South Tyneside Council

Reference:	250796
Location:	Marsden Cottage Lizard Lane South Shields NE34 7AD
Ward:	Whitburn and Marsden
Description:	Demolition of existing two storey dwelling and erection of replacement three storey self-build dwelling, with associated parking areas and hard landscaping.
Recommendation:	Grant Permission with Conditions
Case Officer:	Nick Graham
Case Officer Contact No.:	0191 4247427 or 07741108995

Description of the Site and Proposal

This application relates to an existing dwelling located within open countryside to the south of South Shields, and to the west of Lizard Lane. The site comprises of an existing dwelling and its garden, and is located between two other residential dwellings on an elevated position. The site is located within the Green Belt and an Area of High Landscape Value, and within proximity of ecological sites. Open fields lie to the north and part of Whitburn Golf Course to the south.

This application seeks planning permission to demolish the existing two storey dwelling and to erect a replacement three storey self-build dwelling with associated parking areas and hard landscaping.

Amended plans were received to try and reconcile a site boundary issue, and neighbours were notified of this in line with the Council's Statement of Community Involvement. Further amended plans were received including a level annotation as a point of reference; neighbours were not re-notified of this as the proposal itself was unchanged.

Relevant Planning History

The planning history of the site is as follows:

ST/50367/83//DM - Erection of detached bungalow including alterations to proposed bungalow on site adjacent existing access wall to provide visibility splay at site (permission refused) – [Land adjacent to Marsden Cottage/Swallow Ridge/Marsden Hall]

ST/0218/21/HFUL - Demolish a single garage and rebuild a large garage with a sun lounge on top (permission refused)

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 05/06/2026.

Highway Authority
It is our consideration that the scheme is acceptable for the construction of a replacement dwelling on site and the Highway Authority therefore has no objection to the proposal. No highway safety concerns are envisaged because of the replacement dwelling on the same site. There will be some disruption during the demolition and construction phase. Proposed car parking provision exceeds SPD6 Parking Standards and is therefore acceptable. No highway works are proposed or required as part of the development. The refuse storage and collection arrangements will remain similar to the existing provision and are therefore acceptable in respect of the Highways Development Management interests.

Planning condition recommended in relation to a demolition / construction method statement, and an informative regarding not storing building materials or equipment on the highway.

Countryside Officer
My comments on this application relate to its potential to impact biodiversity including: designated sites; protected species and habitats; and habitats and species of principal importance which are listed in response to Section 41 of the NERC Act.

Statutory Designated Sites

Internationally Designated Sites
The Conservation of Habitats and Species Regulations (2017) transposes the Habitats and Birds Directives into English Law and is commonly referred to as the 'Habitats Regulations.' The legislation requires local planning authorities to undertake an assessment to ascertain whether proposed developments could have a likely significant impact on European designated sites.

This proposed development is within 500m of the Durham Coast Special Area of Conservation and within 6km of the Northumbria Coast Special Protection Area and Ramsar Site

The proposed development site itself does not provide suitable habitat for the qualifying species for the Northumbria Coast SPA and no direct or indirect impacts on the International Sites are anticipated. On that basis, this proposal is eliminated from further consideration under the regulations and a Habitats Regulations assessment is not required.

Significant Impacts on the International Designated Sites are not anticipated.

National Statutory Designated Sites
The development site is within 1km of a number of nationally designated sites as set out below:

- Durham Coast Site of Special Scientific Interest (SSSI)
- Harton Downhill SSSI

Significant Impacts on the SSSIs are not anticipated.

Locally Designated Sites
The proposed development site is within 500m of a number of locally designated sites

- Marsden Old Quarry Local Nature Reserve (LNR) & Local Wildlife Site (LWS) & Local Geodiversity Site (LGS)
- The Leas LWS
- Lizard Lane cutting LWS
- Marsden Lime Kilns LWS & LGS
- Beacon Hill Quarry LWS

The Sedum Mat species listed for the creation of a Magnesian Limestone habitat on the green roof are acceptable, if works are carried out according to the details already submitted.

Habitats on Site and BNG
It is understood that the site comprises buildings, hardstanding, amenity grass, trees and shrubs. No Priority Habitats are shown on the MAGIC DEFRA Map, and Priority Habitats are considered unlikely to be present. Self-build developments are exempt from mandatory BNG.

Protected and Priority Species

Bats

A Daytime Bat Walkover (DBW) & External Preliminary Roost Assessment (PRA) was carried out by Biodiverse Consulting on the 20/08/24.On the information provided, considering that the number of bats found consist of a small number of non-breeding bats, I am satisfied that we have sufficient information to make the planning decision.

Prior to any works being undertaken a development licence must be obtained from Natural England. At this stage a full suite of survey data will be required by Natural England.

