



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 11 August 2021 at 10.00 am in the Council Chamber - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 14 July 2021 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 6) Report of the Strategic Director, Communities and Environment
4i	No. 1 - 13-15 Glynfellis, Leam Lane Estate, Gateshead NE10 8RH (Pages 7 - 18)
4ii	No. 2 - 3 Home Avenue, Low Fell, Gateshead NE9 6TX (Pages 19 - 24)
6	Enforcement Team Activity (Pages 25 - 26) Report of the Strategic Director, Communities and Environment
7	Enforcement Action (Pages 27 - 32) Report of the Strategic Director, Communities and Environment
8	Planning Appeals (Pages 33 - 46) Report of the Strategic Director, Communities and Environment
9	Planning Obligations (Pages 47 - 48) Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 3 August 2021



PLANNING AND DEVELOPMENT
COMMITTEE
11 August 2021

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Planning, Climate Change and Strategic Transport

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

Contents

Application Number	Site Location	Ward
1. DC/21/00268/FUL	13-15 Glynfellis	Windy Nook And Whitehills
2. DC/21/00460/HHA	3 Home Avenue Low Fell	Low Fell

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide planning policies for Gateshead and Newcastle (including policies setting out the amount and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1st February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

UPDATES

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

SPEAKING AT COMMITTEE

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Team on (0191) 433 3150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

Committee Report

Application No:	DC/21/00268/FUL
Case Officer	Rebecca Norman
Date Application Valid	2 March 2021
Applicant	Mr Mohammed Saleem
Site:	13-15 Glynfellis Leam Lane Estate Felling NE10 8RH
Ward:	Windy Nook And Whitehills
Proposal:	Proposed first floor extension providing storage area, staff facilities and managers flat (amended plans 26.05.2021)
Recommendation:	DEFER
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to an existing hot food takeaway premises known as Saleems which occupies the northernmost unit in a small parade of single storey shops within the residential neighbourhood of Leam Lane, Felling.

1.2 The unit is surrounded by two storey residential properties to the east, west and north and partly fronts onto an area of public open space, with adjoining commercial premises to the south. To the rear of the site is an access road which serves the units and the surrounding residential properties and garage block on Wealcroft, Beechway and Blackthorn.

1.3 The unit sits to the western side of the site, with an existing single storey extension (approved under application DC/15/01138/FUL) to the north elevation. To the north of this extension and to part of the rear of the unit is a yard area that is accessed from the adjacent road, with a further single storey extension (approved under DC/20/00424/FUL) currently being constructed to the rear of the premises.

1.4 The application site is not within an identified retail centre.

1.5 DESCRIPTION OF APPLICATION

The application seeks planning permission for the construction of a first floor extension to provide a storage area, staff facilities and manager's flat.

1.6 The proposed extension would be accessed via an external door proposed to be created within the front elevation of the building, with internal stairs leading to a landing area. The proposed storage rooms and staff facilities and w/c would occupy the northern portion of the proposed extension, and the proposed manager's flat would occupy the southern portion of the extension,

comprising a kitchen, lounge and dining room, 2no. bedrooms, a bathroom and store cupboard.

1.7 RELEVANT PLANNING HISTORY

Application site

DC/09/01441/FUL - Installation of new extraction system and ductwork on roof of hot food take-away shop (retrospective application). Planning permission refused 15.12.2009

DC/10/00307/FUL - Installation of new extraction system and ductwork on roof of hot food take-away shop (retrospective application). Planning permission granted 19.05.2010

DC/14/00560/ADV - Display of internally illuminated fascia sign size 6.55m x 1.29m on front elevation of hot food take-away shop. Temporary consent granted 07.07.2014

DC/15/01138/FUL - Single storey side extension and installation of ventilation equipment - Granted 22.03.2016

DC/20/00424/FUL - Enclosure of rear yard to form extension, installation of roller shutter door and fire escape (amended plans 22.06.2020, 08.07.2020 and 11.11.2020). Planning permission granted 25.11.2020.

Adjoining buildings

DC/05/01152/FUL - Erection of part first-floor/part two-storey extension over existing shop and at rear to provide residential flat and garage (use class C3), change of use of living accommodation on ground floor to shop (use class A1) and installation of new shop fronts – Planning permission granted 04.10.2005 (NB permission not built).

DC/08/00342/FUL - Erection of first-floor extension above existing dwelling (revised application). Planning permission refused 02.05.2008.

2.0 Consultation Responses:

None undertaken

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in The Town and Country Planning (Development Management Procedure) Order 2015. This publicity period ends on 11 August 2021.

3.2 A total of 10no. letters of representation have been received to date, of which 9no. object to the proposed development (including 6no. representations from 1no. household) and 1no. is in support of the proposed development.

3.3 The 1no. letter of support can be summarised as follows:

- The development would cut down on vandalism and would form an additional pair of eyes in the area

3.4 The 9no. Letters of objection can be summarised as follows:

- Out of character with streetscene
- Detrimental impact upon visual amenity
- The proposed extension would be an eyesore
- Overdevelopment of site as a result of the scale of the extension
- Loss of privacy/overlooking
- Overbearing impact
- Loss of light to nearby properties
- Additional noise
- Health concerns relating to bins
- Concerns relating to cooking smells/odours
- Disturbance early mornings/late evenings
- An increase in traffic would exacerbate existing access concerns
- Inadequate parking for the proposed development
- The proposed extension would overhang and potentially obstruct the highway
- Work has commenced on site already
- The takeaway vent may be a health and safety concern for the proposed flat
- The foundations of the building were built as a single storey, not to be built on top of
- What will happen to the drains in the yard?
- The applicant owns the next door property so could use that instead, as he is going to make the garden into a driveway for delivery vehicles
- How many rooms will the flat have?

