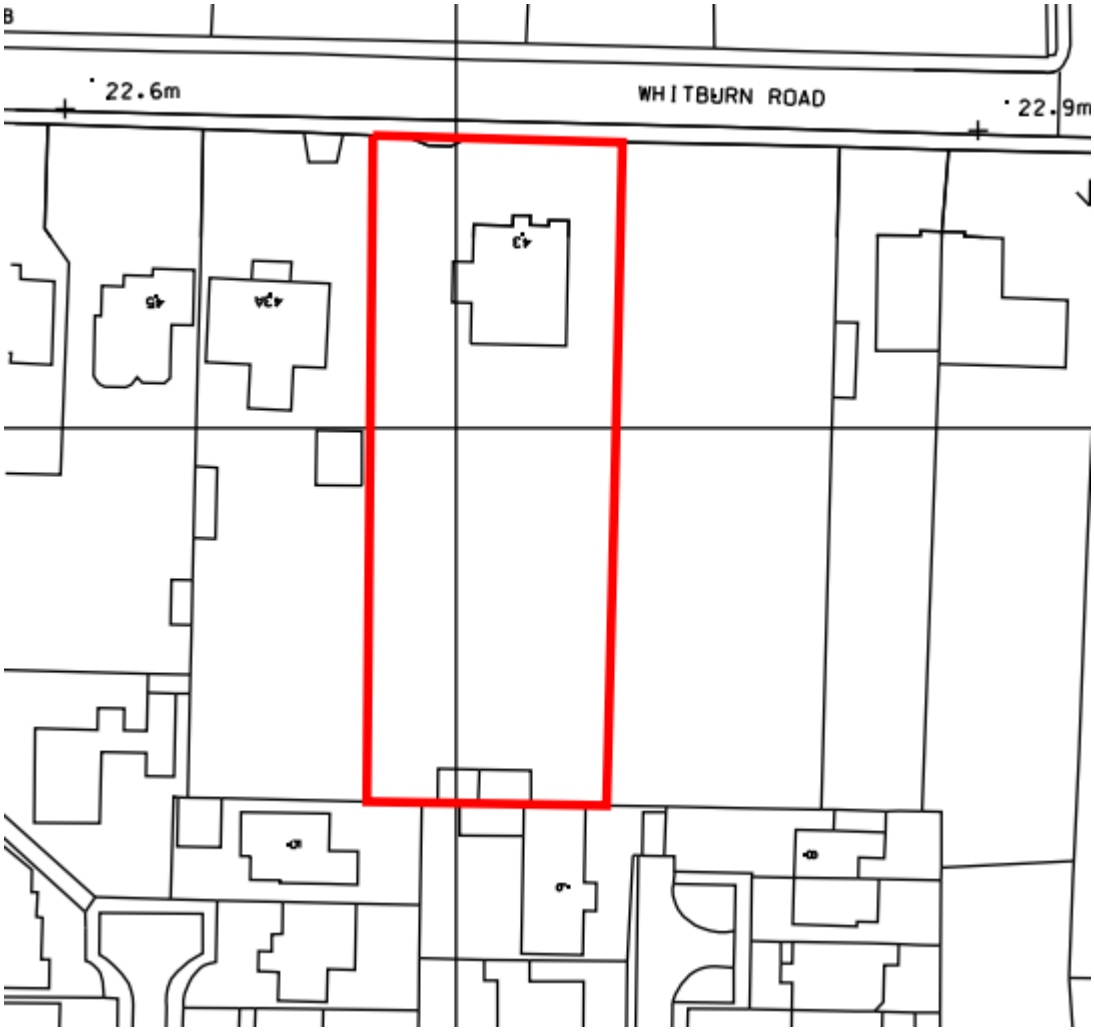
South Tyneside Council

Reference:	ST/0647/24/FUL
Location:	43 Whitburn Road Cleadon SR6 7QP
Ward:	Cleadon and East Boldon
Application documents and plans can be found here	https://planning.southtyneside.info/MVM/Online/DMS/DocumentViewer.aspx?searchType=Planning%20Application&PK=867138



Description:	Demolition of existing dwelling and erection of one self-build dwelling
Applicant:	Mr Rajveer Bajwa
Agent:	Mario Minchella Architects
Reason for bringing the application to Planning Committee:	Representations have been received from a ward member with a request to speak.
Recommendation:	Refuse permission
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

List of neighbour representation addresses:

Objections

9 Trevor Grove, Cleadon (x3)

41 Whitburn Road, Cleadon (x5)

43A Whitburn Road, Cleadon (x8) – separate people

Agent on behalf of 41 Whitburn Rd, Cleadon & 9 Trevor Grove, Cleadon (x3)

Cllr David Herbert (x3)

Support

21 Underhill Road, Cleadon

30 Whitburn Road, Cleadon

Description of the Site

1. This application relates to 43 Whitburn Road, a detached dwelling with a large curtilage located on the southern side of Whitburn Road in Cleadon village. The site is located within the Cleadon Plantation locality which forms part of the Cleadon Conservation Area. The site is bounded by Whitburn Road to the north, residential properties at 43a Whitburn Road to the west, 41 Whitburn Road to the east and properties at Trevor Grove and Woodlands View to the south. The area is residential in character.

Description of the Proposal

2. This proposal seeks permission to demolish the existing 2.5 storey dwelling at 43 Whitburn Road, Cleadon, and erect a 2.5 storey replacement dwelling, including improvements to the existing site access from Whitburn Road, and replacement tree planting and landscaping to compensate for the loss of trees felled prior to the submission of this application.

3. Following consideration from Officers, the application description was amended to include reference to the proposal being a self-build dwelling. Neighbours were re-notified of this amended description, and amended site notices were displayed adjacent to the site and an updated press notice published in a local newspaper. Further amendments were subsequently received in relation to the design of the proposal and neighbours and those who commented have been re-notified concerning these changes.

Relevant Planning History

4. The planning history of the site comprises a number of planning permissions from the late 1970's and early 1980's relating to the relatively modern dwelling to the immediate west of the application property as well as a previous application in 2023 (Ref: ST/0079/23/FUL) for the demolition of the application property and the erection of a replacement dwelling which was withdrawn in January 2024.

5. The above application was for a similar proposal (demolition and re-build) which was included on a planning committee agenda with a refusal recommendation, and withdrawn prior to the committee meeting. The two refusal reasons as set out in the committee report related to the design of the proposal, and its impact on neighbouring amenity.