The licence application process will include the submission of a method statement detailing the current status of bats on site and how the favourable conservation status of the bat population will be maintained. Prior to a licence being issued, planning permission must be granted and relevant conditions relating to protected species and habitat issues must be discharged. Dusk emergence and survey data, in line with Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2023) is required to inform the licence application. To ensure that the data submitted is current and appropriate for assessment by Natural England, surveys need to be carried out during the peak bat activity season closest to the start date of the proposed development. As a reminder the peak bat activity season extends from May to August inclusive.

As a competent authority, the LPA must be satisfied that the 3 licencing tests can be met and a licence is likely to be granted by Natural England.

The three tests are detailed below:
- the activity must be for a valid purpose
- there must be no satisfactory alternative that will cause less harm to the species
- the activity must not harm the long-term conservation status of the species

I am satisfied that the licence application is likely to succeed because:
- the project outcome is defined (housing)
- due to the nature of the building, demolition and a new build is the only reasonable option; and
- the long-term conservation status of the species is unlikely to be impacted by the loss of a small number of non-breeding roost sites.

The following condition relating to the requirement for a Natural England licence must be applied to any consent granted:

The demolition of the property shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) a statement in writing from the relevant licencing body to the effect that it does not consider that the specified activity/development will require a licence.

No demolition or site clearance works shall commence until a detailed Demolition Method Statement (DMS) for the protection of bats has been submitted to and approved in writing by the Local Planning Authority. This should be provided pre demolition and should be conditioned.

As demolition is required, impacts on the species cannot be avoided, but appropriate mitigation and compensation is required. Details of any proposed bat features must be agreed in writing with the Local Planning Authority.

The consultant has responded, 'As all pipistrelle species are crevice dwelling the mitigation is likely to be the same for all pipistrelle bats and the Ibstock Enclosed Bat Box 'B' would be considered suitable'.

In the Proposed Elevation drawings, 2 bat boxes are shown on the South Facing Elevation and 2 on the East Facing Elevation. These are the elevations from which the bats emerged. For information bat bricks/boxes will need to be integrated into the building. The model and locations should be agreed before construction continues beyond the foundation level. Evidence of the installation of the boxes should be provided by photographs or ecologist's report before occupation. This should be conditioned.

Breeding Birds

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds must be organised and timed to avoid the bird breeding season which is March to August inclusive. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

Works should be timed to occur outside the bird breeding season (March – August inclusive) to avoid impacting any actively breeding birds. Alternatively, if vegetation must be removed within the breeding bird season, a competent ecologist should undertake a breeding bird risk assessment to check for any active birds' nests. If an active nest is discovered, a suitable buffer zone must be implemented such that no vegetation removal may occur until the end of the breeding bird season or the nest can be confirmed as no longer active.
This is to be conditioned.

As works will involve the removal of vegetation including trees this will result in a potential loss of bird nesting habitat. This justifies the inclusion of an integrated Swift Birck within the building. This should be placed under the eaves on the northern or eastern aspects of the building with a clear flight line to the nest. This to be conditioned.

Hedgehogs and Other Protected Species
Should any pits or holes be dug during construction phase, these must be covered at night and or a rough plank left in trenches positioned with the bottom of the plank against and

parallel with the side of the trench, at an angle no greater than 30 degrees, to allow animals to escape'. This should be secured by condition.

Case Officer note: The above comments relate to the final proposal including additional ecological information received.

Environmental Protection (Land Contamination)
I am in receipt of the following:

- Phase 1 desk top study produced by Tellus Consultant for Marsden Cottage, Lizard Lane, South Shields on behalf of Amirul Islam. November 2025, ref: 2035R001i1_Draft.

The site comprises an existing residential dwelling to be replaced with a new dwelling over a similar footprint. A review of historical mapping confirms that the site has been in residential use for over 100 years, with no evidence of industrial activity on-site. The surrounding land includes a former limestone quarry (now a nature reserve), golf course, and caravan park. Geological mapping indicates the site is underlain by Roker Formation Dolostone (Principal Aquifer), with no superficial deposits recorded on-site. The site is outside Coal Authority High Risk Areas, and risks from shallow mining are considered low. Groundwater vulnerability is high due to the Principal Aquifer, but no Source Protection Zones or abstraction points are nearby. Flood risk is negligible for rivers, surface water, and groundwater. Radon risk is less than 1%, so no protective measures are required.

An environmental search shows one active inert landfill site located 249 m east at O'Brien Aggregate Marsden Limited. However, due to its inert nature, distance from the site, and licensed status with regular monitoring, it is not considered to pose a landfill gas risk. Two additional landfills are recorded 54 m and 105 m north at a disused quarry off Quarry Lane. These appear to be historical landfills with limited information available, likely predating the Control of Pollution Act 1974. Although the distance from the site to the area of infilled land is just over 50m away, the edge of the limestone quarry still exists providing a suitable barrier between the proposals and the historic landfill. In addition, the landfill site has been in situ for over 50 years therefore unlikely to cause risk.

