MICHAEL CONVERY – TOWN PLANNER

Submission Copy

Supporting Planning Statement

Construction of a new bungalow to the rear of 25 Moore Avenue, provision of new separate vehicular access and parking area erection of new timber fence (part). (Resubmission)

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Supporting Planning Statemen

Construction of new bungalow, new separate access and parking area to the rear of 25 Moore Avenue, South Shields, NE34 6AA

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1. Introduction

1.1 This Supporting Planning Statement is submitted in respect of this full detailed planning application (resubmission) for the construction of a new bungalow, with separate vehicular access and parking area at the rear of 25 Moore Avenue.

2. Relevant Site Planning History

2.1 There is only one prior planning application reference ST/0828/20/FUL. relevant to this current resubmission application

2.2 The decision on this earlier application was refusal for the following reasons:

"The proposed dwelling would subdivide the existing property and it would be located within an undisturbed area of garden at the rear of no. 25 Moore Avenue. It would introduce a large area of hardstanding space for vehicles to park to the rear of the existing property serving both the existing and proposed dwellings, with pedestrian and vehicle access taken through the existing dwelling. At present all vehicles movements and vehicle parking is undertaken from the fronts of the properties and the soft landscaping and undeveloped gardens to the rear of the properties combine to create a pleasant and tranquil amenity space for the residents. The loss of this space would be material and harmful. The proposed built form and layout would therefore be at odds with the existing character and appearance of this part of South Shields. As such, this development would not convey sensitive consideration of its surroundings as it would erode the amenity value of the existing garden space and the positive contribution that this space has upon the amenity value of this area. This would be contrary to Policies DM1 (A), ST2, EA1 and SC1 of the adopted South Tyneside Local Development Framework; and

"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".

3. Planning Policy Context

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations dictate otherwise.

3.1 The National Planning Policy Framework (NPPF) (February 2019) sets out current national planning guidance and is a material consideration in regard to the determination of planning applications.

3.2 The core principle of the NPPF is the presumption in favour of sustainable development and requires local planning authorities to positively support and approve new development. The NPPF does not change the statutory status of the development plan as the starting point in the consideration of planning applications. Where a proposed development accords with an up-to-date Local Plan the NPPF states this should be approved without delay and refused only if there are significant and clear reasons for doing so unless there are material considerations that dictate otherwise.

3.3 For the purposes of this planning application and with regard to the assessment of the proposed development in relation to its context with current planning policy the South Tyneside Local Development Framework (LDF) is taken as providing an up-to-date development plan for the area.

3.4 The South Tyneside LDF comprises a Core Strategy Document; a Development Plan Document (DPD); Supplementary Planning Documents (SPD's) and Supplementary Planning Guidance documents. For the purposes of this planning statement these documents where relevant have

been considered and taken into account in this Supporting Planning Statement:

3.5 The Planning and Compulsory Purchase Act 2004 requires that for those types of application where regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This refers to all planning applications including, for example new buildings, alterations and extensions, and changes of use.

3.7 The policies and documents listed below are those identified by the planning case officer in his report as being relevant to the previous refused planning application ST/0828/20/FUL and are applied in respect of the current resubmission:

3.8 Policy DM1 – Management of Development

This policy seeks to ensure that in determining planning applications consideration will be given, where relevant, to the following material criteria;

a) the development, including new buildings, extensions and alterations to existing buildings, is 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;
b) the development is acceptable in relation to any impact on residential amenity;
c) the development protects existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary;

g) the impact of the development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts;

k) the development is designed to minimise and mitigate localised flood risk, both on site or elsewhere, where this has been identified by the Strategic Flood Risk Assessment, Site-Specific Flood Risk Assessment or Surface Water Management Plan. For any development proposed in a Critical Drainage Area, as identified by the Strategic Flood Risk Assessment, a full flood risk assessment and drainage impact assessment may be required. Development on any sites allocated in Flood Risk Zones will only be permitted in accordance with the findings of a Sequential Flood Risk Assessment; and

m) any risks of contamination have been fully assessed and, where necessary, remediation measures, appropriate to the intended use of the land, are included as part of the development proposals.

3.9 DM7 – Biodiversity and Geodiversity Sites

seeks to protect and enhance the important environmental assets of the borough, including part of the most northerly outcrops of magnesian limestone in the country. We will promote and support high quality schemes that enhance nature conservation and management, preserve and restore historic and natural environmental character, and maximise benefits for geological conservation and the enhancement of biodiversity in line with the Durham Biodiversity Action Plan targets;

3.10 LDF CS.SC1 – Creating Sustainable Urban Areas

seeks to deliver sustainable communities, development proposals will be focused and promoted within the built-up areas, in accordance with the spatial strategy for South Tyneside;

3.11 LDF CS.SC3 – Sustainable Housing Provision

sustainable residential communities will be created and promoted by ensuring that a range of housing type and tenures is developed and maintained to provide residents with a choice of affordable accommodation in attractive, safe and sustainable neighbourhoods, and to support economic development and regeneration objectives;

3.12 LDF CS.SC4 – Housing Needs, Mix and Affordability

a range and choice of good quality, energy-efficient and affordable homes will be provided for all and promote and facilitate opportunities for individual and community self-build housing developments;

