DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0964/21/FUL
Proposal: Construction of new bungalow. Provision of new separate vehicular access, SuDS hard standing parking area and erection of new 1.8m timber fence (part) to replace existing garage wall and between host property (rear) and proposed new development.
Location: 25 Moore Avenue
South Shields
NE34 6AA

Site Visit Made: 01/11/2021

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 A1 - Improving Accessibility
7 LDF CS EA1 - Local Character and Distinctiveness
8 LDF CS EA3 - Biodiversity and Geodiversity
9 LDF CS EA5 - Environmental Protection
10 LDF CS ST2 - Sustainable Urban Living
11 SPD6 - Parking Standards
12 SPD9 - Householder Developments
13 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 11.7 metres from the rear boundary of the property and would be set approximately 2.1 metres from each side boundary. The development would be set back approximately 22 metres from the rear elevation of the host property.

The existing side garage building for the host property would be demolished and allow through access to the rear of the host property. This would be replaced with a 1.8 metre high timber boundary fence to the boundary with no.23 Moore Avenue. A significant area of the existing rear garden would be surfaced with hard standing to provide vehicular access and parking for the proposed dwelling. The external materials for the proposed dwelling would comprise of a concrete roof tiles, black rainwater goods, facing brickwork, grey uPVC windows and powder coated aluminium doors.

This application is a resubmission of application ref. ST/0828/20/FUL which was refused in May 2021 under delegated powers for the following 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 vehicle 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.

Publicity / Consultations (Expiry date 24/05/2022)

1) Neighbour responses

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

- 13 Moore Avenue, South Shields (x3)
- 17 Moore Avenue, South Shields (x2)
- 19 Moore Avenue, South Shields (x4)
- 21 Moore Avenue, South Shields
- 23 Moore Avenue, South Shields (x2)
- 26 Moore Avenue, South Shields (x2)
- 27 Moore Avenue, South Shields (x3)
- 28 Moore Avenue, South Shields (x2)
- 20 North Avenue, South Shields (x4)
- 22 North Avenue, South Shields
- 24 North Avenue, South Shields (x3)
- 26 North Avenue, South Shields
- 102 West Avenue, South Shields
- 104 West Avenue, South Shields (x2)
- 106 West Avenue, South Shields
- 108 West Avenue, South Shields (x3)
- 110 West Avenue, South Shields
- 112 West Avenue, South Shields (x2)

The following issues were raised:

Visual appearance / character – It seems to be a misuse of the land and if granted would open the door to similar requests to build new properties up and down Moore Avenue. This would set a dangerous precedent for the urbanization of arguably the greenest residential area in South Shields. I can't believe that someone wants to place a car park in effect within a garden and spoil the whole area. When I walk home from work you wouldn't believe what it feels like. It's a little bit of South Shields that I believe you can't find anywhere else in the town. It surely cannot be given planning permission. The rear gardens of Moore Avenue are very distinctive in that they are one of the greenest residential areas of the borough.

At present all vehicle movements and parking is undertaken from the fronts of properties in this area and the soft landscaping and undeveloped gardens to the rear of both mine and neighbouring properties combine to create a pleasant and tranquil amenity space for residents and local wildlife. The loss of this space would be material and harmful. The proposed build and layout would be at odds with the existing character and appearance of this part of South Shields.

I totally agree with the planning department's refusal reasons and my first objection still stands. I feel the tweaks to the resubmission have no grounds to overturn the planning department's decision to refuse permission. The agent's reference to precedent raises one of my concerns, if this development is allowed to proceed, occupiers along the side of Moore Avenue could replicate this development and we could end up with a street the full length along the back of Moore Avenue and would change for ever more the character of the village as it is today.

The design guidance on residential context requests the character of an area be maintained or enhanced by any new development. Paragraph 3.7 uses a table to identify common design features in scale, density, garden space, and typology, to which Moore Avenue suits the Early 20th century most appropriate, that is a neighbourhood of two storey, semi detached & detached, dwellings with front and rear garden space. The proposal would be against all of these items, a single storey bungalow, which reduces the characteristic large garden space into small plots incorporating a parking area. This is conceded in the Supporting Planning Statement Paragraph 4.10 by the agent, but simply asserted that it should not be grounds for refusal. I would like to see the guidance in SPD 9 upheld.

The detailed designs to me are not sympathetic to the area, as required for subdivision plots by paragraph 17.1 of the SPD9. This is admitted as such in the Supplementary Document, paragraph 4.10 "It is accepted that the proposed bungalow is in design terms and detail does not replicate the style of the character of the existing dwellings".

In regard to the agent's request that this application be considered on an individual basis, and not prejudiced by the possibility of similar developments, ignores the SPD9 request of subdivided plots in paragraph 17.1 that the character of the original dwelling and local area is not eroded. Size of garden, proximity of neighbouring properties, height, mass, and scale all play a part of character, and the meaning of erosion is a gradual destruction. In the case officer's assessment, large gardens characterise these properties, and this precedent may cost the area this quality.

The agent states the construction is set back and will not be visible. I beg to differ strongly on that, the rear property of houses in West Avenue between North Avenue and Moore Avenue will be affected by this construction and it will be seen and change the rear outlook that we have all enjoyed since these properties were built. The agent also states that this construction will result in very little loss of garden space, in my opinion from the plans it is a significant construction that will take over more than half of the area that already exists. To say that would have no detriment in visual terms again shows a total lack of understanding of the effect that the properties in Moore Avenue, West Avenue and North Avenue will have to endure.

The applicant themselves concede that the proposed plans are not sympathetic to the existing character of the area, but state that this is not a reason to refuse the planning application. S.17 of SDP9 clearly states that detailed designs for any proposed plot subdivision should be sympathetic to the character of

the area and therefore this is a material consideration. The 2nd limb of this guidance is that the development does not lead to a loss of amenity to the area as a whole. We would echo the case officer's comments that building a new dwelling in the garden of the existing dwelling would significantly detract from the character and appearance of the area, and lead to a loss of amenity for adjoining residents. We would argue that the proposed plans do not constitute sensitive consideration of both the immediate surroundings and the surrounding area and therefore the application fails point C of section 17 of SPD9.

We submit that the development would clearly erode the setting and character of the original dwelling by virtue of the significant reduction of the garden space, as well as the reduction in the garage space to facilitate access to the bungalow and installation of the parking area for the proposed bungalow at the back of the reduced garden area and the invariable noise nuisance that this will cause. This will lead to a loss of amenity, namely the peaceful and tranquil garden area which will negatively impact both the current and any future owners of the plots. The application therefore fails point D of section 17 of SPD9.

The character of the area of Moore Avenue and its surrounding streets is a neighbourhood of two storey, semi-detached and detached dwellings with front and rear garden space. The policy on design guidance on residential context states that the character of an area be maintained or enhanced by any new development. It is submitted that the proposed dwelling is at odds with this character and is detrimental to the residential amenity as a result, extensively diminishing the enjoyment of the previously undisturbed area. As stated in the building consultancy report for the proposed dwelling (ST082820FUL Design & Access Statement), the 'appearance of the new dwelling will be modern and form a contrast to the existing building with the use of white render and dark grey/window framing'. The access and design statement is clear evidence that the proposed dwelling will be at odds with the existing character of the area.

The agent only discusses the amenity from a street scape perspective in paragraph 4.10, yet applies the 'minimal' visual impact as an absolute for the design as a whole, I quote "located at the rear of the host property the bungalow will present minimal if any visual impact with the overall local surroundings." (p8 2021). This disregards the neighbours that form the block of houses in which the design sits, and the architectural character of the area as something that ceases beyond visual range of the street.

