards

11 SPD9 - Householder Developments

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

Description of the site and of the proposals

No. 25 Moore Avenue is a semi-detached dwelling located within the Harton area of South Shields. Moore Avenue and the surrounding area hosts a mixture of similarly designed properties and two storey dwellings.

The properties to the southern side of Moore Avenue (which includes the current application site) have long rear gardens measuring in excess of 40 metres from the rear elevations of these properties.

These large gardens characterise these properties and they provide the occupants of these dwellings with a quiet, undisturbed living environment. Beyond the rear boundaries of these properties lies an area of vegetation including mature trees.

The application seeks permission for the erection of a bungalow within the rear garden of 25 Moore Avenue. This would be set back seven metres from the rear boundary of the property and would be set one metre and 0.9 metres from each side boundary. The development would be set back 14 metres from the rear elevation of the host property. Permission is also sought for the demolition of the 2.4 metre high rear boundary wall and the erection of a three metre high rear boundary wall.

The existing side garage building for the host property would be retained as a structure and allow through access to the rear of the host property, with a part inclusion of a utility / store area. A significant area of the existing rear garden would be surfaced with porous block paving, whilst a flat roofed detached garage would be constructed for the use of the host dwelling. 1.8 metre high boundary fencing would also be erected within the site, subdividing the plot between the host property and proposed property.

The external materials for the proposed dwelling would comprise of a slate roof, black rainwater goods and fascias, an off-white render and brick plinth, and dark grey frames. The external materials for the proposed detached garage would be brickwork to match the host property, and a dark grey fibreglass roof.

Publicity / Consultations (Expiry date 23/03/2021)

1) **Neighbour responses**

25 representations in objection to the application were received from the following addresses:

- 19 Moore Avenue, South Shields (x2)
- 21 Moore Avenue, South Shields
- 23 Moore Avenue, South Shields (x3)
- 26 Moore Avenue, South Shields (x3)
- 27 Moore Avenue, South Shields
- 28 Moore Avenue, South Shields
- 20 North Avenue, South Shields (x2)
- 22 North Avenue, South Shields
- 24 North Avenue, South Shields (x2)
- 36 Readhead Road, South Shields
- 102 West Avenue, South Shields (x2)
- 104 West Avenue, South Shields
- 106 West Avenue, South Shields
- 108 West Avenue, South Shields (x2)
- 110 West Avenue, South Shields
- 112 West Avenue, South Shields

The following issues were raised:

Visual appearance / character – The three metre high wall is out of keeping with the neighbouring boundary walls. The bungalow would measure 5.3 metres in height and protrude two metres above the wall, which would detract from the natural setting of the existing land being developed into a nature reserve.

The proposed new dwelling is out of keeping with neighbouring properties. The proposal will set a dangerous precedent that could over time ruin the look and feel of the neighbourhood. The modern

appearance of the dwelling will have a detrimental visual impact that is out of character with its surroundings. The proposed dwelling will significantly alter the fabric of the area, which consists of traditional tree-lined private gardens of detached and semi-detached houses, dating back 100 years.

Residential amenity – The bungalow's proximity to the boundary wall of the applicant and our boundary wall in North Avenue, along with the proposed rooflights, I am concerned about both light and noise population to both ourselves and the proposed nature reserve by the house and cars.

The personal impact of being a direct neighbour is that we will be living next door to two families instead of one. This greatly increases noise and disturbance and reduces our privacy and enjoyment of our garden. It will be like living next door to a car park with four cars within the curtilage, excluding visitors and deliveries. The first third of our garden will only be one metre away from a newly created shared driveway and access route, increasing carbon emissions, noise and disturbances frequently on a daily basis.

Biodiversity / trees – The proposed demolition of the existing 2.4 metre high rear boundary wall would inevitably destroy or seriously damage the two ash trees on land to the rear known as "Vicarage Lane". No objection to the proposed three metre high rear wall built next to the exiting wall which should be allowed to remain.