3.13 LDF CS.EA1 – Local Character and Distinctiveness

seeks to conserve the best qualities of South Tyneside's built and natural environment;

3.14 LDF CS.EA3 - Biodiversity and Geodiversity

seeks to optimise conditions for wildlife, implement the Durham Biodiversity Action Plan and tackle habitat fragmentation;

3.15 LDF CS.EA5 – Environmental Protection (a)

to complement the regeneration of the Borough, the Council will control new development so that it:

a) acts to reduce levels of pollution, environmental risk and nuisance throughout the Borough;

3.16 LDF CS.ST2 – Sustainable Urban Living

high quality in sustainable urban living will be promoted by ensuring that:

a) highest standards of urban design are promoted so that buildings and their settings make a positive contribution to the local area;
b) the use of environmentally sound and energy efficient construction materials and operational techniques are achieved and that developers work towards low carbon and zero carbon standards;

c) on-site generation of renewable energy is maximised, with a target of 10% of each scheme's energy requirements;

d) use is made of 'sustainable urban drainage systems and water conservation features including 'grey water recycling' and other technologies wherever possible;

f) the need to design out crime and eliminate the fear of crime has been addressed;

g) buildings and their settings are designed to be flexible, enabling them to adapt to future needs and to take into account the needs of all users; and

h) all new development is encouraged to incorporate biodiversity and geological features at the design stage.

4. Planning Policy - Principles and Considerations

4.1 The proposed development of a new bungalow has been revised to take account of the previous objections of both the planning case officer and the occupiers of those properties consulted on the original application.

4.2 Full details of the proposed bungalow are illustrated on drawings: A/3522/00A (Site Location); A/3522/01A (Access and Parking) and drawing A/3522/01B-P (Existing and Proposed Site Layout Plan) that are submitted with this resubmission application. A full supporting Design and Access Statement also accompanies this resubmission and a copy of the borehole test document.

4.3 The proposed bungalow is located in the expansive rear garden area of the host property and makes use of a large underused and largely unmanaged garden plot that in its present state does little to enhance the visual appearance of the local setting. The new development would be sited some 25.0m from the rear elevation of the existing house and sit approximately 11.5m back from the brick wall that forms the rear boundary of the existing garden area of 25 Moore Avenue.

4.4 The form of the proposed development as a bungalow has been carefully designed to minimise its scale, mass and height being sympathetic to the space available, presenting a footprint that provides ample amenity/garden space to the future occupiers of the bungalow and the owners of the existing property and at the same time ensuring acceptable privacy distances between opposing front and rear facing elevations of approximately 25.0m.

4.5 One of the key amendments from the previous application is the reduction in scale of the building footprint which has been reduced in width that has increased the distance to the boundaries of the neighbouring properties from 0.9m and 1.0m to a minimum 2.1m at each side. The external design and elevations have also been revised in the resubmission.

4.6 Vehicular access to the proposed bungalow will be achieved by the part removal of the existing garage building located at the side of the host property to create a new access for sole use by the future occupants of the proposed bungalow. This is the other key amendment to the earlier refused application ST/0828/20/FUL.

4.7 In terms of parking facilities, a new porous hardstanding area will be created to serve the parking needs of the occupants of the proposed bungalow and previous proposals for a garage on the front elevation of the proposed bungalow has been deleted.

4.8 Parking facilities for 25 Moore Avenue will be accommodated through use of the hardstanding to the front of the property and a single space at the side in front of the retained section of garage. These arrangements are illustrated on drawing A/3522/01A.

4.9 It is contended the amendments to the previous bungalow design are significantly improved in the resubmission being more sensitive to its

general surroundings and the local setting whilst being sympathetic in regard to scale, proportion, alignment, form and architectural detailing.

4.10 With regard to local objections submitted on the original application ST/0828/20/FUL and referenced in the planning officers report, these can be answered as follows:

Residential Amenity

- In terms of visual appearance and character the original scheme that would have increased the height of the brick wall at the rear of the existing garden of the host property to 3.0m has been deleted from the current amended resubmission. The new proposal is to repair and make good the existing brick wall.
- It is accepted the proposed bungalow is in design terms and detail does not replicate the style of the character of the existing dwellings on Moore Avenue. This consideration in itself is not a reason for refusal of the current resubmitted proposal. In terms of its design, form, layout, alignment, scale and height it is contended these are all satisfactory and acceptable.
- Being located at the rear of the host property the bungalow will present minimal if any visual impact with the overall local surroundings. For the most part views of the new proposed development will be obscured and not visible being screened from sight by the existing host property. It is argued contrary to local objections the character and appearance of Moore Avenue offering a traditional tree-lined appearance with private gardens to the front detached and semi-detached houses will remain unchanged.
- A further objection was the impact on residential amenity of the original proposal. An assessment of the objections relating to loss of amenity appears to centre on the proximity of the proposed bungalow to a property located on North Avenue. However, there is a distance of 11.5m between the rear elevation of the proposed bungalow and the boundary wall that separates 25 Moore Avenue

from the properties located on North Avenue. Furthermore, there is an area of unused land beyond the rear boundary wall of 25 Moore Avenue that significantly increases the separation distance to those properties to the south of the application site.