Site photos and layouts show a fuel tank currently on the site – the condition of this is unknown. However, reviewing the location of this in relation to the proposals, this area appears to be under hard standing forming new parking for the site. The report stated that no significant contaminant sources or pathways were identified, and the preliminary risk assessment concludes low risk to human health and controlled waters and as a result no intrusive investigation was recommended for contamination.

I am in agreement with the recommendations of the report, however I would request the unexpected contamination condition. I would also request that the requirement of a phase 2 site investigation will need to be revisited if any changes are to be made to the layout which will impact the area of proposed hardstanding where the current fuel tank is located.

- If during development ground contamination is identified and that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme including timescales for completion of that scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. That approved remediation scheme shall thereafter be undertaken in full accordance with the approved details and timescales and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Lead Local Flood Authority (LLFA)
We do not have any knowledge of a history of flooding at the proposed development site. The proposed development is considered to be at very low risk from surface water flooding, identified in the Environment Agency's flood risk maps. Proposal for green living roofs on ground floor level, and for permeable material on all external hard surfaces. This is acceptable.

Tree Officer
The application site contains a sizeable garden with a number of mature and early-mature trees. These trees provide a sense of maturity to the residential landscape and provide screening from the neighbouring golf course. None of the trees on site are currently protected by a Tree Preservation Order (TPO) or located within a conservation area.

The proposal involves the removal of four trees and a Leyland cypress hedge. Of these, a category 'B' goat willow is considered noteworthy. However, the goat willow is situated close to the property boundary, with branches overhanging the neighbouring garage. Given its spreading, multi-stemmed form, it is likely that the tree will outgrow its location. Therefore, its removal is considered reasonable in arboricultural terms.

The remaining tree impacts identified can be managed through the installation of protective fencing, as detailed in the Arboricultural Impact Assessment. On this basis, I would support the application subject to a condition requiring compliance with the proposed tree protection measures.

Northern Gas
No mains pipes in this area but there may be pipes that are owned by other gas transporters or private companies where you're planning to work. You should contact them separately to find out if they have pipes on your property.

Northern Power Grid
Mains Records returned.

Summary of Representations

Three representations have been received in objection to the original proposal. The issues raised are summarised as follows

- The 9,385 measurements from my boundary wall looks incorrect as the existing wooden garage is circa 15 metres to the starting edge.
- It looks like there is going to be a lot of excavation of bed rock close to my boundary, this may have an impact in existing structures, how will this be mitigated?
- It looks like the plans show a double height structure over the garage this will affect our views and overlooking privacy how can this be mitigated?
- Construction traffic to the entrance with heavy machinery will cause damage to the existing tarmac. How will this be protected?
- The new building looks far more bigger in square meter area than the existing, feels large for the existing footprint again leading to?
- Both noise and pollution, how is this going to be minimised?
- Privacy during construction, how is this going to be minimised? The boundaries around the 'Play Area' and Tree T0291 need to be amended to reflect those identified in the Title Deeds for Swallow Ridge.
- The Deeds give a clear measurement of 75' (75 Feet/22.860m) from the rear of Swallow Ridge to the southerly boundary of the Play Area running east/west. This coincides with the end of the original breeze block retaining wall between the woods (Swallow Ridge) and Marsden Cottage garden. The retaining wall extends from the castellated wall bordering

the golf course towards Swallow Ridge. The east/west boundary of the play area extends from the retaining wall end towards Tree T0291.