The applicant has previously indicated that he will remove the trees in the neighbouring garden as he believes that the tree roots are causing damage. Durham Wildlife Trust are being asked to get involved with the area at the rear of Moore Avenue. This is such a lovely idea and crucial to the conservation of areas like this within our town.

The applicant states "there are no trees on the site" which is currently true as the site has been recently cleared. This has harmed existing privacy levels. The clearance of the vegetation would have had an impact upon wildlife and global warming. Maintaining this piece of Harton can make a small but definite contribution to conservation.

Vegetation, especially in the form of trees, is our best defence against pollution and climate change. The site measures 1000m² - the plans have only approximately 20% of this area for planting. The proposal will have an adverse impact on noise, outlook, openness, wildlife and ecology.

Parking / highways – The proposal would result in two driveways existing onto the avenue exactly opposite my drive. The applicant was informed when they moved in they could "swing" their vehicles onto my drive in order to reverse onto their drive which they still do. This surely indicates the difficulties we encounter in a narrow avenue.

Concerns regarding extra traffic and parking this would generate. Adding more properties would only increase the number of vehicles leading to more congestion, especially when visitor's cars are taken into account as these tend to be parking on the street. Due to the narrow roadway this can lead to difficulties accessing drives when vehicles park opposite.

Because parking is so difficult, I anticipate huge disruption from trucks delivering building supplies. Any deliveries or removals from the site will involve lorries parking in the street as access to the site will be blocked by the existing garage roof. Emergency services and bin wagons may have difficulties in respect of access issues.

Increased vehicle noise from doors being closed, engines started and the intruding light from headlights due to extra cars in the back garden. It does not appear that the proposed new building complies with the requirement for emergency vehicle access under Section 13.1 of the Building Regulations 2010 which states that for dwelling houses, access for a pumping appliance should be provided to within 45 metres of all points inside the dwelling house. From the drawings provided it appears the rear of the new property is over 60 metres form the nearest point of access for a fire engine.

Flooding – The development could change the balance of the water table in the area. The proposed plans do not indicate what artificial lighting will be in place for access and egress at night, which may cause further disturbance. The expanse of block paving is of concerns, losing natural drainage when neighbouring gardens are already susceptible to waterlogging for five months of the year.

Other – The plans have no dimensions of the proposed buildings and of any current dimensions to show the exact siting of the bungalow on the existing plot. The plans and application form do not show the existing large trees and hedges on adjacent land to the east, south and west which we believe influences the development due to their close proximity.

Considerations for hours of operation and timescales in a residential area. The development will make the area a less desirable area to live. Inaccuracies in the application form relating to trees and hedges, the commencement of works and biodiversity considerations.

There are increasing proposals by developers attempting to squeeze in as many houses as possible in rural areas such as Harton Village. I do believe the Government is trying to expand brownfield sites to alleviate the overdevelopment in towns such as ours, surely this should be considered in your decision. The proposed development represents an opportunity to garden grab.

The bungalow would be a luxury and not a necessity. There is no shortage of high-quality owner-occupied houses in South Shields. It can be disappointing for people to make their homes in a place where they are surrounding by garden if permissions are granted too freely.

The proposal would not increase the stock of housing needed, i.e. affordable homes for younger first time buyers, and those with no homes of their own. According to South Tyneside Council's Core Strategy Policy SC6, this is an Open Space Provision Priority Area, and we are concerned about the loss of openness. This is a proposal for financial profit and it will not be to the benefit of the area.

2) Other Consultee responses

Traffic and Road Safety Team – No alterations required to existing highway however new building is reliant on original property keeping access clear to the new property at all times. Query regarding whether this application can be classed as a property in its own right, as it is reliant on the original house allowing access though their property and garage structure. It seems to be more a detached granny flat, can this be confirmed as this will have a bearing on if the property can be issued an address.

Following clarification the two properties would not be linked, further comments were received:

Access for vehicles to the new property can easily be restricted by the original property choosing to park their vehicles in the vicinity of the garage type structure. This is not the same layout as for properties using a shared driveway. There may be insufficient space to the front of the existing property to allow for clear unrestricted passage to the property at the rear. This is why the granny flat aspect was queried; if the house has ties to the original then conflicts would not arise. This is not the case when the house can be sold onto an unrelated person.