- Reference is also made to the possible impact of the proposed rooflights in regard to the properties on North Avenue. This suggested problem is disputed for the simple reason the rooflights are located on the west side of the roof slope of the proposed bungalow and would have no impact on those properties located to the south or any other direction. The rooflights provide natural lighting to the ground floor living area of the proposed bungalow and are not accessible in terms of providing external views to the outside.
- Further objections on amenity grounds are stated as nuisance from light and noise. There is no evidence the revised resubmission bungalow development will create any adverse amenity issues for the immediate neighbouring properties to the west, east and south. It is noted other properties in the immediate locality of the application site, North Avenue and West Avenue have parking space for more than two cars. Vehicle parking to serve the new bungalow is no larger than that required to meet the two car parking standards set down in Policy SPD6. As illustrated on drawing A/3522/02A parking for the host property 25 Moore Avenue is accommodated at the front and side of the existing house. Concerns expressed by objectors in regard to the impact of visitors and deliveries applies to every property and is not exclusive to the proposed development and is not therefore accepted as a reasonable or sustainable objection to the proposed bungalow. The objection regarding impacts of noise and pollution of a 'shared' access no longer apply as a single vehicular access for the occupiers of the bungalow are now proposed. It is not considered the revised single use access will cause significant problems associated with noise or emissions specifically as there is a both a high timber fence and mature hedge

separating the application site and the neighbouring property to the east. The presence of the fencing and mature hedge will act as a natural buffer against vehicle noise and thereby minimising noise nuisance. In response to objections raised regarding nuisance arising from vehicle headlights it is considered this will have minimal impact on amenity due to the presence of existing high boundary fencing or walls and mature hedge or tree planting to those properties to the east and west that abut the application site whilst the nearest property in North Avenue is some significant distance away, is protected by existing tree cover and the proposed bungalow will create a solid barrier to light emissions.

- Objections based on the demolition of the rear wall having an adverse ecological and/or environmental impact are no longer relevant as it is intended the rear wall will remain and be renovated to ensure it is structurally secure.
- There is no evidence to support the objections the proposed development will have any direct impact on the area beyond the boundary wall that separates 25 Moore Avenue from this woodland area. As previously stated, there is a distance of 11.7m from the rear elevation of the proposed bungalow to the rear brick boundary wall. On this basis it is not considered the future possible conservation of this area beyond the boundary wall will be adversely impacted by the proposed development.
- 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.

Biodiversity/Trees

- The statement by an objector included in description of objections titled 'Biodiversity /trees in the planning officers report suggesting the applicant had stated *"he would remove the trees in the neighbouring gardens"* is simply hearsay and therefore should have

been omitted by the planning case officer. This statement is therefore not accepted as a valid objection nor has it any relevance.

- In response to the objection that the rear garden of the host property has been cleared of trees and shrubs it is noted that no Tree Preservation Order's affected any trees that may have been removed previously by the land owner. The applicant has not transgressed any planning regulations removing any trees and this objection carries no material weight or substance.
- The suggestions the proposed development will have an adverse impact on noise, outlook, openness, wildlife and ecology are simply not substantiated in terms of supporting detail submitted by the objectors. Many of the objectors simply do not live-in close proximity to the application site and it is safe to conclude the separation of these properties by distance, alignment, tree cover and boundary treatments between these properties and the proposed development to reasonably concluded there is no loss of amenity to them and no substance to the objections raised.

Parking/Highways

- In response to matters raised in relation to highway and parking it is not considered car parking for the existing host property is relevant as a material consideration. The proposal to provide two car parking space to the front and side of the existing property replicate those parking arrangements of many of the properties in Moore Avenue, North Avenue and West Avenue.
- In response to those objections on the basis of the proposed development creating additional traffic and parking issues the proposed development will result in only a minimal increase in the use of Moore Avenue and is considered acceptable. Designated parking is provided for the proposed bungalow within the application site. On the concerns raised over visitor parking it is not anticipated this will give rise to significantly increased levels of on-street parking generally along Moore Avenue. However, this is a matter for the

Council's Traffic and Road Safety team to comment on and it is noted they had no objections in respect of the previous application ST/0828.20/FUL.

- Traffic associated with the temporary building works can be conditioned as part of any planning approval that is granted to minimise disruption.

Flooding

- The objection based on flooding is not accepted, the application site and Harton area lies within the Environment Agency designated Flood Zone One and therefore is not considered to be a significant risk. Nor is it accepted the proposed development would impact on the balance of the water table, no evidence is provided by the objector to demonstrate the case for this erroneous statement.
- The issue of surface water run-off is mitigated in this resubmission application through ensuring the vehicle hardstanding area for the proposed bungalow will be constructed to meet SUD's standards.

Other

- The revised drawings A/3522/01A (Access and Parking) and A/3522/01B-P (Existing and Proposed Site Layout) that accompany the current resubmission application provide details of all relevant measurements.
- The objection stating the proposed development will make the area a *"less desirable area in which to live"* is both subjective and has no standing in planning and therefore is not accepted as a valid or reasonable objection.
- The objection stating the proposed development is *"a luxury and not a necessity"* is again subjective and has no status in planning terms.
- The objection that the proposal would not increase the stock of housing need in the Borough is again incorrect as the Council has an obligation to provide a range of housing options and types and the

proposal albeit for a single dwelling will assist the Council in meeting its housing target.