- Indications from the deeds are that the retaining wall is on Swallow Ridge. The red North/South line drawn on the extract below in line with the wall of Swallow Ridge (house) shows the retaining wall to the right (east) of the line. The line on the deeds indicating the boundary intersects at the end of the castellated wall between Marsden Cottage and the golf course. The deeds have used original boundary markers: end of the castellated wall; end of the retaining wall; tree T0291(and the other trees, T0290/T0289)
- There is clear instruction in the title deeds for Swallow Ridge covering its right of access. This includes, but is not limited to, all vehicular and pedestrian traffic and services.
- The proposed plans indicate that the right of access will be maintained and corrects previous infringements which have proved difficult for some vehicles to pass (some didn't even attempt). However the proposed plans indicate a pinch point of approx. 3-4m at the garage entrance. This clearance will be dependant on the hard landscaping. This could be less if the current borders adjacent to the north boundary wall are maintained. Currently the waste water pipe runs under this area and would need protection from heavy traffic. There is also concern raised covering the development phase between where we are and the finished development.
- The water supply for Swallow Ridge runs underneath Marsden Cottage. Safe continuity of the water supply would need to be maintained
- This runs down the side of the current access road from Swallow Ridge to the septic tank and will be susceptible to heavy traffic near the north boundary with Marsden Quarry and again continuity of this run should be maintained.
- Both these service will be susceptible to the excavations and heavy machinery and will need to be rerouted and protected. These are provided by overhead cable and could be susceptible to site traffic and works.
- Over and above regular 24/7 use of the access by ourselves and visitors it is also used by (but not limited to) Postal service, Delivery vehicles, Electrical distribution inspections, Emergency vehicles (to attend Swallow Ridge/Marsden Cottage and incidents in Old Marsden Quarry area), Police Service, Fire Service, Ambulance Service, Refuge collection lorry Provision should be made to maintain the right of access throughout the development.
- In order to preserve privacy, prevent damage to Swallow Ridge and for Security no access is permitted on Swallow Ridge (from previous experience). No image recording of Swallow Ridge is permitted (from previous experience). It is noted that there is a photo of Swallow Ridge with the car registration visible for a white polo in 'Design and Access Statement' page 23 which is now in the public domain.
- The access road was renewed in 2020 and the cost shared between Swallow Ridge and Marsden Cottage. The building work, excavations and heavy building machinery will destroy the access road. Provision should be made to restore the access road to its current condition, or better, on the completion of major works to fully maintain the access.
- Access will be a key issue during the development and good communication would be recommended. Provision should also be provided for parked contractor vehicles and deliveries which should not obstruct the access.
- Looking at the images on the proposal, the proposed development looks larger than the original property. The proposal identifies the development as being smaller that the existing building.
- It is noted that the proposal includes a Music Room. Given previous experience consideration should be given to sound proofing the room.
- No name/number identifier could be identified on the drawings. Previously Marsden Cottage was identified with a house name sign. However, this does not seem to be the case anymore and has caused issues at all times of the day with deliveries. Would recommend that the property has a house number/name identifier in a prominent position.
- The properties are on bedrock. The plans identify that extensive excavation would be required (three story dwelling maintaining original ridge height). This will create significant

vibration, noise and atmospheric pollution. Notwithstanding it is in close proximity to Swallow Ridge and Marsden Hall it is also identified as being in greenbelt and adjacent to a nature reserve. Provision/conditions should be considered to address these issues particularly if the work is going to be over a prolonged period.
- We have been unaware of the work that has gone on to date. The letter advising of the planning application is dated 24 Dec 2025 and was received on 30 Dec 2025. The letter identifies only 28 days to respond from the date of the letter. Your online portal identifies 21 days from the date of the letter.

Following amendments to the red line boundary and a further re-notification exercise, one further representation was received, summarised as follows:

- We submitted in our letter dated 08/01/2025 our concerns over the inaccuracy of the boundaries identified on the Existing Site Plan, DRWG - 1576-FITZ-XX-XX-DR-A-(05)2000. While the measurements given on our Land Registry documents appear to have been applied in the amended plans the actual boundaries behind our garage running north/south do not appear to be correct.
- Indications from the deeds are that the retaining wall is on Swallow Ridge. The red North/South line drawn on the extract below in line with the wall of Swallow Ridge (house) shows the retaining wall to the right (east) of the line. The line on the deeds indicating the boundary intersects at the end of the castellated wall between Marsden Cottage and the golf course.
- The deeds have used original boundary markers: end of the castellated wall; end of the retaining wall; tree T0291 (and the other trees, T0290/T0289) Transposing this onto the amended plans shows that the boundary has been drawn on the wrong side of the line drawn along the house wall of Swallow Ridge.
- To make life simple it should be agreed that the retaining wall is the line of the boundary and this should be reflected in amended plans.
- The 'Fish Tail' in the land registry document identified above around Tree T0291 would be difficult to implement therefore am content for this boundary to reflect the line of trees, present when document was drawn up, and used as markers for this boundary and to leave the trees on the side of Marsden Cottage. Believe this has been reflected in the Amended Plans.
- Previous comments still stand.

Relevant planning policy

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.

The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 4: Contaminated Land and Ground Stability
- Policy 7: Flood Risk and Water Management
- Policy SP16: Housing Supply and Delivery
- Policy 19: Housing Mix
- Policy 20: Technical Design Standards for New Homes
- Policy SP21: Natural Environment
- Policy 33: Biodiversity, Geodiversity and Ecological Networks
- Policy 35: Delivering Biodiversity Net Gain

- Policy 36: Protecting Trees, Woodland and Hedgerows
- Policy 39: Areas of High Landscape Value
- Policy 41: Green Belt
- Policy 47: Design Principles
- Policy SP26: Delivering Sustainable Transport

The following Whitburn Neighbourhood Plan [WNP] policies are also relevant.

- WNP1 - Housing
- WNP2 - Whitburn Design Guidelines
- WNP3 - Sustainable Design and Construction
- WNP5 - Biodiversity and Geodiversity
- WNP6 – Green Infrastructure Enhancement and Connectivity
- WNP7 - Local Landscapes and Seascapes
- WNP12 - Sewage and Drainage Infrastructure
- WNP14 - Air Quality

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

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

- Principle of development
- Green Belt
- Visual Amenity
- Residential Amenity
- Highway Safety and Parking
- Ecology and Biodiversity
- Trees and Landscaping
- Contaminated Land
- Drainage and Flood Risk

Principle of development

The NPPF (August 2026) Policy S5 states that 'Only certain forms of development should be approved outside settlements [as set out in a list in the policy]. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework'.