Summary of Consultation Responses

6. The following responses have been received in response to the statutory consultation undertaken.

Highway Authority

7. No objections. No highway safety concerns are envisaged as a result of the proposed development, providing that any associated improvements to be carried out to the highway vehicular access area are to Council standards. It is annotated on the drawing that there will be no gravel or loose material to be placed within 5 metres of the highway, which is acceptable to avoid highway safety concerns at the access point.

8. No details are provided regarding surface water run-off mitigation, including discharge point, from the on-site driveway to ensure that no surface water will discharge into the highway. A condition is recommended to be imposed on any consent granted securing details to be submitted and thereafter implementing surface water mitigation measures on site prior to occupation. Car parking proposed within the site exceeds SPD6 Parking Standards for the Borough and is therefore acceptable, including associated manoeuvring.

9. A widened and resurfaced vehicular access will be required to serve the widened site entrance and gate pillar arrangement. The access works are required to be constructed in accordance with STC access specifications and inspected by a representative of the STC Highway Authority to ensure compliance. Refuse storage and collection arrangements will remain the same as those of the existing dwelling and are therefore acceptable.

10. Informatives recommended in relation to the vehicle crossing point / dropped kerb and to not storing building materials or equipment on the highway.

Countryside Officer

11. The ecological survey work undertaken is in accordance with good practice and is adequate and appropriate to support this planning application. As no bat roost was recorded at the property there are no likely direct impacts on this protected species from this proposed development however as bats are highly mobile animals, there remains a residual risk that bats could be found during works.

12. A precautionary working method statement has been provided in section 't' of the submitted report and should be provided to all contractors working on the project. Bat and bird informatives should be included as part of any approval. The Case Officer should seek to secure the inclusion of an integrated swift brick and / or bat box as part of biodiversity enhancements.

13. In terms of Biodiversity Net Gain (BNG), the applicant has stated the project is exempt from BNG due to the self-build exemption which is accepted.

14. *Case Officer note: Comments relate to the amended proposal with reference to self-build.*

Historic Environment Officer

15. Whilst the loss of the existing building is regrettable, an extensive heritage assessment has been submitted which includes an assessment of archaeological, architectural and artistic, and historic interest. I would recommend that this information is used to produce a building recording that can be submitted to the Tyne and Wear Historic Environment Record. This could be dealt with as a planning condition.

16. The proposed building is set back further from the public highway than the existing, and mature planting is being retained and new boundary hedgerow planting is proposed. This will help to preserve the distinctive character of Cleadon Plantation, where hedges are a key landscape feature that create a semi-rural appearance.

17. In terms of materials, would recommend a red facing brick as this is the predominant building material in Cleadon Plantation. The application form suggests that the proposed roof materials would be either slate or Interlocking concrete tiles. There is a mixture of the two in this part of the Conservation Area. However, I suggest a slate roof could provide a higher quality overall finish. The vertical emphasis of sliding sash style windows, along with the proposed chimney features, provide a nod to the vertical emphasis of the existing building.

18. *Case Officer note: Comments relate to first amended proposal.*

Lead Local Flood Authority

19. The proposed development is considered to be at medium flood risk from surface water, identified in the Environment Agency's surface water flood risk maps. We have recently undertaken a flood alleviation scheme in Cleadon to reduce the surface water flood risk from agricultural fields to the north of Cleadon and the proposed development site.

20. Proposal for the use of permeable block paving on driveway is acceptable. Given the identification of surface water flood risk, can we please direct the applicant to the Environment Agency's Standing Advice for Vulnerable Developments and specifically

consideration of the finished floor levels and extra flood resistance and resilience measures within this advice.

Land Contamination

21. I am happy with the content of the screening assessment form – I have verified the site history with our contaminated land maps and the site is low risk being open fields before the property on the site was built. Should the application proceed, I would recommend the unexpected contamination condition be applied.

County Archaeologist

22. The house currently occupying the site is entered on the Historic Environment Record as part of Cleadon Plantation (HER12801). This landscaped estate was built over Cleadon Moor and Little Moor to the west of the historic core of Cleadon village (HER963) from the start of the 20th century. The estate comprised a collection of large houses in generous gardens using well established tree and hedge lines to create a sense of enclosure and privacy.

23. The site is located within the Cleadon Conservation Area, which is a designated heritage asset. The proposals include the complete loss of the existing house. The applicant has provided a heritage statement by Archaeological Research Services (HER event 5379 report 2022/68) describing the impact of the proposals on the conservation area in accordance with the requirements of the NPPF. South Tyneside Council should also seek the advice of their specialist conservation adviser on the potential impact of the proposals on the significance of the Cleadon Conservation Area.

24. The heritage statement includes a historic building appraisal. Should the application be approved, this has been entered onto the Tyne and Wear Historic Environment Record and will serve as a record of the existing building. This report is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205). I consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

Historic England

25. 43 Whitburn Road is within the Cleadon Plantation part of the Cleadon Conservation Area. The Plantation is a historic residential suburb of detached houses within generous gardens. It appears to have been developed on a plot by plot basis giving each property individuality and a sense of privacy. Architecturally, its best buildings can be divided into two phases: late Victorian and Edwardian villas followed by a phase of early to mid 20th century houses that blend traditional and modernist styles.

26. 43 Whitburn Road is an example of the first phase, first appearing on the Ordnance Survey Map of 1919. It is typical of the period and such properties within the conservation area, with details such as mock black and white timber framing and a variety of window forms, reflecting the influence of the Queen Anne Revival and Arts and Craft styles. Some poor extensions to it have remained but it retains its historic character. It and similar buildings form the building blocks of significance for this part of the conservation area.

27. The proposed replacement is a detached house with some detailing reference to the existing and the conservation area but otherwise of a standard contemporary character. The demolition of the existing property would cause a minor degree of harm

to the significance of the Cleadon Conservation Area, in that a building that is typical of why the area is designated would be lost.

28. Paragraph 200 of the National Planning Policy Framework (NPPF) asks that all harm to the significance of conservation areas requires a clear and convincing justification. Para.202 of the NPPF asks that the harm caused is proportionally weighed against the public benefit of a proposal.

29. New design can be a form of public benefit where it adds to local character and distinctiveness (NPPF paras 130 and 197). The design of the proposed has some reference to the conservation area but is otherwise a standard contemporary house. Whilst it is not unattractive its design quality would not outweigh the loss of a historic building that makes a positive contribution to the significance of the conservation area.

30. Whilst the balanced judgement asked for by para.202 is a decision for you as a local planning authority to make, we consider that it is important to conserve those buildings that form the basis of the conservation area and to avoid a precedent that would allow such to be lost incrementally. Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

31. *Case Officer note: Comments unchanged in relation to the final amended proposal.*

Northern Gas

32. No objections.

Northern Power Grid

33. No objections providing that our statutory rights are not affected and that we will continue to enjoy rights of access to the apparatus for any maintenance, replacement, or renewal works necessary.