- The objection that the proposed development will result in a loss of openness contrary to Policy SC6 – Open Space Provision Priority Area is not relevant as a material planning consideration.
- The final objection that the proposed development is for financial profit and will not benefit the area has no basis as a material planning consideration.
- It is noted the planning case officer's report refers to 26 objections being received. Based on households only and not counting double or triple objections being submitted by the same household only 15 households objected to ST/0828/20/FUL. It is further noted one of the objectors lives at Readhead Road, some significant distance from the application site and who would not be affected by any aspect of the proposal. It is considered the planning case officer should have taken a more objective view in terms of double and triple counting the objections received from the same household and disregarded the comments of the occupier of Readhead Road as they are not impacted by the proposal and Readhead Road is some considerable distance from the application site.

4.11 Responses to other consultee's comments:

Traffic and Road Safety

- For the purposes of the resubmission application a new vehicle access will provide unfettered access along the side of the host property 25 Moore Avenue for use of the occupiers of the proposed bungalow with additional separate parking also located at the rear as illustrated on drawing A/3522/01A. Parking for the occupiers of the host property 25 Moore Avenue will be available to park vehicles at the front and at the side as illustrated. If required a legal agreement will be prepared to secure unfettered rights of access to

the proposed bungalow to ensure the proposed access is not restricted by the future occupiers of 25 Moore Avenue. The parking area for the proposed bungalow will allow sufficient turning space to allow vehicles to turn and exit forward facing.

Environmental Protection (Land Contamination)

- A Contaminated Land Screening Assessment, Coal Mining Risk Assessment and Coal Mining Investigation report including borehole testing was submitted as supporting evidence with the previous planning application ST/0828/20/FUL, this supporting information and evidence was deemed satisfactory and accepted. A copy of this report is included as a supporting document as part of this resubmission.

Environmental Protection

- No comments were received but as noted the application site and immediate environs fall within Flood Risk Zone 1 and risk of flooding is minimal.

Countryside Officer

- The Temple Park West Local Wildlife Site or non-European habitat/ecology sites are not deemed to be affected by the proposed development.
- The comments of the Countryside Officer in relation to the removal of habitat through the clearance of trees are noted. However, none of the trees removed by the landowner were protected and therefore the removal of these trees has always been at the landowner's discretion and no planning or other permissions was required for their removal. Whilst the applicant will re-landscape the garden area available to the proposed bungalow the Countryside Office's suggestion a landscape plan for the application site be imposed as a condition is not warranted or accepted. However, the applicant is agreeable to the Countryside Officer's request that an integrated

bird nesting box and a bat box be provided and these requirements be subject to a condition of an approval if this granted. No aspects of the proposed development will impact on nesting birds or roosting bats requiring a Habitat Regulations Assessment be undertaken. The applicant is agreeable to complying with a condition to protect hedgehogs from accidental harm during the construction groundwork phase of the proposed development.

Tree Officer

- It is confirmed there are no trees on the application site that would be affected by the proposed development. There are mature trees in the neighbouring garden to the west of 25 Moore Avenue whilst there is an established mature hedge along part of the boundary of the neighbouring property to the east.
- The proposed bungalow has been reduced in width so the distance to the adjoining boundaries is now 2.1m an increase of 1.0m on each side elevation. The reduced width of the proposed bungalow combined with the existing ground space between the mature trees in the neighbour's garden and the boundary fence provides sufficient standoff space that ground and building works are unlikely to have any impact on the tree root systems. The existing mature hedge in the neighbouring garden to the east is protected by timber fencing forming the boundary of 25 Moore Avenue and is separated from the footprint of the bungalow development by the proposed access way. The ash trees that lie beyond the rear brick wall boundary of the application site are 11.7m away from the proposed rear elevation of the proposed bungalow and presents no threat to the root protection area of the identified ash trees. It is intended the brick wall on the boundary will be repaired in situ to ensure its structural integrity. It is not considered this remedial repair work will have any impact on ash trees and it is further noted the repair of the wall does not require planning consent.

- Submission drawing A/3522/01B/-P illustrates the location of the principal trees in the neighbouring gardens and the two ash trees located beyond the southern brick boundary of the application site. This drawing confirms that the proposed bungalow is unlikely to have any impact of the root systems of the identified trees and this is not considered a material issue.
- It is noted the tree officer has suggested in the event of a recommendation of approval that conditions be added to the approval. It should be noted and the planning case officer should be aware conditions can only be applied to the application site as defined by the red outline under planning law. Conditions affecting trees outside of the outline application site are not permissible.

Waste Services

- The required number of up to 4 waste bin spaces will be accommodated within the application site of the proposed bungalow.

Network Gas

- Network Gas offered no objections to the previous proposed development ST/0828/20/FUL and the applicant will contact Network Gas to ensure no existing services will be adversely affected during the construction phase of the ground works.

Northumbria Water

- Northumbria Water offered no comments on the original proposed development.

Northern Power Grid

- No comments on ST/0828/20/FUL were received from the consultation with Northern Power Grid.