We believe that the modern appearance of the new dwelling will have a detrimental visual impact that is out of character with its surroundings. The modification to the applicaton regarding hard standage was to make it porous hard standage. This does not detract or minimise the amount of hard standage that will be replacing once undisturbed green space. 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, with ours dating back by nearly 100 years. The loss of a once pleasant and tranquil area is a material and harmful loss for residents and at odds with Policies DM1 (A), ST2, EA1, and SC1 of the adopted South Tyneside Local Planning Framework.

This development would wilfully erode and degrade the character of the area. Moore Avenue is one of arguably only a handful of streets within South Tyneside of 'significant note, community interest and historical character' alongside Westoe Village and North Avenue. These are areas of cultural benefit to the area and indeed region as a whole, helping to maintain high standards of visual appeal and as such should be protected from harmful poor decisions. It is all our duties and responsibility to maintain and protect these environments for the future, without eroding them.

As an owner of a home in Moore Avenue, I believe I am a custodian of a property of significant architectural interest and indeed see it as my responsibility to respect and maintain the original design intent so that others can benefit from it in the future. The properties in this street were carefully designed with generous proportions for good reason to promote a sense of 'well being' forming part of a public amenity. The street should be coming close to meeting the requirements of a Conservation Area such as Cleadon or Westoe Village.

Passers by in the street are forever commenting on how lovely these houses are and that they have fantastic gardens. They are saying this because it actually means something to them. They appreciate these houses for what they are and gain enjoyment at looking at them. This is not sentiment that you can get by looking at these houses on a plan.

Residential amenity – My reasons for objections still stand, even more so as the new bungalow is nearer to my property than the previous proposal. The new dwelling along with the proposal to provide parking, access and egress for pedestrians and vehicles at the rear of the property to serve both the existing and proposed dwellings would increase noise and general disturbance to the rear of my property.

The rear gardens of my property as well as 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 and local wildlife. The proposal would result in the loss of this undeveloped space and it would identify activities at the site to the detriment of residential amenity.

The agent refers to the residents' objection of roof lights facing North Avenue and dismisses their fears of light pollution. I agree with the residents fears, as the resubmission shows the roof lights facing my main bedroom and will impact direct light pollution on myself and neighbours as well as the vehicles headlights when parking/reversing. I do not consider as the agent states, that existing presence of dense tree and shrub planting and the 1.8m high close boarded fence separating the rear of the host property will act as a baffle minimising engine noise and diffusing light intrusion from car headlights in the winter months.

Paragraph 4.10 of the agent's Report suggests that the 1.8 Metre fence and mature hedge will minimise noise nuisance, and that no supporting detail has been provided by residents objecting to the noise of a new dwelling and vehicle traffic in a back garden area. I wish to cite Acoustics and Sound Insulation by Eckard Mommertz, which points to hedges and trees being an ineffective sound barrier, and instead what is required is a barrier/fence with sufficient sound absorption capacity and height to account for the angle of diffraction (p45 2008). In addition, the book Architectural Acoustics by David Egan, reinforces this view that vegetation is not effective, requiring greater than 6 metres width to provide 2-4 dBA attenuation (p263 2007). Egan also highlights the orientation and enclosure of buildings, like that of the gardens of the south side of Moore Avenue, can form an enclosure that refracts sounds within a formerly quiet space (p270-271 2007). Surely the onus is on the proposal to provide evidence that it does not impact sound levels sufficiently, could the applicant demonstrate the effectiveness of the proposed fence before approval?

I feel that a new detached dwelling in the middle of a garden area, surrounded by tall housing could be a sound trap in a formerly quiet and peaceful garden environment. Especially through bringing an active front door and parking, usually reserved for the street face facades, into the back garden space specifically designed to be private. Should the construction go ahead, is 1.8 metres enough of a fence to prevent any disturbing increase in noise? A taller one may be required, or one made of sound absorbing/dampening materials, which would change the character of the landscape and increase shading, leading to a more detrimental experience for those wishing to enjoy their gardens.

We disagree with the applicant's Supporting Planning Statement that the concerns regarding the loss of tranquil amenity space, currently enjoyed by all surrounding residents, would not be material and harmful. As stated previously, the dwellings on the South side of the Avenue are characterised by long gardens, with Number 25 being no exception. Granting the application would result in a significant loss of garden space to the dwelling at Number 25 and therefore the character of the property.

We would also disagree with the agent's assessment that the previous refusal contains a 'baseless assertion' that the proposed development would have an adverse impact on the amenity of the neighbours. The agent's assertions that there would be no loss of amenity through noise or disruption to the neighbours at Numbers 23 and 27 or indeed in the wider area is based on the observations that other dwellings on Moore Avenue have driveways that extend beyond the rear elevations of the

properties which they serve. This is factually correct, as can be seen from the Map provided on Page 34 of the agent's statement there are 3 dwellings which benefit from this layout.

The difference is however, that these driveways simply lead to a garage rather than a separate dwelling, and therefore once a vehicle is parked in front of this garage, any further vehicles of the address will simply park in front of the first vehicle, not going beyond the rear elevation of the dwelling and therefore any noise nuisance will be minimal. This is a completely different situation to the proposed bungalow, where multiple vehicles would be driving well beyond the rear elevations of the adjacent properties as well as having to negotiate multi-point turns in order to exit the parking area/driveway, causing further noise nuisance (and potentially light nuisance during the hours of darkness). This is in no way comparable to the situation of the three highlighted properties. We would argue that the proposed plans do not address the concerns of both the case officer and ourselves of the loss of amenity due to noise disturbance. The proposed application therefore fails point B of section 17 of SPD9.

The proposed dwelling will be accessed via the shared driveway of 25 Moore Avenue, and through creation of a narrow access road that will run the length of the current garden of number 25. Modifications have been made to the original application, so as to remove the existing garage that cars would have driven through to access the proposed dwelling. It is now proposed that just a 1.8m fence will be erected on the boundary of 23 and 25 in place of the existing garage, resulting in a loss of privacy. It is submitted that neighbours, especially us in 23, will suffer an unacceptable loss in residential amenity through creation of this access road. What was once a tranquil and undisturbed row of gardens will become an area spoiled and polluted by a road used both to access and exit an ill-considered sub-division of land.

There are legitimate concerns of pollution and lower air quality as multiple vehicles will be driving throughout the day to access the proposed dwelling. This is a significant loss of residential amenity for neighbours trying to enjoy their back gardens. The felling of 12 trees will also significantly intensify the emissions from these new vehicles . It is submitted the proposed dwelling and its access is an example of an unsustainable development and the erection of bird boxes to counter this is completely disproportionate. Furthermore, the suggestion in the planning application that the creation of a single and independent access negates the traffic that will be accessing the proposed dwelling does not make sense – vehicles will still be accessing the dwelling via the current garden of number 25.

There are also legitmate concerns of noise pollution and light pollution through the creation of this access road. The modification to remove the current garage and replace is with a boundary fence between 23 and 25 makes this pollution worse. In the new proposal, all that will be separating our back garden with the access road is a hedge and a fence. There will be a significant increase in noise, light and air pollution every time a vehicle enters or leaves the proposed dwelling. In the planning application, the independent consultant suggests that the mature hedge on the boundary of 23 and 25 will provide sufficient soundproofing from the access road. This is simply not true, as noise levels have significantly increased since the felling of the trees.