Summary of Representations

34. The application has been publicised by means of neighbour notification letters, site notices and press notices in the Shields Gazette.

35. Three representations received from Ward Councillor David Herbert in relation to the various iterations of the proposal. The issues raised are summarised as follows:

- The proposed development would not comply with the guidance regarding why a Conservation Area is designated. SPD14 states the Council will resist proposals for demolition where a building is considered to make a positive contribution to the character or appearance of the Conservation Area. Planning Policy Guidance Note 15 (Planning and the Historic Environment) states the demolition of a building must be fully justified.
- The general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of a Conservation Area. There is no justification for the demolition of the existing building that makes a positive contribution to the character and appearance of the area.
- I believe 53 Trees were felled prior to the planning application and without authorisation from South Tyneside Council only a few immature replacements are recommended by the planning department. At least 53 replacements should be planted, or if possible enough trees be planted that absorb the

equivalent amount of CO2 absorbed by 53 mature trees. I am unaware of what trees if any have been planted and feel no planning application is considered before this is completed. Also queries relating to bats and protected species surveys. I would want to speak at planning committee should this application be considered.

36. Nineteen representations have been received in objection to the proposal from three addresses in relation to the various iterations of the proposal. The issues raised are summarised as follows:

- The existing property was either the first, one of the first buildings on Whitburn road. As such it should be preserved, as demolition and modern re-build would contribute to the loss of identity of the village in general. A better solution would be extension of the existing property in keeping with the original architecture. The building at the rear of the garden is believed to be an old stable for coach horses, as the house was on a main route.
- The proposed design offers little enhancement to the Conservation Area, it is a retro-design which fails to represent any statement, materials windows etc are of a modern-day design which fails to represent the ideals of STC Conservation requirements. The proposal is set further back unto the site which is out of character with the existing street scene. It is also vastly larger than the current structure.
- There is more than enough space to extend this building which would yield at least the same volume as that which is proposed. If special attention is given to design, details such as brickwork plinths window door lintols and the like as well as more vertical window emphasis etc. to the front elevation would promote a more pleasing approach for all to enjoy.
- The plans now show the location of the new house to be closer to the footprint of the original house however I would still prefer the new house to be closer to Whitburn Road, to a similar position as the existing house.
- If the single storey extension element remains then it could be accepted however, if planning permission is granted, then who is to say the occupier might put in further plans to extend and heighten this section sometime in the future. Also I would not like future plans to be put in to extend from the east elevation towards my property. I would therefore ask for some legal guarantee that any potential future first floor extension over the single storey building to be restricted by condition to prevent overshadowing.
- Following the wilful destruction of trees by the new owners last year and despite my warnings to the amateur team carrying out the destructive felling – that this was in a conservation area, the owners have not shown any interest In making amends or replacing the trees despite having been instructed to do so. The adjoining properties gardens are now often waterlogged as the loss of trees has resulted in a significant rise in the water table. Unauthorised felling of trees in a conservation area should attract a large financial penalty. I gather this has not been the case and am concerned as to why not.
- If planning were to be approved, it should be conditional to the replanting of semi mature trees, replacement of hedges and fences etc. being completed to everyone's satisfaction before any building work at all starts.
- There has always been a good number of bats flying around all nearby gardens, given that these trees have been removed, this will no doubt have an effect on their habitat. There is a breeding pair of Sparrowhawks which have nested in his rear garden for years, with the loss of these trees only time will tell if they will return to breed once again this year.

- Since the last planning application there has been no attempt to fix the boundary between our properties. The fence needs urgent attention, and should planning permission be given, this must be a priority. We are no longer able to allow my daughter's dog to roam freely in our garden and have to keep it on a lead as it can easily get into number 43. Any building work should not commence without a secure/safe fence in place. Whilst this is not a planning matter, should planning permission be granted I would request that a condition is placed to ensure the fence is replaced prior to any construction works on site.
- Inaccuracies in submitted documentation including habitats regulation assessment which relates to the previous scheme and disagree with outcome of heritage statement and preliminary ecological appraisal. Aerial imagery used is out of date and shows the site previously when vegetated. Further survey work required in respect of bats. Archaeological concerns as a result of the demolition.
- Concerns regarding drainage being directed towards my property which is already suffering from cracks due to heavy plant and machinery being used in the area. The foundations in this road are built on land from under steams of mine shafts.
- Objections remain to the final amended proposal on the same grounds as previously raised.

37. Two representations have been received in support of the proposal from two addresses. The issues raised are summarised as follows:
    - Dwelling will fit great within the village and will help bring in more appeal to the village than the old dwelling. New design is a significant improvement over the previous one and fits the character of the wider area better.

Relevant planning policy

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

39. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

40. The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011, and a Site Specific Allocations Development Plan Document DPD 2012.

41. The following policies of the South Tyneside Local Development Framework are relevant to this planning application:

    - Policy ST1 – Spatial Strategy for South Tyneside
    - Policy ST2 – Sustainable Urban Living
    - Policy A1 – Improving Accessibility
    - Policy EA3 – Biodiversity and Geodiversity
    - Policy EA5 – Environmental Protection
    - Policy DM1 (A, B, C, G, H, I, K and M) – Management of Development
    - Policy DM6 – Heritage Assets and Archaeology

- Policy DM7 – Biodiversity and Geodiversity Sites

42. The following policies and guidance are also relevant to this planning application:

- SPD3 – Green Infrastructure Strategy
- SPD6 – Parking Standards
- SPD14 – Cleadon Conservation Area Management Plan
- Interim SPD23 – Mitigation Strategy for European Sites

43. On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

44. Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (limited)
- Policy 4: Contaminated Land and Ground Stability (significant
- Policy SP16: Housing Supply and Delivery (very limited)
- Policy 19: Housing Mix (limited)
- Policy 20: Technical Design Standards for New Homes (limited)
- Policy SP21: Natural Environment (significant)
- Policy 33: Biodiversity, Geodiversity and Ecological Networks (significant)
- Policy 35: Delivering Biodiversity Net Gain (limited)
- Policy 36: Protecting Trees, Woodland and Hedgerows (very limited)
- Policy SP24: Heritage Assets (limited)
- Policy 43: Development Affecting Designated Heritage Assets (very limited)
- Policy 44: Archaeology (significant)
- Policy 45: Development Affecting Non-Designated Heritage Assets (v. limited)
- Policy 47 Design Principles (very limited)
- Policy SP26: Delivering Sustainable Transport (very limited)

45. National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy

Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

46. The key issues in the assessment of this planning application are as follows:

- The principle of development
- Impact on the character and appearance of the Cleadon Conservation Area and visual amenity
- Highway safety and parking
- Trees and landscaping
- Ecology and biodiversity
- Drainage and flood risk
- Contaminated land
- Archaeology
- Residential amenity
- Other matters

The principle of development

47. The NPPF (December 2024) paragraph 11 states that 'Plans and decisions should apply a presumption in favour of sustainable development. … For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination9.'

