

Item No: 5.2
Application No: 15/01823/FUL Author: Rachael Watts
Date valid: 12 November 2015 ☎: 0191 643 6311
Target decision date: 7 January 2016 Ward: Cullercoats

Application type: full planning application

Location: Birch Croft, 1 Preston Wood, North Shields, Tyne And Wear, NE30 3LT

Proposal: Variation of condition 1 of application 14/01241/FUL to increase height of approved dwelling by 35cm and change roof design from a hip to gable. (See notepad)

Applicant: Mr James Sample, Birch Croft 1 Preston Wood North Shields Tyne And Wear NE30 3LT

Agent: ALCC, FAO Mr Andy Laurie Unit 12 Rake House Farm Rake Lane North Tyneside NE29 8EQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

- The impact upon neighbours living conditions with particular regard to light, outlook and privacy;
- The impact of the proposal on the character and appearance of the site and the surrounding area;

2.0 Description of the Site

2.1 The application relates to an area of land within the curtilage of No.1 Preston Wood, North Shields. The land is to the east of the existing dwelling, and is used partly as a garden and partly as a storage yard. The application site also includes a grass verge which lies outside the boundary wall of No.1 but is owned by the applicant.

2.2 There are several trees within the site which are protected by the Hartburn Road TPO, 1979. The site lies within a wildlife corridor.

2.3 The site is located at the junction of Preston Wood and Cambo Place. There are 2no vehicles access points to 1 Preston Wood. 1no is the main entrance to

the existing residential property and the second is a gated access at the eastern end of the garden.

2.4 The surrounding area is predominantly residential. To the north are 2-storey semi-detached residential properties on Hartburn Road, and to the north and east are bungalows on Hartburn Road and Cambo Place. Preston Wood lies to the south and contains modern detached dwellings.

3.0 Description of the Proposed Development

3.1 The application proposes to vary condition 1 of application 14/01241/FUL. This would involve altering the roof design from a hip to a gable and increasing the ridge and eaves height by 35cm. The application also involves design alterations to the proposed chimney stack and the removal of two first floor windows along the south elevation.

3.2 The dwelling is under construction.

4.0 Relevant Planning History

14/01241/FUL: Erection of 1no detached dwelling and detached garage.
Application permitted. 24.09.2014

14/00456/FUL: Erection of 1no dwelling house and drive with off street parking and garage
Withdrawn 08.05.2014

14/00455/FUL: Erection of 2no dormer bungalows including private drive (Re-submission 13/01250/FUL)
Withdrawn 08.05.2014

13/01247/FULH: Proposed dormer window to the north elevation. Velux windows to the east, south and north elevations. Addition of new bay window to the north elevation. Erection of detached outbuildings and carport/garage. Alterations to form new access and parking. Erection on new boundary fence and gates.
Permitted 14.11.213

13/01250: Erection of 3no dwelling houses with associated garages and parking. Alterations to existing access and provision of new associated access
Withdrawn 04.09.2013

10/02017/TPO : T30 - Sycamore - fell, wound poor specimen. T31 - Sycamore - fell, large wound base/stressed. T32 - Sycamore - Grown raise lowest branches. T33 - Sycamore - fell, mishapen crown, decay pocket at base. T35 - Oak - tidy stubs. T36 - Sycamore - tidy stubs. T37 - Sycamore - tidy stubs. T38 - Sycamore - tidy stubs. Hartburn Road
Permitted 08.10.2010

10/00825/TPO: T38 Sycamore - fell - unhealthy tree, large wound at base, very unbalanced crown. T37 Sycamore - fell - poor specimen, unstable, large wound at base. T36 Sycamore - crown raise to balance. T35 Sycamore - fell - stunted

unhealthy, rot just above base. T34 Oak - Tidy stubs, crown raise to balance crown. T31, 32, 33 Sycamores - tidy stubs, crown raise to balance crown. T29 Sycamore - fell, dead. Replant with 6 oaks. Hartburn Road North Shields TPO 1979

Refused 09.07.2010

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002). Direction from Secretary of State under Paragraph 1 (3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

6.0 Government Policy

6.1 National Planning Policy Framework.

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities to apply a presumption in favour of sustainable development proposal. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the National Planning Policy Framework.

PLANNING OFFICERS REPORT

4.0 Main Issues

4.1 The main issues for Members to consider in this case are:

- The impact upon neighbours living conditions with particular regard to light, outlook and privacy;
- The impact of the proposal upon the character and appearance of the surrounding area.