Coal Authority

- A Coal Mining Risk Assessment and Coal Mining Investigation report accompanied the original application. The Coal Authority stated they had no objections to the proposed development sought in ST/0828/20/FUL but recognised further investigation may be necessary. This can be covered by an appropriate condition.
- Service providers and the other consultees identified will be consulted on the resubmission and it is expected previous comments will apply to the current application.

4.12 Response to the Planning Officer's Assessment

Principle of Development

- With regard to the principle of development the planning case officer's report confirms the proposed bungalow accords with Policy SC4 (A)(ii) that identifies the need 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".*
- SPD9 (Part 17) (17.1) allows for plot sub-division of one or more separate residential dwellings within the curtilage of an existing property. Such proposals are likely to be approved subject to the proposed development meeting specific criteria as follows;

  "The site has its own separate and independent 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 dwelling and future occupiers of the new dwelling and

  The detailed designs are sympathetic to the character of the area, and the development 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".

- The planning officer's recommendation in the report on ST/0828/20/FUL was that the original application would not comply with the requirements identified in SPD9 (Part 17) (17.1).
- The reasons stated for this determination were threefold:

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

The subdivision of the plot would intensify the residential land use of the site to the detriment of the 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

The proposal 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 considered it is likely to lead to a loss of amenity.

Does the Proposal Convey Sensitive Consideration of its Surroundings

- The existing vehicular access is considered to be of a satisfactory width to serve both existing and proposed properties. The new resubmission application incorporates a single independent vehicular access that would serve only the proposed new bungalow this will be created through a reduction in the width of the existing garage as illustrated on submitted drawing A/3522/01B/-P. Use of the proposed new vehicular access will be subject to a legal agreement conferring rights of vehicle access to the owner/occupier of the proposed bungalow. Vehicle parking for the proposed bungalow is by means

of a hardstanding illustrated on the same drawing. There are no proposals for a separate garage in the revised resubmission. Parking for the existing dwelling 25 Moore Avenue is at the front and illustrated on the submitted drawing A/3522/01A (Access and Parking).

- For the purposes of this resubmission application, it is considered the existing access is of a width that will satisfactorily serve the existing and proposed properties. The proposed bungalow has its own independent means of vehicular access and has an independent hardstanding for the parking of two cars with sufficient manoeuvring space so cars can exit in the forward position.
- The subdivision of the rear garden area is permitted by SPD9 (Part 17) (17.1). The planning case officer in his report argues the proposed new development would be to the detriment of those amenities enjoyed by adjoining neighbours in terms of general disturbance associated with cars using the vehicular access. It is contended this argument carries no material weight and is not supported with factual evidence. Aerial views of the area highlight a number of properties on Moore Avenue that have driveways that extend beyond the immediate frontages of the properties and some with garages that are located into the garden area beyond the rear elevations of the properties they serve. Most of the properties in Moore Avenue have driveways and hardstanding's of sufficient area to accommodate two or more car parking spaces. There is therefore precedent for driveways that run between properties with garaging and/or parking set into the rear garden areas.
- The vehicular access to the proposed development is unlikely to result in increased vehicular movement exceeding that of other properties in the same street. It is not accepted this would lead to a loss of amenity through noise or disruption to the neighbours at either side or in the wider area given evidence that similar access and parking arrangements already exist on Moore Avenue. It is reasonable to assume where this exists no complaints have been

submitted regarding undue noise nuisance and disturbance from the neighbours adjoining these properties. There is therefore no evidence based on existing circumstances to support the planning case officer's baseless assertion the proposed development would have an adverse impact on neighbour's amenity.

- The planning case officer also asserts the proposals for a large bungalow in the rear garden would be at odds with the existing character of the area and as such lead to a loss of amenity. In assessing this statement no substantial evidence is provided to support this claim and is contradictory. For example, the planning case officer's report states as follows:

  "The application site is, by present day standards, quite large enough to accommodate a new house in general terms …. and the proposed house would not be too cramped or close to existing houses to cause and privacy concerns".

  So, it is accepted the proposed development can be accommodated in the rear garden of the host property without detriment to the amenity of its neighbours. For the purposes of the revised resubmission, it should be noted the two sides of the new dwelling have been reduced by a further metre along each side giving further distance to each of the neighbouring boundaries. It is considered any impact on amenity to the occupiers of the host property and the immediate neighbours either side in terms of noise nuisance will be of acceptable level; and the proposed development will not impact on the enjoyment of occupiers of these properties in respect of loss of light, overshadowing or privacy.
- The planning case officer's report does conclude a number of minor works forming part of the previous planning application ST/0828/20/FUL including the proposed hardstanding, the proposed garage and proposed boundary treatments would be classed as permitted development and therefore would not require planning consent. As stated in the Design and Access Statement and in this Supporting Planning Statement the proposed garage has been

omitted from the revised resubmission proposals. In addition, the planning case officer's report states the rebuilding of the rear brick wall to a height of 3.0m would be acceptable in terms of visual amenity. The revised proposal will see the rear boundary brick wall repaired and have a uniform height not exceeding 2.4m. Details regarding the proposed use of external materials also appear to have been generally considered acceptable and sympathetic for use in this location. There is no change to the proposed use of external materials incorporated into this resubmission and therefore these should remain acceptable and satisfactory with regard to the proposed development. On the basis of the planning case officer's previous comments, it would appear none of these matters were deemed unacceptable or would have an adverse impact on amenity.