48. Having regard to NPPF paragraphs 78 and 232, as a consequence of the Council not having a demonstrable 5 year housing land supply plus a 20% buffer and the Council's Housing Delivery Test results showing that the delivery of housing was substantially below the housing requirement over the previous three years, the tilted balance in NPPF paragraph 11 d) is engaged.

49. This means that greatest weight must be given to the NPPF as a material consideration in deciding this planning application.

50. A residential property within a large plot is currently located on the site. This proposal seeks planning permission to demolish the existing dwelling and replace this with an alternate dwelling. The site is located within a built-up area, and surrounded on all sides by residential properties. It is, therefore, considered that the principle of providing a replacement dwelling on the site would be acceptable having regard to the NPPF, and Policy ST1 of the LDF Core Strategy, although further assessment is required, as

detailed below, as to whether or not the proposal is acceptable in respect of other material planning considerations including the matter of whether or not the loss of the existing dwelling and the proposed new dwelling would preserve or enhance the character and appearance of the Cleadon Conservation Area.

Impact on the character and appearance of the Cleadon Conservation Area and visual amenity

51. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

52. LDF Policy DM1(A) seeks to ensure that developments are designed to convey sensitive consideration of surroundings.

53. LDF Policy DM6 seeks to ensure development proposals protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of heritage assets including Conservation Areas, and that archaeological deposits and remains are recorded and where possible preserved.

54. The Cleadon Conservation Area Character Appraisal states that the 'Plantation' area lies to the west of the historic core and was developed as a landscaped estate with a collection of large houses set in generous grounds. The appraisal goes onto state that the garden of no.43, an early twentieth century detached house…has been subdivided to provide an infill site…that cramps Ardmore (no.45), squeezing it into built frontage that diminishes its overall contribution to the street scene.

55. Supplementary Planning Document 14, the Cleadon Conservation Area Management Plan, Policy CA-C1 states that new development must protect, preserve and where possible enhance the character and appearance of the Conservation Area. Additionally, Policy CA-C4 states that the Council will resist proposals for demolition where an unlisted building is considered to make a positive contribution to the character or appearance of the Conservation Area.

56. Concerns have been raised by residents in respect of the design of the proposal, and it's siting south of the position of the existing dwelling, with objections relating to the overdominance of the proposal, and its impact on the Conservation Area. Historic England and the Council's Historic Environment Officer have also raised concerns in respect of both the demolition of the existing dwelling and the design of the proposed dwelling.

57. Historic England maintain their position that the demolition of the existing dwelling would cause minor harm to the significance of the Cleadon Conservation Area and advise that the design of the proposed replacement dwelling is not of sufficient quality to deliver public benefit that outweighs such harm.

58. Paragraph 213 of the National Planning Policy Framework (NPPF) states that any harm to, or loss of, the significance of a designated heritage asset (including conservation areas) requires clear and convincing justification.

59. In this instance, whilst the design of the replacement dwelling is a substantial improvement on that proposed under the previously withdrawn application, and previous iterations of the proposal as submitted within this application, having regard to the comments of Historic England it is considered that less than substantial harm

would still arise to the character and appearance of the Conservation Area. Such harm arises from the loss of one of the original Victorian/Edwardian villas within the Cleadon Plantation 'Garden Suburb'. Furthermore, this existing dwelling remains largely unaltered in terms of its most visible elevations as viewed from Whitburn Road. Overall the existing dwelling contributes positively to the character and appearance of the Conservation Area.

60. NPPF Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

61. Furthermore, given that less than substantial harm is considered to arise in this instance, it is considered that the proposal would not preserve or enhance the character and appearance of the Conservation Area.

62. Turning therefore to the matter of public benefits, the proposed replacement dwelling is an improvement in design terms compared to that previously proposed under withdrawn planning application ST/0079/23/FUL, and previous iterations of the proposal considered through this planning application.

63. In this regard, in terms of siting, the setting back of the proposed dwelling into the site is considered acceptable given the existing property sits forward of the established building line and the proposed development would follow the broad alignment of existing dwellings on the southern side of this part of Whitburn Road.

64. With regard to matters of scale / massing, the proposed dwelling exhibits a sympathetic massing and in this regard has the appearance of a 2-2.5 storey dwelling to the front and a 3 storey dwelling to the rear. This reflects the largely 1-2 storey scale of dwellings in this part of the Conservation Area and the 2.5 storey scale of the existing dwelling on the site, particularly when viewed from public vantage points.

65. In terms of design detailing, the proposed dwelling design incorporates arts and crafts style features including gable and hipped roof features, colonial grid windows, the use of herringbone brick walling, stone heads and cills, a decorative brick and stone chimney, and timber detailing to the front gables with roof sprockets and finials.

66. However, overall the revised dwelling design is not considered to be of such outstanding quality that it would deliver public benefits in terms of preserving or contributing positively to the character and appearance of the Conservation Area and compensating satisfactorily in such terms for the loss of the existing period dwelling.

67. Further public benefits of the proposal include economic benefits through the demolition of the existing dwelling and construction of the new dwelling, and environmental benefits through the scheme of re-planting. However, it is appreciated the environmental benefits are largely required following the removal of trees to the garden area of the property without consent and it is not considered that the overall benefits arising are of such significance that they outweigh the less than substantial harm arising in heritage terms from demolition of the existing dwelling.

68. Paragraph 11 of the NPPF outlines the presumption in favour of sustainable development which sets out at criterion d) i) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date (including for the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing),

planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (including designated heritage assets such as Conservation Areas) provides a strong reason for refusing the development proposed.

69. Having regard to all of the above it is considered in this instance that there is a strong reason for refusing the development proposed.

70. Overall it is considered that the demolition of the existing dwelling, and its replacement with the proposed dwelling would not preserve or enhance the character and appearance of the Cleadon Conservation Area and would therefore result in less than substantial harm to the Conservation Area as a designated heritage asset. There are not considered to be public benefits arising that outweigh such harm and as such, it is considered that the development would not be in accordance with Policies DM1 (A) and DM6 of the South Tyneside Local Development Framework, SPD14 and the NPPF (with regard to impact on heritage assets).