Following further clarification a further response was received:

No alterations required to existing highway however new building is reliant on original property keeping access clear to the new property at all times. It has been confirmed that both properties are parking to the rear of the original one, so there should be no issue with access being denied. Any widening of the existing footpath crossing is to be undertaken by the Council's Construction Team at the applicant's expense.

Environmental Protection (Land Contamination) - *Following the submission of a Contaminated Land Screening Assessment, Coal Mining Risk Assessment Report, and Coal Mining Investigation Report including borehole testing, the below comments were received:*

The coal mining investigation sunk boreholes to a maximum depth of 35 metres to assess the ground conditions and possibility of shallow coal seams beneath the site. During these investigations, gas monitoring was also undertaken to assess any possible risk of mine gas affecting the proposed dwelling. The investigation concluded that no coal seams were recorded in any of the boreholes sunk and there were no significant gas readings recorded therefore the proposed building is considered safe.

In addition, the screening assessment has shown that the site has always been in residential use and that any risk from ground contamination is unlikely. The conclusions of the coal reports and the screening assessment are acceptable. As there is always the unknown risk of contamination, it is suggested that the unexpected contamination condition is considered.

Environmental Protection (Flood Risk) – No response received.

Countryside Officer - The application site is a cleared site. The closest habitat/ecology designated site is Temple Park West Local Wildlife Site. No impacts on non-European designated sites are anticipated from this proposed development.

The clearance of habitats from proposed development sites in advance of the submission of planning applications cannot be used to evade consideration of the proposal on ecological receptors. The ecological impacts of this proposed scheme without mitigation, considering the proposed development site as it was prior to clearance, as per the guidance above, are:

- Loss of mature garden habitats suitable for use by urban wildlife including foraging bats
- Loss of an estimated 12- 20 trees
- Potential loss of roost sites for bats
- Potential loss of nest sites for birds
- Risk of harm to hedgehogs (priority species) from construction activity

To avoid harm to hedgehogs, the following condition should be applied:

Construction works must take place in such a way as to prevent creating refuge areas for hedgehog and other wildlife, and to avoid them becoming trapped in excavations. To reduce the risk of accidental injuries and mortalities:

- *All trenches and excavations must either: be covered over with plywood and the edges sealed with sand or soil at the end of the working day; or sloping escape ramps (such as planks) must be installed at the end of each working day.*
- *All open culverts and pipes must be tightly blanked off at the end of each working day.*
- *At the start of each working day, all trenches, excavations, culverts and pipes must be checked for animals and any found should be gently captured using gloves and moved to areas of cover at least 30m from the working area.*

To compensate for the loss of mature garden habitats including ~12-20 trees, a condition requiring the submission of a landscape design for the site, to include replacement trees and shrubs of value to wildlife, should be submitted and approved by the Local Planning Authority, to be maintained for the life of the development.

To compensate for the potential loss of bird nesting opportunities, the provision of at least one integrated bird nesting feature suitable for urban species such as house sparrow or starling, would have a positive effect on nesting birds at the site. To achieve this, the following condition is recommended:

Prior to the occupation of the proposed dwelling, details of the specification and location of an integrated feature suitable for use by nesting birds shall be submitted to and approved in writing by the Local Planning Authority. This should be a built-in feature on a north or east facing elevation at eaves level and not above any doors or windows and be suitable for either house sparrow, starling or swift. The approved details shall be carried out in full prior to occupation of the dwelling.

To compensate for the potential loss of bat roosting opportunities, the provision of at least one integrated bat roost feature suitable for crevice roosting bat species should be incorporated into the proposed development. To achieve this, the following condition is recommended:

Prior to the occupation of the proposed dwelling, details of the specification and location of an integrated feature suitable for use by roosting bats shall be submitted to and approved in writing by the Local Planning Authority. This should be on a south or west facing elevation at eaves level or within the roof structure (accessible tiles) and not above any doors or windows. The approved details shall be carried out in full prior to occupation of the dwelling.