Furthermore, the consultant states that the hedge runs the length of the garden, when in reality the hedge only covers around 60% of the length of the garden and would not cover the distance of the access road. The effects of this for immediate neighbours is material and harmful. As the original character of the area was a neighbourhood of two-storey houses, the creation of this narrow access road will contribute to a sound and pollution trap that will be suffered by neighbouring residents. Furthermore, the removal of the existing garage and the construction of a new utility store with a narrow driveway cause awkward carparking and maneuvers within its curtilage. This causes a detrimental amenity to any future occupiers of 25 Moore Avenue.

The development will result in an unacceptable loss of privacy, outlook, space particularly for adjoining residents, the existing dwellings and future occupiers of the new dwelling. Overshadowing could be a potential risk/problem if the owner seeks to go upwards and include a first floor in the future.

We have concerns regarding the removal of their garage due to the garage wall in fact being our boundary wall between our property and theirs. What considerations, if planning was approved, would be given for the proposed 1.8 metre replacement fence to be erected prior to any groundwork and building being commenced? If this was to remain open our privacy and security would be severely compromised. Our main living and kitchen area and garden access looks directly onto this area and we would be subjected to all the noise and dirt the building works and excavations would entail as well as being accessible from the front street level. At the moment the garage does provide a private ,solid brick 2.2 metre boundary not taken into account the garage roof and we believe that it is questionable as to whether a timber 1.8 metre fence is a sufficient boundary.

Biodiversity / trees – The planning application form and supporting statement make reference to tree coverage in the area. No trees are on the property which is most unusual as all of the other properties in the area have substantial tree coverage. Google Maps / Earth (2020) shows the property having a considerable amount of trees. I would suggest they have been removed prior to this application. I note the applicant has responded 'no' to the question 'are there any trees / hedges on the proposed development site'. Is it the case that to facilitate planning applications, one can remove large quantities of tree coverage prior to any application being made?

A couple of years ago the Council attached signage to a lamppost at the Sunderland Road end of Moore Avenue stating that the area was a tree conservation area. I would be grateful if this was verified.

Case Officer note: The application site is not located in a Conservation Area. The above may have related to trees covered by Tree Preservation Orders of which there are several towards the Sunderland Road end of Moore Avenue. However no trees with Tree Preservation Orders are or were located at the application site.

This particular construction directly contravenes the goals of the Council's planning policy which seeks to optimise conditions for wildlife, implement the Durham Biodiversity Action Plan and seek to reduce habitat fragmentation. The proposal would be damaging to the local wildlife within the conservation area. The agent makes constant missrepetation throughout their report; they repeat on a number of occasions 'the presence of existing high boundary fencing or walls and mature hedge or tree planting to those properties to the east and west' will cover the proposed development etc. I have provided video and photographs which highlight the above statement is misleading in my view.

The agent refers to the occupier's garden as 'large underused and unmanaged garden plot' which does nothing to enhance the visual appearance to the area, in their attempt to justify the proposed development. But later on the agent confirms the occupier has taken it upon themself to create this situation, in preparation for this development and the assumption that their planning application being passed would be a mere formality. Since the occupier removed several large mature trees in 2020 it has exposed a once unseen view of mine of a brick out- house in the very back of his neighbour's property (no.23} which is like a "blot on the landcape" I never knew of its existence until his tree removal programme.

In paragraphs 4.11 of the agent's statement, it is confirmed there are no trees on the site at present, in 4.3 the agent also describes it as 'unmanaged' and doing 'little to enhance the visual appearance of the local setting', in a later paragraph the agent confirms the client removed them prior to the application and was able to do so with no Tree Preservation or Conservation Area issues to worry about. If I am correct, I understand that Tree Preservation Orders can be issued as a condition of the application, therefore we have a situation in which the applicant removed their trees to improve the possibility of gaining planning permission, then describing the resulting garden condition as 'unmanaged' (though technically it has been managed into that condition) and offered their proposal as a solution to the condition they brought about. If accurate, I feel this approach does not respect the planning process.

I disagree with the agent when they state the absence of a Tree Preservation Order on nearby trees suggests that they have minimal intrinsic value. Every tree plays a valuable part in combatting climate

change. As a long term resident of Harton, I have seen a very obvious decline in wildlife as more and more hardens have been replaced by houses. The importance of vegetation and biodiversity to the environment is beginning to be recognized as climate change becomes more alarming, and every new house that is built on a green space means a little less vegetation and a smaller habitat for wild creatures.

If this development was allowed to go ahead and the occupier at no.27 were to remove the remaining two mature trees on the boundary with no.25, there would be an even larger "blot on the landscape" in my view. This highlights the agent's flippant remarks in the heading titled 'Biodiversity / Trees' regarding the possibility of removal of large mature trees after the development, if it was passed, by the planning officer as "hearsay" but the applicant's neighbour at no.27 could quite likely remove existing trees, as they did before in 2020 as is their right if they so wish.

The agent refers a number of times throughout his report of dense hedging / trees which will obscure the development from neighbours view, but in my opinion the agent is misleading the planning officers by offering a coloured aerial view of the proposed development, circling properties on Moore Avenue apparently to show drives running alongside their properties to justify this development. May I suggest that the agent has produced this aerial photo to give the planning officer the false impression that the gardens of no.25 and no.27 are shrouded by dense hedging / large mature trees as is frequently suggested. But this photograph has clearly been taken prior to 2020 as it does not reflect how this is today. The applicant and his neighbour (no.27) removed collectively eight or more large mature leylandi conifer trees either side of 25/27 boundary line in 2020. This photograph should be disregarded by the planning officer as it does not have relevance and is misleading in its presentation.

I accept that a home owner can do as he wishes with non-protected trees on their property but I take huge exception of the agent's interpretation that the new development will be obscured by; "Existing presence of dense tree and shrub planting plus 1.8 high close boarded fencing which will baffle and minimise engine noise and diffusing light intrusion from car headlights" How can this be when in 2020 the occupier removed a large number of dense hedging / and large mature Leylandi trees from their garden? in the plans submitted it does not reflect the above statement as it shows only one tree in the garden of the application property and seven in no.27 which are spaced apart from each other and not dense as is frequently referred to.

Prior to the original application for this proposed dwelling, the nearby residents were upset and frustrated to find that the applicants had employed a labourer to fell at least 12 trees from their back garden. Prior to this felling, the back garden of 25 Moore Avenue did much to enhance the visual appearance of the local setting, as seen in the submitted image (which was used, in a rather contradictory way, by the applicants in the recent resubmission). As one can clearly observe from the image, there were at least 12 additional trees present in the back garden, creating a lush, green canopy that encircled most of the back garden, adding significantly to the visual appearance of the local setting. To rely on the assertion that the garden 'in its present state does little to enhance the visual appearance of the local setting', whilst knowingly and intentionally reducing the visual appeal in the past by felling trees is misleading. The proposal also states that the space has been 'unmanaged', when in reality, it has been carefully managed to appear 'unmanaged' for the purposes of gaining planning approval.

The agent has not reflected on the possibility that the few current conifer trees could in the future be cut down by his surrounding neighbours thus exposing this "blot on the landscape" and intruding on our outlook and amenity which we have enjoyed since 1983 when I purchased my property which overlooks the greenspace of the gardens of West Avenue / Moore Avenue. This was the main reason why I bought the property. This current view below from my bedroom window I can only count 3 large Leylandi on the boundary line of 25/ 27 Moore Avenue plus one or two shrubs of which I attach photos taken.

My photos also show in what I can gather from the application is the gap covering the area where the proposed development would be clearly seen, the photograph shows the conifer trees on the boundary of No.27. May I suggest, as you can see, if the occupier was to cut them down at a later date it would,

fully expose No.25 development if they were successful in proceeding with his development. I feel these photos show a completely different and true aspect to his misleading and dated aerial photograph.