Highway safety and parking

71. The development would incorporate a larger driveway area and a wider site access from Whitburn Road. The Highway Authority consider the amended details to be acceptable subject to a planning condition in relation to the widening and resurfacing of the vehicular access crossing of the highway footway to Whitburn Road, and details in relation to surface water drainage. Subject to such conditions it is considered that the proposed development is in accordance with Policies A1 and DM1 (G,H and I) and SPD6 of the South Tyneside Local Development Framework, and NPPF (with regard to highway safety).

Trees and landscaping

72. Concerns have been raised from residents in respect of trees being removed from the site in advance of the submission of this planning application. The site is located within the Cleadon Conservation Area and therefore the Council should have been notified in writing by the landowner of their intention to remove such trees prior to tree removal works commencing as this would have afforded the Council the opportunity to place a Tree Preservation Order (TPO) on these trees if this was deemed appropriate. The Council did not receive such written notification, although a planning enforcement complaint was logged with the Council that tree removal works had been undertaken at the site. This planning application is considered as an opportunity to secure an appropriate scheme of re-planting and landscaping to remedy the removal of trees at the site. The Countryside Officer commented noting the baseline biodiversity value of the site in January 2020 (prior to the removal of the trees) was predominantly vegetated garden and urban trees.

73. A scheme of landscaping and re-planting has been proposed as part of this application to compensate for the trees removed prior to the application's submission. No comments have been received from the Council's Tree Officer in relation to this application, however it is noted within the previous application (ref. ST/0079/23/FUL), the Council's Tree Officer considered the proposed tree protection measures and working methods set out in the Arboricultural Impact Assessment (AIA) as being acceptable and which could be conditioned were approval granted, and the details submitted within this application are broadly similar (with some minor alterations in terms of positions of new tree planting).

74. It was also noted within the previous application (ref. ST/0079/23/FUL), the Tree Officer stated it was not necessary to plant as many trees as possible as a means to replace those that were removed, as a planting scheme should focus on long-term betterment. The tree planting scheme proposes one heavy standard tree to the front of the property and five heavy standard trees to the rear of the property, along with 15 smaller native trees around the site. Hedges would be retained to the front boundary, and new hedges are proposed to the full length of the eastern and western boundaries. A scheme of soft landscaping is also proposed, and a Cherry tree to the front of the property (protected by a TPO) and a Horse Chestnut tree and Willow tree to the rear of the property would all be retained.

75. Subject to conditions securing the landscaping and arboricultural details as submitted, it is considered that the proposed development would not give rise to significant adverse impacts in respect of trees and landscaping. As such, the proposal would be in accordance with LDF Policies DM1 (C), EA3 and DM7, and NPPF (with regard to trees and landscaping).

Ecology and biodiversity

76. A Preliminary Ecological Appraisal (PEA), Bat Survey, and Habitat Regulations Assessment (HRA) have all been submitted for consideration. The Council's Countryside Officer has considered the submitted information and is satisfied with the mitigation as set out in the PEA. They suggest conditions on any approval, including an integrated Swift Brick and an integrated bat box. Informatives are also recommended in relation to bats and birds.

77. Concerns have been raised from residents in terms of bats and sparrowhawks being affected by the works undertaken to date and the proposed development. The Countryside Officer is satisfied that the ecological survey work has been undertaken in accordance with good practice and is adequate and appropriate to support this planning application. Concerns have also been raised in relation to the PEA and HRA both showing the layout for the previous planning application. However it is not considered that this affects the outcomes as set out within the reports and the Countryside Officer has raised no objections to the submitted details.

78. In terms of Biodiversity Net Gain (BNG), the applicant has stated they meet the exemption for self-build housing in respect of which BNG is not required. This has been accepted by the Countryside Officer. In such circumstances the preference of officers would be for a Unilateral Undertaking (UU) to be completed by the applicant prior to this application being decided to ensure the development meets self-build criteria and would be occupied by the applicant for at least three years once completed. The applicant has confirmed their willingness to enter into such a UU but hasn't as yet done so. If the recommendation was to grant permission for the proposal, this would be a minded to grant recommendation subject to the completion of such a UU. However, officers are aware that other Local Authorities and Planning Inspectors in appeal cases have been willing to secure the provision of self-build housing by means of a planning condition rather than a UU and as such the absence of a completed UU would not in itself be a reason to refuse planning permission as construction of the dwelling as self-build housing could be secured by means of a planning condition in order to ensure that the proposals were compliant with regard to BNG.

79. Given the nature of the proposal and its location, a Habitats Regulation Assessment Screening has been completed and concluded that the project will not give rise to any significant adverse effects on designated coastal sites. In addition, an Appropriate Assessment have been carried out by the LPA as competent authority and the

Appropriate Assessment does not require approval by Natural England as its conclusions are consistent with the parameters in their Standing Advice. In summary, this has concluded that the proposal is compliant with the Habitats Regulations, would not give rise to significant adverse effects and would not conflict with LDF Policies EA3 and DM7 or the Interim SPD23.

80. Given the above, it is considered that the proposed development would not give rise to significant adverse environmental impacts to biodiversity and nature conservation. The proposal is compliant with the Habitats Regulations and would not cause unacceptable harm in respect of biodiversity including BNG and protected species subject to conditions. As such the proposal would not conflict with LDF Policies EA3 and DM7, and NPPF (with regard to biodiversity).

Drainage and flood risk

81. Concerns have been raised regarding drainage discharging to a neighbouring property however the Lead Local Flood Authority have no objections to the proposal in relation to drainage and flood risk. Given the above it is considered that the proposal would accord with Policy DM1 (K) of the South Tyneside Local Development Framework in respect of drainage and flood risk, and NPPF (with regard to drainage and flooding) subject to a condition to ensure that permeable block paving is used for the driveway area and an informative in respect of the Environment Agency's advice, all as referenced by the LLFA in their consultee response.

Contaminated land

82. The Council's Environmental Protection Officer has reviewed the historic maps and submitted screening assessment with respect to land contamination, and suggests that a planning condition relating to unexpected contamination encountered on site be imposed as part of any approval granted. In this regard, the proposal would satisfy Policies EA5 and DM1 (M) of the South Tyneside Local Development Framework in respect of any potential contamination of the site, and NPPF (with regard to land contamination).

Archaeology

83. The County Archaeologist has advised that the application site is located within Cleadon Conservation Area, which is a designated heritage asset, and is within the Cleadon Plantation area as entered on the Historic Environment Record. The Archaeologist notes a heritage statement has been provided including an historic building appraisal and is consistent with NPPF requirements, and considers that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required. The proposal would therefore satisfy LDF Development Management Policy DM6 and Policy CA-C2 of SPD14 and NPPF (with regard to archaeological matters).