However, Policy S5 goes on to state further at criterion 5 that 'this policy does not apply to development proposals in the Green Belt…which should instead be determined in accordance with policies…GB6, GB7 and/or GB8 (as appropriate). However, where development would not be inappropriate in these locations (through the application of [policy]…GB7), proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework, and applying paragraph 2 [of Policy S5].'

Therefore, further assessment is required, as detailed below, as to whether or not the proposal is acceptable in respect of other material planning considerations and in particular policy relating to the impact on the Green Belt.

Green Belt

The Local Plan Proposals Map show this application site forming part of the designated Green Belt where local and national planning policies are in force to protect the character and openness of such areas. Local Plan Policy 41 seeks to determine applications in the Green Belt in line with national planning policy. Part 13 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy GB6 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph GB7 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this instance it is considered there are two possible exceptions which may be applicable.

Exception (b) sets out one of these exceptions as:

The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces.

As the proposed dwelling is larger than the existing dwelling, exception (b) would not apply.

Exception (e) sets out one of these exceptions as:

The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt.

The site is considered to meet the definition of 'previously developed land' as set out in Annex 2 of the NPPF, as it is land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it including the curtilage of the developed land, and it is not land in a built-up area (which is excluded from this definition).

The submitted documentation sets out the built form footprint of existing development on the site is 320m², which would be reduced to 273.5m². In regard to volume, the applicant's agent has confirmed this would be increased from 1712.8m³ [which also includes the existing outbuildings and raised decking area] to 2080m³. This would include the demolition of a detached structure to the south of the site and would offer a consolidation of the built form around the proposed dwelling. Additionally, it is noted the existing dwelling does not have Permitted Development rights removed and therefore large extensions and outbuildings could be constructed at the site as a fallback position.

Therefore, although the volume of built form on site would be increased, this consolidation is considered to aid the openness of the site as the built form would be limited to the site's northern part, and where the existing dwelling is located. Additionally, a cross sectional diagram has also been provided demonstrating the proposed dwelling would be set down from

the rooflines of both adjacent properties, Marsden Hall and Swallow Ridge, and would sit within the established built form, and the development would also be partly subterranean. In this regard and for all of these reasons, although there would be an approximate 20% increase in overall volume, given the reduction in footprint and consolidation of the built form within the site, it is not considered substantial harm would be caused to the openness of the Green Belt in in line with Policy GB7 exception (e).

Additionally, the removal of permitted development rights from the new dwelling would allow the LPA to carefully consider future extensions / alterations to the property, and where currently such extensions / alterations may be Permitted Development and could be more harmful to the openness of the Green Belt. It is also noted that national policy in relation to Green Belt exemptions has changed since consideration of the refused 2021 application (ref. ST/0218/21/HFUL) and this report has had to assess the proposal against Green Belt policy as it is now (not as it was in 2021).

Given the above, the proposal is not considered to cause substantial harm to the openness of the Green Belt and the proposal would not be inappropriate development in the Green Belt as it would be in compliance with NPPF Policy GB7 exception (e). The proposal is considered to be acceptable in respect of Green Belt impact, and would accord with Local Plan Policy 41 and Policy GB7 (e) of the NPPF. A condition is suggested removing Permitted Development rights to ensure no further extensions / alterations are undertaken without seeking the approval of the Local Planning Authority.

Visual Amenity

Local Plan Policy 39 seeks to protect Areas of High Landscape Value and Local Plan Policy 47 promotes good design. Concerns have been raised by neighbours regarding the scale of the development relative to the existing dwelling. The site falls within the Cleadon Hills Landscape Character Area as defined in the South Tyneside Landscape Study (2012) which is referenced in the supporting text of Policy 39. This sets out the majority of the land in this area is over 50 metres above sea level and includes some of the highest ground in the borough, and it is a simple, large scale landscape with distant and open skylines. The notable landmark features are Cleadon Water Tower and Cleadon Windmill; this site is not located in proximity to either of these features.

It is acknowledged the proposed dwelling would be set significantly back from the nearest public vantage point and that it would be screened behind neighbouring dwellings and established soft landscape features. Indeed the proposal would not be particularly noticeable when viewed from Lizard Lane. Additionally, and as previously noted, a dwelling already occupies the site and the proposal would be set down from the ridgeline of both adjacent properties.

As such, and having had regard to the Council's design policies it is considered that this proposal for a dwelling of a different scale and design to that which exists would be acceptable in visual amenity terms, subject to a condition relating to facing building materials being agreed. It is therefore considered that the development would be in accordance with Local Plan Policies 39 and 47, WNP Policies WNP2 and WNP3, and the NPPF with regard to design and landscape impact.