In addition, informatives relating to bats, nesting and breeding birds should be applied to any consent granted. The Case Officer will also need to ensure that an Appropriate Assessment is completed for this proposal and the Habitats Regulations Assessment process is recorded in line with the requirements of the Council's SPD23 document.

Tree Officer – Without being able to access the site, it appears from viewing from outside that there are no trees of stature within the development site / garden. There are a number of mature trees and hedges in the neighbouring gardens but without access, with no plotted layout plan and no arboricultural impact assessment, it is difficult to determine whether the proposed dwelling will have any adverse impact on these trees.

If approval is considered a likely recommendation, it would be reasonable to request a tree plan and layout plan are produced to consider whether construction is likely to cause damage to these neighbouring trees.

Following correspondence between the Case Officer and Tree Officer regarding whether such details could be conditioned, further comments were received:

It would be preferable if the information was submitted pre-determination, however if this detail is requested as a condition access would need to be arranged prior to any decision to ensure the proposed development seems feasible with the retention of the trees and to also consider the condition and importance of the trees likely to be impacted. The issue is primarily the trees in the neighbouring gardens. Looking at the images provided by the agent, I wouldn't suggest a TPO for the Cypress hedge, but the ash trees to the rear of the development site do have some positive attributes and the concern is that we approve a structure that is likely to cause damage to the roots of the trees and / or render them dangerous. I fully understand the comments made by the agent regarding Permitted Development rights to repair an existing wall, but they are Permitted Development rights and root damage would be a matter between neighbours. This development would be the Local Planning Authority approving a structure without knowing the impact on a third party trees.

I don't think the presence of these trees would prevent development but I do think if approved, a reserved matter/condition for a arboricultural method statement and a final layout plan outside the estimated root protection areas of the trees where possible would be a reasonable request. Such a condition could be pre-commencement rather than pre-determination.

Waste Services – No concerns. Space needed on site for up to four 240 litre wheeled bins.

Northern Gas Networks – No objection, but note there may be apparatus in the area that may be at risk during construction works and should the planning application be approved we require the promoter of these works to contact us directly to discuss our requirement in detail.

Northumbrian Water – No comments to make.

Northern Power Grid – No comments received.

Coal Authority – *Following the submission of a Coal Mining Risk Assessment Report, and Coal Mining Investigation Report including borehole testing, the below comments were received:*

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment report and subsequent Coal Mining Investigation report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations applications.

Assessment

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

- The principle of the development;
- Does the proposal convey sensitive consideration of its surroundings;
- Impact on residential amenity;
- Highway safety;
- Impact of the development on nearby trees;
- Biodiversity
- Coal mining risks; and
- Habitats Regulations Screening Assessment and Appropriate Assessment

Principle of development

In terms of the demand for new housing within the borough, Policy SC4 criterion (A)(ii), identifies the need to provide for "2-bed starter and 3 and 4 bed family/executive homes; detached, semi-detached and terraced houses and bungalows; for owner occupation and social housing" within the South Shields urban area. The proposed scheme for a detached bungalow would therefore accord with this Core Strategy policy objective.

The proposed dwelling would require the plot subdivision of the application site. This site lies within a built-up residential area and it is currently occupied by a semi-detached dwelling with large rear garden. To safeguard amenity through a sustainable development approach (as set out primarily within LDF Policies DM1, ST2 and EA1) Part 17 of the council's SPD9 guidance sets out the following criteria that must be followed:

'17.1 Plot subdivision relates to the development of one or more separate residential dwellings within the curtilage of an existing property. Proposals that involve plot subdivision will only be allowed where the following criteria can be met:

- *the site has its own separate and independent vehicular access which does not infringe upon the amenities of the adjoining dwellings or prejudice the highway system;*
- *the development does not result in an unacceptable loss of privacy, outlook, space or overshadowing for adjoining residents, the existing dwellings and future occupiers of the new dwelling;*