Regarding the comment on page 9 of the statement “the unused land /woodland” as is described, was bought from the Council a number of years ago by a nearby resident and runs between the back of Moore Avenue and North Avenue. The resident was an ardent ecological and wildlife enthusiast and was passionate in looking after the area so wildlife and wildflowers, trees could thrive undisturbed , we have resident squirrel’s, owls, and numerous wild birds visiting the back of all our gardens and the woodland and if this development were allowed to proceed it would have an damaging effect on their current undisturbed areas. This resident was a firm believer that this development would be detrimental to the wildlife in the area between Moore and North Avenue.

The rear of 25 Moore Avenue, on its south boundary, abuts land known as the ‘Vicarage Avenue Land’. Our previous partial objection within the earlier application still stands as nothing has changed from what was said in the previous letter and we would wish to maintain the partial objection to this development for precisely the same reasons. For the protection of the two ash trees situated on the Vicarage Avenue Land and immediately to the rear of 25 Moore Avenue and specifically mentioned in the previous letter, we would have entirely no objection to the Council placing Tree Preservation Orders on those trees to, hopefully, ensure their further safety from any development. The language used by the agent to describe Vicarage Avenue as “waste land” is disparaging to say the least.

One of the main features of the house that encouraged us to buy the property was the garden to the rear with sight of so many trees and associated greenery. Some of the animals we have seen include squirrels, frogs and various types of birds, and we have a number of resident pigeons that have been around since the day we have moved in. With the loss of the trees and greenery in that back garden, we have already seen a reduction in the wildlife that we can see on a daily basis. This is only going to get worse when the bungalow is built due to the increased number of vehicles and people in that area. I also believe the applicant’s next door neighbour is preparing their land for building as they too have removed the trees from their garden which concerns me.

We take issue with the agent’s assessment that the Cypress trees in our garden have “minimal intrinsic value’ due to not being protected by a TPO. They are in our garden and therefore their value and landscaping are a matter for us and not the applicant. It is noted there are not trees or hedges to be removed. There are several trees / large hedges to be removed directly behind the existing garage which forms the new access to the proposed property.

Measures to reduce its impact on wildlife by including a bird and nest box are negligible in view of the harm already caused by the removal of mature trees and consequent reduction of nesting sites and breeding sites for the creatures on which birds and bats feed.

Two of the remaining large trees are being cut down at no.27; the occupier of no.25 use this as a defence that the development “will be obscured by large trees and shrubs” from the proposed development by neighbours. This confirms my concerns that in future trees could be cut down and expose the development, if the development was allowed to proceed it would be a blot on the landscape.

The attempts to appease the planning department with the addition of bat boxes, bird nesting boxes and hedgehog protection is in my view laughable.

The plans have changed further because of the significant tree removal of conifers from the surrounding gardens due to Storm Arwen. This now will impact further on the outlook at the rear of all properties in West Avenue and significantly to the properties adjoining this planning application. In short the trees marked on the planning application are no longer there.

Parking / highways – I cannot see how the proposed new access to the bungalow would work. The present owners might give permission for access but what about later owners falling out with the

occupants and blocking access. On part 6 of the planning application form, in response to the question ‘is the new or altered vehicle access proposed to or from the public highway’, the applicant has ticked ‘no’. The plans state the contrary, it would be impossible for two vehicle to simultaneously access / exit the property without causing a build up of traffic on Moore Avenue and risk to pedestrians.

The new vehicular access is directly from Moore Avenue. I note that the area to the front, outside of the boundary of the property, has already had its soft landscaping removed and paved over; was planning sought for this conversion and is vehicular access to the existing and proposed development set to make use of this paved conversion? The agent’s view of demolishing the current garage wall to create a separate access to the proposed development in my view does not have any relevance and it does not many any change to my initial view of the development.

Part of the agent’s statement provides photos and refers to the properties on Moore Avenue having drives alongside their houses and some have garages in their garden plot, in so the agent mentions a precedent has been set in his justification to allow this development but they are garages. This is a poor comparison and has no relevance and should be omitted. The agent refers to some cars on Moore Avenue already drive and park by the side of their property, but they drive into the area and then reverse out of the area. The proposal shown on the plans shows the route of the cars to the development driving in and turning right in which the car headlights will beam directly west into the properties in West Avenue and Moore Avenue and once again when reversing and the noise from closing doors etc. will lead to a loss of amenity through noise and disruption to the neighbours.

Regarding the point made in paragraphs 4.12 of the agent’s statement, as the owner of the nearest property indicated to have a garage sitting in the back garden beyond the dwelling (see aerial image in the agent’s report), I must clarify the assumption made in said report. The garage shown is a storage facility, acting more like a shed. The landscape in front prevents any vehicle reaching the garden. The existing garage was partially demolished to create the space for an extension and hard landscaping. I am unhappy that it is being inaccurately painted as the overnight location for my vehicle in order to set a precedent of cars being active in the rear garden spaces.

With the houses being staggered on opposite sides of the street, it makes on street parking very difficult and you often have to weave in and out when entering or leaving the street. Even now given there has been yellow lines painted to stop parking at the top of the street with the shops, restaurants, public houses etc in Harton village, visitors are parking further and further down the street increasing the risk of the fire brigade or ambulances not having full access in the case of an fire or a medical emergency.

No one has a driveway that extends to the far end of their garden, and the agent pushes the point that the driveways of certain properties in Moore Avenue extend the full length of the neighbouring property but again this is disingenuous to the fact this new construction proposal goes way beyond that which already exists. All of the properties that have been highlighted by the agent in Moore Avenue are detached properties; no.25 however is a semi-detached property and the adjoining property will be greatly affected by the proposed length of drive and parking.

Whilst it is true, the rear garages extend slightly past the rear elevations of the properties they serve – they do not continue on and run the length of the rear gardens, as would be the case in this proposal. They are exactly that, garages, not access roads. To state that ‘there is therefore precedent for driveways that run between properties with garaging and/or parking set into the rear garden areas’ is far-reaching and inapplicable to this proposal.

I am concerned about the vehicle access width mentioned in the proposals, the Design and Access Statement in paragraph 5.2 describes it as ‘sufficient’, drawing A/3522/01B shows only the existing at 5000mm. I am certain that this measurement is incorrect and request that it be determined on site prior to a decision, as well as clearly marked on drawings for the proposal to ensure the parking and access have adequate room to manoeuvre in from of the existing garage. If an accurate layout can be determined I would like it to be confirmed that it would be a truly independent access (as required by

17.1 of the SPD9), given the reliance on having a parked car and vehicle access within potentially 5000mm width. The residence clearly knows the width is limited as they park end on.

Upon initial review it would not appear (without the benefit of swept path calculations) that there would be sufficient parking space and turning for two vehicles in the proposed development. It also appears that the space for car number two in the main residence will encroach into the dedicated access for the new development. The turning circle for the cars in the parking area from the plans seems not to be sufficient and I think needs to be proven before the plan is even considered.

My neighbours at 106/104 West Avenue could in theory combine their thoughts and create a large driveway between and alongside their properties then apply to build a bungalow at the back of their gardens for their daughters. Where would it all end? All because a precedent would have been set. The agent rejects the concerns of parking issues and suggests that the development would not cause excess issues. This statement does not reflect the true situation in Moore Avenue outside no.25. I have at the end of this statement attached photos taken late October this year showing the common parking situation outside no 25 showing a large van parked on the pavement, one on the road and two cars on the drive of No 25 . This is unfortunately replicated in the area and would increase in Moore Avenue if allowed to go ahead.