Residential Amenity

The proposed dwelling would be positioned broadly on a similar alignment with the existing dwelling, at no greater height than the dwelling on site currently. The main properties to be considered are to the west (Swallow Ridge) and east (Marsden Hall) of the application site. Concerns have been raised by neighbours in respect of privacy and overlooking matters.

The dwelling would be larger than the existing dwelling at the site, in terms of height at certain sections, and depth at other sections. The main alterations in terms of openings would include two narrow hallway windows facing towards Marsden Hall at first floor level within the eastern elevation, and one larger hallway window set further north within the same elevation. However it is noted at this level that the dwelling would be akin to two storeys in height due to levels differences between the application site and this neighbour, with these windows effectively being at the ground floor of the property at this point.

Although this may cause some additional overlooking to Marsden Hall, this is considered to be acceptable given the distance to the main dwelling, and where this would mainly overlook a tennis court. These hallway windows would also be for a non-habitable room / space, whilst it is also noted this property is already overlooked from what appears to be a habitable room window by the existing dwelling at the application site, and from the outside access stairs and rear garden of the property which are significantly elevated in comparison to this neighbour. The neighbouring tennis court also allows for some separation between the proposed building and habitable areas of the neighbouring property. It is therefore not considered this element would have a significant impact on the occupiers of Marsden Hall by way of outlook from habitable room windows, or of overdominance given the overall height.

The development would also become two storey to the north of Marsden Hall's tennis court where the existing garage is located, and concerns have been raised in relation to overlooking and impacts from this element also. However it is noted the only window within the southern elevation of this section would be for a non-habitable room (hallway) and would primarily face towards the rear access stair of the application property.

Whilst habitable room windows would be located at first floor level within the eastern elevation of this part of the proposal, such views of this neighbour's tennis court and property would be slight. These eastern elevation windows would face towards both the main northern offshoot at Marsden Hall at a distance of approximately 20 metres with windows and doors facing the site, and a single storey side extension off the northern offshoot by a distance of approximately 9 metres. This neighbouring single storey side extension element does not appear to have any windows within its gable elevation facing the application property. Notwithstanding this, it appears there is no planning history for this neighbour's side extension, and where this does not appear to be original to the building. In this regard any outlook impacts from this could not be protected, as SPD9 states that it should be noted that if a neighbour subsequently wishes to develop near their boundary, the planning system could not protect an outlook that has been created by placing a window on a common boundary. Given this, these distances of approximately 9 metres to this extension and approximately 20 metres to the main offshoot are considered acceptable in terms of privacy impacts.

It is noted this garage element would be of a similar built form to the proposal refused within application ref. ST/0218/21/HFUL, and it is noted that application was not refused for residential amenity reasons. This proposal would be approximately one metre taller (6.4 metres) than the 2021 proposal however would be significantly less wide and set off the side boundary by approximately 9 metres (compared to 0.6 metres within the previous application). An existing wall approximately 2 metres in height is located along the eastern and southern boundary line, which would screen some of this part of the development from view at Marsden Hall, however the overall height of the building is such that the development would still be visible from the grounds of Marsden Hall. The neighbouring tennis court again allows for some separation between the proposed building and habitable areas of the neighbouring property and similar to the 2021 application, it is not considered that the proposal would result in significant harm to the amenity of the neighbouring occupiers. It is therefore again not considered this element would have a significant impact on the occupiers of Marsden Hall by way of outlook from habitable room windows, or of overdominance given the overall height.

Concerns have been raised regarding dimensions on plan in relation to the proposed garage element which show this as being 9.350 metres from the eastern boundary with Marsden Hall. A neighbouring property considers this incorrect as they consider the existing wooden garage is approximately 15 metres away. However the submitted plans and aerial imagery indicates this existing garage is approximately 11 metres from this boundary. Notwithstanding this, the 9.385 metre distance relates to the distance between the proposed dwelling and this neighbour's boundary, and the assessment of this element has been undertaken on this basis and is considered acceptable for the reasons set out above.

In terms of the western elevation, there would be increased openings at ground, first and second floor level in relation to the western neighbour at Swallow Ridge. Given the distance between the proposed dwelling and this neighbour (in excess of 14 metres) it is not considered adverse amenity or privacy impacts would occur, and given the levels differences the first and second floors would have an appearance predominantly of ground and first floor when viewed from this property.

Additionally, in terms of overshadowing, given the existing dwelling and the position and height of the proposal relative to these neighbours it is not considered significant additional overshadowing would occur. A condition is suggested in relation to construction working times to ensure residential amenity is not impacted during the construction part of the development.

Concerns have been raised relating to loss of views however this is not a material planning consideration.