- *the detailed designs are sympathetic to the character of the area, and the development of the site does not lead to a loss of amenity to the area as a whole: and*
- *ensuring that the setting and character of the original dwelling is not eroded by the proposed development.'*

This proposal to subdivide the existing application site, retaining the existing dwelling to create a new dwelling to the rear garden, would not comply with this design guidance as:

i) The new dwelling would not have its own separate and independent vehicular access. Instead the proposal would share the existing vehicle access/egress to the application site, as this would be retained to serve both the new dwelling and a new parking area to the rear of the existing dwelling

ii) The subdivision of the plot would intensify the residential land use at the site to the detriment of amenities enjoyed by the adjoining residents, particularly in terms of general disturbance and the additional comings and goings associated with the future occupiers of the proposed dwelling, and

iii) The proposal is for a large detached bungalow that would be located centrally within the applicant's existing rear garden which is bounded by the rear gardens of the adjacent dwellings. This form of development would be at odds with the existing character of this area and as such it is likely to lead to a loss of amenity.

Does the Proposal Convey Sensitive Consideration of its Surroundings

In terms of the impact of the proposal upon the visual amenity of the area to which the development would form a part, the proposed works to 'open up' the existing garage in order to provide a new access/egress serving both the existing and new dwellings, along with the proposal to provide an enclosed utility/store to the side of the applicant's property, are considered minor forms of development that would convey sensitive consideration to the area in which they would be located within.

It should also be noted that as a permitted development 'fall back', the proposed detached garage, block paving to the rear of the existing dwelling and the internal boundary treatments works that are proposed within the applicant's garden are classed as minor works that do not require planning permission from the council. These minor works benefit from being Permitted Development.

The proposed garage would be constructed of brickwork walling to match the existing and a dark grey fibreglass roof, whilst the driveway area would be porous block paving. The rebuilding of the rear boundary wall at a height of 3 metres in place of the existing 2.4 metre high wall is also considered acceptable in visual amenity terms. This description of the proposed facing building material to be used in the construction of the development are considered to be sympathetic for use in this location but a planning condition should be imposed upon any grant of consent to ensure that precise details of the facing materials are agreed by the council prior to any work being commenced on site.

The proposed dwelling would sit within a large plot at 25 Moore Avenue and it would be set back over 45 metres from Moore Avenue itself. This would mean that the development would be set well back from the public realm, with the development being screened somewhat to the south by the existing trees and vegetation. The proposed materials for the dwelling include a slate roof, black rainwater goods and fascias, an off white render walling with brick plinth, and dark grey framed windows and doors.

The application site is, by present day standards, quite large enough to accommodate a new house in general terms and subject to the assessment provided below under the header 'Impact on Residential Amenity', the proposed house would not be too cramped or too close to existing houses to cause any privacy concerns.

However, in terms of the impact of the proposal upon the setting and character of the existing host dwelling, and upon the existing character of this part of South Shields. LDF Policy DM1 (A) makes clear that development should be designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

The introduction of a dwelling into a hitherto undisturbed area of garden land would inevitably detract significantly from the existing character and appearance of this part of South Shields. The proposal will require the soft vegetation from the garden to be cleared. Such works would have a negative impact upon biodiversity and upon the positive contribution that the landscaped garden has upon the existing character and appearance of this area. The soft landscaping of the application site combines with the soft landscaping of the neighbouring gardens to provide a pleasant amenity space for the residents of this part of South Shields. The loss of this space would be material and harmful.

It is considered the erection of a new dwelling within the garden of the original dwelling would erode the setting and character of the original dwelling. This would be by virtue of the size of the proposed dwelling and associated alterations within the garden area, including a substantive area of porous block paving to accommodate the driveway and proposed access to the new dwelling, and internal boundary treatments between the proposed development and original dwelling. This proliferation of works associated with the proposal would further erode the setting and character of the original dwelling within its environment.