I dispute the agent's claim this development would not be of detriment to the area by excess visitors to the street, as the council have in the past looked into the parking situation in the area. I have on a number of occasions raised the ever increasing vehicle parking problems with them regarding parking on pavements and grass verges churning up the verges into a muddy state in the Harton area, especially West Avenue and Moore Avenue with Harton Ward Councillor Pat Hay in relation to this matter, the latest correspondence in February 2021. Could I ask the planning officer to contact and consult Cllr Hay as to her thoughts on the parking issues I have raised with her in the past regarding the above? In Cllr Hay's last email to me in February 2021 it was said a meeting would be arranged with all four of the Harton ward councillors and council officers to assess problems I have raised about the area's parking problems, when it was possible to do so. This development would impact on parking in the area in my view.

Concerns expressed for the additional traffic a new dwelling will generate, that will now penetrate into a back garden are justified, the agent's suggestion that "The objection regarding impacts of noise and pollution of a 'shared' access no longer apply as a singular vehicular access for the occupiers of the bungalow are now proposed." seems to want to confuse semantics to make the point. The objections, to my knowledge, were not regarding the 'shared' aspect of this new driveway and parking, but rather the driveway and rear garden parking itself, and I repeat my concern of a typical dwellings worth of additional traffic (including daily deliveries and visitors) and parking requirements on the street and into a rear garden of this architectural character. I am concerned about a new driveway to include access to two residences directly opposite mine in a very narrow and congested road.

Having considered the revised site layout plans, it is clear that the proposed new dwelling still does not have a 'separate and independent vehicular access'. It is clear that for the occupants of Number 25 to enter and exit their drive that they would need to drive across the land which has been allocated as the 'single, independent vehicle access' for the proposed bungalow. This is illustrated by the revised plans which include depictions of how vehicles would manoeuvre themselves to enter and exit the developments.

The current gate is not wide enough to allow a vehicle to enter without encroaching on land belonging to both proposed properties. This has the potential to cause future occupiers of both sites issues with parking, for example, should the occupiers of the bungalow decide to park their cars at the front of the property, adjacent to the parking area designated for number 25 rather than in the designated parking area of the bungalow itself (at the rear of the new proposed garden space for number 25). This would impede the owners of 25 from accessing their drive, leaving them no option but to park on what is already a very narrow and congested street. The agent's statement indicates that legal agreements

would be sought in order to facilitate access for both parties across each other's land, however we would argue that if legal agreements are required to facilitate access, then the access is not 'separate and independent'. The proposed application therefore fails point A of section 17 of SPD9.

The assertion that a legal agreement will be prepared to secure unfettered rights of access to the applicant site defeats the assertion that the applicant site has its own separate and independent access. If the access was separate and independent, why would one require legal agreements to secure unfettered rights of access? Even if one was to accept the legal agreement proposal, the access to both properties is still sole and via the driveway of 25 Moore Avenue.

Furthermore, there are issues of safety that are of concern. In the proposal, the vehicles wishing to park in front of 25 Moore Avenue would either have to perform a 3-point turn on the driveway or temporarily reverse on to the shared right of access to the proposed dwelling, before driving in front of 25 Moore Avenue. During either of these manoeuvres, the shared access to the proposed site would be blocked and the entry and exit access unsafe. Additionally, if any vehicle was to park on Moore Avenue and block the shared access point, it would be blocking both the host site and the proposed site. It is therefore reasserted that there is no separate and independent access to the proposed dwelling. These safety concerns were highlighted in the summer of 2019 when a fire broke out at the bottom garden of 25 Moore Avenue due to the burning of felled trees on a hot day. The fire service were unable to access the bottom of the garden (contrary to the need for a right to bring emergency services on to the plot) and residents of both North Avenue and Moore Avenue had to help extinguish the fire whilst we waited for emergency services.

It is submitted in this objection that despite modifications made to the proposed plans, this application does not alleviate the first ground given for refusal. Contrary to the time spent on the application given to points that do not make up grounds for refusal, the proposal does not provide the proposed dwelling with a separate and independent vehicle access. The proposed dwelling will also result in a loss of undeveloped space. The Proposal does not provide the proposed dwelling with a separate and independent vehicle access. We submit that the part removal of an existing garage does not provide the proposed dwelling with independent vehicle access. This is because the access to both the host site and the proposed site is via the same current driveway of the host site – it is neither separate nor independent. To illustrate this in more detail, if one was to hypothetically erect a gate at the driveway entrance of the applicant sites supposed 'separate and independent access', there would be no access for the proposed dwelling. This is because the access point for both sites is the same.

We would object to the agent's assertion that the objections in relation to noise nuisance resulting from the shared access no longer apply. The issue of the 'shared' access (as discussed above we would argue this access is still too narrow to be 'single use') is distinct from the issue of the driveway and parking extending well into the garden space. We have concerns over the potential nuisance of a dwellings worth of additional traffic, particularly given the large number of visitors currently attending the host property, leading to parking on the streets and grass verges. Anyone with a little local knowledge will state that Moore Avenue is frequently used as a 'rat run' for vehicles trying to avoid the traffic lights at the crossroads of Sunderland Road and Moor Lane/Moor Lane East which frequently cause problems for residents trying to enter and exit their dwellings as well as damage to a tree located outside number 32 due to delivery vans having to negotiate around parked cars. Building an extra dwelling would cause an unacceptable increase in both traffic and on street parking and therefore exacerbate this existing problem.

On street parking is difficult within the street due to the houses being staggered. The houses and street was built in the early 1900s and not designed to accommodate the 21st Century volume of traffic. Even now given there has been yellow lines painted to stop parking at the top of the street with the shops, restaurants, public houses etc. in Harton village, visitors are parking further and further down the street increasing the risk of the fire brigade or ambulances not having full access in case of fire or medical

emergency. The houses in Moore Avenue are 3, 4, 5 or 6 bedroom properties with in excess of 2 cars on average, so typical parking assessment calculations do not apply.

Case Officer note: The below additional comments in this section relate to the amended plans.

Looking at the proposed parking of vehicles adjacent to the original house. As the space is only 2m wide this means that opening of car doors could be an issue with either the house wall impeding access on one side or the drive demarcation line on the other side. It is suggested that cars would not be parked in this area as it is not practical therefore reducing the parking availability to only one car.

Delivery vehicles of a reasonable size would not be able to access the new dwelling due to the narrow drive thereby adding to congestion on an already narrow busy street.

The amended plans appear to indicate that the wheelie bin storage for the original house would be on the pavement as their present position is in an area proposed for car parking. This goes against council advice to return your bins to your property as soon as possible after collection.

The entrance to the proposed bungalow would be the side access to the current house. This would mean the occupants of 25 Moore Avenue would always have to park in the road outside the house. In addition what access would the people who occupy the bungalow have in the event they fall out with the occupiers of the house.

Parking on Moore Ave is at the best of times hard, but photos from a recent day shows cars parked along the entire length of the road. With the proposal from the applicant to drop the wall in front of their drive to give better access for vehicles to access the rear of the dwelling, this in turn will remove some roadside parking pushing more traffic from this property higher up the street causing chaos for the residence either side of the application property. With the proposed new dwelling there could be an influx for vehicles as either the new dwelling or 25 Moore Avenue could bring a family with up to four vehicles.

The amended plans may offer more convenient parking for the existing house and the proposed bungalow, but they make no difference to impact of the building on the environment with the loss of plants and wildlife.

We object to more frontage changes by removing more sections of the front wall of the driveway of host property 25 Moore Avenue to allow swept vehicle access thus altering the street scene even further.