It is also noted that an air source heat pump is shown on plan at ground floor level. This is considered to be acceptable in principle however no specific details have been submitted. A condition requiring such details to be submitted and approved is therefore considered appropriate in the interests of both visual and residential amenity, and to consider any noise related impacts.

Concerns have been raised regarding the inclusion of a music room, and where this potentially may need to be soundproofed. Given this is for a detached property and would be for the personal use of the resident (i.e. not a commercial business) it is not considered reasonable or necessary for soundproofing measures to be secured as part of this planning application for that room. However, should any noise related concerns arise from the residential use of the property, from the music room or elsewhere, this could be investigated by Environmental Health by making a noise complaint.

Given the above it is considered that the proposal would be in accordance with Local Plan Policy 47 and SPD9, and the NPPF in respect of residential amenity.

Highway safety and parking

The development would utilise the existing access from Lizard Lane. The Highway Authority consider the details to be acceptable subject to a planning condition requiring a demolition / construction method statement to be submitted and approved. Subject to such a condition it is considered that the proposed development is in accordance with Local Plan Policy SP26 and SPD6, and the NPPF (with regard to highway safety).

Ecology and Biodiversity

A Bat Report and Sedum Blanket Information have all been submitted for consideration. The Council's Countryside Officer has considered the submitted and additional information and is satisfied with the details as submitted. They suggest conditions on any approval, including

relating to the protection of bats, features relating to bats and breeding birds, and the protection of hedgehogs.

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, and the securing of the provision of self-build housing by means of a planning condition is considered appropriate in this instance in order to ensure that the proposals were compliant with regard to BNG. It is noted the application was submitted prior to 6 August 2026 and therefore the previous regulations relating to BNG are applicable in this instance.

In terms of the Conservation of Habitats and Species Regulations 2017 and Habitats Regulations Assessment [HRA] arising from that, this planning application was received prior to the Inspector's Final Report on the Local Plan. In view of that, the HRA was undertaken having regard to interim arrangement guidance that applies to applications where that is the case. The HRA screening concluded that the proposal would have likely effects on these designations and the HRA appropriate assessment concluded that those effects could be mitigated, having regard to the mitigation strategy and interim arrangement guidance (as set out and referenced in the HRA AA).

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 Local Plan Policies 33 and 35, WNP Policies WNP5 and WNP6, and the NPPF (with regard to biodiversity).

Trees and Landscaping

A tree survey has been submitted as part of this application and where the Tree Officer has considered the submitted details and raised no objections to the proposed works subject to a scheme of protective fencing being installed for retained trees during construction.

In relation to landscaping matters, it is noted the site falls within an Area of High Landscape Value. Notwithstanding this, and given the position of the existing development and proposal, it is not considered any adverse impacts would occur to this designation.

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 Local Plan Policies 36 and 39, WNP Policies WNP3 and WNP5, and the NPPF (with regard to trees and landscaping).

Contaminated land

The Council's Environmental Protection Officer has reviewed the historic maps and submitted Phase 1 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 Local Plan Policy 4 in respect of any potential contamination of the site, and the NPPF (with regard to land contamination).

Drainage and Flood Risk

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 Local Plan

Policy 7 in respect of drainage and flood risk, WNP Policy WNP12, and the NPPF (with regard to drainage and flooding).

Other matters

Concerns have been raised in relation to land ownership and boundary matters. Although amended plans have been received to attempt to remedy this and to ensure the boundaries are accurately recorded on the submitted plan, it is considered any further boundary issues are a civil matter between the parties, as the development itself, nor the material issues considered above, are not considered to be affected by this boundary issue.

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. Concerns have also been raised regarding access during construction, including possible damage to the access point, along with matters relating to drainage and a septic tank; these would be civil matters, and it is noted there is an existing dwelling at the site which will presumably have a drainage connection.

Concerns have also been raised regarding the neighbour notification process; this has been undertaken in line with standard procedures. Matters of continued access rights, and prohibiting access onto neighbouring land are also civil matters, and the requirement for a house name / number is also not a planning matter.

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.

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

A replacement dwelling on this site would be acceptable in principle in land-use terms given the existing use of the site. Furthermore, the application proposals are considered acceptable in terms of green belt and landscape character highway safety/parking, trees and landscaping, ecology and biodiversity, drainage/flood risk, contaminated land, and residential amenity, subject to conditions. In line with Policies S5 and GB7 of the NPPF, it is considered that the benefits of the development substantially outweigh any adverse effects and the proposal is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Site Plan Drg. No. 1576-FITZ-XX-XX-DR-A-(05)3000 Rev. P2 received 12/05/2026
Proposed Second Floor Plan Drg. No. 1576-FITZ-XX-02-DR-A-(05)3003 Rev. P1 received 18/12/2025
Proposed First Floor Plan Drg. No. 1576-FITZ-XX-01-DR-A-(05)3002 Rev. P1 received 18/12/2025
Proposed Ground Floor Plan Drg. No. 1576-FITZ-XX-00-DR-A-(05)3001 Rev. P1 received 18/12/2025
Proposed North and East Elevations Drg. No. 1576-FITZ-XX-02-DR-A-(05)3004 Rev. P2 received 16/09/2026
Proposed South and West Elevations Drg. No. 1576-FITZ-XX-XX-DR-A-(05)3005 Rev. P2 received 16/09/2026

To define this permission and for purposes relating to Section 73 of the Town and Country Planning Act 1990.