Representations received as a result of the consultation are set out in the appendices.

5.0 Impact on neighbours

5.1 Policy H11 states that in determining applications for residential development the local planning authority will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

5.2 The application site is surrounded by existing residential properties. The objections raised by existing residents include loss of privacy, outlook and light.

5.3 The residents' objections are noted. The principle of development was established in the previous planning application (14/01241/FUL). The existing approved dwelling will result in some additional overlooking of the rear gardens and windows of the adjacent properties to the north, due to its proximity to the boundary. However it is not considered that an increase in ridge height by 35cm

will significantly impact upon residential amenity. A request was submitted by no 21, Hartburn Road for all rear windows and doors to be opaque glass. As set out previously, this application deals solely with the variation of condition regarding the roof height and design. The approved window design cannot be amended.

5.4 In officer opinion the separation distances provided are sufficient to prevent any loss of light or outlook to the rear windows in neighbouring properties, although there may be some minor loss of light to the rear gardens of properties to the north. Taking into account the 6.5m separation between the proposed dwelling and the site's northern boundary, officer advice is that this impact would not be so significant as to justify refusal of the application.

5.5 Members must determine whether the impact on the amenity of neighbouring residents is acceptable. On balance it is officer opinion that the impact on the living conditions of surrounding residents with particular regard to the impact on light, outlook and privacy is acceptable.

6.0 Character and appearance

6.1 Paragraph 56 of NPPF states that the Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people.

6.2 Policy E14 of the UDP states that the Council will seek to protect and conserve existing trees and landscaping features within the urban environment and will encourage new planting in association with development.

6.3 Policy H11 states that in determining applications for residential development the local planning authority will require any proposals to amongst other matters take into account the quality of its layout, design, scale, massing, landscaping and materials.

6.4 The Council has produced a SPD on design quality. It states that the Council will encourage innovation in design and layout provided that there the existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness in generated. It also states that all new buildings should be proportioned to have well-balanced and attractive external appearance.

6.5 The application proposes to vary the condition 1 of application 14/01241/FUL, altering the roof design from a hip to a gable. The gable roof design would have no significant impact on the character and appearance of the area as the surrounding area contains a range of property styles.

6.6 In officer opinion the scale and design of the proposed dwelling would not appear out of keeping or result in harm to the streetscene.

6.7 Objections have been received regarding the impact upon protected trees and the landscape. The Landscape Architect has commented and has outlined

that the change in roof height and design will not impact upon the surrounding trees as identified in the previous planning application.

6.8 Objections have been received regarding the change in design of the roof as it would not be in-keeping with the surrounding area and would present a visual intrusion. The area contains properties with varying roof designs. It is in officer opinion that the proposed alteration in roof design is acceptable.

6.9 Members need to consider whether the design and scale of the proposal is acceptable and whether the impact on trees within the site is acceptable. Officer advice is that the development is acceptable in terms of the impact on the streetscene and protected trees.

7.0 Car Parking and Access

7.1 The Manager of New Development has commented on the application and raises no objections.

7.2 Objections have been received on the ground of traffic congestion. The application relates to an alteration with the approved roof height and design. It is not considered that the proposed variation will have an impact upon parking and access.

8.0 Flood Risk and Drainage

8.1 The site is within flood zone 1 and less than 1 hectare. A flood risk assessment is therefore not required. Northumbria Water has been consulted and does not object to the development.

9.0 Other Issues

9.1 Objections have been received regarding disturbance from construction. A condition will remain on the application that restricts construction activity during the most sensitive hours. Any issues with offensive language from contractors are a civil matter and not a planning consideration.

9.2 Objections have also been received outlining that amendments to approved plans should not be submitted. Members are advised that the applicant is within their rights to seek to vary the approved conditions.

10.0 Conclusion

10.1 Members need to consider whether the proposed variation is acceptable. In officer opinion the proposed variation of condition is acceptable in terms of its design, scale, parking and access, and the impact on the site, local amenity and the environment.

10.2 The application is recommended for approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. In accordance with approved plans MAN01 *

2. Standard Time Limit 3 Years FUL MAN02 *

3. The materials shall be in accordance with the details approved under reference 15/01077/COND.

Reason: To secure a satisfactory external appearance having regard to policies H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

4. The installation of any hard surfacing must be carried out in accordance with the details approved under reference 15/01077/COND.