Also in the drawing No. A/3522/01C it now shows that the host property storage for 3 bins are now to be located in the proposed rear garden of said host house but it fails to indicate or show how these bins will be moved to the front of property prior and after local authority collection. If the proposed new bungalow is to be built on a private and independent plot would the future host house inhabitants have right of egress/access?

No gates in the proposed 1.8 metre fence to this effect are indicated on the amended plans. Clearly it would be unsafe if vehicles were to be travelling the length of the garden. Would in fact the 'host inhabitants' also have access for maintenance etc? If not the proposed new utility would be the only access route to their own garden.

Still not convinced regarding shared access. Speaking as a Mathematician, I believe Pythagoras would struggle to access / egress CP".

Flooding – The removal of this much vegetation I consider will have a huge effect on the drainage of the surrounding properties. West Avenue is downhill from Moore Avenue and the removal of the trees and addition of concrete foundations will mean that surface water run downhill and could cause flooding in my garden. This of course will have great expense for me should the water manage to make its way to my house.

All I can make out in regard to the amended plans is the addition of ACO drainage channel on the boundary line to council pavement. It should be dismissed as it has no relevance to the initial refusal.

Other – It seems to be a misuse of the land and if granted would open the door to similar requests to build new properties up and down Moore Avenue.

I presume it must have been the Council that placed notices on the lampposts around the area last time, would it be possible that this is repeated again and that it includes the rear of the property on North Avenue too. Also I'm guessing that all of the residents again will be contacted. Some elderly residents do not have internet access therefore updated signage is their only means of being informed of subsequent applications.

Case Officer note: These comments were received in advance of the Case Officer's site visit where site notices were posted in the vicinity of the site. All neighbouring properties directly notified in the previous application (ref. ST/0828/20/FUL) were directly notified regarding this application.

When we purchased our house on the deeds there was a covenant which said that we weren't able to build a dwelling almost halfway down our garden. We're presuming that it had been put in place to prevent this type of thing happening as people of the time appreciated that this is a very special area within South Shields and it needs to be preserved. Is there a way that this could support our objection and also to discover if the same applies to the application property.

A number of similar planning permission applications for bungalows in the late 1970s (one of which is 25 Moore Avenue) were rejected which I believe need to be considered as if this application is given approval would set a president to allow those to be resubmitted. We live in North Avenue and where these applications have been granted have caused both an area that is now unattractive and leads to parking issues and difficultly is driving up and down the street. It should be noted that the road on North Avenue is wider than that of Moore Avenue.

It would seem the applicant is contesting the decision / trying to gain planning permission again with the application almost identical to the original application which was rejected earlier this year. I would appreciate your comment and opinion as to why this proposal is being considered, considering it is less than a year since the last application was refused after in excess of 25 objections?

In 4.10 of the Supporting Planning Statement, the agent requests that multiple objections from the same household be discarded. I am under the impression that objections are made on an individual basis, not household, and so any material consideration present in any objection is worthy of consideration. The objection from Readhead Road, is a resident of South Tyneside and the former gardener of the strip of land behind the gardens of Moore Avenue, and as such has a former professional association to the site and should have a say as well. I heavily object to the request from the agent to prevent residents from taking part in the planning process due to their lack of local knowledge.

We would object to the agent's assertion that multiple objections from the same household should be discounted or classed as one objection. Different people living at the same household may hold different views, indeed there could be a situation where one person objects to the proposed development and another supports, and they should both be allowed to express their views. Equally two people living in the same household may object, but for different reasons and again should both be allowed to express their views. We would remind the agent that the legal doctrine of coverture is no longer practised in UK law.

The agent goes onto use some dismissive language to the planning officer about future permitted development rights. I agree that an Article 4 directions must be implemented should this idea go ahead, as it is well known that the applicant who is making this planning proposal has a history of project managing new and existing developments. We would like to express our concern with future

developments on the proposed dwelling via householder permitted development rights. Should this proposal be accepted, it is possible to extend the dwelling even further past the fabric of the area without going through a thorough planning approval process.

The small Victorian Moore Avenue will have to endure lorries and big construction vehicles, this will effect the junctions and traffic of Moore Lane-West Avenue, Sunderland Road-Moore Avenue. The disruption will be felt by all the neighbouring residents for a considerable time.

This construction is not to accommodate an elderly relative or suchlike but is purely a money making exercise because of the high value properties this area offers, and this proposal will have a future impact on historical village of Harton and its residents.

The advice given in section 2.6 of SPD9 is that applicants should out of courtesy discuss any proposed extensions or alterations with their neighbours. The applicant has submitted planning applications on two occasions now, and neither time have they thought it necessary to inform even their closest neighbours of their plans. This is despite the fact that relations between the applicant and ourselves prior to these applications were always friendly and cordial. It must also be noted that in February 2020 whilst the applicant was ‘landscaping’ their garden, the applicant offered us the services of their arborist to remove some trees in our garden, which we politely declined. It is now believed that this was to ameliorate the landscape around the proposed application site. At no point during this exchange did the applicant mention their plans for the cleared section of their garden. It was in fact suggested by the applicant that this was to be used for growing vegetables.

We note that this is an Open Space Provision Priority Area, and we are concerned about the loss of openness. A number of similar planning permission applications for bungalows in the late 70s (one of which is 25 Moore Avenue) were rejected which I believe needs to be considered. Could all previous relevant objections from all residents be brought forward to this application. Whatever the NPPF says, I maintain that local planners have a moral right to do what is best for their local area, unless they are forced by law to do otherwise.

As a resident of South Shields, I know that though the applicant may believe that they need this bungalow, South Shields is not short of houses of this calibre. We read in the local newspaper that there is a shortage of affordable homes and we see for ourselves that houses with large gardens and few and far between (so it may not be a good idea to reduce their number by one). But with these two exceptions, South Shields is well stocked with a variety of housing types.

The use of land for the purposes of building new houses would be increased if permission was granted to this request. This could cause other residents in the street to all build bungalows in their back gardens! They could decide to join forces to create multiple accesses, over-develop their plots by building in the garden, sell up, move out, all for monetary gain and leave the street behind them in a devastated.

I feel very strongly about the fact that we are being classified as a high band for our council tax but the fact that there is even the slightest consideration of placing another property within the street, changes the whole feel/location of the area.

As an owner of a home in Moore Avenue, I believe I am a custodian of a property of significant architectural interest and indeed see it as my responsibility to respect and maintain the original design intent so that others can benefit from it in the future. The properties in this street were originally carefully designed with generous proportions for good reason to promote a sense of "well being" forming part of a Public Amenity. The street should be coming close to meeting the requirements of a conservation area such as Cleadon or Westoe Village.

Passers by in the street are forever commenting on how lovely these houses are and that they have fantastic gardens. They are saying this because it actually means something to them. They appreciate

these houses for what they are and gain enjoyment at looking at them. This is not sentiment that you can get by looking at these house on a Plan!

2) Other Consultee responses

Traffic and Road Safety Team – Amended plans and/or additional information required. Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted. The following information will be required:

-The boundary wall to be no higher than 1m at the site entrance to the public highway, within 2 metres of the driveway entrance width.
-Swept path manoeuvring to be redone using a large family car, minimum 5 metres long.
-Swept path for the original dwelling to reflect a car parked at front of property, therefore the same area cannot be used for over run area for other manoeuvring vehicles. It is likely that drivers of the existing dwelling parked on the gable end will reverse straight out onto the highway, which in principle would be acceptable. This will necessitate the widening of the vehicular access crossing of the footway area to accommodate the manoeuvring.
-Swept path of large family car (5m long) entering the access from the highway and passing the parked car on the gable end of the existing dwelling. Required to establish if the vehicular access requires widening eastward in addition to westward to accommodate the necessary manoeuvring, or if amendments to the car parking layout are required.
-Provide details of driveway surfacing and show proposed ground levels / longitudinal surface water drainage arrows to indicate direction of surface water run-off. Please note that no surface water will be permitted to discharge from the private site onto the public highway. In addition, there should be no loose unbound material within the first 5 metres of the highway
-Show amended access layout where required to accommodate the necessary manoeuvring to/from the site.
-Show refuse bin storage areas and collection points for both the existing and proposed dwellings.
-Show cycle storage provision for existing and proposed dwellings (given loss of garage for existing dwelling).