3 Prior to the commencement of development above damp proof course level, samples and details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with those approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with the NPPF, Local Plan Policy 47 and WNP Policy WNP2.

4 Prior to the commencement of development, a demolition / construction method statement, shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved demolition / construction method statement shall be adhered to throughout the demolition / construction period, and shall, where applicable, provide for:
i. the parking of vehicles of site operatives and visitors;
ii. the loading and unloading of plant and materials;
iii. storage of plant and materials used in constructing the development

In the interests of residential amenity and highway safety, in accordance with the NPPF, and Local Plan Policies SP1 and SP26.

5 The demolition of the property shall not in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) a statement in writing from the relevant licencing body to the effect that it does not consider that the specified activity/development will require a licence.

In the interests of biodiversity and in accordance with the NPPF, Local Plan Policies 33 and 35 and WNP Policies WNP3 and WNP5.

6 No demolition or site clearance works shall commence until a detailed Demolition Method Statement (DMS) for the protection of bats has been submitted to, and approved in writing by, the Local Planning Authority. The demolition or site clearance works shall thereafter be undertaken in accordance with the approved details.

In the interests of biodiversity and in accordance with the NPPF, and Local Plan Policies 33 and 35 and WNP Policies WNP3 and WNP5.

7 Prior to the commencement of development above damp proof course level, details of bat and breeding bird features (including an integrated swift box) shall be submitted to, and approved in writing by, the Local Planning Authority.

In the interests of biodiversity and in accordance with the NPPF, and Local Plan Policies 33 and 35 and WNP Policies WNP3 and WNP5.

8 If it is necessary to undertake any vegetation clearance in respect of the development within the bird nesting season (March to August inclusive), the works will require a checking survey by an ecologist in order to confirm the presence/absence of nesting birds and the results of any such survey shall be submitted to, and approved in writing by, the Local Planning Authority in advance of any such works commencing.

In the interests of biodiversity and in accordance with the NPPF, and Local Plan Policies 33 and 35 and WNP Policies WNP3 and WNP5.

9 Any trenches or voids dug shall be filled within the same working day. Should this not be possible, an adequate means of escape at an angle not greater then 30 degrees should be provided and/ or the trench should be securely covered overnight.

In the interests of biodiversity and in accordance with the NPPF, and Local Plan Policies 33 and 35 and WNP Policies WNP3 and WNP5.

10 If during development ground contamination is identified and that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme including timescales for completion of that scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

That approved remediation scheme shall thereafter be undertaken in full accordance with the approved details and timescales and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

In the interests of land contamination and in accordance with the NPPF, and Local Plan Policy 4.

11 Prior to the commencement of development, tree protective fencing shall be installed in accordance with Section 7.5 of the submitted Tree Survey, AIA, AMS and TPP received 18/12/2025.

The tree protection fencing shall thereafter be maintained in position and in good order during the whole period of site set up and construction works on site. Any works, including the excavation, removal or deposit of earth or other materials such as landscaping or boundary treatments in any area enclosed by tree protection fencing measures must be carried out in accordance with an Arboricultural Method Statement, which is to be submitted to and approved in writing by the Local Planning Authority and in advance of works taking place within the tree protection fencing area(s).

In the interests of biodiversity and trees and in accordance with the NPPF and Local Plan Policy 36 and WNP Policy WNP5.

12 The dwelling hereby approved as implemented shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).

To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

13 Notwithstanding the provisions of Article 3 and Class A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement or other alteration shall be carried out nor shall any structure be erected within the curtilage of the dwelling(s) hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To prevent the loss of amenity to occupiers of neighbouring dwellings and loss of visual amenity which might be caused by developments which otherwise would be permitted, in accordance with Local Plan Policies 41 and 47.

14 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays.

In the interests of residential amenity, in accordance with Local Plan Policies 1 and 47.

15 Prior to the first occupation of the development hereby permitted, full details (including drawings and / or specifications including a noise assessment) of any proposed air source heat pumps including any related noise attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter those heat pumps shall be installed and operated in full accordance with the above approved details.

In the interests of both visual and residential amenity in accordance with Local Plan Policy 47.

Informatives

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

3 UNIQUE NOTE TO APPLICANT

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

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

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

Case officer: Nick Graham
Signed: N. Graham
Date: 25/09/2026

Authorised Signatory: *G. Simmonette*
Date: 25/09/2026