Residential amenity

84. The proposed dwelling would be positioned south of the current dwelling, with the front elevation of the proposed dwelling approximately 8 metres south of the front elevation of the existing dwelling. The existing dwelling measures approximately 11.3 metres to the main ridge, whilst the proposed dwelling would measure approximately 10.8 metres to the main ridge.

85. The main properties to be affected are to the west (no.43a Whitburn Road) and east (no.41 Whitburn Road) of the application site. No.41 Whitburn Road is a dormer bungalow with a window in the rear elevation of the garage adjacent to the site boundary, and a rear window within the rear extension and rear dormer located approximately 10-12 metres from the site boundary. The only facing opening towards the main dwelling would be from the rear extension which has a side door facing the dwelling at a distance of approximately 10 metres from the boundary, and appears to be a secondary opening for this room.

86. To the front of the dwelling, two windows from no.41 Whitburn Road face the application site however would only directly face the projecting single storey cloackroom/wc/porch element of the proposed dwelling at a distance of approximately 20 metres. Given this it is not considered adverse amenity impacts would occur to this neighbour's property. Additionally, the setback of the property compared to the existing dwelling, and removal of any side windows at first floor level and above facing this neighbour is considered an improvement on the current situation in terms of amenity and privacy. Furthermore, it is considered given the re-siting and size of the proposal, and orientation of the site, the development is not likely to cause adverse overshadowing impacts to habitable room windows within this dwelling.

87. No.43a Whitburn Road is a two storey property with ground floor windows located in the eastern elevation facing the application site. These windows currently face across the application site, however, as a result of the amended proposal these would face the gable elevation of the application property at a distance of approximately eight metres. These windows relate to a utility room and a secondary window for a kitchen, however. This neighbour also has a window within the rear elevation at ground and first floor level within, approximately, six metres of the boundary. Again, it is considered given the re-siting and size of the proposal, and orientation of the site, the development is not likely to cause adverse overshadowing impacts to windows within the rear and side elevations of this dwelling.

88. As stated above, no windows would face either of these neighbours from the side elevations of the dwelling at first floor level or above. In this regard privacy and overlooking from the proposed dwelling to neighbouring properties is considered to be acceptable. No other properties are considered to be adversely affected in terms of overshadowing, or privacy, given the location of these properties in relation to the position of the proposed development.

89. Given the above it is considered that the proposal would be in accordance with Policy DM1 (B) and SPD9 of the South Tyneside Local Development Framework and NPPF Paragraph 135 (f) in respect of residential amenity.

<u>Other matters</u>

90. Concerns have been raised regarding the construction process, this would be a matter for foundation design at Building Regulations stage, which is a separate regulatory regime.

91. Concerns have been raised regarding inconsistencies with the application, however it is considered sufficient information has been provided to determine the application.

92. Queries have been raised regarding existing boundary issues. These are not material to the determination of this planning application.

93. In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

94. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

95. A replacement dwelling on this site would be acceptable in principle in land-use terms given the application site is located within a built-up area, and surrounded on all sides by residential properties. Furthermore, the application proposals are considered acceptable in terms of highway safety/parking, trees and landscaping, ecology and biodiversity, drainage/flood risk, contaminated land, archaeological matters and residential amenity, subject to conditions.

96. However, it is considered that the demolition of the existing dwelling (one of the original Victorian/Edwardian villas within the Cleadon Plantation 'Garden Suburb'), and its replacement with the proposed dwelling would not preserve or enhance the character and appearance of the Cleadon Conservation Area and would therefore result in less than substantial harm to the Conservation Area as a designated heritage asset. There are not considered to be public benefits arising that outweigh such harm. Given this, in terms of NPPF Paragraph 11, the application of policies in the NPPF relating to designated heritage assets provide a strong reason for refusing the development proposed.

97. Having regard to all of the above, Planning Committee are recommended to refuse planning permission for the reason set out below.