- The planning case officer in his report, on ST/0828/20/FUL, recommending refusal states: *"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".* This broad statement is not accepted the planning case officer's report (page 8) makes specific reference to the fact the proposed development is set back and not visible from the public realm within the local area and contrary to the above statement. On this basis the above statement should be disregarded.
- The planning case officer, in defence of his concerns, states the proposed development would *"require the soft vegetation from the garden to be cleared"* he also claims *"such works would have a negative impact on biodiversity and upon the positive contribution that the landscaped garden has upon the existing character and appearance of this area".* It is accepted some further soft vegetation will need to be cleared to facilitate the construction works however, this would be a temporary loss as the curtilage of the proposed development will be soft landscaped on completion of the building works. On this basis the character and appearance of the proposed development site will be retained for the future without a permanent

adverse impact on biodiversity. As suggested by the Countryside Officer the applicant is willing to provide a bat and bird box into or once the development is complete to facilitate local biodiversity. The comments of the planning case officer on the above matters stated in respect of ST/0828/20/FUL are not accepted. Both the previous and current proposals are not considered to present a negative impact on biodiversity or the existing local character or appearance as in both instances the affects will be temporary and have no long-lasting impact on local appearance and character or biodiversity. Both the proposed development and the host property will have their own individual gardens and these will continue to combine with the green spaces of the neighbouring gardens maintaining a pleasant amenity space. Contrary to the opinion expressed by the planning case officer the proposed development will not result in a materially significant loss of garden space. On this basis it is considered there would be no detriment in visual terms on the overall character and appearance of the local area. Aerial views of the area show extensions and detached structures have been constructed within the curtilages of other dwellings in the vicinity of the application site, these have been accommodated into the existing character and appearance of the area without causing undue harm. It is not considered the proposed development will have a significant and material adverse impact on the local setting as it is currently observed.

- The planning case officer has also stated previously the erection of a new dwelling within the garden of the host property will erode the setting and character of the original dwelling by virtue of its size and the associated alterations to the garden area. This statement contradicts earlier statements in the same report (page 8) that the current rear garden area of 25 Moore Avenue *"is by present day standards, quite large enough to accommodate a new house in general terms".* The planning case officer's statement that the associated works including the hardstanding and internal boundary

treatments would also erode the setting and character of the original dwelling is somewhat irrelevant as he identifies these works in his report as being minor works that could be implemented as permitted development and therefore not requiring planning consent. In regard to the access route as previously stated a number of properties on Moore Avenue have extended driveways that go beyond the main house. Appendix A is an aerial view of Moore Avenue and surrounding houses, the yellow circles identify other properties with driveways that extend beyond the rear elevations of the immediate neighbour's dwellings. Similarly, the photograph attached as Appendix B illustrates driveways extending beyond the rear of the neighbouring property. The planning case officer's statements on these matters appears weak and without any material foundation and should be disregarded as being unlikely to succeed at appeal.

- Whilst some of the large garden area to the rear of the host property will be lost it is considered sufficient outdoor garden space for the existing and proposed new dwelling will be retained such that this will have no significant material impact on the character and appearance of the neighbouring properties.
- The planning case officer also argues that approval of the proposed development would create opportunities for similar proposals to come forward and make it difficult for the Council to resist future applications. Local Planning authorities should make judgements on individual applications based on material planning considerations. It is argued the planning case officer has failed thus far to demonstrate in his report on the previous refused application any substantive material planning reason to refuse this present resubmission application or that its approval would result in a serious erosion of the character of the local area or this area of South Shields.
- For the purposes of this Planning Statement and the detailed reasons provided in response to the planning case officer's prior comments it is considered the proposed development as set out in this

resubmission would not conflict with adopted Local Development Framework policies DM1(a), ST2, EA1, or SC1.

Impact on Residential Amenity

- Turning to impacts on residential amenity comments offered up by the planning case officer in his report on ST/0828/20/FUL appear contradictory. On (page 9) the planning case officer states: *"The proposed house would be a sufficient distance from properties to the north, west and south – well over the minimum 14m habitable window to window privacy distance standard ….. nor is it considered bearing in mind the proposed locations of windows, that there would be harm to the privacy of residents living to north, west and south to justify withholding permission on this ground alone".* The planning case officer also considered there to be no issues with regard to loss of daylight or sunlight. In terms of the orientation of the proposed dwelling in relation to existing properties he further concluded there would be no adverse impacts in terms of outlook. The proposed development as now submitted has a slightly smaller footprint and, on this basis, there appears to be no reason why this would not be acceptable in terms of the criteria identified in this sub-paragraph.
- On (pages 9 - 10) the planning case officer postulates that if planning consent was granted then the proposed development could be extended or added to in the future under householder permitted development rights. By omission the planning case officer has failed to state the Council could remove the householders permitted development rights with an article 4 direction. This would allow the planning authority to control any future proposals sought to extend or increase the footprint or height of the proposed bungalow or to erect any detached buildings in the curtilage including garages or sheds etc. On this basis the planning case officer's statement on this matter should be disregarded and dismissed as a material consideration. The use of appropriate Article 4 powers available under planning law to curtail future extensions and/or add a

secondary first floor will address this concern and would be acceptable to the applicant.