If the amended / additional details cannot be provided we would recommend that the submission is withdrawn and that a revised application is submitted with the information required at a later date.

Following the submission of an amended plan, further comments were received:

Amended plans and/or additional information required. Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted. The following information will be required:

-As previously stated, the boundary wall at the frontage of the property shall be no higher than 1m in height (not 1.1m as annotated on the drawing), within 2m of the driveway entrance to the public highway.
-The vehicular access is required to be widened eastwards commensurate with the widening of the driveway opening in the wall to allow the new property to be served by its own access and assist manoeuvring for vehicles associated with the existing dwelling. Please annotate the drawing accordingly - 'widening of the vehicular access in accordance with STC access specifications'.
-The surface water mitigation 'Aco' drain annotated on the amended drawing does not show an outfall to a discharge drain/soakaway. Please provided details of a discharge point from the Aco drain, or alternatively indicate that the applicant is happy to accept a planning condition requiring such details to be provided.

Following the submission of a further amended plan, further comments were received:

Boundary treatment heights to the sides of the vehicular access opening have now been adjusted to accommodate a safe and satisfactory standard of inter-visibility splays between exiting drivers and pedestrians on the adjacent footway.

The parking and manoeuvring areas identified on the amended drawing are acceptable and satisfactorily accommodate the necessary parking in curtilage, thereby preventing indiscriminate parking on the public highway.

The amended details show the Aco drainage channel along the frontage of the widened driveway, together with a positive discharge pipe from the Aco channel drain connecting to an existing sewer/drain. The details are now considered acceptable.

The amended details satisfactorily accommodate the necessary car parking and manoeuvring requirements for both the existing and proposed dwellings. Cycle parking is proposed to be accommodated in a garden shed located in the rear garden area, which is considered acceptable.

The proposal necessitates the widening of the existing driveway and vehicular access crossing of the adjacent footway. The vehicular access works are required to be constructed by South Tyneside Council's Construction Team in accordance with STC's access works specifications. Please contact the Council's construction team to arrange construction works.

Refuse storage areas have been identified within the curtilages of the existing and proposed dwellings, which are considered acceptable. Bins will be dragged to the edge of the highway on collection day.

Conditions are recommended in relation to the implementation of car parking area, the means of vehicular access to be constructed, and surface water drainage mitigation details. Informatives are recommended in relation t oa highway condition survey, a reminder not to store building material or equipment on the highway, and alterations to the vehicle crossing point.

Environmental Protection (Land Contamination) – Given what has been previously submitted and discussed for this site in relation to land contamination under the previous application and this current one, I would suggest that the unexpected contamination condition is applied to this application.

Environmental Protection (Flood Risk) – The development is not in an area of surface water risk. The proposal contains permeable paving to the front of the new bungalow. The submitted coal mining investigation report identifies pelaw clay up to ~3.8m in thickness below the development (for both boreholes RBH01 and RBH02). This is generally considered unsuitable for infiltration, there are drawings within Appendix 1 of the coal mining investigation but the drainage arrangement for the bungalow roof/permeable paving is not clear.

Open voided aggregate in the sub-base beneath the permeable paving with a pipe leading to the roof drains for the new bungalow would be an appropriate solution. Can we ask the applicant to provide further detail on the method of disposal/drainage of surface water for the development.

Countryside Officer - My comments on this proposal relate to its potential to impact on biodiversity including statutorily and non-statutorily designated sites, statutorily protected species and priority species and habitats.

The applicant has not submitted any ecological information with their application. I have examined Google Maps and it is apparent that the rear garden of 25 Moore Avenue was a mature garden with numerous well-established trees and shrubs that would have likely been providing suitable habitat for a range of urban species including nesting birds, hedgehog, and a variety of invertebrates. The Case Officer for the previously submitted application, ref: ST/0828/20/FUL confirmed that the garden was clear felled, most likely in summer 2020, in advance of the submission of that application. Had the garden

been intact, a tree survey would have been required to accompany the application and potentially an assessment of the trees for their suitability to support roosting bats.

The likelihood of bats being present and affected by this proposal is reduced by the fact that this proposal will only affect a small area of any existing structures. The trees on site may have provided suitable roosting sites for bats but were removed prior to application. On this basis it was not considered reasonable to require a bat survey to inform the planning application The closest 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. BS42020:2013 Biodiversity – code of practice for planning and development requires the LPA to consider the ecology prior to the clearance works, as set out in section 6.4.8:

"6.4.8 Where relevant, any report on survey activities should also include reference to any evidence of material events occurring on site, either before or after ecological surveys have been carried out, for example:
a) removal or management of vegetation, including trees;
b) alteration or loss of other biodiversity features, such as hedgerows, ponds, ditches or buildings and features of value to protected species;
c) control of weeds or other species; and
d) cessation or reintroduction of grazing or mowing.
Such events should be described, and the cause explained where known along with the implications, if any, for the main findings of the ecological report.
NOTE 1 Such activities may include unexplained "clean up'" in derelict or old agricultural buildings or structural changes to an old building, e.g. installation of a new roof.
NOTE 2 Aerial photographs may be used to determine what a site was like before changes occurred."

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 applicant has agreed to the following conditions which must 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 set at 45 degrees or less) 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 LPA, to be maintained for the life of the development.

The agent has stated, '*A part of the proposal will be to introduce some selective shrub and tree planting into the new development no details have been submitted as this will be domestic in scale and nature'* however as stated previously, under BS42020:2013 Biodiversity – code of practice for planning and development, the LPA is required to consider the ecology prior to the clearance works. The removal of the vegetation represents a biodiversity net loss for this project as habitats have been removed. The case officer should seek the submission of landscape plans to ensure no net loss of biodiversity as required by the NPPF:

- the NPPF section Conserving and Enhancing the Natural Environment, point 174 d, *planning decisions should minimise impacts on and providing net gains for biodiversity.* It has not been possible to minimise impacts as the land was cleared prior to the application.
- the NPPF section Habitats and Biodiversity, point 180 d, *opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.*

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. The applicant has agreed to installing one or more features which must be made a condition of the project as below:

Prior to the construction 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.

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 The applicant has agreed to installing one or more features which must be made a condition of the project as below:

Prior to the construction 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.

In addition, the following informatives should be applied to any consent granted.

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 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 and your project ecologist. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Breeding Bird Informative

Birds can nest in structures such as the existing garage to be altered by the proposed works. I would recommend the following informative is included with any consent granted:

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. Checks for active nests must be made before building works commences and, should any be found, works must be delayed or organised to avoid impacts on nesting birds. 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.

Habitats Regulations Assessment

The legal protection for habitats and species of European Importance is set out in the Directive 92/43/EEC – 'The Conservation of Natural Habitats and Wild Fauna and Flora', known as the 'Habitats Directive'. The Directive includes a duty on European Member States to establish a European ecology network known as 'Natura 2000' (N2K) sites, which comprise of Special Areas of Conservation (SAC) and, in accordance with the 'Birds Directive' (79/409/EEC & 2009/147/EC); Special Protection Areas (SPA). The Directives includes Annexes of habitats and species for which SACs should be designated and SPAs classified in order to further their conservation. Member states must therefore take necessary measures to guarantee the conservation of these habitats and species and avoid their deterioration. The Conservation of Habitats and Species Regulations (2017) transposes the Habitats and Birds Directives into English Law and is commonly referred to as the 'Habitats Regulations.'