As the application site is synonymous with its immediate neighbours in terms of outdoor garden space and layout of the existing built form. It is therefore important to have regard to the implications for other 'plot subdivision / backland' plots in the surrounding area should permission be granted in the present case. There are other obvious opportunities for such development to take place, and it is likely that should permission be granted for the current proposal it would be difficult for the council to resist similar proposals, with a cumulative and adverse impact upon the undisturbed character of this quiet and attractive area of garden land and upon amenity of residential streets which would need to carry the additional traffic generated. In this way, the whole character of this part of South Shields could be altered for the worse.

As such, it is considered that the proposed plot subdivision would conflict with adopted Local Development Framework Policies DM1 (A), ST2, EA1 and SC1.

Impact on residential amenity

The proposal is for a large detached bungalow, with two generously sized en-suite bedrooms and a large open plan kitchen, living / dining space. The proposed house would be a sufficient distance from properties to the north, west and south – well over the minimum 14 metre habitable window-to-window privacy distance standard, set out within the council's SPD9 guidance – for there to be no significant problems in respect of loss of sunlight and daylight. Nor is it considered, bearing in mind the proposed locations of the windows, that there would be such harm done to the privacy of residents living to the north, west and south as to justify withholding permission on this ground alone.

In terms of outlook given the position of the dwelling in relation to the existing dwellings, there would be no adverse impacts in terms of outlook. Given the height of the proposal, only limited overshadowing impacts would occur to neighbouring properties' gardens, whilst the original dwelling is set a sufficient distance to not cause significant overshadowing to the house or garden.

A proposed dwelling of this size with associated generous outdoor garden / parking space could easily accommodate a family and the property could be further extended both at first and ground floor levels, quite significantly, under permitted development to provide further bedrooms and living space to accommodate a larger family with several vehicles.

In addition, ‘Class E’ development under the Town and Country Planning General Permitted Development Order 2015 (as amended) allows a very sizeable detached building to be erected in the garden of a dwelling without the need for planning permission, so long as it was deemed to be incidental in use to the host.

Houses change hands over the years and it would be quite possible for a large and active family to generate a high level of traffic at this backland site. These days it is not unknown for a dwelling’s occupants to have three cars. This amount of vehicle use for a single family dwelling is significant when considering the impact that the noise and general disturbance associated with these comings and goings would have upon the amenities enjoyed by the nearby residents.

Indeed under the current proposal, the vehicle movements associated with the proposed dwelling would combine with the vehicle movements associated with the existing family dwelling at 25 Moore Avenue. The proposal is to prvide a through access/egress from the existing site with parking at the rear behind the existing houses. This form of layout would be at odds with the existing built form.

The intensification of vehicle activity at the site and shift from vehicles being parked at the rear of the property instead of the front property, would be material and harmful for the amenities enjoyed by the adjacent residents. These comings and goings and other activities associated with everyday living would introduce some disturbance into what is, at present, a very quiet locality and would increase traffic in Moore Avenue which has a carriageway of five metres wide.

The proposal to provide all pedestrian, vehicle parking and vehicle access/egress hardstanding areas, serving the proposed dwelling, would be through the existing house. This area of hardstanding is significant and it would be located directly alongside the common boundary with the adjacent house (nos. 23 Moore Avenue). Indeed the proposed car parking hardstanding areas serving both the existing and proposed dwellings would be alongside no. 27 Moore Avenue. This substandard arrangement clearly illustrates one of the problems arising from proposals to develop backland plots without a road frontage.

Indeed, the development would include an area of hardstanding / driveway measuring in excess of 25 metres to the rear of the existing garage, running immediately alongside the boundary with 23 Moore Avenue. In this regard it is considered such a vehicular access would infringe upon the amenity of this adjoining dwelling by virtue of increased vehicular movements to both properties.

As such, it is considered that the proposed plot subdivision would conflict with adopted Local Development Framework Policies DM1 (B) and EA5.

Highway safety

As mentioned earlier in this report, the existing and proposed dwelling would both utilise the existing vehicular access to the site currently used by the occupiers of 25 Moore Avenue. The parking for both properties would be located to the rear of the existing property.