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP18 Noise

MSGP17 Residential Amenity

MSGP24 Design Quality

MSGP48 Waste Management Facilities - New Dev

HFTSPD Hot Food Takeaway SPD

5.0 Assessment of the Proposal:

5.1 The main planning issues to be taken into consideration in the assessment of this application are the principle of the development, impacts upon visual amenity, impacts upon residential amenity, highway safety and parking, CIL, and any other matters.

5.2 BACKGROUND

On 19 January 2021 the latest Housing Delivery Test (HDT) results were published. These show that the Council's housing delivery was significantly below the expectations of the National Planning Policy Framework (NPPF). The presumption in favour of sustainable development outlined at NPPF Paragraph 11d) is therefore engaged.

5.3 THE PRINCIPLE OF THE DEVELOPMENT

The application site is not allocated for a particular use in the Council's Local Plan; the application is therefore to be considered on the basis of its merits.

5.4 Housing demand and policy

Policy CS10 of the Local Plan for Gateshead states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030. The proposed manager's flat would contribute to local housing stock in the Borough and is therefore in accordance with Local Plan policy CS10.

5.5 Given that the site is not allocated for any specific purpose this is classed as a windfall housing site. Having regard to the circumstances of the site, which is within a residential area within proximity of local services and transport links, this is considered to be, in principle, an appropriate location for a new residential accommodation.

- 5.6 Officers consider that the principle of new housing development on this site would accord with the NPPF, subject to all other material planning considerations being satisfied. Having regard to the circumstances of the site it is further considered that the proposed scheme would be acceptable in terms of NPPF Paragraph 124 and 125 which require development to make efficient use of land.
- 5.7 **Housing choice**
Policy CS11(1) of the Local Plan for Gateshead requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families, with a minimum target of 16,000 new homes to have three or more bedrooms. Local Plan policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice which should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.
- 5.8 The proposed two bedroom flat would not fulfil the target sought by policy CS11(1) however would contribute to housing stock in the Borough, and as this is a plan-wide target Officers consider that the proposed development would not prejudice the overall aim of this policy.
- 5.9 **Residential space standards**
Policy CS11(4) of the Local Plan for Gateshead requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents"*.
- 5.10 Local Plan policy MSGP12 requires new residential developments to be built in accordance with the Nationally Described Space Standards (NDSS) or equivalent standards, as a minimum, in order to achieve a high standard of amenity and protect the living conditions of residents. The supporting text to MSGP12 (Paragraph 5.8) however explains that the requirement to comply with NDSS is to be introduced one year following the adoption of Making Spaces for Growing Places (MSGP) on 1 February 2021, in order to allow for a period of transition in accordance with national guidance.
- 5.11 The proposed floor plans indicate that the manager's flat would comply with the NDSS technical requirements in respect of floor space however would fall short of the requisite amount of built-in storage space; notwithstanding this shortfall Officers consider that the proposed development would not result in an inadequate amount of internal living space and overall the development would not be harmful to the residential amenity of future occupiers when considering internal space standards. The proposed scheme does not include the creation of a dedicated area of external space for the occupier of the proposed flat; it is however understood that the rear yard area would be available for the storage of refuse by the occupier of the flat, and in view of the availability of public open space immediately adjacent to the site Officers consider that the proposed development would not be unacceptable in this respect or that this would warrant a reason for refusal.

- 5.12 In terms of housing policy, the principle of the proposed residential development is therefore considered to be acceptable, subject to all other material planning considerations being satisfied.
- 5.13 Health and wellbeing
Core Strategy policy CS14(3) states that: *"the wellbeing and health of communities will be maintained and improved by controlling the location of, and access to, unhealthy eating outlets"*.
- 5.14 Gateshead Council's Hot Food Takeaway Supplementary Planning Document (SPD) was adopted in June 2015. The SPD sets out the Council's priorities and objectives in relation to planning control of hot food takeaways and elaborates upon policies relating to health and wellbeing. The SPD can be afforded full weight in the decision-making process.
- 5.15 Planning permission was previously granted for the erection of single storey extensions to the northern and eastern sides of the premises under applications DC/15/01138/FUL and DC/20/00424/FUL respectively (of which DC/20/00424/FUL is under construction) which were proposed to be used for the purpose of storage associated with the takeaway premises. At the time of considering the applications Officers considered that it was not necessary to limit the use of these extensions for storage only and therefore conditions were not attached in relation to either of these planning approvals.
- 5.16 Supporting correspondence relating to the application sets out that due to Covid-19 regulations the existing ground floor stores are being used to provide larger food preparation areas to accommodate social distancing for staff over a larger area, in addition to reduced supplier delivery frequency and material shortages which have resulted in bulk-buying of supplies, which has therefore resulted in larger storage areas being required.
- 5.17 The submitted proposed floor plans for the application label both the previously approved extensions as storage. However, given that the supporting correspondence states that the existing stores are currently being used for food preparation and in light of the absence of conditions upon either applications DC/15/01138/FUL or DC/20/00424/FUL to prevent them from being used for purposes other than storage Officers are concerned that the addition of the proposed first floor storage areas would allow for the retention of the existing ground floor stores as food preparation areas which could not reasonably be prevented through the imposition of conditions upon a grant of planning permission of this application.
- 5.18 Whilst Officers consider that the proposed creation of storage associated with the takeaway business is, in principle, not unacceptable, in this instance given the above Officers consider that the proposed development would amount to facilitating increased access to an unhealthy eating outlet through an increase in the availability of takeaway food by virtue of allowing an increase in the amount of food preparation that could take place on the premises.