- Concerns expressed by the planning case officer about future increases in the number of vehicles operating from the application site have little foundation in reality. The area of hardstanding incorporated into the resubmission application is sufficient to accommodate a maximum of 2 vehicles in accord with SPD6 allowing the manoeuvring space to provide accommodation for a visitor's vehicle if necessary. Otherwise, any visitor can park on Moore Avenue as occurs at present.
- The resubmission proposal as already stated separates the parking for the existing property from the proposed bungalow. Parking for 25 Moore Avenue is accommodated using the front hardstanding and a space at the side of the house as illustrated on the submitted drawing A/3522/01A (Access and Parking).
- As stated earlier in this statement the new driveway is intended to serve the proposed new bungalow and legal agreements to this effect will be enacted to provide the occupiers with sole rights of access and use of the driveway.
- In his original report on ST/0828/20/FUL the planning case officer argues vehicle movements associated with the existing and proposed developments would result in an intensification of use of the proposed vehicle access between 25 Moore Avenue and the neighbouring property 23 Moore Avenue. He further postulates this arrangement would be at odds with the existing built form. However, as the aerial photograph (Appendix A) shows existing properties on Moore View have driveways that extend along the full length of the neighbouring property beyond the rear of the neighbouring adjacent properties. The original proposal to have parking to the rear to serve both the host property and the proposed development has been deleted. Parking to the rear of the host property as shown on drawing A/3522/01B/-P is now restricted to a hardstanding for the sole use of the occupiers of the proposed development.

- It is not anticipated the proposal to accommodate parking for the proposed bungalow to the rear will result in a materially significant intensification of traffic. To meet parking standards required by SPD6 provision is restricted to two parking spaces at the rear of 25 Moore Avenue. The likely levels of vehicle movements should not be more than is experienced by other households on Moore Avenue. This includes those properties that have driveways that extend up to and beyond the rear of the house and the periphery of the garden area. Given that similar circumstances already exist and operate within Moore Avenue without apparent difficulties there is no reason to consider the proposed development as illustrated would introduce a significantly material level of noise or disturbance sufficient to harm the amenity of the adjoining neighbours at numbers 23 and 27 Moore Avenue respectively. Other neighbouring properties on Moore Avenue, North Avenue or West Avenue being sufficiently distanced from the proposed development are unlikely be affected by loss of amenity from the proposed development.
- Whilst it is acknowledged the driveway to the proposed development will run alongside the boundary of no.23 Moore Avenue it is not considered that the occupiers of this property will be unduly impacted by unacceptable noise. The current driveway to the existing garage serving 25 Moore Avenue already runs along a section of the side elevation of no.23. The side elevation of no.23 has no window or other openings to a habitable room and any disturbance or noise will be muffled at worst or not audible at all. Beyond the garage that will be removed to facilitate the remaining driveway there is a 1.8m high close boarded fence with mature hedging beyond that will act as baffle reducing engine noise to a minimum and diffusing any headlight intrusion. With regard to the location of the hardstanding next to the boundary of no.27 Moore Avenue it is considered the 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 during the darker months of the year. With reference to the latter, it should be noted the general parking arrangement would not result in headlight intrusion directly onto the rear elevation of no.27.

- For the detailed reasons set out above it is contended there are no significant material considerations relating to the proposed resubmission application that will conflict with adopted Local Development Framework policies DM1(b) and EA5.

Highway Safety

- The revised submission that forms this application has separate access and parking arrangements for 25 Moore Avenue and the proposed bungalow. The parking arrangements meet the requirements of SPD6 as stated elsewhere in this statement. The parking arrangement for the proposed bungalow has sufficient space that vehicles can be manoeuvred to allow vehicles to enter and leave in forward gear.
- The revised proposal will not significantly increase the number of vehicles using 25 Moore Avenue, or the host property and proposed bungalow. Parking for the host property is accommodated at the front and side of the dwelling and two parking spaces are provided to the rear to serve the proposed development in accord with SPD6. The revised resubmitted proposal will result in less vehicles using the area to rear of the host property than was indicated in the previous failed application ST/0828/20/FUL.
- Whilst the original ST/0828/20/FUL application included proposals for a garage at the rear for the purposes of this resubmission the intended garage has been deleted.
- The Council's Traffic and Road Safety Team deemed the previous access and parking proposals set out in ST/0828/20/FUL acceptable. As the revised submission improves on the access and parking arrangements it is considered this equally will result in no harm to highway safety in accordance with policy DM1(g).