SPD6 advises that maximum provision should normally be two spaces per dwelling (plus one visitor space per unit) the document also acknowledges that it may be appropriate to allow provision above this in case of larger dwellings. The proposed parking arrangement for both properties would meet these requirements. It is also considered that the driveway would provide sufficient space for vehicles to turn within the site in order for them to both enter and leave in a forward gear.

Section 17 of SPD9 relates to plot subdivision. One of the criteria for allowing plot subdivision is that ‘the site has its own separate and independent vehicular access which does not infringe upon the amenities of the adjoining dwellings or prejudice the highway system.’ By virtue of the nature of the proposal, vehicular movements will increase at the site, not only as a result of the proposed development but also

the original property as the proposed garage and hardstanding area would be accommodated to the rear of the dwelling for the parking of vehicles.

Following clarification of the proposed parking arrangement, the Council's Traffic and Road Safety Team have offered no objections to the proposed scheme and it is considered that the development proposed would result in no material harm to highway safety in accordance with Policy DM1 (G) of the South Tyneside LDF and the guidance as set out in Section 17 of SPD9.

Impact of the development on nearby trees

Concerns have been raised regarding the impact of the proposal on nearby trees in neighbouring gardens and land to the south of the application site. It is noted from historic aerial imaging, trees were also located at the application site itself and appear to have been felled prior to the submission of this planning application. As these trees were not protected by a Tree Preservation Order (TPO) and the site is not within a Conservation Area, permission would not have been required to fell these trees.

The Tree Officer has commented, noting a TPO would not be required for the Cypress hedge, and the ash trees to the rear of the development site have some positive attributes. However, the Tree Officer does not consider the presence of these trees would prevent development, and recommends a pre-commencement condition as part of any approval granted requiring an arboricultural method statement and a final layout plan outside the estimated root protection areas of the trees.

Provided that such a condition is attached to any approval as described above, no material harm to the health or amenity value of nearby trees that are to be retained is envisaged as a result of the development proposed in accordance with Policy DM1 (C) of the South Tyneside LDF, and SPD9.

Biodiversity

Concerns have been raised from residents regarding the land to the south of the site which contains trees and other vegetation, and also the alleged removal of trees from the application site prior to the submission of this planning application. As noted above the trees removed at the application site were not protected by a TPO or within a Conservation Area and permission would not have been required to fell these trees.

The Countryside Officer has commented noting no ecological information has been submitted, and that the garden would have likely been providing suitable habitat for a range of urban species including nesting birds, hedgehog, and a variety of invertebrates. A bat survey was not requested due to the fact the proposal would only affect a small area of existing structures. No impacts are anticipated to the closest designated site at Temple Park West Local Wildlife Site. The Durham Wildlife Trust have been consulted and have no reserves in the vicinity of the site.

Conditions are suggested as part of any approval granted in relation to risk of harm to hedgehogs, landscape design to compensate for the loss of mature garden habitats, an integrated bird nesting feature to compensate for the potential loss of bird nesting opportunities, and an integrated bat nesting feature to compensate for the potential loss of bat roosting opportunities. Informatives are also requested in relation to bats, nesting and breeding birds. Subject to the imposition of the above suggested conditions, it is considered the proposal would be in accordance with Policy EA3 of the South Tyneside LDF.

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.

Land contamination

The site is located within the Coalfield High Risk Development Area, where there is increased likelihood of ground gas from the site. Following the submission of a Screening Assessment, Coal Mining Risk Assessment Report and Coal Mining Investigation Report including borehole testing, the Environmental Protection Officer has commented noting no coal seams were recorded in any of the boreholes sunk, and there were no significant gas readings recording. It is therefore considered the development is safe in this regard.

Additionally, the Officer has confirmed the submitted Screening Assessment has shown the site has always been in residential use and any risk from ground contamination is unlikely. A condition relating to any unexpected contamination encountered on site is recommended as part of any approval granted. On this basis it is considered that the development proposed would result in no material risks to future occupiers due to ground contamination in accordance with Policies EA5 and DM1 (M) of the South Tyneside LDF.