- 5.19 Furthermore, whilst Officers acknowledge the current Covid-19 circumstances the restrictions upon working practices resulting from this are temporary and therefore no weight can be afforded to this in the decision-making process as a reason to grant planning permission for the proposed development.
- 5.20 It is considered that this aspect of the proposed development of use would not support, maintain or improve the health and wellbeing of local communities and would therefore be contrary to the NPPF, policy CS14 of the Local Plan for Gateshead and the Hot Food Takeaway SPD.
- 5.21 VISUAL AMENITY
Policy CS15 of the Local Plan for Gateshead requires development to contribute to good place making. Policy MSGP24 additionally states that the design quality of proposals will be assessed with regards to criteria including: the proposal's compatibility with local character including scale, massing, proportions and form; layout and access; and materials.
- 5.22 The application site currently consists of a single storey flat roof commercial unit positioned to the northern end of a small parade of shops (including a single residential property at the southern end), which is surrounded by predominantly two storey residential dwellings.
- 5.23 The proposed extension would result in the introduction of a new first floor element above part of what is currently a single storey block that would be clearly visible from within the surrounding area. Officers however consider that the proposed extension would be directly reflective of the scale and design of the surrounding two storey properties and would essentially appear as a continuation around the corner of the adjacent property to the west (11 Glynfellis). It is therefore considered that the proposed extension would be acceptable in terms of scale, form and design.
- 5.24 The submitted plans indicate the proposed siting of the extraction equipment to the roof of the building to serve the existing takeaway. This is considered to be acceptable in principle however were planning permission to be granted conditions would be required to be attached to secure the final details of the location and finish of this equipment and those of the materials proposed to be used for the extension, in the interests of visual amenity.
- 5.25 Officers therefore consider that the proposed development would be acceptable in terms of design and visual impact and would be compatible with local character and scale, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.26 RESIDENTIAL AMENITY
NPPF Paragraph 130 states that developments should, amongst others, create places that afford a high standard of amenity for existing and future users. Local Plan policies CS14 and MSGP17 additionally require that new development does not have an unacceptable impact upon the amenity of nearby residents.

- 5.27 Existing occupiers
A number of representations have been received which object to the application on the grounds that the proposed development would have a harmful impact upon residential amenity.
- 5.28 The proposed first floor extension would be positioned around 23m from the closest properties to the north/north east along Blackthorne which face towards the site. Having regard for this separation distance Officers consider that the proposed development would not result in unacceptable harm to the living conditions of adjacent residents including through any loss of light or overshadowing, loss of privacy/overlooking, overbearing impact or loss of outlook/visual intrusion.
- 5.29 To the west of the application site is the property 11 Glynfellis which is separated from the site by a pedestrian walkway and contains doors and a first floor window within its gable elevation. Part of the front elevation of the proposed first floor extension would be positioned directly adjacent to the gable of this property, with the closest section containing 2no. windows serving the proposed store areas. Whilst acknowledging the proximity of the sites, having regard to the relationship between the properties Officers consider that the proposed extension would not result in an unacceptable impact upon the amenity of this neighbouring occupier so as to warrant the refusal of planning permission on these grounds. Were planning permission to be granted conditions would however be recommended requiring that the proposed store windows be obscurely glazed, in order to prevent any unacceptable overlooking/loss of privacy or overbearing impact.
- 5.30 It is considered that the proposed extension would not have a detrimental impact upon the amenity of existing occupiers of the units to the south of the application site or other surrounding residential occupiers and would not result in issues of noise and disturbance to neighbouring properties.
- 5.31 Proposed occupiers
The proposed manager's flat would be positioned directly above the store, kitchen and servery/waiting area of the takeaway premises and the proposed plans for the application illustrate that two flues from the takeaway would be routed through the proposed manager's flat, between the lounge and dining area and the kitchen and bedroom (Bed 2), and would discharge at roof level above the flat.
- 5.32 Having regard to the proposed use of the flat as a manager's flat, the occupation of which could be secured by condition upon a grant of planning permission, Officers consider that the future occupant, by virtue of their being the manager of the takeaway, could reasonably expect to be subject to some level of noise and disturbance resulting from the existing ground floor use.
- 5.33 Officers are however concerned that the proposed location of the flat above the takeaway premises and proposed routing of the flues would have the potential to result in an unacceptable level of noise and disturbance to all

future occupiers of the flat, which could potentially also include the family of a future manager, given that the flat contains 2no. bedrooms.

- 5.34 Information could be secured by conditions placed upon a grant of planning permission in respect of the design of the ventilation system and partition walls in order to demonstrate that noise and vibration would be mitigated to allow future occupiers to have undisturbed sleep and enjoyment of amenity areas. Officers however consider that, by virtue of the location of the proposed flat directly above the existing takeaway premises, that this would inevitably lead to a level of noise and disturbance occurring, including from the proposed ventilation system and comings and goings associated with the premises, that could affect all future occupiers of the flat and that it would be unreasonable to condition other measures necessary for the control of noise and vibration as part of a grant of planning permission of this application (such as the limitation of opening hours and operating times of the ventilation system), given that the takeaway premises is already established.
- 5.35 Based on the above assessment Officers consider that the proposed development would afford an unacceptable standard of residential amenity for future occupiers of the proposed flat in terms of noise and disturbance which would therefore be contrary to the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.36 HIGHWAY SAFETY AND PARKING
NPPF Paragraph 111 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.37 The application does not propose any off-street car parking provision to serve the proposed development. Officers acknowledge that a number of objections have been received raising concerns regarding an increase in traffic and inadequate parking however it is considered that parking requirements for the proposed flat could be accommodated on-street within the locality.
- 5.38 The application site includes a yard area and were planning permission to be granted Officers consider that conditions could be attached requiring final details of bin and cycle storage provision for the proposed development which could be facilitated within this part of the site.
- 5.39 The proposed plans indicate that the proposed first floor extension would overhang the adopted highway. Whilst Officers do not consider this to be unacceptable were planning permission to be granted an informative would be attached to advise the application that authorisation from the highway authority and an appropriate highways license would be required in respect of this aspect of the proposed development.
- 5.40 The proposal would not have an unacceptable impact on highway capacity or highway safety and the requirement for parking for the use could be accommodated by existing vehicular parking provision within the area. Having

regard for the objections received it is therefore considered that the proposal would be acceptable in highways terms and complies with the NPPF and policies CS13, MSGP15 and MSGP48 of the Local Plan for Gateshead.