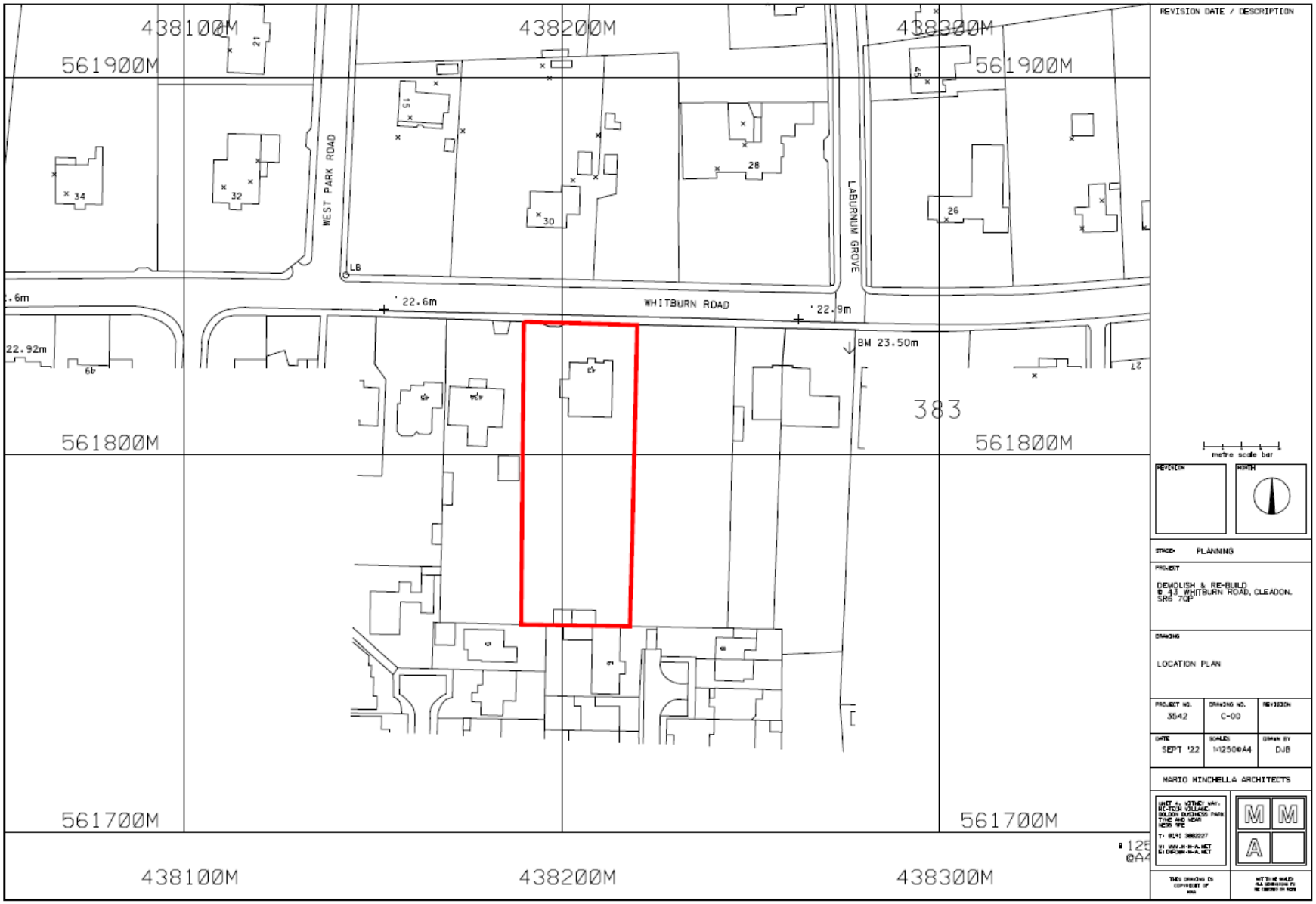
Recommendation

Refuse Permission

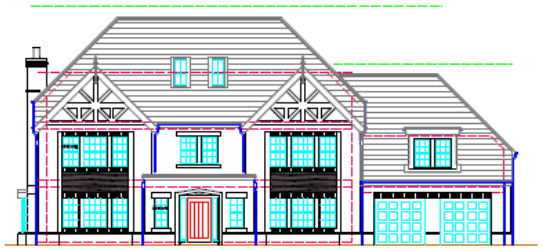
Reason for Refusal

1. Demolition of the existing period dwelling on the application site, which is one of the original Victorian / Edwardian dwellings within the Cleadon Plantation 'garden suburb' and which makes a positive contribution to the significance of the Cleadon Conservation Area and its replacement with a new dwelling of the design proposed would result in less than substantial harm to and would fail to preserve or enhance the character and appearance of the Cleadon Conservation Area. There are not considered to be public benefits arising from the proposal that would outweigh the harm arising and the application of policies in the NPPF relating to designated heritage assets provide a strong reason for refusing the development proposed. As such the proposal would be contrary to South Tyneside LDF Policies DM1 (A) and DM6, the Cleadon Conservation Area Management Plan (SPD14) and the NPPF.

Plan 1


438100M
438200M
438300M
561900M
561800M
561700M
WEST PARK ROAD
LABURNUM GROVE
WHITBURN ROAD
22.6m
22.9m
22.92m
BM 23.50m
LB
383
REVISION DATE / DESCRIPTION
metre scale bar
REVISION
NORTH
STAGE: PLANNING
PROJECT
DEMOLISH & RE-BUILD
@ 43 WHITBURN ROAD, CLEADON.
SR6 7QF
DRAWING
LOCATION PLAN
PROJECT NO. 3542
DRAWING NO. C-00
REVISION
DATE SEPT '22
SCALE 1:1250@A4
DRAWN BY DJB
MARIO MINCHELLA ARCHITECTS