Reason: To secure a satisfactory external appearance having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

5. Restrict Hours No Construction Sun BH HOU04 *

6. The refuse and storage facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details set out in 15/01077/COND, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy H11 and DCPS. no 14 of the North Tyneside Unitary Development Plan 2002.

7. All builders and contractors compounds, site huts and storage of plant and materials shall be located in accordance with the scheme approved under 15/01077/COND.

Reason: In the interests of the amenity of neighbouring residents having regard to policy H11 and DCPS no. 14 of the North Tyneside Unitary Development Plan 2002.

8. Access to the site for all builders and contractors vehicles, including those delivering materials shall be in accordance with the approved scheme submitted under 15/01077/COND.

Reason: In the interests of the amenity of neighbouring residents and road traffic and pedestrian safety having regard to policy H11 and DCPS No. 14 of the North Tyneside Unitary Development Plan 2002.

9. Development must be in accordance with the submitted scheme outline under 15/01077/COND to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from the construction activities. The approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site e.g during dry, windy conditions.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site.

10. Development must be in accordance with the submitted scheme under 15/01077/COND which details the proposed routing of heavy construction vehicles to and from the site and including details of signage to be provided at the site access and at locations along the specified route.

Reason: In the interests of safeguarding the amenities of local residents and to minimise danger and inconvenience to highway users having regard to policy H11 and DCPS no.14 of the North Tyneside Unitary Development Plan 2002.

11. Prior to occupation of the development provision of cycle parking as agreed under condition discharge reference 15/01077/COND shall be implemented and thereafter retained.

Reason: In the interests of highway safety.

12. Veh Parking Garaging before Occ PAR04 *H11 and DCPS
no. 14

13. No vegetation shall be removed within the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of wildlife protection and nature conservation within the site having regard to the NPPF.

14. Development must be in accordance with the details shown on the approved scheme under 15/01077/COND which details how the development hereby approved is to be protected against the possibility of landfill gas migrating from the nearby former landfill site. Those approved measures incorporated into the development shall thereafter be retained unless the Local Planning Authority otherwise agrees in writing.

Reason: To ensure that the details of the development are satisfactory to prevent the adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3; of the North Tyneside Unitary Development Plan 2002.

15. Development must be in accordance with the scheme approved under 15/01077/COND which details site investigation and assessments to test for the

presence and likelihood of gas emissions from underground, including methane gas.

Reason: To check for gas emissions from underground sources and ensure that the details of the development are satisfactory to prevent the adverse effects of underground gas emissions having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

16. The detailed design and construction of development shall take account of the results of the site investigation and assessment agreed pursuant to condition 15 (under reference 15/01077/COND) and also of the possibility of future gas emissions from underground, including methane gas, and the method of construction shall reflect this possibility and incorporate all the measures shown in the assessment to be necessary and any other reasonable precautions to the satisfaction of the Local Planning Authority so as to guard against such emissions having an adverse effect upon the development and/ or the future users and occupiers thereof.

Reason: In order to safeguard the development and/or the occupants thereof from possible future as emissions from underground having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

17. The trees to be felled (T3 and T5) shall be replaced with 2No heavy standard (min12-14 cm girth) trees, the location and species of which must be agreed with the Local Planning Authority. The replacement trees shall be planted within the first available planting season following removal of the tree subject to this consent.

Reason: To ensure that the treescape value of the area is retained in the interests of visual amenity; having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

18. If within a period of 5 years from the date of the planting the replacement trees, or any further trees planted in replacement, are removed, uprooted, destroyed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and as that originally planted, pursuant to condition 17; shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To ensure that the treescape value of the area is retained in the interests of visual amenity; having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

19. Any site clearance works or of the development shall be in accordance with the approved scheme submitted under 15/01077/COND showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread.

The development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy **** of the North Tyneside Unitary Development Plan 2002.

20. All works must be undertaken in complete accordance with the Arboricultural Impact Assessment Addendum September 2014 of application reference 14/01241/FUL.

Reason: To ensure trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

21. The construction works and development shall be carried out in accordance with the approved arboricultural method statement under 15/01077/COND covering all works within the RPA's of the retained trees, including site traffic, storage, surfacing, level changes, boundary treatments and building works and details of an appropriate form of protective fencing and a detailed engineering design for the boundary wall.