- 5.41 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related.
- 5.42 The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.
- 5.43 **OTHER MATTERS**
Concerns raised in letters objection regarding the structure stability of the foundations of the building, the safe siting of the ventilation flue and the location of drains are not planning matters and would be addressed under the Building Regulations regime.
- 5.44 Concerns raised in letters of representation relating to the operation of the existing takeaway premises are acknowledged however cannot be afforded weight in the consideration of this application.
- 5.45 The personal circumstances of the applicant in terms of the ownership of a nearby property and speculation regarding future development of this are not material planning considerations.
- 5.46 It is considered that all other material planning considerations have been addressed within the main body of the report.

6.0 **CONCLUSION**

- 6.1 The Council has been unable to demonstrate a five-year supply of deliverable housing land and the provision of an additional unit of accommodation that would result from the proposed development would contribute to the overall housing land supply. Moderate weight can therefore be afforded in the decision-making process to the contribution that the proposed development would make to boosting the supply of housing and providing housing where a five-year housing land supply cannot be demonstrated.
- 6.2 Whilst accepting that the proposed creation of the manager's flat would be acceptable in principle and would be acceptable in terms of impacts upon visual amenity, highway safety and the residential amenity of neighbouring properties Officers consider that this benefit would not clearly outweigh the harm that would lead from an increased access to an unhealthy eating outlet, which would be detrimental to the health and wellbeing of the local community, and the unacceptable standard of residential amenity that would be afforded to future occupiers of the proposed flat in terms of noise and disturbance.

6.3 Taking all the relevant issues into account including representations made by local residents it is considered that the proposed development is unacceptable and is contrary to the aims and objectives of both national and local planning policies and it is therefore recommended that planning permission be refused.

7.0 Recommendation:

Authorise the Service Director of Development, Transport and Public Protection to deal with at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to REFUSE permission for the following reasons:

1
The proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet and is therefore contrary to the NPPF, policy CS14 of the Local Plan for Gateshead and the Hot Food Takeaway SPD.

2
The proposed development would afford an unacceptable standard of residential amenity for future occupiers of the proposed flat in terms of noise and disturbance and is therefore contrary to the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/00460/HHA
Case Officer	Amy Dunbar
Date Application Valid	6 April 2021
Applicant	Mr John Pooley & Miss Zoe Mulvenna
Site:	3 Home Avenue Low Fell Gateshead NE9 6TX
Ward:	Low Fell
Proposal:	Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.
Recommendation:	REFUSE
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is a two storey semi-detached residential dwelling situated on Home Avenue adjacent to the road junction leading onto Cherrytree Gardens.

1.2 The property is located on a corner plot with a large side garden. A single storey detached garage and single width driveway are featured on this plot beyond the side elevation of the property. The driveway and garage are accessed via an existing dropped kerb/ vehicle access off Home Avenue.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for a two storey side extension, a porch extension to the front elevation and a detached garage.

1.4 The two-storey side extension would have a width of 4.5 metres at both ground floor and first floor level and feature fenestration matching that of the original dwelling including a bay window on the front elevation at ground floor level, furthermore the first floor level would be finished in render to help achieved a 'double fronted' design.

1.5 The proposed porch would be positioned centrally featuring a pitched roof and stair access. The porch would have an overall height of 4.1 metres and therefore would not qualify as Permitted Development.

1.6 The existing detached garage would be demolished to allow for the side extension to be constructed. A smaller garage/ store would be rebuilt along the eastern boundary of the site.

1.7 RELEVANT PLANNING HISTORY

11 Home Avenue 671/94 Planning permission granted for erection of part two-storey/part single-storey extension at side of dwellinghouse to provide enlarged kitchen, additional living room, bathroom and additional bedroom. 24th August 1994.

1 Home Avenue 641/98 Planning permission granted for erection of single-storey extension at side of dwellinghouse to provide garage and pitched roof over existing flat-roofed side extension. 28th August 1998.

2.0 Consultation Responses:

None.

3.0 Representations:

3.1 The Council issued neighbour notification letters to 9 properties surrounding the application site on 20th April 2021.

3.2 1 letter of representation has been received which is summarised below:

-The HAESPD states that the guidance is 'not site specific and may not be wholly appropriate in all situations.'

3.3 The representation was submitted by Councillor Duggan therefore this application has been referred to Planning Committee.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 VISUAL AMENITY

Gateshead Council's Household Alterations and Extensions SPD recognises that the principle elevation of semi-detached properties are normally designed as a matching pair and are symmetrical in form, size and detail. To avoid destroying this original concept, two storey side extensions should be designed to be subordinate to the original building. To ensure an extension appears subordinate to the host property, it should be no more than 50% of the width of the original dwelling. Furthermore, the extension should be set back from the principle elevation of the original dwelling, at least at first floor level, by at least 1 metre and feature a reduced ridge height.

5.2 The SPD states that setting back the extension from the original frontage and reducing the ridge height is particularly important where there is the possibility of creating a terraced or linked effect between adjacent properties. Given the position of the host property within the street scene it is accepted that the proposed extension would not result in terracing however the aforementioned design features should be incorporated into the build to ensure that the extension does not appear over dominant within the street scene and to maintain balance between this pair of semi-detached properties.