Coal mining risks

The site is located within the Coalfield High Risk Development Area. Following the submission of a Coal Mining Risk Assessment Report and Coal Mining Investigation Report including borehole testing, the Coal Authority has commented noting the reports are sufficient for the purposes of the planning system and meets the requirements of the NPPF with no objections raised. It is therefore considered the proposal would accord with Paragraph 178 of the NPPF in this regard.

Flood risk

Concerns have been raised in relation to flooding at the site. Given the site's location in Flood Zone 1, it is not considered the development would significantly increase surface water runoff in comparison with the existing situation. Northumbrian Water have no comments to make in respect of the proposal. Given the nature of the proposed development, including the proposed porous block paving, it is not considered to materially exacerbate any existing problems of flooding in the locality, in accordance with Policy DM1 (K) of the South Tyneside Local Development Framework.

Other matters

Concerns have been raised regarding artificial lighting at the site. No details of any artificial lighting have been submitted however it is noted a residential property can utilise their Permitted Development rights to install artificial lighting without planning permission.

The application plans that have been submitted are to scale and the Case Officer has undertaken a site visit to understand the site and its surroundings, including the neighbouring trees. The applicant's agent has signed a declaration confirming the details as submitted within the application form are correct.

The applicant's motives for the proposed development are not a material planning consideration, including the nature and tenure of the proposed development.

The site's location in an Open Space Provision Priority Area (Core Strategy Policy SC6) relates to the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities, and not development in private gardens. Construction hours of operation can be controlled via a planning condition if permission is granted.

Matters relating to the Building Regulations would be considered under that legislation.

The applicant's agent has raised queries regarding previous planning applications and approvals for new dwellings with shared accesses elsewhere within the borough. However, it is noted two of the sites are located within modern estates where shared accesses are commonplace, and the third site has a complex planning history. Additionally, each application must be considered on its own merits in accordance with the applicable planning policies and guidance when the application is considered.

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.

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

Recommendation

Refuse Permission

Refusal Reasons

1 The proposed dwelling would subdivide the existing property and it would be located within an undisturbed area of garden at the rear of no. 25 Moore Avenue. It would introduce a large area of hardstanding space for vehicles to park to the rear of the existing property serving both the existing and proposed dwellings, with pedestrian and vehicle access taken through the existing dwelling. At present all vehicles movements and vehicle parking is undertaken from the fronts of the properties and the soft landscaping and undeveloped gardens to the rear of the properties combine to create a pleasant and tranquil amenity space for the residents. The loss of this space would be material and harmful.

The proposed built form and layout would therefore be at odds with the existing character and appearance of this part of South Shields. As such, this development would not convey sensitive consideration of its surroundings as it would erode the amenity value of the existing garden space and the positive contribution that this space has upon the amenity value of this area. This would be contrary to Policies DM1 (A), ST2, EA1 and SC1 of the adopted South Tyneside Local Development Framework.

2 The new dwelling along with the proposal to open-up no. 25 Moore Avenue, to provide parking, access and egress for pedestrians and vehicles to serve both the existing and the proposed dwellings, would increase noise and general disturbance to the rear of the existing properties.

The rear gardens of these neighbouring properties currently combine with the rear garden of the application site to provide a tranquil undeveloped space which is enjoyed by all of the residents in this area. The proposal would result in the loss of this undeveloped space and it would intensify activities at the site to the detriment of residential amenity. The development would therefore be contrary to Policies DM1 (B) and EA5 of the adopted 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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

List of plans for standard note

Plan Reference

Drg No 1 received 05/10/2020

Drg No 2 received 05/10/2020

Drg No 0776/8358/119 received 05/10/2020

Existing Site and Roof Plan received 05/10/2020

Proposed Site and Roof Plan received 05/10/2020

Case officer: Nick Graham
Signed: N. Graham
Date: 20/05/2021

Authorised Signatory:
Date:

«END»