Reason: To ensure trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

22. The pruning works to T1, T2, T3, T 4 and T 5 shall be limited to the specification set out in the documented provided by Tynemouth Tree Surgeons and submitted as part of application reference 14/01241/FUL. Pruning works to T6 shall consist of a crown raise to a maximum of 4.5m above ground.

Reason: To ensure that the treescape value of the area is retained in the interests of visual amenity; having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

23. Development must be carried out in accordance with the agreed scheme under 15/01077/COND which details the location of the service runs which will not be constructed within the root protection areas of the retained trees.

Reason: To ensure retained trees are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

24. Within 1 month of the date of this consent details of the intrusive site investigation works to establish the exact situation regarding coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority along with a timescale for the implementation of any required remedial works.

Reason: To ensure that the site is safe, stable and suitable for development; having regard to the NPPF.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E and F; of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



Application reference: 15/01823/FUL

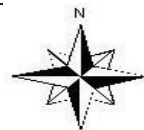
Location: Birch Croft, 1 Preston Wood, North Shields, Tyne And Wear

Proposal: Variation of condition 1 of application 14/01241/FUL to increase height of approved dwelling by 35cm and change roof design from a hip to gable. (See notepad)

Not to scale

Date: 18.01.2016

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Appendix 1 – 15/01823/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 No objections in principle to this proposal.

1.3 Manager of Environmental Health (Contaminated Land)

1.4 No Objection

1.5 Manager of Environmental Health (Pollution)

1.6 I have no objection in principle to the variation of condition 1 of application 14/01241/FUL to increase height of approved dwelling by 35cm and change roof design from a hip to gable.

1.7 Landscape Officer

1.8 I can confirm that the increase in height of 350mm would not cause an issue with the adjacent trees. I've been out on site and asked them to put a board up which would represent the height of the eaves in relation to the tree which is approximately 4600mm high (to wall plate). The tree has been crown raised so that the branches would not conflict with the proposed new roof height.

1.9 If the roof height to the east elevation is increased by 350mm to the eastern elevation then there should be no issue. It will be close but will fit underneath the canopy of the tree (just). The change from a pitch roof to gable does not cause a problem.

2.0 External Consultees

2.1 Northumbria Water

2.2 Thank you for consulting Northumbrian Water on the variation of condition 1 to the original planning application ref. 14/01241/FUL.

2.3 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

2.4 I can confirm that further to our response dated 5th September 2014 to the original application, we would have no additional comments to make. Northumbria Water's previous comments detailed that a public sewer crosses the site and may be affected by the proposed development. Northumbria water do not permit building over or close to our apparatus and therefore we will be contacting the developer directly to establish the exact location of our apparatus and to discuss any diversion, relocation or protection measures that may be required prior to the commencement of development.

2.5 The Coal Authority

2.6 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area: therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application.

2.7 The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth.

2.8 In terms of the condition which this application seeks the variation of, it does not specifically relate to land stability. It is noted, however, that condition no.24 of planning permission 14/01241/FUL does relate to land stability and requires site investigations to be undertaken prior to the commencement of development to determine any necessary remedial measures, which the condition concludes should be implemented prior to commencement of development.

2.9 The Coal Authority therefore raises no objections and recommends that the previous condition relating to land instability be repeated on any re-issued consent.

3.0 Representations

3.1 Ten letters of objection have been received from seven households. These are summarised below.

- Inappropriate design.
- Out of keeping with surroundings.
- Traffic congestion.
- Visual intrusion.
- Precedent will be set.
- Loss of privacy
- long-term plan for applicant to alter the approved plans
- Impact upon nature corridor
- Impact on landscape
- Damage to protected trees
- Disturbance, noise, dust and dirt
- within greenbelt land
- Roof design out of character
- Developer should stick to original approved plans
- No Regard to neighbouring residents
- Not in accordance with development plan
- Offensive language from builders currently working on development
- Current building work not in line with health and safety regulations
- request from no.21 Hartburn that a condition is imposed for all rear windows and doors to be opaque glass
- Privacy concerns during construction

3.2 Photographs of the ongoing development have been submitted by no. 21 Hartburn.

3.3 Five letters of support have been received. These are summarised below:

- In-keeping with surrounding area
- Not a significant alteration
- Good design
- Improvement to the area
- Minor amendments
- Considerate construction
- Enhancement to street entrance