5.3 The proposed side extension would not feature a first floor set back or reduced ridge height and would have a width of 4.5 metres. The width of the original dwelling is 5.7 metres. To comply with the Council's design guidance, the extension should not exceed a width of 2.85 metres (50% of the width of the original dwelling). The proposed size and scale of the extension would not comply within the SPD however consideration has been given to the fact that this design guidance is not 'site specific and may not be wholly appropriate in all situations'.

5.4 In terms of maintaining balance and symmetry between this pair of semi-detached properties, it is recognised that the attached property (1 Home Avenue) features a large single storey side extension which does, to a degree, disrupt what would have originally been a symmetrical pair of semi-detached properties. Despite this, the extension is limited to ground floor level and is much less visually prominent than a two-storey extension. Furthermore, this extension was granted planning permission on 28th August 1998 (ref 641/98) therefore planning officers assessing this application at the time would not have benefited from the design guidance set out in the SPD which was adopted in 2011.

5.5 Consideration has also been given to the fact the application site is a spacious corner plot prominently located at the road junction leading to Cherrytree Gardens.

5.6 Gateshead Council's Household Alterations and Extensions SPD also contains guidance on extension on corner plots and highlights the importance of these plots in maintaining the open character of an area. The SPD also states that to prevent a side extension on a corner plot dominating either the existing property or neighbouring property, the front of the proposed extension should be set back from the main wall of the original property.

- 5.7 It is considered that the size and scale of the proposed two storey side extension would be unacceptable on this prominent corner plot as it would appear over dominant within the street scene and would significantly unbalance the pair of semi-detached properties to a significant degree.
- 5.8 With regard to the wider street scene, it is acknowledged that a two-storey side extension of a similar design exists at 11 Home Avenue. Again, this is a historic planning permission granted on 24th August 1994 (ref 671/94) and predates the Household SPD. Furthermore, this extension, although it does not feature a setback or reduced ridge height, has a width of 3.48 metres which is significantly less than that which is proposed at 3 Home Avenue. Overall, the existing extension at 11 Home Avenue is not directly comparable to the side extension proposed as part this application and in any case, this application has been assessed on its own individual merit based upon relevant local and national planning policy.
- 5.9 Planning Officers have recommended alternative design solutions to the applicant which do allow for a degree of flexibility when considered against the SPD design guidance given this is a spacious plot and taking into consideration the impact of the single storey extension at the attached property. One such solution would be to reduce the overall width of the side extension to 3 metres at both ground floor and first floor level. Alternatively, the extension could be reduced to 50% of the width of the original dwelling at first floor level only and feature a first floor set back and reduced ridge height while the ground floor could be reduced in width to a much lesser degree.
- 5.10 Overall, the application remains unaltered therefore given the domineering impact the side extension would have on the host property and wider street scene it is consider the proposed development would conflict with the aims and objectives of the NPPF, Policies CS15 and MSGP24 of the Local Plan for Gateshead and the guidance set out in Gateshead Council's Household Alterations and Extensions Supplementary Planning Document.
- 5.11 The demolition and rebuilding of the garage/store and proposed porch are considered acceptable in terms of visual amenity.
- 5.12 **RESIDENTIAL AMENITY**
It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.13 **HIGHWAY SAFETY**
The application also proposes to demolish part of the south boundary wall and extend the existing driveway by laying additional hardstanding across part of the garden to provide a larger vehicle access and car parking space.

- 5.14 Highways Officers have raised concerns regarding the proposed extension to the existing vehicle access and extension of the dropped kerb. The access is located on a junction therefore introducing a further point of conflict would create highway safety concerns.
- 5.15 The comments issued by Highways Officers have been taken into consideration however significant weight has been given to the fact that this part of the development (partial demolition of boundary wall and addition of driveway) would fall under Permitted Development. Despite the Highway Officers concerns, the Permitted Development fallback position is considered to outweigh any potential highway safety issues associated with the proposed vehicle access.
- 5.16 To extend the existing dropped kerb, the applicant must submit a separate application to the Highway Authority for a vehicular crossing.
- 5.17 The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6.0 CONCLUSION

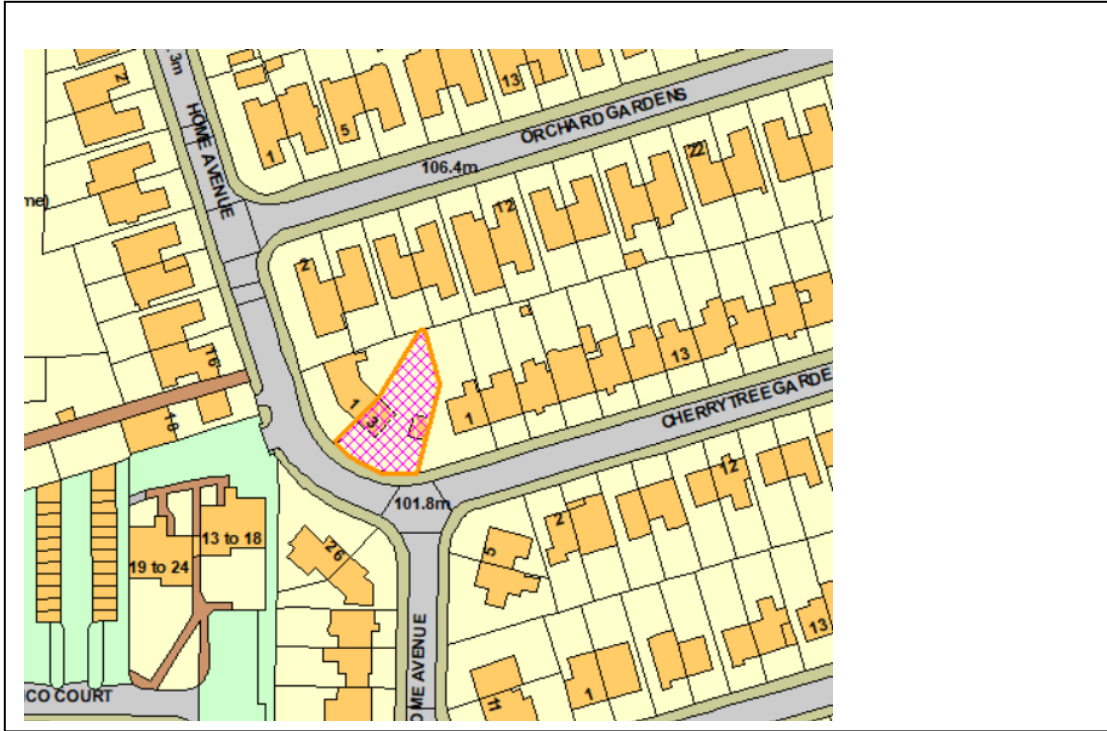
- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be refused as the proposed side extension would have a harmful impact on the visual amenity of the host property and wider street scene by virtue of its design, size and scale.