Impact of the development on nearby trees

- As stated earlier in this planning supporting document references to the removal of trees within the rear garden of the host property are not relevant to the determination of this application. The trees removed were not under protection of a Tree Preservation Order (TPO) and therefore their removal did not require any planning consent. Nor is the application site located within a Conservation Area requiring the landowner to notify the Council of the intention to remove trees.
- It is not considered the presence of a number of large mature Cypress trees in the garden of no.27 Moore Terrace are likely to be affected by the proposed development. These are located well inside the curtilage of no 27 and as stated the revised proposal will see the bungalow reduced by a further 2.0m in width (1.0m either side). It is noted the Cypress trees are not protected by a TPO and the absence of this designation suggests they have minimal intrinsic value. It is suggested the proposed construction groundworks are sufficiently distanced from the Cypress trees that no harm to the root system will occur. Therefore, the suggestion of the Council's Tree Officer in respect of the earlier refused application ST/0828/20/FUL that a condition requiring an arboricultural method statement be submitted in the event of approval is not deemed necessary in respect of the resubmission proposal. Drawing A/3522/01B/-P submitted with this resubmission application shows the Cypress trees location and the dimensions of the footprint of the proposed bungalow.
- Even without such a condition it is considered the proposed development as now resubmitted is in accordance with policy DM1 (c) of the LDF and SPD9.
- As previously stated in this statement the brick boundary wall to the south of the host property will be repaired. On this basis the two ash trees beyond the boundary wall will be unaffected by the proposed

development the rear elevation of which is some 11.7m distant from the boundary wall. Furthermore, the planning case officer in his original report has identified works to the rear boundary wall as constituting permitted development.

Biodiversity

- The concerns of residents objecting to the proposal because of the presence of the two ash trees are noted but are not relevant to the consideration of the previous or current application. These two trees fall outside of the landowner's ownership and additionally they are not protected by TPO or Conservation Area status and the proposed extent of the building works are over 11.0m away.
- The comments of the Countryside Officer are noted however, the applicant was and is under no obligation to provide any ecological information as the proposed development is for a new build. The loss of the established trees from the rear garden of 25 Moore Avenue has been addressed in that the trees weren't protected by either a TPO or Conservation Area status. In addition, no designated nature sites or reserves are located in close proximity to the application site.
- The applicant is agreeable to a condition being imposed to provide an integrated bird and bat box as suggested by the Council's Countryside Officer in respect of the refused application ST/0828/20/FUL. The applicant is further open to a condition requiring hedgehog protection measures being put in place during the initial construction groundworks. The curtilage of the proposed bungalow will be treated as a domestic garden and a condition requiring a landscape plan is not accepted as being necessary.
- For the reasons described above it is considered the resubmission proposal is acceptable and will not have a significant material impact on biodiversity and therefore complies policy EA3 of the South Tyneside LDF.

Habitat Regulations Screening Assessment and Appropriate Assessment

- The planning case officer in his report on ST/0828/20/FUL confirmed the Local Planning Authority had undertaken a Habitats Regulations Screening Assessment and Appropriate Assessment and the proposal did not require approval from Natural England. On this basis the planning case officer concluded the proposed development would not conflict with LDF policies EA3 and DM7 or the interim SPD23. The resubmission application whilst varying slightly from that previously submitted should not be assessed differently to the previous failed application.

Land Contamination

- A Coal Mining Risk Assessment and Coal Mining Investigation report was submitted as part of the failed ST/0828/20/FUL application. Copies of this document is provided with this resubmission as supporting information. The Council's Environment Protection Officer comments set out in the planning case officer's report on ST/0828/20/FUL stated no coal seams were recorded from the borehole tests and no significant gas readings were recorded either. The reports also indicated the site and garden area had always been in residential use and any risk from ground contamination was therefore unlikely. On this basis the Council's Environmental protection Officer deemed the previous development safe and this decision should apply to the current resubmission application.

Flood Risk

- The application site lies within an area designated as Flood Risk Zone 1 the lowest level of flood risk. It is considered the proposed development will not increase flood risk in the local area and the porous block paving for the driveway and hardstanding will assist in ensuring surface water runoff is mitigated. For these reasons it is

considered the resubmission proposed development is in accordance with policy DM1 (k) of the LDF.

Other Matters

- No external lighting other than a possible entrance door security light is proposed for the resubmission bungalow development.
- All the drawings are suitably scaled and relevant footprint and other measurements are shown on drawing A/3522/01B/-P that accompanies this resubmission application.
- The application site's location in an Open Space Provision Priority Area relates to the public realm and is not relevant to the consideration of this application that involves land in private home landownership.
- The days and times during which construction work can be carried out can be controlled by condition and applied to any planning consent that may be granted.

Conclusion

- For the purposes of this resubmission application, it is noted the planning case officer in his conclusion on the earlier application ST/0828/20/FUL states as follows:

  "It is considered the proposed development of this site for a dwelling would be acceptable, subject to the recommended conditions. The proposal complies with the relevant policies contained within the South Tyneside LDF.
- It is contended this conclusion was indeed correct although as stated the planning case officer in his report recommended the application be refused for the reasons stated in paragraph 2.2 of this supporting planning statement document.

5. Summary of Policy Principles and Considerations

5.1 With regard to the consideration of this resubmission application it is argued this revised proposal should indeed be approved as no significant material impacts have been identified with regard to relevant LDF policies and Supplementary Planning Document guidance set out in the policy context section, section 3, of this document.


Untitled Map
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Legend
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Moore Ave
West Ave
Glenhurst Grove
North Ave
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NA67 ZTU