This proposed development is within 6km of the following relevant European sites:
- Durham Coast Special Area of Conservation
- Northumbria Coast Special Protection Area and Ramsar Site

Studies have shown that recreation pressure on the European sites is likely to increase with new residential growth, which is also likely to apply to increased tourism and visitors to the Borough. Recreational pressure affecting the European Sites is predominantly from residents within a 6km 'zone of influence' and it is therefore concluded that additional residential development within this zone will contribute to further recreation pressure if not mitigated for.
The applicant can be directed to SPD 23 and the supporting documents to explain the requirement to mitigate impacts on the European designated sites.

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

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

The contribution towards the strategic mitigation scheme as set out in the SPD is calculated at £403 per dwelling for developments of 10 units or more. This proposal is for 1 unit and so would not attract the tariff, but the requirement for a project level HRA remains. The Case Officer will need to ensure that an Appropriate Assessment is completed for this proposal and the HRA process is recorded.

Tree Officer – I don't think there will be an arboricultural implication. The trees in the garden of 25 appear to have been removed, with the exception of a birch close to the existing dwelling. There are no trees of significance on the neighbouring gardens adjacent to 25 (many of these have also been removed or pruned heavily) and I believe the trees to the rear are sufficient distance from the proposed development for any significant detrimental impact.

I would still recommend a condition to provide a tree protection plan to ensure the trees to the rear and the birch are adequately protected during development, should the application be approved.

Waste Services – No comments received.

Northern Gas Networks – No objections however there may be apparatus in the area that may be at risk during construction works. Should the application be approved we require the promoter of these works to contact us directly to discuss our requirements in detail.

Northumbrian Water – No comments received.

Northern Power Grid – Mains records provided given the approximate location of known Northern Powergrid apparatus in the area.

Coal Authority – The Coal Authority considers that the content and conclusions of the 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 partly utilise the proposed vehicle access/egress to the host property at its entrance for the occupants of the host property to park forward of the existing dwelling, as shown on the swept path analyses provided by the applicant.

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 demolish the existing side garage to the host property in order to provide a new access/egress serving the proposed dwelling is considered to be a minor form of development that would convey sensitive consideration to the area in which they would be located within.

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, although objectors note a significant amount of vegetation has been removed from the site. 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, with obscurely glazed windows located on both side elevations facing each neighbours' respective garden.

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 hardstanding 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.

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

Concerns have been raised by residents in relation to noise and general disturbance from the proposal to neighbouring dwellings. 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 or rooflights, 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 provide a through access/egress from the existing site with parking at the rear behind the existing house for the proposed new dwelling. 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 of the 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. Concerns have been raised from residents in relation to increased noise, air and light pollution from vehicles passing in proximity to the boundary of the site.

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 (no.23 Moore Avenue). Indeed the proposed car parking hardstanding areas serving the proposed dwelling 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 position 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 the vehicular movements to the proposed dwelling.

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 proposed dwelling would utilise the existing vehicular access to the site currently used by the occupiers of no.25 Moore Avenue. The parking for the proposed dwelling would be located to the rear of the existing property. Concerns have been raised by residents in relation to the proposed highway layout, and impacts on both parking and maneuverability.

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 for the proposed dwelling.

Following clarification of the proposed parking and access arrangements, 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, subject to appropriate conditions.

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, along with more recent trees being felled in neighbouring gardens which has removed some screening of the site from certain neighbouring properties. 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 and does not consider there would be arboricultural implications for the proposal. There are no trees of significance on the neighbouring gardens adjacent to the application site, with many of these having being removed or pruned heavily. The Tree Officer also considers the trees to the rear of the site are sufficient distance from the proposed development for any significant detrimental impact, however the Tree Officer does recommend a condition is imposed as part of any approval to submit a tree protection plan, and implement measures as agreed, to ensure the trees to the rear and the birch tree are adequately protected during development.

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, and the agent's submission does not accurately depict the current situation at the site. 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 whilst the removal of vegetation within the garden area would also not have required planning permission. Concerns have also been raised by residents in relation to the land to the south of the site (outside of the red line boundary). There are no works proposed within this area of land or immediately adjacent to this land.

The Countryside Officer has commented noting no ecological information has been submitted, and it is apparent the rear garden of 25 Moore Avenue was a mature garden with numerous well-established trees and shrubs that would have likely been providing suitable habitat for a range of urban species including nesting birds, hedgehogs and a range of invertebrates. Had the garden been intact (preceding the clearance of trees from the site) a potential assessment of the trees for their suitability to support roosting bats would likely have been required.

The closest designated site is Temple Park West Local Wildlife Site. No impacts on non-European designated sites are anticipated from this proposed development. The Countryside Officer has identified ecological impacts of the proposal without mitigation, considering the proposed development site as it was prior to clearance, as per BS4 2020:2013 Biodiversity – code of practice for planning and development 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

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 documentation and noting the site history, the Environmental Health Officer has recommended a condition relating to any unexpected contamination encountered on site is imposed 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. The Coal Authority has responded in relation to the Coal Mining Investigation Report noting the report is sufficient for the purposes of the planning system and meets the requirements of the NPPF and no objections are 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. The Environmental Protection Officer (responding as Lead Local Flood Authority) has commented noting the development is not in an area of surface water risk, and that the submitted coal mining investigation report identifies pelaw clay up to ~3.8m in thickness below the development which is generally considered unsuitable for infiltration. The drainage arrangement for the bungalow roof/permeable paving is not clear and further information was requested by the Officer.

Given the scale nature of the proposed development, including the proposed hardstanding, it is considered such detail could be secured via an appropriate condition. Subject to satisfactory details being considered and agreed, it is not considered the proposal would 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

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.

Although an objector has noted the site should be coming close to meeting the requirements of a Conservation Area (such as Cleadon or Westoe Village), the site is not located in a Conservation Area and as such no similar considerations can be afforded within the assessment of this application.

The removal of the existing garage to the side of the host property, which forms part of the boundary between the application property and its southern neighbour (23 Moore Avenue), and associated activities during any construction or demolition, would be secured through a Party Wall Act agreement, separate from the planning process.

Any future development of the site, should approval be granted, such as the addition of a first floor, would require a further planning application and cannot be afforded any weight in the assessment of this application.

Issues regarding bin storage and rights of access / egress between the two properties would be a civil matter between the affected parties. Any covenants on the land do not preclude the granting of planning permission.

All planning applications must be considered against the development plan which is in place at the time of consideration; any historical planning applications can only be afforded minimal weight as these would have been assessed using previous policies and guidance.

This proposal is a materially different scheme from the previously refused application (ref. ST/0828/20/FUL) and as such is considered on its own merits. All objections received, irrespective of their address or multiple objections received from the same address, are accepted and considered as part of the assessment process.

Conclusion

It is considered that the proposed development of this site for a new dwelling would be unacceptable. The proposal fails to comply 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 the proposed dwelling, with pedestrian and vehicle access taken to the side of 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 the proposed dwelling, 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. A/3522/01E received 27/04/2022

Drg No. A/3522/02A received 20/09/2021

Drg No. A/3522/00A received 20/09/2021

Case officer: Nick Graham
Signed: N. Graham
Date: 26/07/2022

Authorised Signatory:
Date:

«END»