7.0 Recommendation:

That permission be REFUSED for the following reason:

1

By virtue of its design, size, scale as well its position on a prominent corner plot within the street scene, the proposed development would have a detrimental impact on the character and appearance of the host property and the wider street scene as it would unbalance the symmetry between a pair of semi-detached properties to an unacceptable degree by appearing as an over dominant addition. The proposal would therefore conflict with the aims and objective of the NPPF, Policies CS15 and MSGP24 of the Local Plan for Gateshead and Gateshead Council's Household Alterations and Extensions Supplementary Planning Document.



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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

3. It is recommended that the Committee note the report.

Within the date range commencing 30.06.21 and ending 28.07.21 the enforcement team has received **124** new service requests. Officer are currently being redeployed at present to enforce Covid legislation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	60	23	66	0
HIGHWAYS	23	12	12	0
WASTE	31	17	23	46
TOTALS	124	52	101	46

COURT HEARINGS

The Enforcement Team attended **2** Court Hearings, **both** of which were finalised, resulting in **£184** fines and **£200** costs





**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
11th August 2021

TITLE OF REPORT: Enforcement Action

REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the landowner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315 During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at New castle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	<p>use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.</p> <p>Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair</p>	11 January 2016	12 January 2016	15 February 2016	<p>14 March and 4 July 2016</p> <p>29th Sep 2018</p>	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Council's legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the land owner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>A site visit was undertaken on the 20th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								An appeal has been submitted in relation to the enforcement notice.
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p>
8.	Wardley Colliery, Gateshead Tyne and Wear NE10 8AA	Wardley and Leam Lane	Untidy Land	22 nd November 2019	22 nd November 2019	2 nd January 2020	21 st May 2020	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and all rubbish and debris removed from the site.</p> <p>Following a site visit on the 24th November, the building has now been fully demolished. Officers will re visit the site on the 21st May to ensure all the materials have been removed from the site.</p> <p>All the materials have been removed and the Notice has been complied in full, permission is sought from Committee to remove this item from the report.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
9.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p>
10.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p>
11.	Former Co-op Kibblesworth, Gateshead NE11 0XL (Land at the north side of Front Street, Kibblesworth)	Lamesley	Untidy Land	3 rd February 2021	3 rd February 2021	8 th March 2021	31 st May 2021	<p>Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the demolition of the building and all waste removed from the land. The land is then to be levelled and graded.</p> <p>The owner of the site has instructed a planning agent to deal with the notice on their behalf.</p> <p>The notice has been withdrawn, officers are currently working with the owners and agent towards a mutual outcome.</p>



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 11 August 2021

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **two** new appeals lodged since the last committee:

DC/21/00373/FUL - Sandygate Cottage, St Cuthberts Road, Marley Hill, Whickham
Proposed demolition of existing single storey garage, erection of replacement garage and associated engineering operations.

This was a committee decision refused on 17 June 2021

DC/21/00457/HHA - 28 Whitehill, Leam Lane Estate, Felling

This was a delegated decision refused on 16 June 2021

Appeal Decisions

3. There have been **two** new appeal decisions received since the last Committee:

DC/20/00656/HHA - 13 Killowen Street, Gateshead

Proposed first floor extension over existing garage and addition of porch to front elevation.

This was a delegated decision refused on 5 February 2021

Appeal dismissed 15 July 2021

DC/20/00712/FUL – Land at South View, Chopwell

Erection of a single storey dwelling with integral garage and attached granny annexe

This was a committee decision refused on 18 November 2020

Appeal dismissed 9 July 2021

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/20/00656/HHA	13 Killowen Street, Gateshead	Proposed first floor extension over existing garage and addition of porch to front elevation.	Written	Appeal dismissed
DC/20/00660/FUL	3 Hillcroft South Station Road Low Fell Gateshead	Erection of detached dwelling (amended plans and additional information received 25.09.2020, 28.09.2020, 30.10.2020, 23.11.2020 and 16.12.2020).	Written	Appeal in Progress
DC/20/00712/FUL	Land At South View Chopwell	Erection of a single storey dwelling with integral garage and attached granny annexe	Written	Appeal dismissed
DC/20/00898/ADV	Dutton Court Chainbridge Road Blaydon On Tyne	Upgrade of 2 no. existing 48 sheet adverts with "D-Posters" to display digital and illuminated advertisements.	Written	Appeal in Progress
DC/21/00085/ADV	592 Durham Road Gateshead	Conversion of existing internally illuminated advertisement poster to an illuminated digital advertising display.	Written	Appeal in Progress
DC/21/00122/ADV	Site Adjacent Unit 1, Blaydon Industrial Park, Chainbridge Road, Blaydon On Tyne	Replacement of two freestanding 48 sheet backlight panels and display of two digital 48 sheet LED screens on a monopole.	Written	Appeal in Progress
DC/21/00373/FUL	Sandygate	Proposed demolition	Written	Appeal in