Plan 2

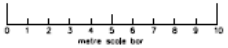


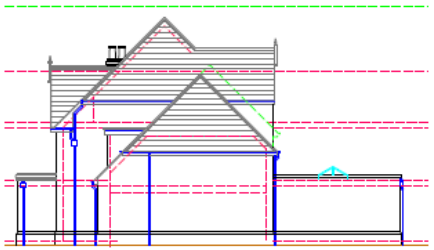
PROPOSED FRONT (NORTH) ELEVATION



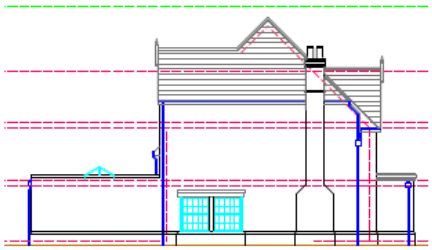
PROPOSED REAR (SOUTH) ELEVATION

= HEIGHT OF PREVIOUS SCHEME





PROPOSED SIDE (WEST) ELEVATION



PROPOSED SIDE (EAST) ELEVATION

REVISION DATE / DESCRIPTION

PLANNING

DEMOLISH & RE-BUILD
8-12 BRIDGBURN ROAD, CLEADON, SR8 1QP

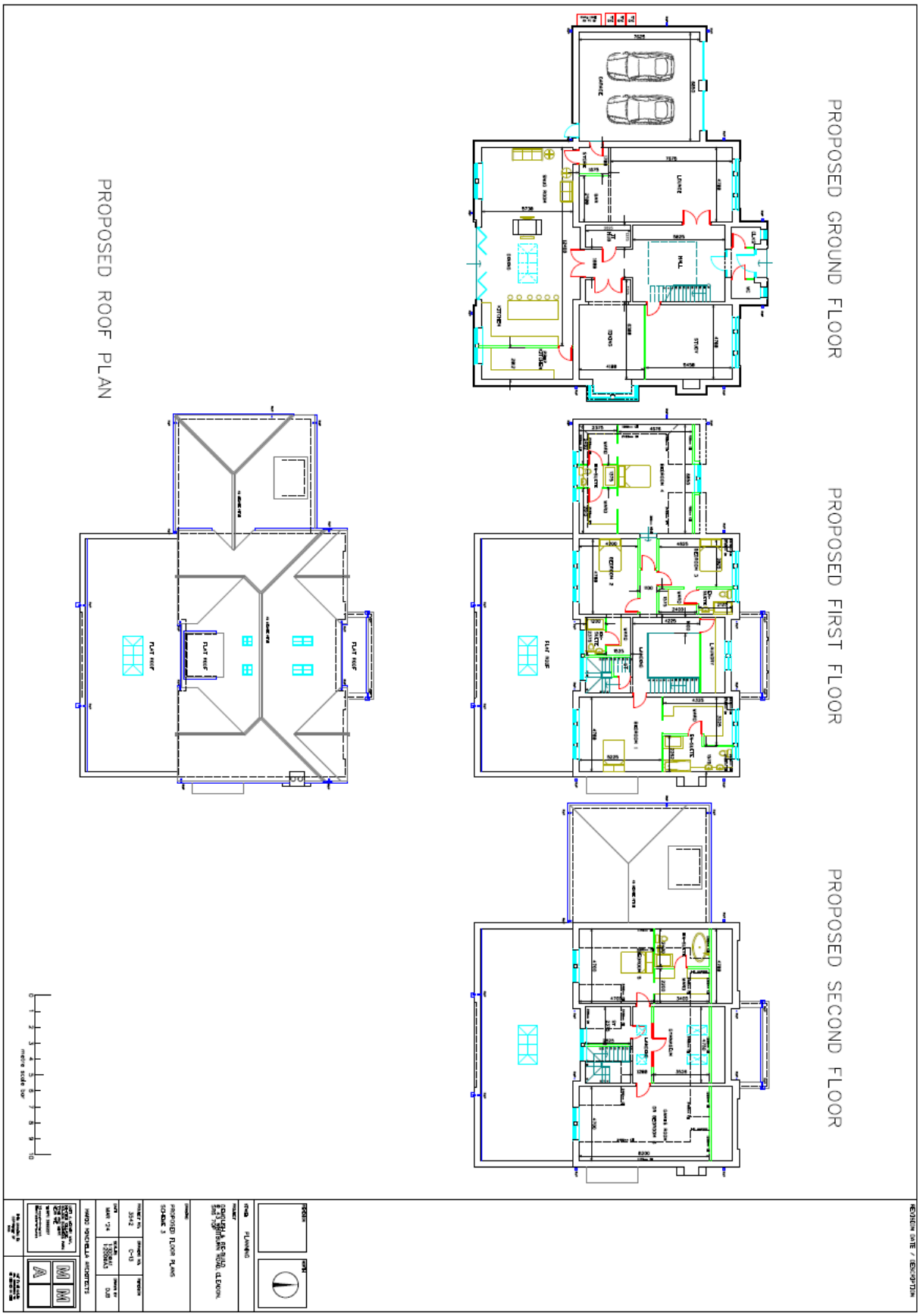
SCHEME 3
PROPOSED ELEVATIONS

PROJECT NO.	DRAWING NO.	REVISION
3542	0-14	

DATE	SCALES	DRAWN BY
APR '24	1:100@A1 1:200@A3	DJB

MARIO MONCHELLA ARCHITECTS

Plan 3


PROPOSED GROUND FLOOR
PROPOSED FIRST FLOOR
PROPOSED SECOND FLOOR
PROPOSED ROOF PLAN
PLANNING
PROPOSED FLOOR PLANS
SHEET 3

Plan 4

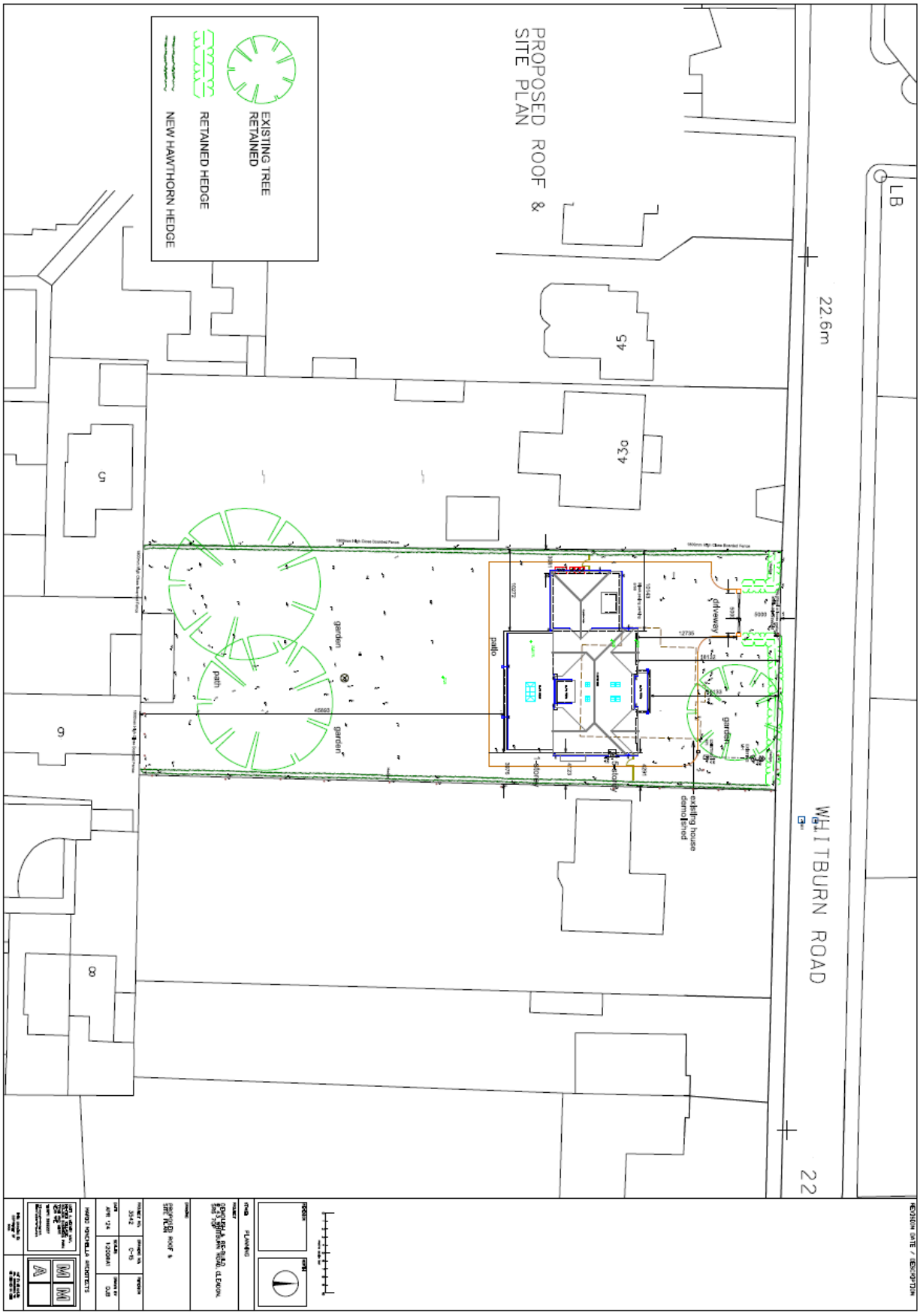

PROPOSED ROOF & SITE PLAN
EXISTING TREE RETAINED
RETAINED HEDGE
NEW HAWTHORN HEDGE
WHITBURN ROAD
22.6m
LB
45
43a
garden
path
patio
driveway
garden
existing house demolished
PLANNING
PROPOSED ROOF & SITE PLAN
1:200@A1
1:500@A3

Image 5



Photo 6

Photo 7