	Cottage St Cuthberts Road Marley Hill Whickham	of existing single storey garage, erection of replacement garage and associated engineering operations.		<i>Progress</i>
DC/21/00457/HHA	28 Whitehill Leam Lane Estate Felling	Proposed boundary fence	Written	<i>Appeal in Progress</i>



Appeal Decision

Site Visit made on 15 June 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/H4505/D/21/3270793

13 Killowen Street, Gateshead, Tyne and Wear NE9 6EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Green against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/20/00656/HHA, dated 22 July 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as: 'proposed bedroom over garage & front porch'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a semi-detached dwelling set back from the road behind a small front garden and driveway. I saw a high level of symmetry between the appeal property and its neighbour, due in part, to the consistent arrangement of fenestration and matching bay windows and canopies. Unlike its attached neighbour, 15 Killowen Street, the appeal property has a garage extension to the side which sits slightly forward of the main elevation of the dwelling. As this is only a single storey element, the original form of the dwelling is easily apparent and, has little effect on the symmetry of the two dwellings.
4. As a pair of semi-detached dwellings, the appeal property and No 15 are distinctive, being located in an area of predominantly terraced housing, and consequently add variety to the streetscene. To the west of No 15 is a terrace of dwellings which step down the hill as the road slopes down in this direction. A comparatively older and more substantial terrace of dwellings is located to the east, which lies within the Low Fell Conservation Area (the CA). The appeal property has a single storey garage that sits between the main part of the dwelling and the adjacent terrace, albeit set in from the boundary slightly. This gap helps to retain the distinction between the older terraced housing and the pair of semi-detached dwellings. Although outside its boundary, the appeal site lies within the surroundings in which that Conservation Area is experienced and therefore falls within its setting.

5. The proposed first floor extension would be constructed above the existing garage close to the boundary with 11 Killowen Street and flush with the main existing front elevation. The roof would be continued over the extension without any break or step so that the roof planes of the extension would be flush with those of the existing dwelling. This approach would elongate the two-storey element of the appeal property leading to it appearing out of proportion with its attached neighbour and over-dominant, eroding the symmetry across the two dwellings. The pair of semi-detached dwellings would appear unbalanced, and the resulting discordant appearance would have a significantly harmful effect on the character and appearance of the area.
6. The proposal would result in a continuation of the appeal property towards the adjacent terrace. This continuation would erode the distinction between the two elements of the streetscene, adversely affecting the distinctiveness of the terraced housing, particularly in views from the junction of Killowen Street and Jessel Street. The lack of a break in the roof form would exacerbate this effect, which would adversely affect the setting of the Conservation Area.
7. The Gateshead Household Alterations and Extensions Supplementary Planning Document (2011) (the SPD) advises that poorly designed extensions can destroy the symmetry of semi-detached houses which are normally designed as a matching pair. In order to ensure side extensions are subordinate it advises that they should be set back from the main front wall or the side boundary by a minimum of one metre with the roof also set lower than the height of the existing ridgeline. As the proposal would conflict with this guidance, this reinforces my conclusion above.
8. Whilst the appellant advises that there is a mix of housing styles in the area and a lengthened elevation may reflect neighbouring terraced dwellings to the east, I have found that, as semi-detached dwellings, No 13 and No 15 add variety to the character and appearance of the streetscene which would be diminished by the appeal proposal. I note the appellant's comments that it is not likely to be possible for No 11 to be extended towards the appeal site to create a 'terracing effect', however, whilst there are merits in avoiding a terracing effect, this would not overcome the harm identified above.
9. For the above reasons, I have found that the proposal would be significantly harmful to the character and appearance of the surrounding area, including the CA. The proposal would therefore conflict with Policy CS15 of the Gateshead Core Strategy and Urban Core Plan (2015), Policies MSGP24 and MSPG25 of the Gateshead Making Spaces for Growing Places Local Plan Document (2021) and the SPD which require development to be of a high quality design that responds positively to local distinctiveness and conserves and enhances heritage assets, including their setting. It would also fail to accord with the design objectives of the National Planning Policy Framework.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR



Appeal Decision

Site visit made on 25 May 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/H4505/W/20/3265746

Land to the west of South View, Chopwell NE17 7JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs David and Valerie Liptrot against the decision of Gateshead Council.
 - The application Ref DC/20/00712/FUL, dated 10 August 2020, was refused by notice dated 18 November 2020.
 - The development proposed is erection of a single storey dwelling with integral garage and attached granny annexe.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council, in its Statement of Case dated 21 April 2021, state that based on additional information submitted within Section 4.0 of the appellant's statement and the supporting Ecology Response and on the understanding that no works to trees are proposed, they are now satisfied to concede on the second reason for the refusal as this is no longer relevant.
4. Having regard to the information provided I see no reason to take a different view and I will therefore proceed to consider the merits of this appeal with regard to the first reason for refusal only, as stated below.

Main Issues

5. The appeal site is located within the boundary of a designated Green Belt. The main issues therefore are:
 - (1) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - (2) the effect of the proposal on the openness of the Green Belt, and

- (3) if it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate development

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One such exception is "limited infilling" in villages.
7. The term "village" is not defined in the Framework, nor is it specifically defined by the Development Plan. For planning purposes, a judgement needs to be made having regard to particular facts and circumstances in each case. The appeal site is located to the west of a small group of terraced properties which are accessed from South View, off Whinney Leas to the west of Chopwell. Access to the site itself is gained via a footpath leading from South View. Another footpath also crosses around the middle of the site.
8. As one enters Whinney Leas from Mill Road within the built-up part of the settlement, there is a short run of suburban development terminating in a modern bungalow. Beyond that bungalow is a substantial gap to the dwellings in the vicinity of the appeal sit and that group of properties are visually and physically outside of the built-up area and separated from Chopwell by agricultural fields. Though they may be considered to be part of, they do not fall within the built-up area of Chopwell. Rather they form a small cluster of properties spread along South View to the west of the town. It is apparent to me that this group of properties aptly demonstrate the characteristics of a sporadic group of buildings outside of a built-up area of a town or village. It is a collection of residential properties with no obvious services or facilities or features one would normally associate with a village such as a church. I do not consider that the location could reasonably be classed as being within a village or settlement.
9. There is no definition of the word "infill" in the LP or the Framework. However, it is reasonable to consider the term to relate to the development of a gap in an otherwise built up frontage. The proposal would not conform to that pattern but would amount to the development of an open grassed field in a corner location. It would not be surrounded by other built development but would be adjacent to a Gas Compound to the North and surrounded by agricultural land and a wooded area to the west and south. Rather than filling in an obvious gap between buildings, it would extend the built footprint outwards into open countryside adjacent to the existing terrace at South View. As such, having regard to the location and position of the site, the proposal would not amount to infilling within the village and it would fall outside of the scope of paragraph 145(e).

10. I find that the proposed development would constitute inappropriate development in the Green Belt, as it does not meet any of the exceptions listed in paragraph 145 of the Framework.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. The construction of a dwelling on the site would, in principle, result in built development where there is presently none. The footprint of the building, the associated access and accompanying domestic paraphernalia would change the physical appearance of the site. Inevitably, the development would lead to an appreciable loss of openness in this part of the Green Belt.
12. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial quality. The appellant contends that the effect on openness would be limited due to the fact that the site is bounded on one side by residential properties and extensive woodland on another, but there is open grassland south of the site. However, the proposed development would occupy a floor space area which is presently undeveloped save for a small dilapidated wooden shed, thereby reducing openness in this part of the Green Belt. The dimensions and scale of single storey dwelling with integral garage and attached granny annexe would be substantial and that would reduce openness in a physical sense, given the lack of any current built development on the site, and in a visual sense, on account of the visibility from the public footpath running through the site.
13. Furthermore, given the nature of proposed development, future occupants of the new dwelling are likely to require an outdoor area for residential use in connection with the dwelling-house. The proposed 3-bedroom dwelling with 1-bedroom annexe would increase domesticity and spread of paraphernalia such as washing line, waste containers, outdoor furniture, and the parking of additional vehicles within the site. Taken together these factors would have spatial and visual effect on openness.
14. I find the proposed development would have a materially harmful effect upon openness and would conflict with the objectives of the NPPF and Policy CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015). These seek amongst other things to check unrestricted sprawl of built-up areas, preventing individual settlements from merging, safeguarding the countryside from encroachment and encouraging recycling of previously developed land within the urban area.

Other considerations

15. The appellant suggests the Council cannot demonstrate a 5-year supply of housing land (HLS). The Council concedes that according to the results of the latest Housing Delivery Test (HDT) published on 19 January 2021, its housing delivery was significantly below the expectations of the NPPF and the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The appellant also argues that the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, should be triggered.

16. The proposal would provide social and economic benefits although these would be limited in scale. As it is a single dwelling, the contribution it would make in these respects would be limited and carry some moderate weight in favour. The development would contribute to local housing stock, although a single dwelling is likely to add to the supply of housing in a limited way. It would thereby also provide some limited support to services and facilities in nearby Chopwell.
17. The Public Sector Equality Duty requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age. I do not doubt that the proposal would be beneficial for the appellant's parents in law, but it has not been demonstrated that the proposed dwelling and annexe could not be provided elsewhere, or that the appellants could find accommodation elsewhere where it would not be inappropriate and harmful to the openness of the Green Belt. I therefore give limited weight to this matter.

Planning balance

18. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
19. The proposed development would constitute inappropriate development within the Green Belt and would also have a harmful effect on the openness of the Green Belt. I am required to attach substantial weight to any harm to the Green Belt, in accordance with paragraph 144 of the Framework. The development would also result in encroachment of built development into the countryside, in conflict with a key purpose for designating land inside the Green Belt, which is a serious planning objection. The development conflicts with local and national planning policies referred to above.
20. The development would provide limited economic and social benefits and would make a modest contribution to the housing stock. However, it is clear that the benefits put forward do not outweigh the harm that I have identified. As such, the very special circumstances needed to justify inappropriate development within the Green Belt do not exist.
21. In the absence of a five-year supply of housing land paragraph 11 of the Framework is relevant. Where relevant policies are out of date (on account of the lack of housing land supply) that means granting planning permission unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing to grant permission; or where the adverse impacts of doing so would clearly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
22. In the absence of very special circumstances, the policies of the Framework indicate that permission should not be granted for inappropriate development in the Green Belt and the adverse impacts of the proposal clearly and demonstrably outweigh the limited benefits. Consequently, the presumption in

favour of granting permission does not apply and the policies of the Framework dictate that permission should be refused.

23. Dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well-established planning objective of preventing inappropriate development in Green Belts and safeguarding the countryside from encroachment.

Conclusion and Recommendation

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

11 August 2021

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 11 August 2021.

Recommendations

6. It is recommended that the Committee note the report.

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations